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LEGISLATIVE COUNCIL

Wednesday 18 June 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.

REMEMBER ANZAC COMMEMORATION SERVICE

Motion by the Hon. CHARLIE LYNN agreed to:

- (1) That this House notes:
 - (a) on Wednesday 9 April 2014 the New South Wales RSL and schools hosted the annual Remember ANZAC Commemoration Service at the ANZAC Memorial, Hyde Park;
 - (b) the service is traditionally conducted by school students from all sectors of education;
 - (c) this year the master of ceremonies was Ms Kate Jackson from Northern Beaches Secondary College Manly Campus; and
 - (d) official guests included Mr Don Rowe, OAM, New South Wales State President; Mr John Robertson, MP, Leader of the Opposition; Mr Greg Prior, Deputy Secretary, Department of Education and Communities; Dr Geoff Newcombe, Executive Director, Association of Independent Schools of NSW; and Mr Ian Baker, Director, Education Policy and Programs, Catholic Education Commission NSW.
- (2) That this House acknowledges and commends:
 - (a) student representatives:
 - (i) Kate Jackson of Northern Beaches Secondary School;
 - (ii) Louisa Fitzgerald of Loreto Kirribilli;
 - (iii) Matthew Theophile of Cranbrook School;
 - (iv) Salina Alvaro of St Patrick's College Sutherland;
 - (b) representatives of schools who attended and participated in the service; and
 - (c) the organising committee for hosting an excellent commemorative service.

PAKISTAN HIGH COMMISSIONER TO AUSTRALIA

Motion by the Hon. SHAOQUETT MOSELMANE agreed to:

- (1) That this House notes that:
 - (a) Pakistan's High Commissioner to Australia His Excellency Abdul Malik Abdullah recently departed following his completion of a three-year tenure thus paving the way for his replacement by the incoming High Commissioner Her Excellency Mrs Naela Chohan;
 - (b) Mr Abdullah returns to Pakistan after completing a remarkable set of achievements in Australia, including boosting bilateral trade between Pakistan and Australia, overseeing an improvement to the consular and mission services afforded to Australians of Pakistani heritage;
 - (c) on the trade front, His Excellency Abdul Malik Abdullah, with the support of former Consul General Azam Mohamed and the current Consul General Mr Uqaili, was able to secure the importation of Pakistani mangoes to Australia;
 - (d) Mr Abdullah was able to unite every community organisation of Pakistani-Australians from all States and Territories into one umbrella organisation, the Pakistan-Australia Council and His Excellency's greatest

achievement, perhaps, was the construction of a new Pakistani High Commission building and construction is expected to be completed by September 2014, 55 years after the Australian Government leased the land to the Pakistani High Commission; and

- (e) His Excellency successfully conducted the participation of the Pakistani delegation to the Commonwealth Heads of Government meeting in 2011 while facilitating the many Australian visitations by high-ranking officials and political leaders.
- (2) That this House notes:
 - (a) the incoming High Commissioner of Pakistan to Australia Her Excellency Naela Chohan is at present the Additional Secretary at the Pakistan Ministry of Foreign Affairs;
 - (b) Naela Chohan holds a master's degree in international relations from Quaid-e-Azam University, and a PhD session certificate in international relations from Centre d'Etudes Diplomatiques et Stratégiques in Paris and she has also received training at École nationale supérieure des Beaux-Arts and the École du Louvre in Paris and Her Excellency has also undertaken the Executive Development Program [EDP] from the Kennedy School of Government at Harvard University; and
 - (c) until late 2013, Her Excellency has served as Ambassador of Pakistan to Argentina, Uruguay, Peru and Ecuador and her diplomatic assignments have also included the High Commission of Pakistan in Ottawa, the Pakistan delegation to United Nations General Assembly 41st Session, 1987, and 42nd Session, 1988, and the embassies of Pakistan in Tehran, from 1989 to 1993 and Kuala Lumpur from 1997 to 2001. In addition to her service as a career diplomat, Her Excellency has served on various government and private sector boards.
- (3) That this House notes His Excellency Abdul Malik Abdullah's exceptional service to the Pakistani community which he undertook with great diligence and wishes him well in his future.
- (4) That this House welcomes the appointment of Her Excellency Naela Chohan and wishes her every success during her tenure in Australia.

RSL NEW SOUTH WALES ANNUAL STATE CONGRESS

Motion by the Hon. CHARLIE LYNN agreed to:

- (1) That this House notes that:
 - (a) from 27 to 29 May 2014 the RSL NSW held its ninety-eighth Annual State Congress at Coffs Harbour Ex-Services Club;
 - (b) RSL NSW State President Don Rowe, OAM, was returned as president of the RSL for a further three-year term;
 - (c) the following members were also elected as NSW State Councillors for the next three years:
 - (i) Honorary Treasurer, Rod White, AM, RFD;
 - (ii) Vice President Metropolitan, John Haines, OAM;
 - (iii) Vice President Northern Country, Peter Stephenson, OAM; and
 - (iv) Vice President Southern Country, Tony Toussaint; and
 - (d) State Councillors were:
 - (i) Rod Bain;
 - (ii) Bill Harrigan;
 - (iii) Ian Henderson;
 - (iv) Ray James;
 - (v) Darren McManus-Smith;
 - (vi) Bob Crosthwaite, OAM;
 - (vii) Alan Hutchings;
 - (viii) Bill Humphries, OAM; and
 - (ix) Bob Metcalfe.
- (2) That this House congratulates RSL NSW State President, its Executive Committee and State Councillors on their election to RSL NSW.

HMAS *AE1* AND HMAS *AE2* SYDNEY HARBOUR CENTENARY**Motion by the Hon. CHARLIE LYNN agreed to:**

- (1) That this House notes that:
 - (a) on Saturday 24 May 2014 the Royal Australian Navy held a service to commemorate the centenary of the entry of HMAS *AE1* and *AE2* into Sydney Harbour at the Navy Heritage Centre in Sydney;
 - (b) with the first surface flotilla arriving in Australia on 4 October 1913, the arrival of HMAS *AE1* and HMAS *AE2* on 24 May 1914 completed the fleet originally planned for the Royal Australian Navy;
 - (c) Chief of Navy Vice Admiral Ray Griggs said the Navy's early submariners were brave pioneers who fought valiantly in World War I;
 - (d) Vice Admiral Griggs also said: "The spirit of bravery and adventure exemplified by Navy's first submariners is reflected in the dedication and spirit of the men and women who serve in Navy submarines today";
 - (e) HMAS *AE1* was lost without a trace near Papua New Guinea on 14 September 1914, which was the first loss for the Royal Australian Navy and the first Allied submarine loss; and
 - (f) HMAS *AE2* was lost in combat on 30 April 1915 during the Gallipoli Campaign, having become the first allied submarine to penetrate the Dardanelles and "run amok" in the Sea of Marmara.
- (2) That this House acknowledges the veteran's motto—Lest We Forget.

GENERAL SIR JOHN MONASH COMMEMORATION SERVICE**Motion by the Hon. CHARLIE LYNN agreed to:**

- (1) That this House notes that:
 - (a) on 22 May 2014 the General Sir John Monash Commemoration Service was held at Knox Grammar School to inspire and educate students on great Australian role models;
 - (b) guest speaker for the service was Dr Jacqueline Baker who is a talented and inspirational Monash scholar;
 - (c) the service was hosted by the Spirit of Australia Foundation, an offshoot of the Monash Foundation which raises funds and administers Australia's most prestigious post-graduate scholarship program; and
 - (d) the event was also supported by the NSW RSL and Department of Veterans Affairs.
- (2) That this House acknowledges and commends:
 - (a) the Spirit of Australia Foundation for hosting an excellent commemoration service;
 - (b) the Chairman Mr Wesley Browne, OAM, and members of the Organising Committee of the Spirit of Australia Foundation;
 - (c) the NSW RSL and the Department of Veterans Affairs for their continued support and assistance with the service; and
 - (d) over 700 cadets from the cadet corps of Knox Grammar School and Ravenswood School for Girls for their participation at the event.

BUDGET ESTIMATES 2014-15**Production of Documents: Order****Motion by the Hon. ADAM SEARLE agreed to:**

That under Standing Order 52 there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Treasurer, the Minister for Finance and Services, the Premier, NSW Treasury, the Office of Finance and Services or the Department of Premier and Cabinet relating to the Government's 2014-15 budget finances:

- (a) any document detailing recurrent and capital estimates at agency level for the financial years 2013-14 [revised] to 2016-17 inclusive; printouts provided from Treasury's financial information system should only be the version consistent with the 2014-15 State budget;
- (b) any document identifying uncommitted, unallocated funds or contingencies within those forward estimates; printouts provided from Treasury's financial information system should only be the version consistent with the 2014-15 State budget;

- (c) all estimates relating to projects included in the State Infrastructure Strategy, Metropolitan Strategy and State Plan 2021;
- (d) any document showing economic and other assumptions underpinning the estimates for the financial years 2014-15 to 2017-18 inclusive;
- (e) any document identifying or qualifying risks and contingent liabilities that might impact the financial years 2014-15 [revised] to 2017-18 inclusive;
- (f) any document that relates to the State's future financial position as revealed in the estimates;
- (g) any documents pertaining to 2013-14 actual budget performance not requested elsewhere in this motion;
- (h) all documents pertaining to revenue estimates 2014-15 to 2017-18 inclusive; and
- (i) any document which records or refers to the production of documents as a result of this order of the House.

STATE BUDGET 2014-15

Production of Documents: Order

Motion by the Hon. ADAM SEARLE agreed to:

That under Standing Order 52 there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Treasurer, the Minister for Finance and Services, the Premier, NSW Treasury, the Office of Finance and Services or the Department of Premier and Cabinet:

- (a) all advice, correspondence, briefing papers and documents provided by New South Wales Government departments, agencies and public trading enterprise sectors to the Treasurer, New South Wales Treasury or the Department of Premier and Cabinet relating to the 2014-15 budget, including but not limited to:
 - (i) any documents that assess the impact of any of the measures outlined in the budget; and
 - (ii) any models or documents that estimate the revenues to be raised as a result of the measures outlined in the budget;
- (b) all advice, correspondence, briefing papers and budget kits provided to any members of Parliament relating to the 2014-15 budget handed down on 17 June 2014; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 1892 outside the Order of Precedence objected to as being taken as formal business.

SELECT COMMITTEE ON GREYHOUND RACING IN NEW SOUTH WALES

Extension of Reporting Date

Motion by the Hon. ROBERT BORSAK agreed to:

That the final reporting date for the Select Committee on Greyhound Racing in New South Wales be extended to Friday 29 August 2014.

TRIBUTE TO AUDREY DAVIS, OAM

Motion by the Hon. MARIE FICARRA agreed to:

- (1) That this House notes the sad passing of Mrs Audrey Davis, OAM, on Sunday 15 June 2014.
- (2) That this House notes that:
 - (a) Mrs Davis was a leading figure in netball in this State and one of those responsible for its major developments and achievements, leading the NSW Netball Association as president through some of its most challenging and developing years from 1980-1987;
 - (b) Mrs Davis was the key figure in lobbying for and bringing about the building of the NSW Netball headquarters at Auburn, named the Anne Clark Centre, and in developing the game in Sydney's western and northern suburbs;

- (c) Mrs Davis' involvement in netball administration began in 1960 when she founded the Earlwood Netball Club in Sydney's inner western suburbs, the club affiliated with Western Suburbs Netball Association, a small netball organisation which was not affiliated with NSW Netball Association, and a diverse association with many members of a lower socio-economic and diverse cultural backgrounds;
 - (d) Mrs Davis joining Western Suburbs Netball Association was a great boon for it from 1960-1977 with the association able to prosper considerably due to her passion to develop the sport in the region;
 - (e) during Mrs Davis' 18 years of involvement with Western Suburbs Netball Association she served on its executive committee, showing strong leadership as president and increasing membership and leading the charge for the association to be affiliated with NSW Netball Association and compete at the State level in championships;
 - (f) Mrs Davis coached and managed many teams of all ages and grades, and worked tirelessly as an official;
 - (g) after her success at Western Suburbs Netball Association, Mrs Davis was called upon to help the NSW Netball Association, leading her to serve on the State's executive committee as senior vice-president from 1973 to 1979 and then as president from 1980 to 1987;
 - (h) during Mrs Davis' period on the NSW Netball Association's executive committee she became a driving force behind getting better facilities for netball and an indoor stadium;
 - (i) during her long involvement with NSW Netball Association Mrs Davis also convened and served on a number of subcommittees, including the Anne Clarke Centre Management Committee, the Marketing Committee, the Building [Anne Clarke Centre] Committee, and the Film Committee;
 - (j) also during her time at the NSW Netball Association and after her 18 years at Western Suburbs Netball Association, Mrs Davis helped another small netball association: Northern Suburbs Netball Association, serving in various official positions from 1977 for 20 years; and
 - (k) in honour of Mrs Davis' outstanding service to netball, she was conferred Life Membership of NSW Netball Association in 1985, awarded the Australian Sports Medal in 2000 and the Medal of the Order of Australia in 2013.
- (3) That this House:
- (a) commends and acknowledges that Mrs Davis' work in netball and the community was above and beyond the call of duty and resulted in one of Australia's now largest participatory sport achieving so much throughout the 1960s, 1970s and 1980s; and
 - (b) expresses its condolences and sympathy to Mrs Davis' daughter, Loyce Davis, and close family friend, Carol Phillips, on their sad loss.

ELDER ABUSE

Motion by Ms JAN BARHAM agreed to:

- (1) That this House notes 15 June 2014 was World Elder Abuse Awareness Day, a date designated by the United Nations General Assembly "for the world to fight ageism in all its forms and enhance the dignity and human rights of all older persons."
- (2) That this House notes that:
 - (a) the global population of people aged 60 years and older will more than double from 542 million in 1995 to about 1.2 billion in 2025;
 - (b) around 4 per cent to 6 per cent of elderly people have experienced some form of maltreatment or abuse at home, and elder abuse can lead to serious physical injuries and long-term psychological consequences; and
 - (c) the incidence of abuse towards older people is predicted to increase as New South Wales, like other States, experiences a rapidly ageing population.
- (3) That this House:
 - (a) acknowledges the continuation of the NSW Ageing Strategy, including the NSW Elder Abuse Helpline, and encourages the Government to build on any successes of these programs by increasing the services to ensure the wellbeing of older people; and
 - (b) acknowledges all of the organisations and individuals working to raise awareness of elder abuse and promote the wellbeing and human rights of older people.

CASULA DEVELOPMENT PROPOSAL

Motion by Dr JOHN KAYE agreed to:

- (1) That this House notes that:
 - (a) the De Angelis DHI Group has applied to the Liverpool City Council for development approval for a hotel in a residential area of Casula;
 - (b) the proposed hotel will have a 24-hour liquor licence and will introduce 30 poker machines into the local neighbourhood;
 - (c) the proposed hotel will replace an existing motel-restaurant on the site, reducing the number of rooms available from 32 to 20;
 - (d) the existing motel has been used by the Department of Family and Community Services to provide temporary housing and emergency and crisis accommodation to the community;
 - (e) the proprietors of the proposed hotel own another venue that is now at the equal top of the New South Wales Government's violent venues level 1 list;
 - (f) the Casula area surrounding the proposed hotel is significantly disadvantaged and primarily residential, with a public school within a few hundred metres; and
 - (g) strong community opposition to the proposed hotel has been expressed in part through hundreds of submissions to the council.
- (2) That this House calls for:
 - (a) Liverpool City Council to reject the application for the following reasons:
 - (i) it would sacrifice critical accommodation options to increase space for bar and gambling services;
 - (ii) it is opposed by a large portion of the local community;
 - (iii) it has the potential to negatively impact on a disadvantaged community; and
 - (b) all local councils to support local residents and their desire to protect their communities from the harm caused by alcohol and gaming outlets in their communities.

LOCAL GOVERNMENT ARTS AND CULTURE AWARD 2014

Motion by Ms JAN BARHAM agreed to:

- (1) That this House congratulates the winners of the Local Government Arts and Culture Awards 2014 on their outstanding achievements and recognises their importance in the artistic and cultural life of New South Wales.
- (2) That this House notes that:
 - (a) since 2003 the best local government cultural initiatives right across New South Wales have been recognised in the Local Government Arts and Culture Awards;
 - (b) in 2012 the Local Government Arts and Culture Summit was introduced to demonstrate the wide range of arts and cultural roles in which local councils are engaged, including the management of over 4,000 cultural sites across New South Wales and the development of services, programs and strategies;
 - (c) finalists of the Local Government Arts and Culture Awards were able to present their initiatives at the summit;
 - (d) in 2013 Local Government NSW presented a successful forum at the Vivid program, Destination NSW's premier event celebrating and developing the creative sector, which brought \$20 million of new money to the New South Wales economy with 800,000 visitors to the program; and
 - (e) sessions at the 2014 Local Government Summit and Awards for Arts and Culture covered each area of practice, identifying sector developments and showcasing leading council initiatives and:
 - (i) provided updates from government and peak bodies at State and national scale, for perspectives and directions for arts and culture, with a focus on local government implications and opportunities;
 - (ii) facilitated dialogue with government and peak bodies to address local government arts and cultural priorities;
 - (iii) addressed cultural policy priorities identified in the Fourth Cultural Accord;
 - (iv) informed organisations planning for arts and culture;

- (v) showcased a cross section of council arts and cultural initiatives;
 - (vi) provided development opportunities for councillors and staff; and
 - (vii) announced the winners of the prestigious Local Government Arts and Culture Awards.
- (3) That this House notes that:
- (a) this year the Arts and Culture Awards were delivered in collaboration with Vivid, now in its sixth year, with its unique light shows, outdoor lighting sculptures and contemporary music program among other events; and
 - (b) award winners were announced at the Summit's gala dinner at New South Wales Parliament House on 27 May 2014.
- (4) That this House notes that the 2014 award winners and highly commended were:
- (a) winners:
 - (i) Community Participation in Arts and Culture: Aboriginal Cultural Development: Dendroglyph [carved tree] installation at the Western Plains Cultural Centre, Dubbo City Council;
 - (ii) Community Participation in Arts and Culture: Accessible Arts: Quick! Comedy Script Writing Project, Hurstville City Council;
 - (iii) Community Participation in Arts and Culture: Multicultural Arts: Crosscurrents Art and Environment Program, Bankstown City Council;
 - (iv) Community Participation in Arts and Culture: Young People: Wearing the Crown, Penrith City Council;
 - (v) Community Participation in the Arts and Culture: Creative Ageing: Object of the Story: Reflections on Place, Ballina Shire Council;
 - (vi) Developing Arts and Culture: Festivals and Events: Viva la Gong, Wollongong City Council;
 - (vii) Developing Arts and Culture: Film and Screen: Take 6 Flicks: Six short fables, exploring the able, Kogarah City Council;
 - (viii) Developing Arts and Culture: Heritage, history, museum and keeping place initiatives: The Native Institute, Blacktown City Council;
 - (ix) Developing Arts and Culture: Libraries and Literature: Late Night Library, Council of the City of Sydney;
 - (x) Developing Arts and Culture: Performing Arts: "A Streetcar Named Desire"—Auslan Interpreted Performance, Liverpool City Council;
 - (xi) Developing Arts and Culture: Visual Arts and Galleries: The Art Magic Project, Sutherland Shire Council;
 - (xii) Interdisciplinary Arts and Culture: Arts and Health: Youth "Mental Health Matters" Program, Byron Shire Council;
 - (xiii) Interdisciplinary Arts and Culture: Cultural Tourism: PLUNGE 2013, Clarence Valley Council;
 - (xiv) Interdisciplinary Arts and Culture: Developing creative and cultural industries: Sydney Food Trucks Trial, Council of the City of Sydney;
 - (xv) Interdisciplinary Arts and Culture: Environmental Arts: "Wild Stories"—Casula Powerhouse Arts Centre, Liverpool City Council;
 - (xvi) Places for Arts and Culture: Creative Use of Vacant Spaces: Northern Rivers Creative Artists Pop Up Shop, Byron Shire Council;
 - (xv) Places for Arts and Culture: Improved Cultural Facilities: Tweed Regional Museum Project, Tweed Shire Council;
 - (xvi) Places for Arts and Culture: New Cultural Facilities: The Blue Mountains Cultural Centre: Construction and Operation, Blue Mountains City Council;
 - (xvii) Places for Arts and Culture: Public Art and Place Making: Parramatta Lanes 2013, Parramatta City Council;
 - (xviii) Leading Arts and Culture: Building Capacity of the Arts and Cultural Sector: Morundah Bush Entertainment Committee, Urana Shire Council;

- (xix) Leading Arts and Culture: Creative Community Engagement: The Arts Paper, Pittwater Council;
 - (xx) Leading Arts and Culture: Cultural Planning and Policy: Aboriginal Culture and Heritage Development Assessment Toolkit, Shellharbour City Council; and
 - (xxi) Leading Arts and Culture: Enduring Staff Contribution to Arts and Culture: Susi Muddiman, Art Gallery Director Tweed Regional Gallery and Margaret Olley Arts Centre, Tweed Shire Council;
- (b) highly commended:
- (i) Places for Arts and Culture: Art Store at the Broken Hill Regional Art Gallery, Broken Hill City Council;
 - (ii) Interdisciplinary Arts and Culture: Sharing Cultural Heritage, Bombala Council;
 - (iii) Leading Arts and Culture: "Penny Paniz Memorial" Arts Acquisitive Prize, Leeton Shire Council;
 - (iv) Developing Arts and Culture: Narrandera 150th Anniversary Celebrations, Narrandera Shire Council; and
 - (v) Community Participation in Arts and Culture: Yilambu—Yilaathu [Gamilaraay translation: past—present], Inverell Shire Council.

AUSTRALIAN WOMEN'S WATER POLO TEAM BRONZE MEDAL

Motion by the Hon. MARIE FICARRA agreed to:

- (1) That this House notes that:
- (a) on 15 June 2014 the Australian women's water polo team the Aussie Stingers had a convincing 7-2 win over host nation China to secure the bronze medal at the World League Super Final in Kunshan, China; and
 - (b) the Australian women's water polo team the Aussie Stingers consisted of:
 - (i) Jayde Appel [New South Wales];
 - (ii) Eliesha Brown [Western Australia];
 - (iii) Hannah Buckling [New South Wales];
 - (iv) Bronte Colenso [Queensland];
 - (v) Keesja Gofers [New South Wales];
 - (vi) Bronte Halligan [New South Wales];
 - (vii) Lilian Hedges [Western Australia];
 - (viii) Bronwen Knox [Queensland];
 - (ix) Glencora McGhie [Western Australia];
 - (x) Ashleigh Southern [Queensland];
 - (xi) Kelsey Wakefield [Queensland];
 - (xii) Rowena Webster [Victoria];
 - (xiii) Jessica Zimmerman [Western Australia];
 - (xiv) National Head Coach Greg McFadden;
 - (xv) National Assistant Coach Eddie Denis;
 - (xvi) National Assistant Coach, Victorian Institute of Sport Coach Dalibor Maslan;
 - (xvii) Team Manager, Lynne Morrison;
 - (xviii) Team Physiotherapists Liz Steet and James Trotter;
 - (xix) Team Psychologist Kirsten Peterson;
 - (xx) Australian Institute of Sport National Sports Medicine Coordinator Miranda Wallis;

- (xxi) Australian Institute of Sport National Sports Science Coordinator Sally Clark; and
 - (xxii) National Program Coordinator Laura Domenicucci.
- (2) That this House congratulates and commends the Australian women's water polo team the Aussie Stingers on their bronze medallion at the World League Super Final in Kunshan; China.

AUSTRALIAN YOUTH GIRLS WATER POLO TEAM FINA WORLD YOUTH CHAMPIONSHIP

Motion by the Hon. MARIE FICARRA agreed to:

- (1) That this House notes that:
- (a) the Australian Youth Girls Water Polo Team has been selected to contest the 2014 FINA World Youth Championships in Madrid, Spain from 25 to 30 August 2014; and
 - (b) the team consists of:
 - (i) Bronte Halligan [New South Wales];
 - (ii) Lena Mihailovic [New South Wales];
 - (iii) Amy Ridge [New South Wales];
 - (iv) Georgia McConville [New South Wales];
 - (v) Octavia Bellekens [Queensland];
 - (vi) Tess Hosking [Western Australia];
 - (vii) Georgia Hole [Queensland];
 - (viii) Ellodie Ruffin [Queensland];
 - (ix) Chelsea Allen [South Australia];
 - (x) Maddy Steere [Victoria];
 - (xi) Emily McGowan [Victoria];
 - (xii) Pia Rodgers [Western Australia];
 - (xiii) Monique Rebelo [Western Australia];
 - (xiv) Jack Lusic [Head Coach];
 - (xv) Georgina Kovacs [Assistant Coach];
 - (xvi) Helen Park [Team Manager]; and
 - (xvii) Nick Hodggers [Referee].
- (2) That this House congratulates and commends all those selected in the Australian Youth Girls' Water Polo team to compete at the FINA World Youth Championships in Spain and conveys its best wishes for a successful championship.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 1908 outside the Order of Precedence objected to as being taken as formal business.

LITTLE WINGS CHARITY

Motion by the Hon. MARIE FICARRA agreed to:

- (1) That this House notes that:
- (a) the Little Wings charity flies children in rural and regional New South Wales to the specialised oncology services available at the Children's Hospital at Westmead and assists children with cancer whilst they are undergoing treatment by providing a free flight service to and from the Children's Hospital and aims to lessen the travel fatigue, financial burden, emotional strain and length of separation from their families that these children experience;

- (b) on 3 September 2012, Little Wings had its first official flight, with Little Wings directors Kevin Robinson, Tanya-lee Jones and Paul Eisen, pilot Simon Matthews and Bridget McGinley, clinical nurse consultant for the Children's Hospital at Westmead Rural Outreach Program for Oncology, officially launching the service;
 - (c) ClubsNSW as a foundation partner of the charity will provide \$240,000 to Little Wings over the next four years, including a one-off payment of \$120,000 on 10 June 2014 to help the charity purchase a much needed plane; and
 - (d) other supporters of the charity include: Hyundai Help for Kids, Bankstown Sports, Automation Group, Cornerstone Digital, Australian 4WD Action, Kids Westmead, Curtis Aviation, Ienova, PKC Management Services, SkyPac Aviation, Sydney by Sail, Hydraulink Hose and Fittings, KRcreative.com.au and Tintan and Wraps.
- (2) That this House acknowledges and commends:
- (a) the Little Wings charity directors, pilots, employees and volunteers for their outstanding dedication to children with cancer undergoing treatment;
 - (b) ClubsNSW for its generous contribution and support of this outstanding charity; and
 - (c) Hyundai Help for Kids, Bankstown Sports, Automation Group, Cornerstone Digital, Australian 4WD Action, Kids Westmead, Curtis Aviation, Ienova, PKC Management Services, SkyPac Aviation, Sydney by Sail, Hydraulink Hose and Fittings, KRcreative.com.au and Tintan and Wraps for their continued contribution and support of the Little Wings charity.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 1910 outside the Order of Precedence objected to as being taken as formal business.

PETITIONS

Blue Mountains Septic Pump-out Scheme

Petition stating that the fee increase for the Blue Mountains Septic Pump Out Scheme was imposed without consultation and that the scheme is needed because it protects the world heritage-listed Blue Mountains National Park, and requesting that current funding arrangements be maintained and that the sewerage connection be extended, received from the **Hon. Helen Westwood**.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Notice of Motion No. 2 postponed on motion by the Hon. Duncan Gay and set down as an order of the day for a later hour.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Rescission of Order

Motion, by leave, by the Hon. Duncan Gay agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith to rescind the following resolution of the House of 17 June 2014 that the second reading of the Rural Fires Amendment (Vegetation Clearing) Bill 2014 stand an order of the day for the first sitting day in August 2014.

Rescission of Order for Second Reading of Bill

Motion by the Hon. Duncan Gay agreed to:

That the resolution of the House of Tuesday 17 June 2014 that the second reading of the Rural Fires Amendment (Vegetation Clearing) Bill 2014 stand an order of the day for the first sitting day in August 2014 be rescinded.

RURAL FIRES AMENDMENT (VEGETATION CLEARING) BILL 2014

Question—That the bill be considered an urgent bill—put and resolved in the affirmative.

Declaration of urgency agreed to.

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

COMMITTEE ON THE OMBUDSMAN, THE POLICE INTEGRITY COMMISSION AND THE CRIME COMMISSION**Membership**

Motion by the Hon. Duncan Gay agreed to:

That Dr Phelps be discharged from the Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission and Mr Khan be appointed as a member of the committee.

Message forwarded to the Legislative Assembly advising it of the resolution.

PARLIAMENTARY ETHICS ADVISER

Consideration of the Legislative Assembly's message of 17 June 2014.

The Hon. DUNCAN GAY (Minister for Roads and Freight, and Vice-President of the Executive Council) [11.29 a.m.]: I move:

That this House directs the President to join with the Speaker to make arrangements for the appointment of Mr John Evans, PSM, as Parliamentary Ethics Adviser in the terms and conditions contained in the Legislative Assembly's message dated 17 June 2014.

I am sure all members will join me in supporting this motion because of the respect that people in this place have for our former Clerk of the Parliaments, John Evans.

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

Motion agreed to.

Message forwarded to the Legislative Assembly advising it of the resolution.

UNPROCLAIMED LEGISLATION

The Hon. Matthew Mason-Cox tabled a list detailing all legislation unproclaimed 90 calendar days after assent as at 17 June 2014.

LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) AMENDMENT BILL 2014**In Committee**

Consideration resumed from 17 June 2014.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [11.32 a.m.]: I will address The Greens amendments, which relate to page four of the bill, and the proposal in the bill to increase the detention period from four hours to six hours. The Opposition does not support The Greens amendments. While the bill adjusts the period for detention in stages, it does not seek to change the overall possible detention period of 12 hours. The Opposition notes the concerns expressed by the Council for Civil Liberties, legal professional bodies and other persons in this space, but we do not share the same concerns and we will support the bill as is in that respect.

The Hon. DAVID CLARKE (Parliamentary Secretary) [11.33 a.m.]: The Greens have proposed amendments to maintain the current time limit of the initial investigation period at four hours. The Government's reforms will extend the time allowed for the initial investigation period to six hours, as

recommended in the Tink-Whelan review. The 1989 "Review of Commonwealth Criminal Law" interim report on detention before charge examined this issue and recommended a period of up to six hours as a reasonable investigation period.

Mr David Shoebridge: Did you say it was in 1989?

The Hon. DAVID CLARKE: It was 1989, yes. The subsequent report of the New South Wales Law Reform Commission, "Criminal Procedure: Police Powers of Detention and Investigation after Arrest", recommended a four-hour initial investigation period but also suggested that this period should be reviewed if it is found to be insufficient. The police provided examples to the Tink-Whelan review of cases in which a detention warrant had to be obtained because the four-hour period was too short, but the process for obtaining the detention warrant took nearly as long as the initial investigation period. The process of applying for a detention warrant can mean that people are detained for longer than necessary because of the time and resources assigned to the detention warrant application.

In recommending that a six-hour period be adopted, the reviewers noted that Western Australia provides for an initial investigation period of six hours. Further, other jurisdictions such as Victoria do not provide a fixed time limit at all and simply rely on a reasonable time restriction for the investigation period. New South Wales will retain an upper limit on the investigation period. While the Government reforms will extend the upper limit to six hours, the reasonable time restriction still applies. This means that police cannot extend the investigation period for a period longer than is reasonable in the circumstances. The change to the upper limit does not alter this restriction. Furthermore, while the amendments will increase the maximum initial investigation period to six hours, they will allow for an extension of six hours only by a detention warrant, so the total possible investigation period remains 12 hours. The Government does not support the amendments proposed by The Greens.

Mr DAVID SHOEBRIDGE [11.36 a.m.]: Perhaps what is most disturbing about the contributions from both the Government and the Opposition is that neither representative addressed the fact that the Tink-Whelan report—as grossly flawed as it was in its failure to consult; as grossly pro-police as it was in that the authors of the report spoke only to the police, and even when the appallingly biased nature of the report is taken into account—made it clear that the police do not need the extension provided in the bill and that the great majority of cases are easily dealt with within four hours. The problem—if there is one—about detaining people beyond four hours is a problem in the mechanics of obtaining an extension, which can take the better part of two hours. If the Government were serious about addressing the problems in this part of the bill, it would be addressing the mechanics of obtaining an extension. Instead, the Government has simply reduced everybody's civil liberties. That is the proposal of the Government, which is supported by the Labor Opposition. They have reduced everybody's civil liberties by allowing anybody who is the subject of arrest to be held for six hours for questioning.

We know that the police say they do not need six hours in the great majority of cases but, blind to that, the Government, with the strong support of the Opposition, simply says, "We don't care about those civil liberties. We will just remove those civil liberties issues for everybody because in the tiny minority of cases the police can spend a couple of hours obtaining an extension." If the Government were serious about fixing the problems in the legislation—and there are some—it would be fixing the process of obtaining an extension of time, not just removing or watering down everybody's civil liberties and providing that anybody can be detained for six hours by the police in these circumstances.

We had crocodile tears in the contributions made by the Hon. Ernest Wong and the Deputy Leader of the Opposition, the Hon. Adam Searle, about civil liberties and pretended concern about the expansion of police powers. But time and time and time again when it comes to the vote and when it comes to standing up for the principles of civil liberties, we find the Opposition in this place caving in to the Government. Another example is the one-punch laws and in this instance the Opposition is caving in on the extension of time for which people can be routinely detained by the police after arrest. When it becomes too difficult to run the argument in the pages of the *Daily Telegraph*, principle escapes out the door, politics takes over and again we see attacks on civil liberties attracting broad support in this Chamber.

The Greens will stand on principle in relation to this matter. We believe that, consistent with all the best advice from the Law Reform Commission and even, when it is properly read, the Tink-Whelan report, there should not be an extension of time for which police can hold suspects or persons arrested in these circumstances. The Government's only support is a report that is a quarter of a century old. It pulls a 25-year-old report out of

archives, dusts it off, puts it on the table and says, "Oh well, 25 years ago there was some support for looking at an extension in certain circumstances." But, in doing that, the Government fails to refer—as did Tink and Whelan—to the most recent report from the Law Reform Commission, which said exactly the opposite. The body that is charged with examining law reform in this State talks to a broad range of stakeholders, considers matters seriously and says, "Don't do this", but what does the Government do? It ignores the Law Reform Commission.

A couple of months later the Government gets its nod-and-a-wink report from Tink and Whelan—for which they only talked to police—and, when it realises even that report offers paper-thin support, it hunts around in the archives for a 25-year-old report to support its argument. There is no principled basis upon which to put forward this proposal. It is a power grab that has been pushed by the police and, sadly, this Parliament—whether it is the Government, the Labor Opposition or the balance of the crossbench—is refusing to stand up to it.

Question—That The Greens amendments Nos 1 to 4 [C2014-046] be agreed to—put.

The Committee divided.

Ayes, 5

Ms Barham
Mr Buckingham
Mr Shoebridge

Tellers,
Dr Faruqi
Dr Kaye

Noes, 31

Mr Ajaka
Mr Blair
Mr Borsak
Mr Brown
Mr Clarke
Ms Cusack
Mr Donnelly
Ms Fazio
Ms Ficarra
Mr Gay
Mr Green

Mr Khan
Mr Lynn
Mr MacDonald
Mrs Maclaren-Jones
Mr Mason-Cox
Mrs Mitchell
Mr Moselmane
Reverend Nile
Mrs Pavey
Mr Pearce
Mr Primrose

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

Tellers,
Mr Colless
Dr Phelps

Question resolved in the negative.

The Greens amendments Nos 1 to 4 [C2014-046] negatived.

Schedule 1 agreed to.

The CHAIR (The Hon. Jennifer Gardiner): I take this opportunity to welcome our visitors in the Legislative Council gallery. Welcome to leaders from the high schools in New South Wales who are attending the Secondary Schools Leadership Program conducted by the Parliamentary Education Unit. Enjoy your visit to the Parliament of New South Wales. They are accompanied by the Hon. George Souris, the member for Upper Hunter.

Mr DAVID SHOEBRIDGE [11.49 a.m.], by leave: I move The Greens amendments Nos 1 and 2 on sheet C2014-050 in globo:

No. 1 Page 9, schedule 2 [15], line 16. Omit "12 months". Insert instead "3 years".

No. 2 Page 9, schedule 2 [15], line 25. Omit "12-month". Insert instead "3-year".

These amendments provide for a three-year review of the changes to the Law Enforcement (Powers and Responsibilities) Act. As I made clear in my second reading contribution, the changes the Government has proposed, with the support of the Opposition, present significant concerns for civil liberties in this State. The blanket increase from four to six hours for the period that people can be held after arrest is a substantial watering down of civil liberties in this State. There is no good basis upon which this change is proposed. It is not supported by the Law Reform Commission or by Tink and Whelan. When it is rolled out it is likely to lead to poor practice in this State and a substantial degradation of people's right to liberty until such time as they are found guilty by a court. Therefore, to propose to review that change only 12 months after these laws come into effect is to propose a pretend review. Of course, it would mirror the Government's pretend review with the Tink and Whelan report. The Greens proposal is to increase the review period from 12 months to three years.

The CHAIR (The Hon. Jennifer Gardiner): Order! There is too much audible conversation in the Chamber.

Mr DAVID SHOEBRIDGE: It is primarily the Opposition Whip.

The CHAIR (The Hon. Jennifer Gardiner): Order! There are children giggling to my right as well.

Mr DAVID SHOEBRIDGE: The Greens amendments would increase the review period to three years and require the Ombudsman to provide a report thereafter. It is not just the increased period for which people will be detained that must be subject to review. Changes to sections 201 to 204 of the Law Enforcement (Powers and Responsibilities) Act—which, effectively, remove the obligation of police officers to explain to people why they are being arrested before they are arrested and essentially remove the obligation for police officers to tell people their name and station before arresting them—are likely to produce a significant change for the worse in police culture in New South Wales. If police officers cannot explain to people beforehand why they are being arrested, why are police officers arresting people in the first place? For some bizarre reason, the majority in this Chamber—a majority in the Parliament—will remove that obligation on police.

Notionally, it is kept on the statute book: The law states that police need to, as soon as practicable, tell people why they are being arrested and explain why police powers under the Act are being exercised. But if the police simply fail to tell people why they are being arrested or why the Law Enforcement (Powers and Responsibilities) Act powers are being exercised, they are not subject to a penalty. Removing any penalty or sanction when police breach the Act presents a significant concern for consequential change in police culture. Obviously, any review of this legislation needs to be much more systemic than just 12 months, as proposed by the Government. That is why The Greens propose amending the review period. If substantial changes to police operations in this State are to be reviewed seriously, it should be a fair dinkum review and cover three years rather than just the 12-month pretend review that the Government has proposed.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [11.53 a.m.]: The Opposition will support The Greens amendments; they are similar to amendments that I foreshadowed the Opposition will move. Any significant change to the law in this area should be reviewed in this way. That is why the Opposition will support the amendments.

The Hon. DAVID CLARKE (Parliamentary Secretary) [11.53 a.m.]: The bill provides in schedule 2 [15] for a provision to be inserted to allow the Ombudsman to scrutinise police compliance with the name and place of duty obligations for 12 months after the commencement of the provisions. The Ombudsman is to report back to the Government after this period. The Greens amendments propose that this period be extended to three years. The amendments are premature. It is more appropriate that the Ombudsman review the operation of the provisions after a 12-month period and report back. A decision can be made then about whether further review is required, depending on the Ombudsman's findings regarding compliance by police with the name and place of duty obligations. The Government does not support the amendments proposed by The Greens.

The Hon. PAUL GREEN [11.54 a.m.]: The Christian Democratic Party does not support the amendments. If a problem arises, it should be addressed sooner rather than later. The Ombudsman should have the opportunity to carry out his functions and review the provisions. We agree with the Government and we will support the Government's position.

Mr DAVID SHOEBRIDGE [11.54 a.m.]: I agree that if there is a problem we should get a report, but we will not know if there is a problem within the first 12 months. Police culture—

The Hon. Dr Peter Phelps: What, no-one is going to be arrested in 12 months? Is that what you are saying?

Mr DAVID SHOEBRIDGE: Another useful interjection from the Government Whip.

The Hon. Dr Peter Phelps: No-one is going to be arrested in 12 months? What a genius you are!

Mr DAVID SHOEBRIDGE: I note and accept the interjection from the Government Whip. Changes to police culture take years or decades. For the past 15 years police have had a clear obligation to explain to people, because of the provisions of the Law Enforcement (Powers and Responsibilities) Act, why they are exercising their powers under that Act. Good police will continue to endeavour to do that. When it becomes apparent to police that if they just arrest people and tell them at some point down the track why and how they have exercised the powers there is no sanction, and when they see those cases work their way through the court system and realise that breaching the Act comes with no penalty and they do not have to go through the rigmarole of actually telling people why they are arrested in the first place, the culture will begin to change and we will see the standards slipping.

No doubt the Government wants a review after 12 months because there will be only a few decided cases and little track record on which to proceed, and the Government can tick off on the outcome, just as it did with the Tink and Whelan report. A far more rigorous approach is to wait for three years. It is not surprising that The Greens are not getting majority support in this Chamber for these amendments. We had hoped to have support from the crossbenches for this matter of substantial principle, but apparently not.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [11.56 a.m.], by leave: I move Opposition amendments Nos 2 to 4 on sheet C2014-051D in globo:

- No. 2 Page 9, schedule 2 [15], lines 24 and 25. Omit "that 12-month period". Insert instead "each period of 12 months during the 3-year period referred to in subclause (1)".
- No. 3 Page 9, schedule 2 [15], line 28. Omit "the report". Insert instead "any such annual report".
- No. 4 Page 9, schedule 2 [15], line 36. Omit "the report". Insert instead "a report".

As I indicated, the first amendment of The Greens is the same as Labor's foreshadowed amendment No. 1. Labor's amendments Nos 2, 3 and 4 are consequential on the first amendment, seeking to achieve the same outcome as Mr David Shoebridge's amendment. As indicated, the Opposition believes a better and fuller review period should be in place. This change to the law is significant in certain respects, as Mr David Shoebridge has indicated. We believe there should be proper monitoring of the effect of the change in the law over that three-year period, including periodic annual reporting. We believe that is the only proper way to gain an appreciation of what practical change is occurring on the ground, if any is occasioned by these otherwise, on the face of it, significant changes to the Law Enforcement (Powers and Responsibilities) Act. For more abundant caution, so the public and the Parliament can gain a real-time appreciation of what is happening under the changes, we believe these amendments are not only prudent but also necessary to maintain the integrity of the bill's proposed changes to the law.

Mr DAVID SHOEBRIDGE [11.58 a.m.]: The Greens will support Opposition amendments Nos 2, 3 and 4. I hate to say it, but they actually improve The Greens amendment because they provide for a report every 12 months rather than at the end of every three years, as our amendment provides.

The Hon. Catherine Cusack: Have a report every month or every day.

Mr DAVID SHOEBRIDGE: A report every 12 months is an important oversight mechanism because we can see what, if any, changes are occurring. Hopefully, if there is an outbreak of sanity in this House and Parliament, and the changes produce poor outcomes in police culture—as I suspect they will—we will be able to intervene early to reverse some of the changes proposed. For those reasons we support the Opposition amendments.

The Hon. DAVID CLARKE (Parliamentary Secretary) [11.59 a.m.]: The proposed amendments would require the Ombudsman to monitor police compliance with part 15 of the Act for three years and to report back every 12 months. The amendments are premature. The Government's bill already requires the Ombudsman to monitor and report back on the provisions after they have been in operation for 12 months. After this initial

period a review and decision can be made about whether a further review is required, depending on the Ombudsman's findings regarding compliance by police to their obligation to provide their name and place of duty. The Government opposes the amendments.

The Hon. PAUL GREEN [12.01 p.m.]: The Christian Democratic Party supports the Government for the reasons stated by the Parliamentary Secretary.

The CHAIR (The Hon. Jennifer Gardiner): Order! Mr David Shoebridge has moved his amendments Nos 1 and 2 on sheet C2014-050 in globo. However, I will put the questions on the amendments separately.

Question—That The Greens amendment No. 1 [C2014-050] be agreed to—put.

The Committee divided.

Ayes, 17

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

Noes, 19

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

Pairs

Ms Cotsis	Mr Gay
Mr Wong	Mr Harwin

Question resolved in the negative.

The Greens amendment No. 1 [C2014-050] negatived.

The CHAIR (The Hon. Jennifer Gardiner): Order! The Greens amendment No. 2 on sheet C2014-050 and Opposition amendments Nos 2 to 4 on sheet C2014-051D are consequential on The Greens amendment No. 1, so the additional amendments lapse.

The Greens amendment No. 2 [C2014-050] and Opposition amendments Nos 2 to 4 [C2014-051D] lapsed.

Schedule 2 agreed to.

Schedules 3 to 5 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. David Clarke, on behalf of the Hon. John Ajaka, agreed to:

That the report be adopted.

Report adopted.

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.

BUSINESS OF THE HOUSE**Postponement of Business**

Government Business Orders of the Day Nos 3 and 4 postponed on motion by the Hon. John Ajaka and set down as orders of the day for a later hour.

EDUCATION AMENDMENT (GOVERNMENT SCHOOLS) BILL 2014**Second Reading**

Debate resumed from 28 May 2014.

The Hon. PENNY SHARPE [12.12 p.m.]: I lead for the Opposition in debate on the Education Amendment (Government Schools) Bill 2014. I state at the outset that the Opposition will not oppose this bill but will seek to amend it. The object of the bill is to amend the Education Act 1990 to require the Board of Studies, Teaching and Educational Standards [BOSTES] to advise the Minister on the compliance by government schools with similar requirements to those required for the registration of non-government schools. The board is to be assisted by the Department of Education and Communities in providing advice.

From 1990 the task of registering non-government schools was transferred to an independent body: Board of Studies NSW. In 2014 the Board of Studies was merged with the NSW Institute of Teachers to become the Board of Studies, Teaching and Educational Standards NSW and it retains the role of registering non-government schools. Registration of non-government schools ensures compliance with minimum standards for school operation, including teaching staff experience and qualifications, and the associated quality of teaching; adequacy of educational facilities; satisfactory premises and buildings; safe and supportive environment students; and the school curriculum and associated record of achievement of students.

The Education Act currently states that government schools "will comply with similar requirements to those required for the registration of non-government schools". To date government schools have met these requirements through the systemic processes of the Department of Education and Communities. This bill proposes to amend section 27 of the Act to include a new subsection (3) under which the BOSTES, with the assistance of the department, will provide advice to the Minister on the compliance by government schools with similar requirements to those required for the registration of non-government schools.

As a consequence of the bill, on an annual basis the department will provide BOSTES with information on its system and processes for meeting agreed standards. BOSTES will advise the Minister on those standards meeting the similar requirements provision. The standards will be developed through consultation between BOSTES and the department, and the assessment of compliance information provided by the department will be made by a new committee reporting to BOSTES. The Opposition notes that the bill does not affect section 28 of the Education Act, which deals with the closure of government schools.

It is envisaged that this will be a positive system and that it will work well. Whilst the Opposition will be supporting the bill, we are a little concerned about the burden it will place on government schools and principals in particular. For example, how does the Government envisage dealing with schools not deemed to be meeting agreed standards? What sort of support is envisaged in putting extra resources into those schools and

what sort of process is envisaged in working with them? How will the principals of such schools be held to account? What level of stakeholder engagement has there been in relation to these matters, in particular with principals?

Members well know that public schools provide excellent education to almost all of our students in New South Wales. However, the Opposition is concerned about the amount of paperwork that will be put onto principals to prove the work they are already doing. How will that work while not placing an extra burden on principals? We would like some more detail about this. The Opposition is interested in the cost of the implementation of the system. In New South Wales there are more than 2,000 government schools and they all do a fantastic job in giving each student a good quality education. How much will this cost? How will it improve the outcomes of government schools? I ask that the Minister respond to those concerns in his speech in reply.

Dr JOHN KAYE [12.17 p.m.]: On behalf of The Greens I make a contribution to debate on the Education Amendment (Government Schools) Bill 2014. I state at the outset that The Greens will not be supporting this bill. The bill requires the Board of Studies, Teaching and Educational Standards [BOSTES] to provide advice to the Minister on the level of compliance by government schools with similar requirements to those required for the registration of non-government schools. Those standards are set out in section 47 of the Education Act 1990. Section 27 of the Act, which this bill seeks to amend, currently requires that, when a Minister establishes a school, he or she is satisfied that it will comply with similar requirements to those required for the registration of non-government schools. However, there is no ongoing requirement for government schools to comply with the standards set out in section 47.

The standards set out in section 47 are sensible, and it is our belief that the Department of Education and Communities already requires schools to comply with those standards. Those standards require that each responsible person—in the case of a public school that would be the principal—is of good character; the school has in place policies and procedures for the proper governance of the school; teaching staff have the necessary experience and qualifications; educational facilities are adequate for the courses of study provided at the school; and school premises and buildings are satisfactory. The standards require that the school provides a safe and supportive learning environment, including by having policies and procedures that make provision for the welfare of students, ensuring that persons employed at the school comply with part 2 of the Child Protection (Working with Children) Act, having policies and procedures to ensure compliance with the relevant notification requirements under the Ombudsman Act 1974 and the Child Protection (Working with Children) Act 2012, and maintaining a student enrolment and attendance register.

The standards set out in section 47 require that schools have school policies relating to discipline. Schools with boarding facilities are to have appropriate facilities that ensure the safety and welfare of boarders. In the case of a school providing secondary education for children in year 7 to year 10, the school must comply with the minimum curriculum for a school providing such secondary education. In the case of a school providing secondary education for children in year 11 and year 12, the school must comply with the curriculum for students. School policies and procedures must be appropriate to ensure the personal and social development of students. Schools must engage in annual reporting. These are reasonable standards, and we believe that the procedures the Department of Education and Communities have in place are more than adequate to that end. Nothing I say in this speech should be seen in any way to be saying otherwise. These requirements are sensible, and every child has a fundamental right to be educated in a school that conforms to these standards.

Indeed BOSTES has been regulating non-government schools to these standards since 1990. The specific issue here is that this legislation is changing the role of BOSTES, changing the role of the Department of Education and Communities, and changing the role of government schools in respect of compliance. This legislation will require BOSTES to be involved in the compliance of government schools. For us, this raises serious questions about the consequences, both long term and medium term, for public education. We believe that this legislation is a first step in the undermining of the Department of Education and Communities. It will dilute the core responsibility of the department for the quality of public education. Since the passage of the Public Instruction Act 1880 a department of some form and with various names—the antecedent to the existing department—has had responsibility for the quality of education and for the compliance of schools with the various requirements of the Act as they have evolved over the years.

Our concern is that this legislation is a first step towards removing the department's separate and unique role as the compliance body and the public provider by treating the Department of Education and Communities as if it were no different from a non-government system provider—that is to say, in effect it would put the Department of Education and Communities on par with the Catholic Education Office. This is inappropriate

given the unique and separate role that the Department of Education and Communities and government schools play in our society—that is to say, this legislation ignores the unique responsibility of the public education system and would undermine its unique role. In many senses, this legislation plays the same role that the corporatisation of public utilities over various governments has played over the years.

While the standard neoliberal tactics are to argue from a so-called rationalist position that the corporatisation of public utilities is in the best interests of making those utilities more capable of serving the community, the reality is that, hiding behind those supposedly rationalist arguments, the real agenda is to prepare those schools for privatisation. We believe this legislation is a step towards independent public schools because it weakens the unique and defining relationship between the Department of Education and Communities and public schools by introducing a separate regulation model. Local Schools Local Decisions, the Baird Government's school autonomy model, is in fact one step in that direction. This is another step, congruent to the Local Schools Local Decisions move, to take away from public education the special and unique role that the department plays.

On Monday night the Hon. Catherine Cusack and I were fortunate to hear the Finnish education expert Pasi Sahlberg address the education community at the New South Wales Teachers Federation Auditorium in Surry Hills. It was interesting to hear Dr Sahlberg talk about the lessons learned from Finland, and in particular the importance of having a strong public education system. He made comparisons with what happened in Sweden. Sweden introduced a series of measures which effectively privatised the public school system. While the performance of Finland's schools in respect of not only equity but also average outcome has shot up to the leading levels in the world, Sweden has in fact gone backwards. The protection of a strong system of public education is not just a statement of ideology; it is an instrumentalist statement of the need to maintain quality outcomes in the education system and high levels of equity. Dr Sahlberg argued that those two factors are intimately linked.

The logical conclusion to the legislation before the House today is a lesser role for the Department of Education and Communities. It is indeed one step towards terminating the Department of Education and Communities entirely. The Government, through its Local Schools, Local Decisions policy, already has hollowed out the department to the level where, as I understand it, Bridge Street is to be privatised. Entire sections of the department have disappeared, particularly those that provided curriculum support, drug and alcohol counselling, and a range of other critical education support measures. It appears to us that this legislation is the next step to ease away from the Government's responsibility for public education by handing it over to the Board of Studies, Teaching and Educational Standards and treating government schools as if they were effectively no different, with respect to their compliance requirements, to non-government schools. It is deeply wrong in principle.

We also have some concerns in practice. These were raised by the previous speaker, the Hon. Penny Sharpe. They go to the issues around the costs for the department, who will bear the costs of the additional compliance requirements and the impact on schools. I note that the New South Wales Secondary Principals' Council has been consulted on this legislation and does not oppose it. I suspect the reason for that is that there are so many secondary principals who are so profoundly proud of what their schools achieve—as, indeed, they should be—that they want every possible opportunity to show off their schools. I support them in that. Having visited a number of secondary schools and having spoken to a large number of secondary principals, their pride is not only understandable but also 100 per cent justified in respect of the remarkable work that so many of our schools do.

This work, I might add, is not necessarily reflected in the results of the year 8 National Assessment Program—Literacy and Numeracy [NAPLAN] test and not reflected, in any accurate way, by the deeply misleading My School website. It can really be understood only by talking to the teachers, the students, the parents and the principals. They show so deeply what those schools are achieving. The New South Wales Secondary Principals' Council is clearly keen to show off that work—recognising how schools are not adequately showcased by the My School website. However, in this instance I beg to disagree with them. I believe that this legislation is the next step in New South Wales implementing the global education reform movement—what the President of the New South Wales Federation, Mr Maurie Mulheron, refers to as the "GERM". This is the move towards creating greater competition between schools. It is a move towards destroying the system of public education. It is a move towards creating public schools which, when they do not meet standards, are closed down.

We have seen the GERM infect the United States, Sweden and the United Kingdom with devastating consequences. None of those jurisdictions has improved in any Programme for International Student

Assessment [PISA] or Organisation for Economic Co-operation and Development [OECD] measures. None of them has improved in equity and many have gone backwards in their outcomes. We are deeply concerned that this legislation is yet another move by the Coalition Government, supported by the Labor Party, towards implementing a neoliberal agenda in schools that does not recognise the special and unique role of public education.

The issues outlined in section 47 of the Act, which are the registration requirements for non-government schools that I went through earlier, are important. Indeed, they are fundamental to quality outcomes. They are fundamental to respecting the right of every child to be educated in a safe environment with access to the curriculum, qualified teachers and the welfare support that public schools provide to such a high level of excellence. The Greens believe that schools should be held to account for their compliance with the requirements of section 47 and that they are held to account by the Department of Education and Communities through its unique and special role in our strong system of public education.

The Greens believe that this bill is unnecessary and a dangerous step towards implementing a neoliberal agenda. We strongly support the compliance of all schools with new section 47 but involving the Board of Studies in the compliance regime of public schools is unnecessary, given the role that the Department of Education and Communities already plays in implementing that requirement. We do not believe it is in the best interest of public education to take it one step closer to the neoliberal abyss. The Greens condemn the legislation and will vote against it.

The Hon. SARAH MITCHELL [12.32 p.m.]: I support the Education Amendment (Government Schools) Bill 2014. The Government is committed to the provision of high-quality schooling for all New South Wales students and the education reform and improvement necessary for ensuring the future social and economic success of this State. This bill introduces amendments to the Education Act 1990 that support that commitment. These amendments will provide a mechanism of assurance that government schools comply with similar requirements to those required for non-government school registration. School registration provides parents and the community with assurance that the minimum standards set by the Education Act are being met.

The New South Wales Department of Education and Communities has a unique responsibility for the universal provision of schooling in government schools. In this role the department already has extensive and rigorous systems for requiring government schools to meet standards that are similar to non-government school registration. What is new is that these amendments provide external and independent assurance that those minimum standards are being met. This additional assurance is to come from an independent external body called the Board of Studies, Teaching and Educational Standards, known as BOSTES.

BOSTES is a new agency formed by the merger of the former Board of Studies and the former NSW Institute of Teachers. Its purpose is to support the high standard of New South Wales schooling and to help to lead continuing improvement of educational standards in schools, regardless of whether they are from the government, Catholic or independent sector. With this purpose, and given its independence, BOSTES is best placed to implement processes for assuring government school compliance with the Act.

Furthermore, the highly regarded work of the former Board of Studies in regulating non-government schools and registration systems brings high-level expertise and the experience necessary for successfully implementing this government initiative. With this amendment BOSTES will have a new role in advising the Minister in relation to government school compliance with similar requirements to those required for non-government school registration. The current BOSTES process for advising the Minister in relation to the registration of Catholic systemic schools provides a sound model that can be readily adapted for this new role.

The BOSTES process for monitoring Catholic registration systems has developed over many years. It is recognised as being collaborative and supportive of the culture and governance responsibilities of each system as well as rigorous in facilitating a high level of compliance with the Act. BOSTES will draw on this experience to develop a similar process for government schools. The process will be based on recognition of the authority and responsibility of the department for governing and operating government schools and for meeting similar requirements that apply to non-government schools.

In the Catholic system the requirements for non-government school registration are determined by the Act. These requirements are detailed in a registration manual published by BOSTES. The registration manual used by Catholic systems is the result of extensive consultation across the non-government sector in New South Wales. One of the benefits of the manual for Catholic systems is that it identifies the general types of documents

and records that a school would typically have in place if it is complying with the requirements. This provides a common foundation for each school to develop its curriculum, policies and procedures according to the culture and context of its community. It also allows each school and its community to know the requirements, the type of information or evidence to maintain and how the system will assess its compliance with the requirements. For government schools similar requirements will be developed in consultation between the department and BOSTES.

The department already has requirements relating to teaching staff, curriculum, records of student achievement, premises and buildings, facilities and the provision of a safe and supportive environment. These requirements will form the basis of the similar requirements for government schools. When finalised, the requirements will assist government schools by establishing shared expectations of the evidence of compliance that the department requires. BOSTES requires each Catholic system to describe the procedures it uses for checking the compliance of its schools.

Similarly, the department will describe the systems and strategies it uses for reviewing compliance against the standards. For each Catholic system the process of checking school compliance against the registration requirements is just one aspect of the broader governance structures it has in place for accountability, quality assurance, ongoing improvement and the provision of high-quality education. It is expected that this also will be the case for the department, with its procedures for assessing compliance being just one aspect of its overall quality assurance framework.

BOSTES does not impose any prescriptive procedure for checking compliance. It is up to each Catholic system to document its procedures according to the purpose, culture and priorities of the system and its school communities. Similarly, the department's procedures will reflect its governance and operational structures. Some common procedures are used for assessing compliance across the Catholic system. These include: school audits according to a predetermined schedule; online compliance checklists; identifying schools where improvement is required; reviewing and analysing school-based data, records and evidence; monitoring the development and implementation of improvement plans; and targeted support for schools where needed.

The department's current systems for the internal review and monitoring of its schools, along with the development of an online compliance monitoring tool, will form the basis of its procedures for checking compliance against similar requirements. When documented, these procedures will provide a framework for the systematic and routine monitoring of government schools by the department against clearly identified requirements. When BOSTES monitors a registration system the process focuses on the procedures implemented by the system. This process is consistent with the purpose of BOSTES monitoring—that is, to be assured that the system's procedures are effective in assessing the compliance of its schools. In adopting this approach for government school registration, BOSTES will focus on the efficacy of the department's procedures for reviewing compliance.

BOSTES conducts monitoring of each system on an annual basis. Typically, the monitoring includes processes for: reviewing a sample of the records and evidence maintained by the system in accordance with its procedures; observing the system undertake a school audit; reviewing a sample of online compliance tools as completed by the system's schools; and reporting to the Registration and Accreditation Committee of BOSTES. The specific monitoring processes for any one year are planned in advance, developed in consultation with the system and respond to emerging issues and system initiatives. This approach provides BOSTES with the information necessary for advising the Minister in relation to the registration of systemic non-government schools. A similar approach for government schools will also provide the assurance required for advising the Minister in relation to government school compliance with similar requirements of the Act.

The approach BOSTES takes to Catholic systems is collaborative, open and consultative. In many ways the approach seeks to observe what the system would be doing in order to ensure the quality and accountability of its schools regardless of BOSTES monitoring. It is expected that this also will be the case for the department and its procedures for reviewing government schools. Once established, this amendment to the Act will provide the information that is necessary for the independent assurance of standards in government schools. This external verification will provide the assurance that parents and the community expect. For that reason I commend the bill to the House.

The Hon. PAUL GREEN [12.39 p.m.]: The purpose of the Education Amendment (Government Schools) Bill 2014 is to establish independent verification of the compliance of New South Wales government schools with "similar requirements to those required for the registration of non-governance schools" under the

New South Wales Education Act 1990. The Christian Democratic Party understands that from 1990 the task of registering non-government schools was transferred to an independent body, the Board of Studies New South Wales. In 2014 the Board of Studies was merged with the NSW Institute of Teachers to become the Board of Studies, Teaching and Educational Standards NSW, which is otherwise known as BOSTES, and it retains the role of registering non-government schools.

The registration of non-governance schools ensures compliance with minimum standards for school operations, including teaching staff experience and qualifications as well as the associated quality of teaching, adequacy of educational facilities, satisfactory premises and buildings, maintaining a safe and supportive environment for students, and the school curriculum and associated record of achievement of students. The New South Wales Education Act currently states that government schools will comply with similar requirements to those required for the registration of non-government schools. In government schools, those requirements currently are met by the system processes of the Department of Education and Communities. The bill reflects the joint position of BOSTES and the department.

The bill proposes a number of reforms. First, it proposes to amend section 27 to include new subsection (3) under which BOSTES, with the assistance of the department, will provide advice to the Minister on the compliance by government schools with similar requirements to those applying to the registration of non-government schools. Secondly, the bill proposes changes to recognise the existing rigorous and extensive quality assurance processes that are imposed on government schools by the department, and its responsibility for the universal provision of schooling. As a consequence of the bill, on an annual basis the department will provide BOSTES with information on its system and processes for meeting agreed standards. BOSTES will advise the Minister in regard to whether the standards meet the similar requirements provision. The standards will be developed through consultation between BOSTES and the department. Assessment of the compliance information provided by the department will be made by a new committee reporting to BOSTES.

These arrangements are similar to those that currently occur in relation to the registration of the Catholic systemic school sector. The department's own processes for compliance monitoring will include an online tool for use by principals in providing evidence of compliance. The bill does not affect section 28 of the Act dealing with the closure of government schools. I note that when introducing the bill, Minister Ajaka stated that New South Wales has a unique education environment of nearly 3,100 government, Catholic and independent schools serving the needs of over one million school students. From my understanding, at least 813 of those are Christian schools, which is approximately one-quarter of all schools in New South Wales. I also note that the Minister stated:

The board's role in school registration is not about the heavy hand of government nor unnecessary regulation for regulation's sake. We are utterly opposed to a pointless bureaucratic process.

I am pleased with the Government's commitment to reducing heavy-handedness and bureaucracy. I hope that commitment will extend to all areas of the education sector. I am very sure that the homeschooling community will be pleased with this fresh approach from the Government.

[Interruption]

While I will not reply to the interjection, I will quote Dr John Kaye who said that education, particularly in New South Wales, has a special and unique role. I would include home education in that special and unique role. The Christian Democratic Party commends the bill to the House.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [12.44 p.m.], in reply: I thank the Hon. Penny Sharpe, Dr John Kaye, the Hon. Sarah Mitchell and the Hon. Paul Green for their contributions to debate on the Education Amendment (Government Schools) Bill 2014. The Hon. Penny Sharpe raised a number of questions that I have grouped into three areas. First, she asked how the Government will deal with schools that are not meeting the standards. In relation to schools that do not meet the minimum compliance standards, the department will put in place additional resources or improvements to ensure the requirements are met. The purpose of the external validation process is to bring any concerns to the department's attention so that those matters can be addressed in a timely fashion. Of course, that is for the benefit of students in our schools.

Put simply, the purpose of this legislation is to identify and remedy concerns. It is not designed to shame individual government schools. Being part of a large system and responding to relevant issues is a key advantage of government schools. The Hon. Penny Sharpe also asked what assistance will be given. During this

process providing assistance will be undertaken in partnership with the department and the Board of Studies [BOSTES]. The resources used will be those existing resources in both the department and BOSTES. The department is developing an online tool that will be essential in monitoring compliance. This online tool will be an easy and efficient process for principals to provide the department with evidence that their school meets the standards. It will not be burdensome for schools or principals. The Hon. Penny Sharpe also asked what consultations had occurred with principals. I can state that consultation has been ongoing with the primary and secondary principals associations and the NSW Teachers Federation.

Dr John Kaye also mentioned independent public schools. I confirm, as has been noted, that this bill has nothing to do with independent public schools. The bill relates to the school registration process applying to the government system in a manner that is similar to how it applies to the Catholic schools that are registered. These changes to the Act are supported by the three education sectors and key New South Wales education stakeholders. They are supported because they provide an additional level of external oversight to our larger schooling system while reflecting and supporting the unique roles and responsibilities of government school education. We have the balance right. This legislation is the next reform in this Government's commitment to ensure that every school in every community provides the education that parents expect and to which schoolchildren are entitled. 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.

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

INFORMATION COMMISSIONER

Report

The President tabled, pursuant to the Government Information (Information Commissioner) Act 2009, a report of the Information Commissioner entitled "Report on the Operation of the Government Information (Public Access) Act 2009: 2010-2013", received this day.

Ordered to be printed on motion by the Hon. John Ajaka.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2014

Second Reading

Debate resumed from 28 May 2014.

The Hon. Dr PETER PHELPS [12.52 p.m.]: It gives me great pleasure once again to speak in favour of this Government's continuing program of statute law amendment, in particular, the legislation that has come into this House previously and the fine sequence that is continued through this Statute Law (Miscellaneous Provisions) Bill 2014. I love a good statute law bill as it presents us with a wonderful opportunity to assess statute law in New South Wales and to examine critically whether we need the extent or scope of such legislation. This bill has a number of objects that are similar to provisions that have been included in previous statute law legislation: to make minor amendments of a non-controversial nature to various Acts and regulations; to amend certain other Acts for the purpose of effecting statute law revision; to make minor amendments to various Acts consequent on the enactment of the Government Sector Employment Act—an excellent piece of legislation that was passed in this place after a degree of heated and sometimes illuminating discussion; to repeal various Acts and provisions of Acts; and to make provisions of a consequential or ancillary nature.

We have in the bill before us minor amendments to a whole range of bills, including the Cemeteries and Crematoria Act, one of my personal favourite Acts; the Fisheries Management Act; the National Parks and Wildlife Act; the Pawnbrokers and Second-hand Dealers Act; the Public Finance and Audit Act; the Radiation Control Act, for which the amendments will no doubt be very important; the Subordinate Legislation Act and the Western Lands Act, an Act about which the Deputy Government Whip, the Hon. Rick Colless, and I have had things to say in the past, indeed whether the very existence of a Western Lands Act needs to remain when possibly the same ends could be effected if we were to simply move to a system of freehold title within those areas subject to environmental considerations through the existing statutory enactments.

A number of amendments have been made as a result of statute law revision. Schedule 4 is one of my favourites as it deals with the repeal of Acts of Parliament in their entirety. In this case five Acts will be repealed in their entirety—the Appropriation Act 2012, the Appropriation (Budget Variations) Act, the Appropriation (Parliament) Act and two previous Statute Law (Miscellaneous Provisions) Acts. I love getting rid of legislation; I love deregulating and delegislating. Nothing is finer than seeing the abolition of entire Acts of Parliament. Although there are only five Acts in this case, at least they will not be on the statute book of this fine State in the future. I hope that more will be got rid of in the future. I commend the bill to the House.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [12.56 p.m.]: I lead for the Opposition in debate on the Statute Law (Miscellaneous Provisions) Bill 2014. The Opposition does not oppose the bill, which is the usual omnibus overhaul of legislation, the removal of defunct provisions and modernisation of a minor nature. This bill makes minor amendments to various Acts and regulations in schedule 1; amends certain other Acts and instruments for the purposes of effecting statute law revision in schedule 2; makes minor amendments to various Acts consequent on and related to the enactment of the Government Sector Employment Act 2013 in schedule 3; and repeals various Acts and provisions of Acts in schedule 4, to which the Government Whip has referred. It makes other provisions of a consequential and ancillary nature in schedule 5.

I note the comments of the shadow Attorney General in the other place about the traditional amendment to the Aboriginal Land Rights Act to avoid implementation of a particular provision in that Act. The shadow Attorney in the other place did make the comment, with which I concur, that at some stage the Government will have to be honest and face up to this issue rather than continually adjourn it. If it is not going to implement the provision in the principal Act it ought to bring the legislation forward to repeal it rather than just adjourn it. However, now is not the time and place to get into the complexities of that matter. I note also that in the other place the Hon. Richard Amery, the member for Mount Druitt, commented on provisions in the Cemeteries and Crematoria Act. I will not repeat those comments but I do note them. With those brief comments the Opposition will not be opposing this legislation.

[The Assistant-President (Reverend the Hon. Fred Nile) left the chair at 12.59 p.m. The House resumed at 2.30 p.m.]

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

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

QUESTIONS WITHOUT NOTICE

TAFE NSW AND PEOPLE WITH DISABILITY

The Hon. LUKE FOLEY: My question is directed to the Minister for Ageing, and Minister for Disability Services. In light of budget figures released yesterday that show 4,292 young people with a disability will lose access to skills training due to funding changes for TAFE, what is he doing to ensure that these young people with a disability are not further disadvantaged or affected by this funding cut?

The Hon. JOHN AJAKA: I thank the Leader of the Opposition for his question. I assure the House that much is being done by this Government regarding employment of any person with a disability. Last August the Minister for Education released the New South Wales Government's Statement of Owner Expectations for TAFE NSW, which clarifies TAFE's role as the public provider in delivering the State's skill priorities and outlines the future directions for TAFE NSW in a period of vocational education and training sector reform. The Government's goal in implementing these reforms is for a transparent, flexible and competitively neutral vocational education and training system.

To help achieve this goal TAFE NSW, as a training provider, has been separated from the Department of Education and Communities, which will be the purchaser of skills training under the Smart and Skilled program. The separation will apply from 1 July 2014. As a result of the separation, TAFE NSW will receive a separate and distinct budget for the 2014-15 vocational year. Spending in 2014-15 comprises \$2.3 billion for vocational education and training. This spending includes the purchasing of training through TAFE NSW institutes and other registered training providers to improve skills and increase higher qualification levels in New South Wales and regulating apprenticeships and traineeships. The Smart and Skilled reform for the New South Wales vocational educational and training system will enhance the skills of our workforce to meet future demands for jobs.

The TAFE NSW expenditure budget for 2014-15 is \$1.862 billion. This budget clearly shows that Labor members told lies when they said that there had been an \$800 million cut from TAFE. It is simply not true. The 2014-15 TAFE NSW expenditure budget shows a slight decrease of only 0.3 per cent—a reduction of \$5.1 million—from the 2013-14 revised expenditure budget. This year will see a redirection in funding following the cessation of a number of Commonwealth programs, such as the Productivity Places Program. The TAFE budget includes Government subsidies and grants, revenue, student fees, community service obligation funding, a Smart and Skilled entitlement, and purchased training and other revenues from commercial activities. The capital expenditure budget for TAFE NSW for 2014-15 is \$77 million.

HUNTER ROAD INFRASTRUCTURE

Mr SCOT MacDONALD: My question is directed to the Minister for Roads and Freight. Will the Minister update the House on the Government's commitment to the Hunter?

The Hon. DUNCAN GAY: I thank the member for asking such a terrific question. I am delighted that the Hunter region will see a major funding boost as part of the 2014-15 budget. An allocation of \$232 million has been given to roads in the Hunter region, including \$72 million for major upgrades and \$160 million for maintenance—

The Hon. Greg Donnelly: Is that all?

The Hon. DUNCAN GAY: "Is that all?", he asks. Members from the Hunter lived with nothing up there when Labor was in power because it ignored this place and all of its voters. The loyal people of Newcastle voted for Labor en bloc year after year until they finally got frustrated and said, "Let us bypass them." Now those residents are happy they are receiving funding. While former Labor governments dismissed this region's economic potential, the Coalition Government is doing everything it can to boost it and that is why it is investing in the Hunter.

For example, \$18 million has been allocated to complete the construction of stage three of the Nelson Bay Road upgrade between Bobs Farm and Anna Bay; \$12 million has been allocated for the finalisation of the Hunter Expressway between the Pacific Motorway and Seahampton and the New England Highway at Branxton; \$4.3 million has been allocated to continue planning for the Pennant Street Bridge-Glendale interchange; \$6.2 million has been allocated for the replacement of Aberdeen Bridge over the Hunter River on the New England Highway; and \$4 million has been allocated to continue planning for the future upgrade of the Tourle Street-Cormorant Road corridor, which is one Labor could not get right.

An allocation of \$3.5 billion has been made to install traffic lights and widen the road at Fairfax Road and The Esplanade at Warners Bay; \$2 million has been allocated to continue planning for the New England Highway and bypass of Scone, and the removal of the Kelly Street rail level crossing; \$3.35 million has been allocated to upgrade Clarence Town Bridge over Williams River on Limeburners Creek Road; and \$1.7 million has been allocated for the upgrade of the bridge over Glennies Creek on Middle Falbrook Road as part of the Bridges for the Bush program.

In addition, \$15 million has been allocated to start construction of the eastbound overpass of the New England Highway railway station roundabout at Maitland; more than \$11 million has been allocated for the upgrade of Raymond Terrace to Dungog Road by Port Stephens Council and Dungog Shire Council; almost \$9 million has been allocated for the upgrade of the Hunter region wine country roads by Cessnock City Council; more than \$3 million has been allocated for the upgrade of the Wallanbah Road and Avalon Road by Greater Taree City Council; and more than \$1 million has been allocated for the upgrade of Lemon Tree Passage Road by Port Stephens Council.

Roads and freight in the Hunter will see a massive boost in the immediate future with new reservations from the State's dedicated infrastructure fund, Restart NSW, including—and this is the big one—\$150 million from Restart NSW to go towards the construction of the \$280 million fifth and final stage of the Newcastle Inner City Bypass, Rankin Park to Desmond. That is something residents would never have seen happen under Labor; they would have been ignored. The remainder is to be funded by Transport for NSW and Roads and Maritime Services. This Government is determined to unlock the economic potential of the Hunter and this investment is doing just that, which is something residents are looking forward to. [*Time expired.*]

RESTART NSW ILLAWARRA INFRASTRUCTURE FUND

The Hon. ADAM SEARLE: My question without notice is directed to the Minister for the Illawarra. Last December the State Government announced the successful projects in the Restart Illawarra Fund. Given his comments yesterday to ABC Illawarra, confirming that none of this money has been spent, when will the money from the Restart Illawarra Fund be released?

The Hon. JOHN AJAKA: What an extraordinary question. First, I refer to the answer I gave yesterday in relation to this. Secondly, the money has not been spent because the successful applicants have not commenced work—they have to commence the work before we give them the money.

BAIL LAW REFORM

Reverend the Hon. FRED NILE: I address my question without notice to the Minister for Ageing, representing the Attorney General, and Minister for Justice. Is it a fact that there has been a great deal of controversy over the application of certain new sections of the Bail Act, especially in relation to the release on bail of wife murderer Steven Fesus and Hassan "Sam" Ibrahim, who has threatened to "break the jaws" of New South Wales police officers? Will the Attorney General urgently review the new wording "change of circumstance", which applies a community risk test to determine whether they can be released and has enabled the courts to release these dangerous criminals on bail?

The Hon. JOHN AJAKA: I thank Reverend the Hon. Fred Nile for his detailed question, which I will refer to the Attorney General for a detailed answer.

DISABILITY EMPLOYMENT

The Hon. SARAH MITCHELL: I address my question to the Minister for Ageing, and Minister for Disability Services. Will the Minister update the House on the employment enablement strategy for people with disability?

The Hon. JOHN AJAKA: I thank the honourable member for her question. As the Government gets on with the job of transforming New South Wales our vision for people with a disability is very simple: All people are empowered to live fulfilling lives and achieve their potential in inclusive communities. That is why the New South Wales Government has reshaped the disability employment payroll tax rebate scheme. From 2014-15 funding of \$6 million over three years will be spent on employment enablement strategies to support and promote the employment of workers with an intellectual disability. This is in addition to the continuing yearly intake of young people into the Transition to Work program—the intake has almost doubled in the six years it has been available.

The Government takes the unemployment rate of people with a disability very seriously. It will continue to provide incentives for businesses to hire people with disability. These employment enabling strategies will include individual packages of support to develop people's job-readiness skills through work-based training, a job readiness register and support to build the capacity of employers to employ people with intellectual disability. This approach will build on the success of the Transition to Work program and will work in conjunction with this and other existing employment approaches.

In those three years it is anticipated that this new program will deliver more than 220 individual funding packages and provide more than \$1.3 million to build employer capacity. By delivering these employment enablement strategies we will increase employment opportunities for people with intellectual disability. By individualising the funding in this new program, the Government is continuing to prepare people with disability, their carers and employers for the transition to the National Disability Insurance Scheme.

The employment enabling strategies build on the Ageing, Disability and Home Care [ADHC] budget for 2014-15, which contains a record \$2.9 billion for disability services in the coming financial year and more than \$200 million for capital expenditure. This strategy and the ADHC budget represent more choice and flexibility for people with disability about how they live their lives. I am proud to be associated with my first budget as Minister for Disability Services, a budget that has 7.6 per cent growth in recurrent funding. This substantial increase in funding demonstrates that the Government is 100 per cent committed to Australia's biggest social reform: the National Disability Insurance Scheme.

STATE BUDGET AND THE ILLAWARRA

The Hon. HELEN WESTWOOD: I direct my question without notice to the Minister for the Illawarra. Now that the State budget has been delivered, what is the Minister's response to community concerns and community sentiment expressed eloquently on the front page of today's *Illawarra Mercury* as "Crumbs for the Illawarra"?

The Hon. JOHN AJAKA: I thank the honourable member for her question. My response is: What a great budget for the people of the Illawarra. Indeed, it is a great budget for the people of New South Wales. For the 16 years those opposite were in government the Labor members who represented the Illawarra did nothing. The Labor Government of the time did nothing for the Illawarra. I draw the attention of the House to the record spending for the people in the Illawarra provided in the State budget handed down yesterday. I turn first to the record spending for roads and maritime services, and I thank the Minister for Roads and Freight for that. Mr President, how many times in the 16 years those opposite were in government did we drive on Illawarra roads and see no roadworks being undertaken? No roadworks whatsoever were undertaken.

The Hon. Steve Whan: Point of order: My point of order is relevance. The question was about the headline on the front page of today's *Illawarra Mercury*. I would also suggest that the Minister should not drive with his eyes closed.

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

The Hon. JOHN AJAKA: I return to the record spending of Roads and Maritime Services. The Illawarra region has been allocated \$217 million in the 2014-15 budget, including \$175 million for major upgrades and \$34 million for maintenance. Funding of \$185 million has been allocated for upgrades to the Princes Highway, including \$80 million to commence construction of the Foxground and Berry bypass; \$76.5 million to complete the Gerringong upgrade—

The PRESIDENT: Order! The Minister will be heard in silence.

The Hon. JOHN AJAKA: —\$2 million to continue planning for additional climbing lanes on the Princes Motorway, Mount Ousley Road; \$10 million to continue planning for the upgrade of the Princes Highway between Berry and Bomaderry; and \$2 million to continue planning for the Shoalhaven River bridge at Nowra. In addition, the Illawarra region will benefit from \$11 million to progress future planning for the Princes Motorway, or F6, corridor between Loftus and St Peters; \$2 million to continue construction of the pedestrian bridge over the Princes Highway at Heathcote; \$2.8 million to complete construction of the northbound acceleration road on the Princes Motorway; and \$1 million to continue planning for the future Princes Motorway bypass of Albion Park Rail. Those opposite failed in 16 years in office to undertake any such work.

The PRESIDENT: Order! Members will cease interjecting.

The Hon. JOHN AJAKA: Mr President, there is just so much good news. Let us look at transport. The Illawarra will share in the benefits of this year's \$193 million investment in transport— [*Time expired.*]

WORKERS COMPENSATION SCHEME

Mr DAVID SHOEBRIDGE: I direct my question without notice to the Minister for Fair Trading, representing the Minister for Finance and Services. I note the answer the Minister gave yesterday to a question without notice in which he boasted that "there has been an average [workers compensation] premium reduction of 5 per cent for 200,000 employers ... saving more than \$113 million". Will the Minister explain to the thousands of injured workers who have been denied weekly payments, lost medical benefits and suffered from the Government's 2012 compensation reforms why this money was not spent on restoring their lost benefits?

The Hon. MATTHEW MASON-COX: I thank Mr David Shoebridge for this question. It is a great opportunity for me again to expound on the Government's wonderful work in this area, and I thank the member for this opportunity. Indeed, as I said yesterday, we are talking about a 5 per cent reduction in workers compensation premiums across New South Wales. What does that do for businesses, for the economy and for the capacity of this Government to deliver the sorts of services and infrastructure that the people of New South Wales want? It goes a long way. It means that every business in New South Wales has 5 per cent less to pay on its workers compensation bill. It means a reduction in their cost base. Indeed, on top of the average 12.5 per cent delivered last year, we are talking about an average 17.5 per cent reduction in their workers compensation cost base. That is what this means. That in itself is a significant boost to the employment prospects of people across New South Wales.

In relation to some of the aspects raised by the member, he would be aware that the Government made a range of changes to the workers compensation system upon coming to office. I again salute the Hon. Greg Pearce for the wonderful work he did in that regard.

The Hon. Greg Pearce: And I salute you back.

The Hon. MATTHEW MASON-COX: We salute each other. We have a mutual saluting society here. The reality is that many people find themselves in a position where their benefits, under the current scheme, have increased. Indeed, I remember when I was Parliamentary Secretary for Treasury and Finance seeing letters from people who were pleased to acknowledge that, for the first time, their benefits had increased and that they were more able to meet the day-to-day costs they faced as a result of injuries that had occurred at work.

I understand that the member has concerns in relation to benefits that were cut for some people, and it is true that some benefits were cut as a result of the scheme being reviewed by this Government. That is a matter of record. In that regard the reality is that people will be work tested under the scheme and will be adjusting to that process. These are difficult times for some people and an adjustment needs to be made. This Government will be assisting them through that process. I certainly make no apologies for what the Government has done in this regard. The reality is that the businesses of New South Wales will prosper under the circumstances we are putting in place and that will continue.

Mr DAVID SHOEBRIDGE: I ask a supplementary question. Will the Minister elucidate his answer and confirm that he makes no apologies to those workers who have been denied benefits, including those who have had their foot severed and not been considered sufficiently injured to be eligible for compensation? Is the Minister not apologising to them?

The PRESIDENT: Order! The question is out of order.

GOVERNMENT EXPENDITURE

The Hon. GREG PEARCE: I think the Minister's answer was so good that I am going to direct another question to the Minister for Fair Trading, this time in his capacity as the Minister representing the Treasurer. Will the Minister illuminate the House, just by rising, about this Government's success over the past three years in bringing the growth in government expenditure under control?

The Hon. Luke Foley: Point of order: The standing orders provide that questions must not contain ironic expressions.

The PRESIDENT: Order! I do not believe that there were any ironic expressions in the question—even though there was some reference to the Minister's previous answer. The question was in order.

The Hon. MATTHEW MASON-COX: I thank the Hon. Greg Pearce for his question. Indeed it is good to see that the Leader of the Opposition has a sense of humour.

The Hon. Luke Foley: I laugh at you all the time.

The Hon. MATTHEW MASON-COX: Please do—perhaps I will give you some more opportunities. We will have to wait for some of my more comic material.

The Hon. Steve Whan: We will be waiting a long time.

The Hon. MATTHEW MASON-COX: We have been waiting a long time for the Queanbeyan bypass too. The reality is that the Government is committed to containing expenses growth, and that has been the hallmark of this Government's record over the past three years. Indeed, it is a hallmark that stands in stark contrast to the actions of those opposite. I thought it might be useful to refer to the budget in the interests of educating those opposite. I know it will be a struggle for them, but they should bear with me for a while. I refer members opposite to page 1-8 of Budget Paper No. 2. On that page there is a wonderful chart: chart 1.4. I see that no-one sitting opposite has brought their copy of the budget papers to the House. I see no budget papers and no money boxes over there. What is happening on that side of the House?

It was informative to see the shadow Treasurer responding to the budget yesterday in the other place. The shadow Treasurer's view was that not enough is being spent. That was his response to the budget. He said that we are not spending enough. What an extraordinary comment to make. It goes to the heart of this question, which is about the growth in expenditure that this Government has brought under control since coming to power. We can look at the expense growth rates under the former Labor Government and the expense growth rate under this Government.

I refer members to chart 5.2 on page 5-7 of Budget Paper No. 2. It is a wonderful chart. I commend it to members. They will see in the chart that, under Labor, in the period from 2004-05 to 2009-10 the average expense growth rate was 7.3 per cent per annum. The highlight there is what happened in 2009-10. We had an annual expense growth rate, under the mob over there, of 10 per cent. That is what happened as they rushed to that election—they threw as much money out the door as they possibly could to try to buy another election. It was not enough to throw out the electricity generators under the gentraders scheme—and they basically trashed the electricity generation system in this State. They threw out as much money as they could across the board to try to buy government just one more time.

What has happened under this Government? I am glad the Hon. Greg Pearce asked me this question. Under this Government we have seen an average expense growth rate of 3.5 per cent per annum. It is 3.5 per cent now—versus 7.3 per cent previously. So it is now less than half the expense growth rate of the Labor Government. That is what really underpins the budget that we now have in New South Wales—

[Interruption]

The Hon. Lynda Voltz should listen and learn something here. It is the ability to rein in our expenses to ensure that our revenue growth—

The PRESIDENT: Order! The Hon. Lynda Voltz will cease interjecting. She does not have the call.

The Hon. MATTHEW MASON-COX: —is higher than our expense growth. In that way we can ensure that the budget will be repaired.

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

The Hon. MATTHEW MASON-COX: That is what has happened over the past three years and that is the reality of why we now can invest more in infrastructure and in the services that the people of this great State want from this Government. We make no apologies for that.

RESIDENTIAL PARKS LEGISLATION

Ms JAN BARHAM: My question is directed to the Minister for Fair Trading. In light of an article in the *Weekend Australian* on 7 June 2014 titled "Caravan Park residents are taken for a ride", which reported that the integrity of the key organisation representing caravan park and manufactured home residents has been brought into serious question and raised serious concerns that the new residential park laws are slanted heavily against the interests of residents, will he now defer the implementation of the regulations until there is an independent review of this legislation and the process by which it was developed? If not, why not?

The Hon. MATTHEW MASON-COX: I thank Ms Jan Barham for her question. I acknowledge her heartfelt concern about this area. I know that she has been to number of parks and listened to residents, particularly on the North Coast, and that is to be commended. Indeed, Ms Jan Barham suggested that perhaps I should come

with her to a couple of parks. I will take her up on that invitation. I intend to do that in the coming weeks. Because I believe that, as a Minister, there is no substitute for going out and meeting people where they are. I certainly look forward to doing that with the member—and of course I would accept any other kind invitations from those opposite if they wish to invite me out into other areas that they are concerned about. I would be happy to come.

The Hon. Ernest Wong: What about invitations to Chinese restaurants?

The Hon. MATTHEW MASON-COX: If the Hon. Ernest Wong would like to invite me out for dinner that would be wonderful. I will take the Hon. Ernest Wong up on that. We could go together. That would be terrific. We could restore the circle of trust. That would be wonderful. Perhaps we could do a bit of karaoke. What would the member sing?

[Interruption]

You Don't Bring Me Flowers? The reality is I have listened to residents of those parks. I intend to continue to do so and I look forward to meeting more residents with the member. I point out that the legislation the Government reviewed has not come into force yet. Indeed, the regulations are still being drafted. They are expected to be finalised in the next few weeks and will be released for public consultation at that time. I encourage members who have constituents or contacts within residential park communities to look at the regulations in the context that the devil is in the detail. Some of them will allay a number of the fears that have been expressed to Ms Jan Barham, and I would be happy to take her through the regulations once we release them.

I will now mention a couple of the issues that have been corrected as a result of the passage of the legislation in this place. I note in particular the member's concern that the balance that has been struck does not look after the interests of park residents. I state again that the Government strongly believes it has struck the right balance. We have spent a lot of time speaking with residents, owners and other affected stakeholders to reach that balance. It might be instructive to contemplate some of the changes in that context. I note that there was no mandatory education requirement or rules of conduct for operators under the previous laws. Under the laws passed by this place we now have mandatory education for new operators and rules of conduct banning harassment and harsh or unconscionable conduct, with penalties of up to \$11,000 applying. That is a significant enhancement to protect residents. In addition, under the existing law there was no requirement for rules to be fair or to apply uniformly and breaches could be enforced only through the eviction process. We have made fairer community rules, which will include a requirement to apply the rules consistently.

Currently, there is no limit on the number of site fee increases that can occur in a year. Under the proposed law site fee increases will be limited to once every 12 months, except where the increase is already fixed in the agreement. I could go on and speak about the range of changes that protect residents of residential parks. I am happy to expand on them in discussion with the member.

STATE BUDGET AND FAIR TRADING

The Hon. ERNEST WONG: My question without notice is directed to the Minister for Fair Trading. Given the \$19.2 million cut to Fair Trading in yesterday's budget, how will Fair Trading be able to stop con men ripping off consumers and dangerous goods flooding New South Wales?

The Hon. MATTHEW MASON-COX: Fair Trading is doing a wonderful job ensuring that consumers are protected. The member mentioned con men, and in that regard I will reflect on travelling con men. He will be pleased to understand—

The Hon. Duncan Gay: Bill Shorten.

The Hon. MATTHEW MASON-COX: We will not discuss any Labor con men. There is a long tradition of that in the Labor Party.

The PRESIDENT: Order! I advise the Minister to ignore interjections.

The Hon. MATTHEW MASON-COX: It is worth remembering that New South Wales led the national campaign against travelling con men. Since becoming Minister for Fair Trading I have learnt quite a deal about that campaign and have been alarmed by the way travelling con men have operated.

The Hon. Steve Whan: And you've been matching it with your budget pitch.

The Hon. MATTHEW MASON-COX: There are 50 million reasons the Hon. Steve Whan will not be the member for Monaro again—it is called the Queanbeyan bypass. Travelling con men have a sophisticated business model. I have learnt that they not only travel from town to town but also work out a detailed plan—

The Hon. Penny Sharpe: Point of order: My point of order is relevance. The question is about the \$20 million cut to the Minister's budget. The Minister has not come close to answering the question in his 1½ minute preamble.

The PRESIDENT: Order! At the moment the answer is generally relevant, but I will monitor it.

The Hon. MATTHEW MASON-COX: Travelling con men have a sophisticated business model, which Fair Trading has been at the forefront of dismantling. I was alarmed to hear that travelling con men gather in various parts of New South Wales.

The Hon. Walt Secord: They do travel.

The Hon. MATTHEW MASON-COX: I am talking about a gathering of hundreds of con men during which they deal with the business of marriage with local pastors and work out structured plans relating to the towns they will hit. Thankfully, they have not been to Queanbeyan often or recently. We are pleased that Fair Trading will continue its process of reaching out to ensure the community understands what happens in this regard. In relation to the budget for Fair Trading, it is pleasing to announce that another \$131 million will be invested in the coming financial year to ensure that it will continue to protect businesses and the rights of consumers.

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

The Hon. MATTHEW MASON-COX: Fair Trading takes its responsibilities very seriously. Under the Australian Consumer Law, Fair Trading is responsible for the marketplace, as it were. We conduct a number of outreach activities that will be ongoing throughout the coming year. We will visit a range of places across New South Wales to inform people of their responsibilities and to conduct a blitz on a range of business activities in those towns and centres. I look forward to being part of that. If I come to areas in which members have a particular interest, those members might join me for a trip down the main street. Indeed, on the North Coast we could visit a retirement village or a caravan park. There will be many opportunities because Fair Trading touches people's lives in many ways. [*Time expired.*]

STATE BUDGET AND REGIONAL INFRASTRUCTURE

The Hon. NIALL BLAIR: My question is addressed to the Minister for Roads and Freight. Will the Minister update the House on the Government's historic commitment to roads, maritime and freight projects in country New South Wales?

The Hon. DUNCAN GAY: This answer is greeted with anticipation across the Chamber by everyone except The Greens. We heard them sigh. I congratulate the member, who is now the former chairman of The Nationals. He is in illustrious company. The Government is doing what Labor was too incompetent to do.

The PRESIDENT: Order! I call the Hon. Sophie Cotsis to order for the first time.

The Hon. DUNCAN GAY: That is, it is delivering for country New South Wales.

The Hon. Amanda Fazio: You've delivered nothing.

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

The Hon. DUNCAN GAY: Speaking of nothing, she interrupted.

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

The Hon. DUNCAN GAY: An historic \$4 billion that will flow to an array of roads, maritime and freight infrastructure was allocated as part of the \$5.5 billion 2014-15 Roads budget. Regional New South Wales will receive \$4 billion out of a \$5.5 billion budget. Read it and weep, Country Labor. That money will fund more than 4,000 projects across the State, many of them in rural and regional New South Wales.

The Hon. Steve Whan: One thing you might have done. I could do 10.

The Hon. DUNCAN GAY: Listen to the man whom Queanbeyan bypassed sitting on the losers lounge and bleating like a wounded buffalo. This year's budget includes \$1.2 billion, inclusive of \$394 million from New South Wales, to continue the upgrade of the Pacific Highway to a four-lane divided road between Hexham and the Queensland border. Significantly, the Prime Minister, Tony Abbott, and the Deputy Prime Minister, Warren Truss, have restored the 80:20 funding split to fast-track the final upgrades of the highway. Labor supported New South Wales not getting that much. Federal Labor members abandoned that funding ratio in 2011.

The Hon. Walt Secord: Untrue.

The Hon. DUNCAN GAY: And were supported by their colleagues in this House. The budget provides \$195 million to continue upgrading the Princes Highway to a four-lane divided road and \$113 million to continue upgrading the Great Western Highway, including completion of the Woodford to Hazelbrook and Bullaburra upgrades. Also, \$22 million has been allocated to commence work on upgrading the highway at Kelso. In addition to that capital expenditure, the Great Western Highway has been allocated \$21 million during 2014-15 for maintenance funding, comprising \$16 million to continue the Bells Line of Road corridor improvement program, stage one; \$2.5 million to start initial sealing work on Main Road 54, which is the Blayney to Crookwell road; and \$2.2 million to continue planning and preconstruction for the Queanbeyan bypass.

To continue work on the northern Sydney freight corridor, \$283 million—comprising \$99.4 million from New South Wales and \$183.5 million from the Australian Government—has been allocated to improve rail freight access through the Sydney-Newcastle rail corridor between Strathfield and Broadmeadow. To support productivity and safety for road freight in country New South Wales, including extension of the Bridges for the Bush program, \$77 million has been allocated. To continue maintenance and upgrade works on grain rail lines in country New South Wales, which includes the Cobb and Silver City highways, \$44 million has been allocated. That means approximately \$50 million has been allocated for the great people who live in Far Western New South Wales, and are they happy? They are excited. [*Time expired.*]

PROTEST LEGISLATION

The Hon. ROBERT BORSAK: My question without notice is directed to the Minister for Fair Trading, representing the Minister for Finance and Services. Has the Minister's office been correctly quoted in a recent story in the *Daily Telegraph* that "the Government is considering legislation that would require protesters to take reasonable care for their own health and safety and the health and safety of other persons"? If so, when will the legislation come before Parliament? Will the Government also legislate severe penalties for animal liberationists and others who trespass on farming operations? If the Government is not considering such legislation, will the Minister support the Shooters and Fishers Party if it brings such a bill to the House as a matter of urgency?

The Hon. MATTHEW MASON-COX: I thank the Hon. Robert Borsak for his very detailed question. I understand his strong interest in this area. It might be wise on this occasion to take the question on notice, seek a detailed answer, and relay that to the House.

PASSENGER TRANSPORT TICKETING SYSTEM

The Hon. PENNY SHARPE: My question is directed to the Minister for Roads and Freight, representing the Minister for Transport. Given the reports of pensioners being thrown off buses as a result of changes in ticketing, will the Minister reinstate the ability for pensioners and families to purchase tickets on State Transit Authority buses, rather than going to retail outlets?

The Hon. DUNCAN GAY: We have the best Minister for Transport in the country, who is putting changes in place, and the Opposition really is jealous of "Our Glad".

The Hon. Steve Whan: Point of order: My point of order relates to relevance. The Minister has been asked a very serious question about the treatment of pensioners on buses. Making light of that problem is not the way to respect those people.

The PRESIDENT: Order! The Hon. Steve Whan will resume his seat. The Minister was in order.

The Hon. DUNCAN GAY: As the Opposition would no doubt be painfully aware, rolling out electronic ticketing is a large and complex project. It was something that Labor was never able to achieve. They had a go at it, but they failed. Because we have done it, they want to have a go.

The Hon. Amanda Fazio: Point of order: My point of order relates to relevance. The Minister was asked about pensioners being thrown off buses because they cannot buy tickets. It was not about the electronic ticketing system.

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

The Hon. DUNCAN GAY: If the Hon. Amanda Fazio had been listening to the question, she would know that is exactly what it was about.

The Hon. Penny Sharpe: No, it wasn't.

The Hon. DUNCAN GAY: Well, it was. Unlike the Opposition, this Government is getting on with the job of delivering electronic ticketing. This means that pensioner excursion tickets no longer can be sold on board State Transit Authority buses. Customers who use other buses are not affected.

The Hon. Amanda Fazio: We know that.

The Hon. Sophie Cotsis: The question is about people who catch the bus. They are being thrown off.

The Hon. Lynda Voltz: That is not the point.

The Hon. DUNCAN GAY: Opposition members should just listen. They asked a question and they want an answer, so they should just listen.

The Hon. Amanda Fazio: We want a proper answer.

The Hon. DUNCAN GAY: In some cases you probably will not learn, but in other cases you might.

The PRESIDENT: Order! I remind the Hon. Amanda Fazio that she is on two calls to order.

The Hon. DUNCAN GAY: Pensioner excursion tickets will continue to be available at train stations and from more than 1,600 tickets sellers across Sydney. Dishonestly, Opposition members did not say that. That is why we have to be very careful with anything that the Opposition asks, in particular the Opposition spokespersons on Transport, because they are loose with the truth. Tickets that are purchased from ticket sellers are undated, so customers can buy them in advance and always have one with them when they need it.

HUNTER RESIDENTIAL CENTRES

The Hon. CATHERINE CUSACK: My question is directed to the Minister for Ageing, and Minister for Disability Services. Will he update the House on the redevelopment of Hunter Residences?

The Hon. JOHN AJAKA: I thank the Hon. Catherine Cusack for her question. The New South Wales Government is committed to a disability service system that increases choice and control for people with a disability. That is why we became the first State to sign an historic agreement with the Commonwealth to implement the National Disability Insurance Scheme. As the Minister, I recognise that people with a disability should be able to enjoy a quality of life that is available to other New South Wales citizens, including opportunities to live in the broader community. Unfortunately, large residential centres or institutions do not adequately provide the opportunities that we all take for granted. This House well knows my commitment to the redevelopment of large residential centres for the benefit of the people who reside in them.

In response to concerns raised by family members of the residents of the Stockton large residential centre, I visited twice last year to meet with them and hear their views. After the first visit I researched the matter extensively and sought advice from experts including the Ombudsman, the Public Guardian, advocates, non-government service providers, academics, and of course my department. When I returned I informed the families that I was strongly in favour of redeveloping large residential centres, including Stockton, as this was always the position of previous Ministers since the late 1990s.

I take this opportunity to remind the House that the redevelopment of large residential centres has been agreed to by both Liberal-Nationals and Labor governments since 1998 and has broad support from disability advocates and experts. That is why I am pleased to have secured in the 2014-15 budget \$30 million for land acquisitions associated with the redevelopment of large residential centres in the Hunter. That \$30 million is in addition to the \$13.1 million that was originally allocated in Stronger Together. We will work with residents and their families to understand what they want.

We have established a consultation team to work individually with residents and families so that they are given control about their future. The consultations will provide options for people to choose where they wish to live. Importantly for many families, this will provide an opportunity to move their relatives closer to home and to broader family networks, or to remain within the Hunter region. The new homes will be built closer to hospitals, transport and community and recreational facilities, allowing greater access to community venues and facilities that will provide many recreational and social opportunities. All of the homes will operate independently so that people will have more control over how they live, which is a main principle of the National Disability Insurance Scheme.

I am delighted that the New South Wales Government's budget continues to improve the lives of people with a disability. This budget delivers a record investment of \$2.9 billion in recurrent funding for ageing and disability services. As I have stated previously, that represents a 7.6 per cent growth in funding.

GRAINCORP SILO CLOSURES

The Hon. ROBERT BROWN: My question is directed to the Minister for Roads and Freight, representing the Minister for Primary Industries. What impact will GrainCorp's decision to shut about 60 silos across the State over the next two years have on farmers, particularly in the Riverina and central western grain-growing regions? What is the Government going to do to ensure that the closures do not impose unfair or unrealistic extra transport costs on farmers who may lose their local silo?

The Hon. DUNCAN GAY: I thank the honourable member for his question. It is a pretty important and timely question on GrainCorp and the closure of some silos and rationalisation of where they are going. One can understand it in some parts, and there is support from within the industry, but in other areas it is problematic, particularly for country communities that have to share roads where rail lines have been closed. It is my job to work with them. It is not an ideal situation to have a young family sharing a country road with heavy haulage while travelling to school.

Currently, 90 per cent of New South Wales grain goes to the seaboard by train. We want to increase that if we possibly can. With the money that we are putting in, and we have extra money in the budget for rail lines, we will be looking at sidings and removing some of the inefficiencies from the freight link. For example, because of time constraints and the short distance of some sidings, it is very hard to shunt and we do not get completely full trains. Some trains are leaving silos when only 70 per cent full and they go through the whole system, so that builds inefficiency all the way to the port, particularly on heavier traffic roads through the Hunter and down to Port Kembla, which is one of our pinch points, or to Port Botany. It is bad enough getting trains through, without having trains that are only 70 per cent full going through. Part of this is about us putting money into extending sidings to make sure that we can fill the trains in a proper manner.

That is the sort of conversation I need to have, and will have, with providers like GrainCorp and with the community. Those are some of the things that we need to look at. The good thing about the way we have set up Transport in New South Wales is that I deal with roads and rail freight. Any decision about rail freight has an effect on roads, and it is coming out of a similar bucket, so we will know where it is and it will not be a matter of closing something and transferring it across. We will be watching very carefully and looking for the best outcome possible. We cannot have rail everywhere, but rail is the better way to transport over long distances than some country roads.

STATE BUDGET AND INFRASTRUCTURE

The Hon. GREG DONNELLY: My question is directed to the Minister for Roads and Freight, representing the Premier. How much of the funding in yesterday's budget for infrastructure was provided by the Commonwealth Government?

The Hon. DUNCAN GAY: Yesterday the honourable member would have received a number of budget papers—

The Hon. Rick Colless: About that thick.

The Hon. DUNCAN GAY: Yes, about that high—and in those budget papers is all the detail he needs because we are an open and transparent government. If he is incapable of reading it, the good and benevolent Parliament has provided him with an erudite, bright staffer of great ability who can help him through.

The Hon. Amanda Fazio: Point of order: My point of order is that rather than answering the question the Minister is making imputations about the member who asked the question, and doing so is disorderly and the Minister is well aware of that.

The Hon. Catherine Cusack: To the point of order: The Minister is giving the member the advice he sorely needs.

The Hon. Greg Donnelly: To the point of order: I was not seeking advice. The question was specific.

The PRESIDENT: Order! I do not think the Minister was making an imputation. The Minister was in order. The Minister has concluded his answer.

DECADE OF DECENTRALISATION

The Hon. TREVOR KHAN: My question is addressed to the Minister for Fair Trading. Could the Minister inform members about how NSW Fair Trading is working to deliver on the New South Wales Government's Decade of Decentralisation policy?

The Hon. MATTHEW MASON-COX: I thank the honourable member for his question. It is music to my ears. This Government takes decentralisation seriously. Despite all the rhetoric from those opposite for so many years, it is this Government that has acted on the thorny issue of decentralisation. Indeed, the concept of decentralisation for those opposite was basically to ignore the regions. The only thing that the former member for Monaro did—and he thought it was a good idea—was build a \$40 million office block in the middle of Queanbeyan that looks like something that should be torn down, and what did we see as a result? In one fell stroke he destroyed the local commercial market in Queanbeyan. It is an absolute disgrace. The reality is that this Government has since—

The Hon. Steve Whan: Point of order: I draw attention to the Minister's potential conflict of interest in complaining about commercial development in Queanbeyan when he owns property in the town.

The PRESIDENT: Order! The member is not making a point of order. I call the Hon. Steve Whan to order for the second time.

The Hon. MATTHEW MASON-COX: As I said earlier, the Government is making a very significant investment in Fair Trading and Fair Trading is looking at ways in which it can assist the Government's Decade of Decentralisation policy. In that regard it is a pleasure to bring to the attention of members that the Government has allocated \$3.1 million to relocate the rental bond branch to the lovely town of Grafton from July 2014. That is a very important strategic move by the Government. The Government believes in regional New South Wales and that just underlines its commitment and its strong belief in the future for the people of regional New South Wales. I wish those opposite held the same view. It is very clear that Country Labor has wasted and withered on the vine over the last number of years and we have but two members sitting opposite—and indeed there will be only one post-the-next-election because the Hon. Steve Whan will be gone from this Parliament when he is again bypassed by the people of Monaro.

The PRESIDENT: Order! Government members will restrain themselves.

The Hon. MATTHEW MASON-COX: The people of Monaro will vote with their feet when they see that magnificent bypass that has been long-awaited. I remember that in 1995 the Hon. Bob Carr strutted his stuff on the streets of Monaro and made it very clear that the Labor Party at that time would invest money in the bypass for Queanbeyan. The Edwin Land Parkway was going to be delivered by the Labor Party, which had 16 years to prove itself on that front. But it did absolutely nothing. In the end the people of Monaro bypassed the Hon. Steve Whan and put in place in the other House a member who is delivering in spades, and who will continue to do so. That trust will be very much returned by the people of Monaro at the next election. I digress for a moment. We know that decentralisation makes a lot of sense to people in regional New South Wales. Moving the rental bond branch to Grafton means that 26 full-time positions— *[Time expired.]*

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

STATE BUDGET AND INFRASTRUCTURE

The Hon. DUNCAN GAY: Earlier I was asked a question about Commonwealth and State funding. I draw the member's attention to the marvellous press release I issued yesterday.

The Hon. Amanda Fazio: You haven't even read it.

The Hon. DUNCAN GAY: You should. It would be very good.

The Hon. Amanda Fazio: I said you haven't read it.

The Hon. DUNCAN GAY: The press release includes the breakdown between New South Wales and Commonwealth funding. We are transparent; the information is out there.

The Hon. Greg Donnelly: You were just teasing then.

The Hon. DUNCAN GAY: I was just teasing, but the member's staffer will be able to find it even if he cannot.

PACIFIC HIGHWAY UPGRADE

The Hon. DUNCAN GAY: On 14 May 2014 I was asked a question by the Hon. Shaoquett Moselmane. I provide the following answer:

The public is well aware of Labor's games on the Pacific Highway by cutting funding to just 20 per cent and breaking its own Labor Prime Minister's promise to complete the Pacific Highway upgrade by 2016. In contrast, the Coalition Government has restored 80 per cent funding to the Pacific Highway and is working with New South Wales to complete the final 155 kilometres of the Pacific Highway by the end of 2020.

NATIONAL PARTNERSHIP AGREEMENT ON HOMELESSNESS

The Hon. JOHN AJAKA: On 14 May 2014 I was asked a question by the Hon. Sophie Cotsis regarding the National Partnership Agreement on Homelessness. I provide the following answer:

The NSW Government is in discussions with the Commonwealth on the National Partnership Agreement on Homelessness to ensure the best outcomes for New South Wales and to provide the best support for vulnerable people in this State.

RENEWABLE ENERGY SUBSIDIES

The Hon. MATTHEW MASON-COX: On 14 May 2014 the Hon. Robert Borsak asked me a question in my capacity representing the Minister for the Environment. I provide the following answer:

The Government's policy on renewable energy is set out in the NSW Renewable Energy Action Plan. The Government is committed to promoting energy security through diversity, particularly through increasing the supply of energy from renewable sources. Having a diversity of supply can help to protect energy customers from price sensitivity associated with fuel inputs, such as gas prices.

POLITICAL DONATIONS AND DEVELOPMENT APPROVALS

The Hon. MATTHEW MASON-COX: On 14 May 2014 Mr David Shoebridge asked me a question in my capacity representing the Minister for Planning. For the information of members, I provide the following answer:

The premise of this question is invalid.

Questions without notice concluded.

**ELECTORAL AND LOBBYING LEGISLATION AMENDMENT (ELECTORAL COMMISSION)
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.

Question—That the bill be considered an urgent bill—put and resolved in the affirmative.

Declaration of urgency agreed to.

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

DRUG COURT LEGISLATION 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. John Ajaka.

Motion by the Hon. Duncan Gay, on behalf of the Hon. John Ajaka, 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 future day.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2014

Second Reading

Debate resumed from an earlier hour.

The Hon. DAVID CLARKE (Parliamentary Secretary) [3.35 p.m.], on behalf of the Hon. John Ajaka, in reply: I thank members for their contributions to the debate on the Statute Law (Miscellaneous Provisions) Bill 2014. I will be moving amendments in the Committee stage to remove certain provisions from the bill objected to by non-government parties. I commend the bill to the House.

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

Bill read a second time.

In Committee

Clauses 1 to 3 agreed to.

The Hon. DAVID CLARKE (Parliamentary Secretary) [33.7 p.m.], by leave: I move Government amendments Nos 1 to 5 on sheet C2014-059A in globo:

- No. 1 Pages 7 and 8, schedule 1.9, line 20 on page 7 to line 2 on page 8. Omit all words on those lines.
- No. 2 Pages 8 and 9, schedules 1.10 and 1.11, line 3 on page 8 to line 5 on page 9. Omit all words on those lines.
- No. 3 Pages 10 and 11, schedule 1.16, line 7 on page 10 to line 33 on page 11. Omit all words on those lines.
- No. 4 Pages 15 and 16, schedule 1.19, line 1 on page 15 to line 28 on page 16. Omit all words on those lines.
- No. 5 Pages 35–39, schedule 3.9, line 21 on page 35 to line 30 on page 39. Omit all words on those lines.

The amendments to the bill remove schedule 1.9, which contains amendments to the National Parks and Wildlife Act 1974; schedule 1.10, which contains an amendment to the Ombudsman Act 1974 and the Ombudsman Regulation 2011; schedule 1.11, which contains an amendment to the Ombudsman Regulation 2011; schedule 1.16, which contains an amendment to the Public Finance and Audit Act 1983; schedule 1.19, which contains amendments to the Retirement Villages Act 1999; and schedule 3.9 items [1] to [45], which contain amendments to the Government Sector Employment Act 2013. The longstanding practice in this

place is that statute law revision bills are passed only with the agreement of all parties. In the spirit of this protocol the Government moved these amendments in response to objections raised by non-government parties.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [3.39 p.m.]: In that same spirit the Opposition does not oppose the amendments.

Mr DAVID SHOEBRIDGE [3.39 p.m.]: The Greens support these amendments in the same way in which they have supported the balance of the Government's amendments. With those amendments I think this entire piece of legislation will have the agreement of everyone in the Chamber.

Question—That Government amendments Nos 1 to 5 [C2104-059A] be agreed to—put and resolved in the affirmative.

Government amendments Nos 1 to 5 [C2104-059A] agreed to.

Schedule 1 as amended agreed to.

Schedule 2 agreed to.

Schedule 3 as amended agreed to.

Schedules 4 and 5 agreed to.

Title agreed to.

Bill reported from Committee with amendments.

Adoption of Report

Motion by the Hon. David Clarke, on behalf of the Hon. John Ajaka, agreed to:

That the report be adopted.

Report adopted.

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 with a message requesting its concurrence in the amendments.

ELECTORAL AND LOBBYING LEGISLATION AMENDMENT (ELECTORAL COMMISSION) BILL 2014

Second Reading

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [3.43 p.m.], on behalf of the Hon. Duncan Gay: I move:

That this bill be now read a second time

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

Leave granted.

This bill has two key components. First, it will establish new institutional arrangements for the oversight of elections and election funding matters, in particular by establishing a new Electoral Commission for New South Wales.

Secondly, it will strengthen the regulation of third party and other lobbyists, and confer functions in relation to the regulation of lobbyists on the independent Electoral Commission.

I will first outline the substance of the institutional reforms, which are contained in schedules 1 and 2 to the bill.

In line with a 2013 recommendation of the Parliamentary Joint Standing Committee on Electoral Matters, this bill will abolish the Election Funding Authority and create a new Electoral Commission. The reconstituted commission will combine the functions of the current Electoral Commission and the Election Funding Authority.

The new Electoral Commission will undertake the existing functions of the Election Funding Authority, which include administering the election funding, expenditure and disclosure scheme in New South Wales. In addition, the bill will enable the Electoral Commission to provide assistance to the Electoral Commissioner in administering the conduct of elections.

It will also enhance the commission's educational role by providing it with the express functions of conducting and promoting research into electoral matters and other matters that relate to its functions, and promoting public awareness of electoral matters that are in the general public interest.

The new commission will also have a clear mandate to institute criminal and civil proceedings for breaches of electoral laws, as well as the same investigative functions as the Election Funding Authority currently has under the Election Funding, Expenditure and Disclosures Act 1981.

The bill will enable the new commission to exercise these investigative functions for the purpose of enforcing compliance with the Election Funding, Expenditure and Disclosures Act 1981 and the Parliamentary Electorates and Elections Act 1912.

The establishment of the new Electoral Commission to replace the existing Electoral Commission and the Election Funding Authority will help to streamline the regulation of the electoral process, including the conduct of State elections and the regulation of campaign finance and expenditure.

In keeping with the Electoral Commissioner's proposal to the Joint Standing Committee on Electoral Matters, the new commission will be constituted by members with appropriate skills and qualifications. It will comprise the Electoral Commissioner and two other independent members—a former judge as chairperson and a person with financial or audit skills and qualifications relevant to the functions of the commission.

The amendments contained in this bill will establish requirements pertaining to the procedure of the Electoral Commission, the terms of office and remuneration, and eligibility for appointment to the commission. These eligibility requirements will align with the requirements that will apply to the Electoral Commissioner's appointment.

The amendments also allow for the appointment of deputies of the appointed members of the commission, who will be able to act in the place of the relevant appointed member in that member's absence.

Schedule 2 to the bill will also insert a list of new objects into the Election Funding, Expenditure and Disclosure Act, which will include objects relating to transparency and reducing undue influence in the political system. These objects will emphasise the purpose of New South Wales election funding laws, and Parliament's intent in relation to these laws. This Government is committed to cleaning up political donations in this State and is concerned to ensure this commitment is expressly reflected in the legislation. The new objects will also help to guide the new Electoral Commission in the exercise of its functions.

I turn now to address the lobbying reforms contained in schedule 3 to the bill, which proposes amendments to the Lobbying of Government Officials Act 2011.

The amendments in schedule 3 form part of the package of reforms that I announced on Tuesday 13 May 2014 to increase transparency and enhance regulation of lobbying. As I said then, I am determined to restore the public's trust in our political system.

In summary, this bill establishes the Electoral Commission as an independent regulator of lobbyists; applies a set of ethical standards to all third party lobbyists and other individuals and organisations that lobby Government; and enables the independent regulator to investigate alleged breaches and impose sanctions, which could result in lobbying firms being removed from the lobbyist register and other organisations being placed on a watch list.

The watch list will be published on the same website as the register and will contain the names of lobbyists who have contravened the Lobbyists Code of Conduct or the Lobbying of Government Officials Act.

These amendments respond to a recommendation made by the Independent Commission Against Corruption in its 2013 report entitled "Reducing the opportunities and incentives for corruption in the State's management of coal resources." In that report the ICAC recommended that the Government review the ICAC's recommendations in its 2010 report entitled "Investigation into corruption risks involved in lobbying", which have not been implemented to date. These amendments implement, in particular, the recommendations to provide a legislative basis for the regulation of lobbying and to appoint an independent body to maintain and monitor the lobbyist register and impose sanctions for breaches.

The public has a right to know who is gaining access to government. This will be achieved by giving legislative backing to the registration requirements on third party lobbyists, imposing ethical obligations on all lobbyists, and the obligation I have introduced for Ministers to publish quarterly diary summaries of scheduled meetings with external organisations on portfolio-related activities.

These reforms build on the existing provisions of the Lobbying of Government Officials Act 2014, which was introduced by this Government in 2011, and which bans lobbyist success fees and restricts lobbying by former Ministers and parliamentary secretaries.

Amendments in this bill will strengthen the regulation of lobbying, first, by imposing a new code of conduct on all organisations who seek to influence government policy and decision-making and, secondly, by conferring power on the Electoral Commission to monitor and enforce compliance by lobbyists with the code and legislation.

The amendments to the Lobbying of Government Officials Act 2011 proposed in this bill will provide legislative underpinning for a new code of conduct for lobbyists to be prescribed, that will apply ethical standards to all organisations who seek to influence government policy or decision-making.

It will apply to board members, executives and other employees of companies, and their professional advisers, including legal advisers. It will apply to people who work for peak bodies and special interest groups, charities and trade unions, developers and community groups.

The new code will not apply to constituents meeting with members of Parliament in their capacity as elected representatives.

Similarly the code will not apply to government officials acting in their official capacity. This exemption will apply, for example, to the member of Parliament who is making a representation to a government Minister on behalf of their constituent; and to public servants who need to negotiate government policy with other government officials.

The new code will require all lobbyists who seek to influence government policy or decision-making to disclose to the Government, when seeking a meeting with a government official, the person or body on behalf of whom the meeting is sought, the nature of the matter proposed to be discussed and whether any registered lobbyists will be present; disclose any interest in the matter proposed to be discussed at a meeting with a government official prior to the meeting commencing; not engage in any conduct that is misleading, deceptive, corrupt, or otherwise unlawful; use all reasonable endeavours to satisfy themselves of the truth and accuracy of all material information provided in a meeting with a government official.

The Electoral Commission will have responsibility for administering, monitoring and enforcing compliance with the new code of conduct. The commission will be responsible for investigating alleged breaches of the Lobbying of Government Officials Act 2011, the new code and any regulations. The commission will be able to impose sanctions on lobbyists for non-compliance with the obligations contained in the new code and institute proceedings for breach of the Act.

The primary sanction for a breach by a registered third party lobbyist will be, as now, deregistration, which effectively amounts to a suspension or a ban on lobbying. Third party lobbyists may also be placed on a new watch list, as an interim sanction.

The primary sanction for a breach by other lobbyists subject to the code of conduct will be their inclusion on the new public watch list.

Through their relevant codes of conduct, government officials will be required to observe additional meeting protocols if meeting with a person on the watch list. It will be a matter for government officials to determine whether it would be better to avoid meeting with them at all.

The existing register of third party lobbyists will be continued, to ensure transparency about professional lobbyists and their clients. Through relevant codes of conduct governing government officials, third party professional lobbyists will still be prohibited from lobbying New South Wales Government officials unless they are registered.

The bill makes provision for regulations to be prescribed providing further detail, for example, in relation to the register, registration requirements and the watch list.

In closing, I note that the Electoral Commissioner and representatives from the NSW Electoral Commission have been consulted closely in relation to these reform proposals, and they are supported by the Electoral Commissioner.

I commend the bill to the House.

The Hon. PETER PRIMROSE [3.44 p.m.]: I lead for the Opposition in debate on the Electoral and Lobbying Legislation Amendment (Electoral Commission) Bill 2014. The Opposition will not oppose the bill. This bill, which was introduced yesterday afternoon in the other place without any consultation with the Opposition, has two key components. First, it will establish new institutional arrangements for the oversight of elections and election funding matters, in particular, by establishing a new Electoral Commission for New South Wales. It will strengthen the regulation of third party and other lobbyists and confer functions in relation to the regulation of lobbyists on the independent Electoral Commission. In line with a 2013 recommendation of the parliamentary Joint Standing Committee on Electoral Matters, this bill will abolish the Election Funding Authority and create a new Electoral Commission. The reconstituted commission will combine the functions of the current Electoral Commission and the Election Funding Authority.

The new Electoral Commission will undertake the existing functions of the new Election Funding Authority. The new commission will have a clear mandate to institute criminal and civil proceedings for breaches of electoral laws as well as the same investigative functions as the Election Funding Authority currently has under the Election Funding Expenditure and Disclosures Act 1991. The establishment of the new Electoral Commission to replace the existing Electoral Commission and the Election Funding Authority will help to streamline the regulation of the electoral process, including the conduct of State elections and the

regulation of campaign finance and expenditure. Schedule 2 to the bill will also insert a list of new objects into the Election Funding Expenditure and Disclosures Act, which will remove objects relating to transparency and reduce undue influence in the political system.

I will now turn to aspects of the bill concerning the lobbying of government officials. The amendments in schedule 3 form part of the package of reforms that Premier Baird announced on 13 May. The bill establishes the Electoral Commission as an independent regulator of lobbyists; it applies a set of ethical standards to all third party lobbyists and other individuals and organisations that lobby government; and it enables the independent regulator to investigate alleged breaches and impose sanctions, which could result in lobbying firms being removed from the Register of Third Party Lobbyists and other organisations being placed on a watch list. These amendments respond to a recommendation made by the Independent Commission Against Corruption [ICAC] in its 2013 report entitled "Reducing the opportunities and incentives for corruption in the State's management of coal resources."

Amendments in this bill will strengthen the regulation of lobbying, firstly, by imposing a new code of conduct on all organisations who seek to influence government policy and decision-making and, secondly, by conferring power on the Electoral Commission to monitor and enforce compliance by lobbyists with the code and legislation. The amendments to the Lobbying of Government Officials Act 2011 proposed in this bill will provide legislative underpinning for a new code of conduct for lobbyists to be prescribed that will apply ethical standards to all organisations who seek to influence government policy or decision-making. It will apply to board members, executives and other employees of companies and their professional advisers, including legal advisers. It will apply also to people who work for peak bodies, special interest groups, charities, trade unions, developers and community groups.

The new code will not apply to constituents meeting with members of Parliament in their capacity as elected representatives. Similarly, the code will not apply to government officials acting in their official capacity. This exemption will apply, for example, to a member of Parliament who is making a representation to a Minister on behalf of a constituent and public servants who need to negotiate government policy with other government officials.

The new code will require all lobbyists who seek to influence government policy decision-making to disclose to the Government matters including the person or body on behalf of whom the meeting is sought, the nature of the matter proposed to be discussed and whether any registered lobbyist will be present; to disclose any interest in the matter proposed to be discussed at a meeting with the government official prior to the meeting commencing; to not engage in any conduct that is misleading, deceptive, corrupt or otherwise unlawful; and to use all reasonable endeavours to satisfy themselves of the truth and accuracy of all material information provided in a meeting with the government official.

The Electoral Commission will have responsibility for administering, monitoring and enforcing compliance with the new code of conduct. The primary sanction for a breach by a registered third party lobbyist now will be deregistration, which effectively amounts to a suspension or a ban on lobbying. Third party lobbyists may also be placed on a new watch list as an interim sanction. The primary sanction for a breach by other lobbyists subject to the code of conduct will be the inclusion on the new public watch list.

Yesterday when introducing the bill the Premier said it was about cleaning-up politics in New South Wales. Mike Baird has been Premier for two months and still has taken no action to implement a total ban on political donations and introduce a regime of public funding—which the Premier has said he supports. Instead, he has set up a committee with terms of reference that would allow the 2008 laws to be wound back. Why? The Premier has talked big about his commitment to public funding of elections. Why set up a committee that will now take seven months to report? The Premier said in his inaugural speech he had made a point of arguing for public funding. He also said he had made an individual submission to an inquiry into electoral funding. But after two months we are still waiting for him to do something other than talk about campaign donations.

If the Premier of New South Wales is seriously, passionately committed to it, why do we have to wait seven months for a committee to report? Why does it take seven months? The answer is the Premier has no real commitment to act. Just like he has done with every infrastructure project, we are getting scoping and feasibility studies, but no action. It is all pastry but no meat. The people of New South Wales are sick and tired of the scandals being investigated by ICAC. They are sick and tired of inaction and the culture of donations for decisions. The people of New South Wales have had enough. They have seen what has happened with the slush funds the Premier has refused to shut down. The two slush funds identified at the ICAC—Millennium Forum and Free Enterprise Foundation—are still operational and raising money for the Liberal Party.

Mr Scot MacDonald: Point of order: The member is straying from the leave of the bill. Discussion about what matters may or may not be before the ICAC is not appropriate.

The Hon. PETER PRIMROSE: To the point of order: I refer to the long title of the bill and to the speech the Premier made yesterday.

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! At this stage the member is in order. I will continue to listen carefully to his contribution.

The Hon. PETER PRIMROSE: The Premier has been given the opportunity time and again to say that he will shut down the Millennium Forum and Free Enterprise Foundation but he has squibbed it.

Mr Scot MacDonald: Point of order: The member is now talking about specifics of slush funds that are part of ICAC investigations which is inappropriate in debate of this bill.

The Hon. PETER PRIMROSE: To the point of order: I seek the guidance of the Deputy-President as to what standing order I am breaching.

The Hon. Lynda Voltz: To the point of order: The member's contribution is well within the long title of the bill, which is a requirement of this House. He is also referring to issues that have previously been raised by the Premier in the other place.

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! Wide latitude is generally extended so long as the member is relevant to the long title of the bill. The member has the call.

The Hon. PETER PRIMROSE: The Leader of the Opposition wrote to Mike Baird when he became Premier offering bipartisanship to fight corruption. The Leader of the Opposition is yet to receive from the Premier an acknowledgement of that offer. The offer is still open. Instead of piecemeal reform such as this, we could have had comprehensive and bipartisan legislation. Premier Baird needs to get serious and take the action needed to stop corruption. The New South Wales Opposition remains willing to work with the Premier to achieve this but the ball is in his court. I seek the Minister's advice on three specific issues in his speech in reply. The first relates to a recommendation in the ICAC report titled "Investigation into corruption risks involved in lobbying" of November 2010 about amending the Government Information (Public Access) Act 2009 to include records of lobbying activity in the definition of "open access information".

The second relates to a report recently received from the Legislative Council Privileges Committee. I note the House is yet to debate that report and I accept that the Government's response is yet to be received. Indeed, it is also expected that with the effluxion of time we may also receive something from the lower House in relation to the same matter. In recommendation 8 of that report the Privileges Committee has advised the appointment of a Commissioner for Standards. If appointed, how does the Minister envisage the commissioner's role operating in relation to the lobbying amendments before the House today? It would seem to me that we would have at least two agents looking at often very similar matters in relation to members of Parliament—not identical, but certainly the investigative roles would overlap.

Finally, is it proposed that the amended Lobbying of Government Officials Act will still be reviewed in 2016 as provided in section 12 of the Act? I foreshadow that I will be moving an amendment in the Committee stage. That amendment, which has been circulated, pertains to a matter that was raised by the joint standing committee in relation to the Auditor-General. I will speak further about this in Committee. I reiterate that this piecemeal bill could have been part of a much more comprehensive package if the Premier had so wished. But piecemeal as it is, the Opposition does not oppose it.

Mr SCOT MacDONALD [3.59 p.m.]: I cannot help but reflect on the pontification of the previous speaker. We on this side were lectured about how quickly the Government is or is not responding to the issues around lobbying. We were told that the Premier has been in office now for two months and that we are looking at some future report seven months down the track. This Parliament has been bedevilled by the cancer of lobbying. We have all heard about the actions of Labor members over a number of years. Their actions have brought this Parliament into disrepute. Those members of Parliament sat on the Government benches when Labor was in government. The pontification and lecturing from the previous Opposition speaker, about what this Government is doing and the pace of what it is doing, really is beyond the pale.

The Hon. Melinda Pavey: The real Premier's office was room 1122—Eddie Obeid's office.

Mr SCOT MacDONALD: Yes, we know all about Eddie Obeid. There have been four charges of corruption from the Independent Commission Against Corruption. Yet the member opposite dared to speak to the Electoral and Lobbying Legislation Amendment (Electoral Commission) Bill 2014. He may have been commissioned by his side to do so, but he should have just stood up, said that he supported the bill and then sat down. The performance by the member opposite was shameful. The Opposition has no credibility on this issue. To quote other investigations is just a distraction. I support the bill.

Reverend the Hon. FRED NILE [4.01 p.m.]: On behalf of the Christian Democratic Party I support the Electoral and Lobbying Legislation Amendment (Electoral Commission) Bill 2014. The origin of this bill has to do with a number of recent recommendations made by the Independent Commission Against Corruption and the Joint Standing Committee on Electoral Matters. They recommended that a new commission be established combining the functions of the current Electoral Commission NSW and the Election Funding Authority. This bill forms part of the package of reforms announced by the Premier on Tuesday 13 May 2014 to increase transparency and enhance the regulation of lobbying.

The Electoral and Lobbying Legislation Amendment (Electoral Commission) Bill 2014 will enhance the regulation of election funding and lobbying in New South Wales in a number of ways. For example, it will reconstitute the Electoral Commission. It will amend the Lobbying of Government Officials Act 2011 to strengthen the regulation of third party and other lobbyists and to confer functions in relation to the regulation of lobbyists on the reconstituted Electoral Commission. The main practical aspects arising from this legislation are amendments to the Parliamentary Electorates and Elections Act 1912, the Election Funding, Expenditure and Disclosures Act 1981 and the Lobbying of Government Officials Act 2011. The amendments will abolish the Election Funding Authority and create a new Electoral Commission constituted by an Electoral Commissioner and two independent members.

The bill will confer upon the newly reconstituted Electoral Commission the Election Funding Authority's existing functions, a research and public awareness function and a function of providing assistance for the conduct of elections by the Electoral Commissioner. The bill will provide the new commission with a clear mandate to bring proceedings for breaches of electoral laws, as well as the same electoral investigative functions that the Electoral Funding Authority currently has under the Election Funding, Expenditure and Disclosures Act 1981. The bill also inserts policy objects into that Act. The bill will provide a legislative basis for the Register of Third Party Lobbyists and the Lobbyists Code of Conduct. The new code will impose ethical conduct requirements on all third party lobbyists and other individuals and organisations that lobby government.

In discussing lobbyists, it is vital that lobbyists and individuals who have set up lobbying companies should not have roles within political party structures, particularly on the executives that direct the activities of those parties. It is incompatible to have a powerful lobbyist inside the party structure. All parties where that is occurring should take action to have those persons removed from those positions. If those individuals are at the heart of government it makes a mockery of this legislation to control third party lobbyists. The legislative basis for the register of third party lobbyists and the Lobbyists Code of Conduct is very important. The bill will transfer responsibility for maintaining the register and enforcing compliance with the code from the Department of Premier and Cabinet to the independent Electoral Commission.

Finally, the bill will establish a Lobbyists Watch List. This will be a public document with the names of lobbyists who have contravened the Lobbyists Code of Conduct or the Lobbying of Government Officials Act. These are positive moves in this bill to ensure that lobbyists do not abuse the legislative requirements. Removing the enforcement of compliance with the code from the Department of Premier and Cabinet also helps to improve transparency. If the code is to be implemented by the Department of Premier and Cabinet and there are issues affecting the party of which the Premier and the Cabinet are members, then it could be compromised. Having the code implemented by an independent Electoral Commission will hopefully ensure total transparency and integrity. This is a very practical bill, which we support.

One issue we considered was the constitution of the new Electoral Commission. The bill says that the third member should be someone with auditing qualifications and so on. The bill states at new section 21B, members of Electoral Commission, that the third member should be:

- (c) a person appointed by the Governor who has financial or audit skills and qualifications relevant to the functions of the Commission.

Looking at that job description, it seems logical that it could be the Auditor-General and we were considering supporting the Opposition amendment to that effect. However, further advice suggests that this could create a conflict of interest for the Auditor-General. He must maintain his independence so that, if necessary, he can investigate the Electoral Commission. If he was a member of the Electoral Commission he could not investigate it. The other possible solution was to have the Auditor-General appoint or nominate someone to represent him. But I understand that that could also be interpreted as a conflict of interest.

This means that great care must be taken by the Government in the nominations that it brings forward for the members of Electoral Commission, particularly in regard to the appointment of a former judge. Hopefully, given we are talking about a former judge there will be no question of corruption. The other members of the Electoral Commission will be the Electoral Commissioner and the person with financial or audit skills. I urge the Government to hasten slowly in appointing those people—in other words, to appoint people without any question marks over their integrity or their role in carrying out this very important work regarding elections in this State.

Dr JOHN KAYE [4.09 p.m.]: On behalf of The Greens I address the Electoral and Lobbying Legislation Amendment (Electoral Commission) Bill 2014 and say from the outset that we support the legislation. It is a step in the right direction and the Government is to be congratulated on that, but it is a small step. It is a shame that it was not larger, particularly given that we are just eight months out from an election and moving into a peak fundraising period. Nonetheless, I give credit where credit is due. For whatever reason, the Government has taken the right step to address two critical issues. One is the independence of the Electoral Commissioner and the capacity of the commissioner to undertake various examinations and prosecutions. The second relates to lobbying.

I will address the two issues separately but make the observation that we must be careful about pots and kettles in this House. One side accusing another of having been tolerant to corruption does not work. This is not about pointing the finger at any political party or whether the Coalition is more or less bedevilled than Labor. This is about the voters of New South Wales and creating a system of government in which people can take pride and which they can respect. That has failed badly over the past two years. It is clear that what came out of the Independent Commission Against Corruption [ICAC] with respect to the previous Labor Government and allegations against senior members of the current Liberal-Nationals Government and the Liberal Party has brought low the state of politics in New South Wales. It is essential that there be both legislative and behavioural reforms because the two go hand in hand.

It is essential that the legislative reform address the three key findings of ICAC. The first finding relates to members of Parliament acting to enrich themselves by influencing or causing decisions to be made that are to their benefit but to the disbenefit of the State. The second finding relates to donations. The Greens, and particularly my former colleague the now Senator Lee Rhiannon, played a key role in bringing the corrupting influence of donations to public attention. Those donations may be illegal or laundered through front organisations such as Millennium Forum and Free Enterprise Foundation, or legal but bring with them a payload of influence against the public interest. The third key finding relates to lobbying and influence peddling, particularly where party insiders and office holders engage in lobbying and use their insider information and influence to create outcomes for their clients that work against the public interest.

If by 28 March 2015 this Parliament has not addressed those key issues it will have failed in its important duty to reinstate public confidence in the political process. This bill partially addresses a number of the concerns and takes some important steps. It is a shame it does not go further, but we must not let the perfect be the enemy of the good. For the first time in legislation party office holders are banned from being professional lobbyists. The Greens tried to insert that provision into lobbying legislation when it was introduced in 2011. We were told vehemently, "That's not a problem within the Liberal Party. We don't need to worry about that." The people of New South Wales and the Baird Government, to its credit, have formed another opinion. That opinion is more in accord with the evidence that existed then, and which certainly exists now, that a toxic culture of influence peddling comes through lobbying and that culture has to end.

I suggest that all legislation must stand up to three key tests. The first test is that it must be robust to withstand the actions of future members, political parties, fundraisers and lobbyists. There is now a clear sense of chastisement regarding the lobbying industry and amongst campaign donors and political parties. That is a good thing. Former Ministers being publicly shamed by ICAC findings against them and Ministers in this Government standing aside because of evidence before the commission have set exemplary examples. I make no

comment on the guilt or innocence of Ministers who have had to stand aside after strong evidence was presented before ICAC, but their chastisement will have an impact on us all. However, we know that the impact of examples decays exponentially, and so we need laws that are robust into the future.

The second test is that what we do needs to be publicly obvious and apparent. That does not mean all we need to do is create the impression of doing the right thing; we need to let the public in the door and let them know our game plan to clean up politics. I am concerned that by creating the Schott inquiry Premier Baird has failed on that loop. It is a great Westminster tradition to pass a hard question to a committee that will not report in time to have any impact on the next election. I am gravely concerned that the Schott committee that will look into 100 per cent public funding of elections, which has not been done anywhere in the world and has been rejected by many jurisdictions that have headed in that direction—

The Hon. Dr Peter Phelps: And is almost certainly unconstitutional.

Dr JOHN KAYE: I would not go as far as saying "almost certainly".

The Hon. Dr Peter Phelps: You should read the judgement in Unions NSW. It is almost certainly unconstitutional.

Dr JOHN KAYE: I have read it. I do not wish to engage in a debate about the High Court but it is possible that such a move would be unconstitutional. However, there are other models. A great example is the New York City municipal elections, where campaign fundraising is tightly regulated. There is a six to one public funding to campaign donations multiplier, so for every dollar a candidate raises they get \$6 of public money. Although there are other models that should be explored, we should not let finding the ultimate model get in the way of important reforms that should happen now.

The third and obvious test is that any reform must be effective at blocking the behaviours of parties and politicians who have got us to where we are now. On those tests this legislation passes, but not with flying colours. As I said, it does not go far enough. The Greens have amendments that we think will take the bill closer to where it should be but there is a long way to go. Schedule 1 effectively abolishes the Election Funding Authority as well as the existing New South Wales Electoral Commission and sets up a new Electoral Commission. That is a step in a right direction. The new Electoral Commission will be independent and have oversight of elections, donations, funding and lobbying. It will be an important and bigger body with greater oversight. I understand the Opposition also has amendments to the bill that we will consider carefully during the Committee stage.

I have some concerns about the timing of this bill. It was introduced on budget day, when many of us were busy, and is being debated in this Chamber the following day. I understand the need for urgency, which we did not oppose, but it is a great shame that more time was not provided for us to talk about the bill and negotiate regarding possible amendments. Governments have a right to govern but on matters relating to electoral reform, donations and issues of corruption it is wise for any government to engage all parties in consultation before introducing legislation. That includes The Greens, the Shooters and Fishers Party, the Christian Democratic Party, the Labor Party and the lower House Independents. As I said, this legislation must be part of a cultural change that involves us all.

Schedule 2 makes some minor amendments to the Election Funding, Expenditure and Disclosures Act. Schedule 2 makes a number of minor amendments, one of which is more significant than at first it would appear to be. The bill will amend the Election Funding, Expenditure and Disclosures Act 1981 and one of the amendments affects the introduction of objects of the Act. One of those objects is quite significant and may have a bearing on future High Court challenges. Item [4] of the schedule to the bill will insert new section 4A, paragraphs (a) and (c). New section 4A states:

The objects of this Act are as follows ...

(c) to help event corruption and undue influence in the government of the State ...

That provision sets for the Election Funding, Expenditure and Disclosures Act an objective of not only anticorruption but also of preventing undue influence. I am not sure how the High Court will read that, but it may change the court's attitude on some matters. Whereas the High Court findings in the Unions NSW case were with respect to the anticorruption measures in the legislation, we also may have findings with respect to the undue influence objectives of the Act. That remains to be seen over the next few years or perhaps decades.

Schedule 3 to the bill makes amendments to provisions governing the lobbying of government officials. These are some very welcome amendments. The first broadens the definition of lobbying to include communications with a government official representing the interests of others in relation to, for example, legislation, proposed legislation or a government decision or policy or a proposed government decision or policy, a planning application, or the exercise by officials of his or her official function. That is a much broader definition of lobbying and will capture many more activities. The bill also broadens the definition of a government official by including staff members of a Minister, persons employed in the New South Wales public service and individuals engaged under contract to provide services to or on behalf of the public service of New South Wales and other relevant bodies. The breadth of the definition of what constitutes lobbying and a government official is welcome because it will capture a broader range of individuals.

Lobbying by a third party lobbyist will no longer be able to happen unless the third party lobbyist is on the Register of Third Party Lobbyists, which now has legislative intent. The Lobbyists Code of Conduct also has legislative intent and is now recognised in legislation. As I understand it, it will become a disallowable instrument through regulation. I draw to the attention of the House new section 9 (3), which refers to a third party lobbyist or any individual so engaged not being eligible to be registered if that person is an officer of a registered political party, among other things. That is a welcome step forward and is something we argued for in 2011. The Greens were ridiculed for doing so, but it is good that we have that provision now. It is a positive step because party insiders wield much more influence than those who are not party insiders.

Lobbyists legislation will include both the capacity to ban individuals from lobbying and from being on the lobbyists register and will establish the Lobbyists Watch List, which I understand will include both third party lobbyists and other lobbyists. It will be something of a name-and-shame list but it will give the public, the community, government decision-makers and members of Parliament warning of individuals who have engaged in adverse lobbying. New sections 19 and 20, particularly 19, provide for enforcement of the Lobbyists Code of Conduct under the Act. This legislation is a step forward. There will be more to say during the Committee stage about this legislation. However, it is unfortunate that a number of matters have not been covered by this legislation but could have been without prejudging the Schott commission.

As I stated previously, I believe the Schott commission will report too late for this round of fundraising for elections, which is a shame. There are matters that should be dealt with immediately, including a ban on a broader category of corporate donors and their close associates, including as a minimum, I would argue, the minerals extraction industry, the petroleum extraction industry and those who are seeking government contracts. There may be more. It is a shame that the legislation also does not extend to include local government officials. It would be foolish to suggest that the only level of government that has problems is the State level. Local government is beset with corruption and certainly is plagued by undue influence.

The Hon. Dr Peter Phelps: Are you speaking from personal experience?

Dr JOHN KAYE: I am speaking from the personal experience of watching decisions being made by councils that are dominated by the Labor Party and more recently by the Liberal Party as well as even by some Independents. I have seen appalling examples of undue influence being exerted. Some of it has been quite petty and trivial, and some of it has been quite stomach-churning corruption. It is time for that to come to an end. Part of the problem is the lobbying efforts mounted by developers and others against local councils, which councils have very little capacity to resist. The Greens will propose to extend this legislation to cover local government officials.

We also think one of the key recommendations of Operation Halifax that was referred to by the Hon. Peter Primrose—the 2010 findings of the Independent Commission Against Corruption with respect to lobbying—has not in any way been captured in this legislation; in particular that when there is a lobbying meeting between a government official and lobbyist, either a third party lobbyist or otherwise, that meeting is minuted, and the minutes are made publicly available unless there is a specific public interest militating against it. I foreshadow that The Greens will move amendments in Committee to incorporate a version of some of the findings in relation to Operation Halifax in the legislation.

The Greens will also move amendments to extend the time for which a proceeding under section 111 of the Election Funding, Expenditure and Disclosures Act can be taken from three years to six years and backdating that to offences that occurred or may have occurred six years ago. The Greens believe much more needs to be done. However, this legislation, even though it takes some faltering steps—such as not going far enough—is a start. We will be supporting the legislation. We will examine Labor's amendments when they come before the Committee of the whole.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [4.27 p.m.], in reply: I thank the Hon. Peter Primrose, Mr Scot MacDonald, Reverend the Hon. Fred Nile, and Dr John Kaye for their contributions to debate on the Electoral and Lobbying Legislation Amendment (Electoral Commission) Bill 2014. The Government is pleased with the support of members for the proposals in the bill. The bill will enhance the regulation of electoral matters by establishing new institutional arrangements for the oversight of elections and election funding in New South Wales. It will also bolster the regulation of lobbying activities in this State by imposing a new code of conduct on all organisations that seek to influence government policy decision-making and by conferring power on the Electoral Commission to monitor and enforce compliance by lobbyists with the code and the legislation. The bill will be supplemented by administrative measures to enhance the regulation of lobbying, including a requirement for all Ministers to disclose details of external meetings held from 1 July 2014.

I will briefly discuss amendment No. 1 and ancillary amendments Nos 2 to 6 on sheet C2014-061 proposed to be moved by the Opposition. I indicate that for a number of reasons the Government will oppose those amendments but in particular because schedule 1 to the Public Finance and Audit Act expressly provides that the Auditor-General is not to hold any other position in the public sector during his or her term of office as Auditor-General. The purpose of that provision is to ensure the impartiality of the Auditor-General in the exercise of his or her functions. This is an important principle to maintain as it could potentially diminish accountability and oversight if the current or any subsequent Auditor-General were to be appointed to the Electoral Commission. 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.

Bill read a second time.

In Committee

Clauses 1 and 2 agreed to.

The Hon. PETER PRIMROSE [4.31 p.m.], by leave: I would like to make a brief comment in relation to the amendments that the Opposition has circulated. The Opposition circulated a series of amendments that were based on the recommendations of the New South Wales Electoral Commissioner in his submission to the Joint Standing Committee on Electoral Matters. Those recommendations were supported by that committee unanimously. They particularly involved, amongst other things, asking that one of the three members of the committee include the Auditor-General. The Opposition sought to enact that recommendation by way of amendment.

I have been advised, as per the Minister's reply to the second reading debate, that that would be ultra vires of schedule 1 of the Finance and Audit Act. Accordingly, the Opposition does not propose to proceed with those amendments. I will simply finish by saying that it would have been helpful if this bill had not been introduced late yesterday—budget day—without any consultation. Members should have had the opportunity to examine the matter and possibly come up with some more sanguine amendments in relation to this important matter.

Schedule 1 agreed to.

Dr JOHN KAYE [4.33 p.m.], by leave: I move The Greens amendments Nos 1 and 2 on sheet C2014-060A in globo:

No. 1 Page 11, schedule 2. Insert after line 11:

[13] **Section 111 Proceedings for offences**

Omit "3 years" from section 111 (4). Insert instead "6 years".

No. 2 Page 12, schedule 2. Insert after line 4:

Extension of period for commencing proceedings for offences

Section 111 (4) (as amended by the *Electoral and Lobbying Legislation Amendment (Electoral Commission) Act 2014*) extends to offences committed before the commencement of that amendment.

Before I explain what these amendments do, I apologise to members. As we saw this important bill only yesterday we have not had the opportunity to circulate our amendments earlier. Some of them have quite a major impact. It would have been better to have the opportunity to circulate the amendments earlier and have the opportunity to talk to people offline, as it were, outside of the Chamber about them and possibly even improve them. We believe the amendments work; we believe they are good and important, and they achieve anticorruption and anti-undue influence peddling objectives. However, I apologise to members that we received these at only 10.41 this morning. Section 111 of the Election Funding, Expenditure and Disclosures Act 1981 describes when proceedings for an offence against the Act or the regulations may be taken. In particular, subsection (4) states:

- (4) Proceedings in respect of an offence against this Act or the regulations may be commenced within three years after the offence was committed and no longer.

That means that an offence committed, for example, in 2014 could not be proceeded against after 2017. That tends to be too short a period given that matters evolve. We have seen recently matters that happened in the past becoming much clearer in the public domain and much more obvious, and it often takes time for these matters to emerge. We are proposing that the period of three years be extended to six years to allow a greater reach back into history to find where adverse electoral matters happen.

Amendment No. 2 extends the commencement time for proceedings as if the Act had commenced earlier. That is to say that a matter that occurred six years ago, rather than just three years, from the commencement of this Act in, say, July 2014, could be proceeded against. It is not really a retrospective provision but it goes back to capture offences that occurred, which were offences at the time but prosecution was not possible by dint of the existing section 111. Taken together they mean that from now on all offences that occurred within the previous six years would be open to prosecution or action by the new Electoral Commission. We believe this is important to clean up things which have happened in the past and to allow the Electoral Commission time to proceed on these matters. I commend the amendments to the Committee.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [4.36 p.m.]: This bill does not amend the provisions in the Election Funding, Expenditure and Disclosures Act relating to offences or penalties. The amendments to that Act in this bill are purely for the purpose of abolishing the Election Funding Authority and reconstituting the Electoral Commission, and inserting objects into the Act to clarify the intent of that Act and guide the new Electoral Commission in the performance of its functions. Matters relating to election funding reform will be considered by the expert panel on political donations. In particular, the expert panel will report on whether the penalties for contravening provisions in the Election Funding, Expenditure and Disclosures Act are commensurate with the nature of the offence. It would be premature to amend that Act to increase limitation periods before the expert panel's report has been released. We should not prejudice the outcome of that review. The Government opposes The Greens amendments Nos 1 and 2.

The Hon. PETER PRIMROSE [4.37 p.m.]: The Opposition has not had the opportunity to examine the full implications of The Greens amendments Nos 1 and 2. Dr John Kaye and I explained the reason for this earlier. Accordingly, on the basis that we will clearly have another go at this and hopefully have an opportunity to spend a bit more time to consider the full implications, the Opposition will not be supporting the amendments.

Dr JOHN KAYE [4.38 p.m.]: The expert panel will examine matters relating to this issue. The Minister says that it would be premature. However, the expert panel does not report until the end of December 2014, so this Parliament will not get another shot at this. This is the last shot we will get. If the Schott report does not deliver its findings until the end of December, this Parliament will not sit again before the election. This may well be our last opportunity to change this legislation. I do not believe it is premature to make this change now. Subsequent changes can be made by the next Parliament. If the Schott inquiry finds differently, changes can be made by a subsequent Parliament. We should not sit here in the interim and say that we cannot do anything about these problems because we have not heard back from the three inquirers. It is important that we act and that we be seen to be acting.

By rejecting these amendments, the Committee is saying that it will leave the window closed on matters that happened prior to 2011. That is a big mistake. We should be casting a broader net backwards and allow the Electoral Commissioner to look back further in perpetuity to investigate matters that may evolve or become more obvious because of changing circumstances. It is not difficult to envisage circumstances that might point at a particular electoral donation or activity that appeared benign but subsequent events reveal it was, in fact, outside the law or at least suggested it was outside the law. I commend the amendments to the Committee.

Question—That The Greens amendments Nos 1 and 2 [C2014-060A] be agreed to—put and resolved in the negative.

The Greens amendments Nos 1 and 2 [C2014-060A] negatived.

Schedule 2 agreed to.

Dr JOHN KAYE [4.40 p.m.], by leave: I move The Greens amendments Nos 3 and 4 on sheet C2014-060A in globo:

No. 3 Page 13, schedule 3, line 24. Omit all words on that line. Insert instead:

- (g) a local Government official.

No. 4 Page 13, schedule 3. Insert after line 36:

local Government official means:

- (a) a councillor (including the mayor) of a local council, or
- (b) the general manager of a local council, or
- (c) an employee of a local council who is responsible for dealing with planning applications.

Put simply, these amendments extend the provisions of the lobbying Act to local government officials. The Greens are deeply concerned that a number of lobbying activities occurring at local government level have adverse outcomes for communities and individual households. Local government is vulnerable to lobbying. Many of us in this Chamber either have local government experience or have interacted with local government and have seen the malign influence of lobbyists and lobbying, particularly developers, and how local communities have almost no chance in many instances of surviving against the lobbyist onslaught. We have seen growing numbers of examples of unacceptable lobbying, and in some cases outside what is envisaged within this piece of legislation.

It is a grave error for this bill to deny local government, its households and communities the protection of their local consent authorities. I believe it is extremely important that we start regulating the lobbying of local government officials. By inserting "local government official" into the list of government officials and defining a local government official to be a councillor, including the mayor, of a local council, the general manager of a local council or an employee of a local council who is responsible for dealing with planning applications would require lobbyists to be on the register, it would stop senior government party officials who are otherwise prohibited by this legislation from engaging in lobbying and would protect the lobbying watch list for local government. I commend these two amendments to the Committee.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [4.43 p.m.]: The Government opposes The Greens amendments Nos 3 and 4. These amendments extend the application of the Lobbying of Government Officials Act to local government officials. Such a proposal goes beyond even what the Independent Commission Against Corruption [ICAC] recommended in its 2010 report. On 13 May 2014 the Premier announced that the Department of Premier and Cabinet will coordinate a review of the system for regulating lobbyists over the next 12 months, including considering areas relating to ministerial staff, the public sector and local government. This will include reviewing the implementation of ICAC's five specific recommendations in relation to lobbying local government officials. Lobbying reforms for local government should be tailored to the particular circumstances of local government, as ICAC recognised in its separate recommendations for local government.

Question—That The Greens amendments Nos 3 and 4 [C2014-060A] be agreed to—put and resolved in the negative.

The Greens amendments Nos 3 and 4 [C2014-060A] negatived.

Dr JOHN KAYE [4.44 p.m.]: I move The Greens amendment No. 5 on sheet C2014-060A:

No. 5 Page 14, schedule 3. Insert after line 20:

- (c) the awarding or entering into of a tender, public-private partnership or any other Government contract or arrangement that confers a financial gain,

This amendment inserts into new section 4 (1) an official recognition of the awarding of government contracts, other tenders, public-private partnerships or other arrangements that confer a financial benefit into the definition of what lobbying can constitute. It could be argued that this already is contained within new section 4 (1) (a), which includes a government decision or policy. However, from the Australian Water Holdings episode and from evidence before ICAC, the awarding of government contracts is a corruption-sensitive area that needs specific attention. The capacity for government officials to be lobbied and end up overtly or covertly influencing the outcome of the awarding of a contract is sufficiently important that it deserves special recognition in this Act. Therefore, we propose to insert the awarding or entering of a tender, public-private partnership or any other government contract or arrangement that confers a financial gain into the definitions of what lobbying of a government official constitutes in new section 4 (1). I commend the amendment to the Committee.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [4.46 p.m.]: The Greens claim that amendment No. 5 will extend the meaning of "lobbying". This amendment is unnecessary. Under the definition of "lobbying" as drafted in this bill, lobbying a government official means communicating with the official for the purpose of representing the interests of others in relation to, amongst other things, a government decision or policy or a proposed government decision or policy in the exercise of an official function. Each specific example listed in the new subsection is already encompassed in this definition. Awarding or entering into government contracts requires a government decision or involves the exercise of an official function, or both. The inclusion of these specific references to government contracts that confer a financial gain could be construed to limit the kinds of contracts or other arrangements to which the new legislation applies.

Dr JOHN KAYE [4.47 p.m.]: I hate to say it, but what the Minister just said is deeply illogical. Adding to a list an item that could represent lobbying does not limit in any way any other item in that list. That is simply not correct. As I foreshadowed in my contribution, the Minister argues that the amendment is not necessary. The problem is that the Act as amended by this bill would not have a definition of government decision or policy; they are taken as terms of art. The awarding of a contract might or might not be a government decision, but it should at least be absolutely clear that that is a matter on which lobbying occurs, if for no other reason than to send a message to the lobbying industry that these matters are regulated and are of great concern to the people of New South Wales—particularly after the Australian Water Holdings scandal.

Question—That The Greens amendment No. 5 [C2014-060A] be agreed to—put and resolved in the negative.

The Greens amendment No. 5 [C2014-060A] negatived.

Dr JOHN KAYE [4.48 p.m.]: I move The Greens amendment No. 6 on sheet C2014-060A:

No. 6 Page 18, schedule 3. Insert after line 4:

Part 4A Requirements of Government officials in relation to meetings with lobbyists

13A Definition

In this Part:

meeting means a meeting for the purpose of lobbying and includes a teleconference for that purpose.

13B Requirements relating to meetings etc with lobbyists

- (1) A Government official is required to comply with the following whenever the official has a meeting with a lobbyist:
 - (a) the meeting is to be held at a place used for official business,
 - (b) at least 3 other Government officials must be in attendance at the meeting,
 - (c) official minutes are to be kept of the meeting that detail the names of the persons present at the meeting, the matter discussed at the meeting and the outcome of the meeting,
 - (d) the minutes of the meeting are to be indexed by topic and by the name of the persons present,
 - (e) the minutes are to be provided to the Secretary of the Department of Premier and Cabinet who is to make the minutes available on a public website.
- (2) The requirement under this section to keep minutes of meetings with lobbyists and to provide those minutes to the Secretary of the Department of Premier and Cabinet extends to phone calls, emails and other electronic communications with a lobbyist during which a Government official is lobbied.

13C Exemptions from requirement to disclose information from meetings etc with lobbyists

- (1) Information of the kind described in schedule 1 to the *Government Information (Public Access) Act 2009* (being information for which there is a conclusive presumption of overriding public interest against disclosure) is not required to be publicly disclosed under this Part.
- (2) If information from a meeting with a lobbyist is not publicly disclosed on the grounds that it contains commercial-in-confidence provisions of a contract or is otherwise confidential, the Electoral Commission is to assess the validity of the decision not to disclose the information and advise the decision-maker accordingly.
- (3) If the decision-maker confirms the decision not to disclose, any person may apply to the Supreme Court for an order that the information be publicly disclosed. The Supreme Court has jurisdiction to make such an order if it considers that there is no overriding public interest against disclosure of the information.

This amendment inserts into the bill a requirement that all lobbying activities are minuted and that those minutes are publicly available documents unless there is a public interest argument against them being so. It protects information within the minutes being an overriding public interest against disclosure of that information as defined in the *Government Information (Public Access) Act 2009*.

This amendment implements, in some form, the recommendation from Operation Halifax, which was that the Government amend its procedures to require public disclosure of these matters. The reality is that lobbying occurs behind closed doors. Anything that happens in State politics behind closed doors becomes a corruption risk, particularly when government decisions have to be made when the stakes are high. It is important that the light of public accountability be shone on these issues. The amendment inserts a new section into the Act that requires any meeting to be minuted and that those minutes are made publicly available on a website, except information for which there is a conclusive presumption that there is an overriding public interest against disclosure.

The Greens remain concerned that some of the lobbying activities that were exposed recently in the Independent Commission Against Corruption will continue behind closed doors. This amendment is not perfect—there will always be adverse lobbying activities—but at least it sets the bar for what should be in the public domain. Anyone engaged in lobbying risks public exposure. It is an important step forward for this State that, under Labor and the Coalition, has operated largely in secrecy. For example, I draw to the attention of the Committee the result of the Crown Casino. The lobbying occurred behind closed doors and the public was not told anything substantive about the unsolicited proposals process until it was wrapped up. The people of New South Wales have a valid interest in what goes on between the decision-makers and lobbyists. That valid interest can be maintained only if this information is in the public domain. I commend the amendment to the Committee.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [4.52 p.m.]: The Government opposes The Greens amendment No. 6. The amendment is impractical, unnecessary and will be resource intensive. Government officials are required to make and retain official records in accordance with the State Records Act. Any person can make an application under the *Government Information (Public Access) [GIPA] Act* to access these records. The proposals set out in new section 13B are, therefore, unnecessary.

Under the Government's proposal for the publication of ministerial diaries, there will be enough information proactively released to enable people to identify the information they are seeking. The Government's proposal to disclose quarterly diary summaries will ensure there is adequate disclosure to the public about who is meeting with Ministers. Unlike The Greens' amendment, the Government's proposal will require the timely disclosure of relevant information at regular intervals. Requiring four government officials to attend every meeting, including telephone conference meetings, would be a huge waste of government resources.

The proposed exemptions from the requirement for publication set out in new section 13C of this amendment is completely unworkable and misrepresents a misunderstanding of the workings of the *GIPA Act*. The amendment omits all inferences to public interest factors listed in the table to section 14 of the *GIPA Act*. These factors include personal information, commercial-in-confidence and other confidential information, and they are important factors to take into account when deciding whether information can be released. As drafted, new section 13C (1) does not provide an exemption for commercial-in-confidence or other confidential information from the obligation to disclose created by new section 13B (1) (e).

The Government also opposes the proposed amendment to introduce legislated meeting protocols for meetings with all individuals and organisations meeting with government officials. Under the bill introduced by the Government, supplemented by the Lobbyist Code of Conduct and the Premier's memorandum on ministerial diaries, strict protocols will apply to the conduct of any meetings held with a lobbyist who is named on the watch list because they have breached the Lobbyist Code of Conduct or relevant legislation.

Dr JOHN KAYE [4.54 p.m.]: I will reply briefly to the Minister's remarks. He says that they are impractical and a waste of resources. There is nothing more impractical than billion-dollar contracts being handed over to the private sector where there remains a concern about adverse circumstances in the awarding of those contracts. The men in sharp suits who are running around lobbying the Government on a daily basis get away with it without people knowing. Under the Baird Government's propositions it would not be known that a meeting has taken place until three months later. Even then one would have to apply for information under the Government Information (Public Access) [GIPA] Act. Many GIPA Act applications sit around for months at a time and are then rejected. In fact, many Government members will recall when they were in opposition how frustrating the GIPA Act is, how the presumptions in the GIPA Act always work against public disclosure and how those presumptions end up—

The Hon. Greg Pearce: It is just as frustrating in government.

Dr JOHN KAYE: I imagine governments are paid a lot more to be frustrated than members of the community. When people see in a ministerial diary that the Minister met with an individual who is on the lobbying register, they assume it was a lobbying meeting. The difficulty is they would have no idea what the meeting was about or what was discussed because it is just a diary entry. The GIPA Act is required to glean any information about the meeting. Staff from the government agency or the Minister's office said, "We are stacked up. We cannot do anything for six months." Eventually six months later something is received and it is a letter that states, "There is an overriding public interest against disclosure." We are told to go away. That then has to be challenged with the Information Commissioner.

The last advice we received from the Information Commissioner is that its office is not processing anything until November of this year, so that is another five-month delay. By that stage, for example, the contract has been awarded, the development has been approved and construction has commenced. When the time information is received, it is too late. If we are serious about lobbying and corruption, we need instantaneous disclosure so that it is in the public domain as quickly as possible.

The CHAIR (The Hon. Jennifer Gardiner): Order! I call the Hon. Dr Peter Phelps to order for the first time.

Dr JOHN KAYE: Without the information regime that is envisaged in this amendment, it could be a year or two before a member of the public has any information about what happened between the lobbyist and a government decision-maker. By then it could be far too late to avoid or avert the damage that could be done by an adverse public decision. I commend the amendment to the Committee.

Question—That The Greens amendment No. 6 [C2014-060A] be agreed to—put and resolved in the negative.

The Greens amendment No. 6 [C2014-060A] negatived.

Dr JOHN KAYE [4.59 p.m.]: I will not move The Greens amendment No. 7.

Schedule 3 agreed to.

Schedule 4 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. John Ajaka, on behalf of the Hon. Duncan Gay, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. John Ajaka, on behalf of the Hon. Duncan Gay, agreed to:

That this bill be now read a third time.

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

TABLING OF PAPERS

The Hon. John Ajaka tabled the following papers:

- (1) Coroners Act 2009—Report of the NSW State Coroner entitled "Report by the NSW State Coroner into deaths in custody/police operations for the year 2013", dated March 2014.
- (2) Law Reform Commission Act 1967—Report No. 140 of the NSW Law Reform Commission entitled "Criminal appeals", dated March 2014.

Ordered to be printed on motion by the Hon. John Ajaka.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Report: Review of the 2012-2013 Annual Report of the Health Care Complaints Commission

The Hon. Helen Westwood tabled report No. 4/55 of the Committee on the Health Care Complaints Commission entitled "Review of the 2012-2013 Annual Report of the Health Care Complaints Commission", dated June 2014.

Ordered to be printed on motion by the Hon. Helen Westwood.

The Hon. HELEN WESTWOOD [5.01 p.m.]: I move:

That the House take note of the report.

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

RURAL FIRES AMENDMENT (VEGETATION CLEARING) BILL 2014

Second Reading

The Hon. MATTHEW MASON-COX (Minister for Fair Trading) [5.02 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.

In 2013, New South Wales experienced one of its most challenging bushfire seasons yet.

Fires began well before the officially declared bushfire danger period, starting with emergency declarations in early September 2013.

Between 1 July 2013 and 31 December 2013, some 5,700 bush and grass fires burnt across the State.

Some 1,157 of those fires occurred in October alone, resulting in the destruction of almost 7,000 hectares and the loss of 217 residential properties, with damage to another 129.

The emergency alert telephone system was used extensively during the October bushfires, with more than 400,000 messages sent to areas including the Blue Mountains, Southern Highlands, Port Stephens and Central Coast.

Natural disaster declarations were made to 19 local government areas for bushfire events that occurred since 9 October 2013.

Natural disaster declared areas included the Blue Mountains, Lithgow, Port Stephens, Wingecarribee, Coffs Harbour, Wyong and Wollongong.

In places such as the Blue Mountains, the New South Wales Government provided immediate support through evacuation centres, followed by a recovery centre and later the Bushfire Information and Support Centre, which operated until 18 March 2014.

I understand that in Springwood, 961 people were given immediate assistance and/or grants to ensure that they could live in safe and habitable homes.

New South Wales is a leader in bushfire prevention.

In November 2013, we introduced a series of measures to streamline hazard reduction processes, strengthen offence provisions and protect emergency service workers.

These included the introduction of offence provisions for littering involving cigarettes and matches including an aggravating offence of littering on days when a total fire ban is in place and the removal of obstacles to enable homeowners to better manage fire risks on their properties.

But what else can be done to help our communities to better themselves from the threat of fire?

Following the October 2013 fires, the New South Wales Government began to look at how it could help people maximise their bushfire protection by allowing them to clear vegetation close to their homes.

The Rural Fires Amendment (Vegetation Clearing) Bill 2014 is our response to these deliberations.

Through this bill, landowners whose properties are situated within a "10/50 vegetation clearing entitlement area" will be able to undertake vegetation clearing works in addition to vegetation clearing schemes that are already in place.

A central tenet of the legislative provisions will be the ability of these landowners to undertake clearing with a minimum of red tape, provided they comply with the 10/50 Vegetation Clearing Code of Practice.

The code of practice complements the provisions contained in this bill, and supports landowners in their efforts to minimise fuel loads near their homes. This is a key fire prevention goal.

A 10/50 vegetation clearing entitlement area will be determined by the Commissioner of the NSW Rural Fire Service.

These areas will be illustrated on a map which will be published on the NSW Rural Fire Service website.

People will be able to determine whether their property falls within a 10/50 area by accessing a portal on the NSW Rural Fire Service website. This portal will be simple and easy to use.

All landowners will need to do is enter their address or lot number into the portal to determine whether the 10/50 vegetation clearing entitlement provisions will apply to them.

I will now turn to the legislative provisions contained in the bill.

Section 100R (1) of the bill enables an owner of land situated within a 10/50 area to carry out certain vegetation clearing work on that land despite any requirement for approval, consent or other authorisation for the work made by the Native Vegetation Act 2003, Environmental Planning and Assessment Act 1979 or any other Act or instrument made under an Act.

This work comprises:

- (a) the removal, destruction (by means other than by fire) or pruning of any vegetation (including trees or parts of trees) within 10 metres, and
- (b) the removal, destruction (by means other than by fire) or pruning of any vegetation except for trees or parts of trees, within 50 metres

of an external wall of a building containing habitable rooms that comprises or is part of residential accommodation or a high-risk facility.

Section 100R (2) provides that vegetation clearing work carried out on land pursuant to section 100R (1) must be done in accordance with the requirements of the 10/50 Vegetation Clearing Code of Practice.

I will discuss the 10/50 Vegetation Clearing Code of Practice in greater detail shortly.

One of the most important aspects of this bill relates to the removal of vegetation from a neighbouring property.

Section 100R (4) of the bill makes it clear that the 10/50 rule does not mean that you can go into your neighbour's garden and cut down a tree just because it is within 50 metres of your home.

Section 100R (4) is explicit: any instances of "over the fence" clearing must first require the owner's permission.

The 10/50 rule will apply to certain types of residential accommodation and high-risk facilities. These are:

- (a) residential accommodation within the meaning of the Standard Instrument—Principal Local Environmental Plan;
- (b) tourist and visitor accommodation within the meaning of the Standard Instrument—Principal Local Environmental Plan;

- (c) caravans installed in caravan parks within the meaning of the Standard Instrument—Principal Local Environmental Plan; and
- (d) manufactured homes installed in manufactured home estates within the meaning of the Local Government Act 1993.

High-risk facilities include hospitals, schools and childcare centres. These facilities have a high risk to life and property in the event of a fire.

The New South Wales Government regards these facilities as a high priority; it is important that they be able to clear vegetation away from their environs within the 10/50 zone.

We want to ensure that occupants of these developments have the maximum protection from bushfire attack.

Other high-risk facilities such as hotels and motels, retirement villages and group homes are captured by the proposed legislative provisions as they are forms of "residential accommodation".

There are some limitations to the 10/50 scheme.

First, the bill confines the vegetation clearing provisions to caravans installed in caravan parks and manufactured homes installed in manufactured home estates.

Confining the 10/50 scheme to manufactured homes and caravans within these parameters seeks to prevent instances of indiscriminate vegetation clearing, such as people moving their caravan on an ad hoc basis, and applying the 10/50 scheme within the vicinity of where the caravan is placed.

The provisions also exclude buildings containing habitable rooms if there has been no development consent or other lawful authority under the Environmental Planning and Assessment Act 1979, for the use of those rooms as habitable rooms.

This will mean that a person will have to ensure that he or she knows that the habitable rooms are lawful in order to be able to use section 100R (1) for vegetation clearing purposes.

The 10/50 Vegetation Clearing Code of Practice will regulate how the system works.

Provisions relating to the 10/50 Vegetation Clearing Code of Practice are contained at section 100Q of the bill.

Section 100Q (1) requires the Commissioner of the NSW Rural Fire Service to prepare a 10/50 Vegetation Clearing Code of Practice for the carrying out of vegetation clearing work on land situated within a 10/50 area pursuant to section 100R.

The 10/50 Vegetation Clearing Code of Practice must without limitation address the following:

- the type of vegetation that can and cannot be cleared, including the types of trees
- the circumstances in which vegetation should be pruned and not entirely removed
- the use of herbicides
- the management of soil erosion and landslip risks
- the protection of riparian buffer zones
- the protection of Aboriginal and other cultural heritage
- the protection of vegetation that the owner of the land on which vegetation clearing work may be carried out is under a legal obligation to preserve by agreement or otherwise.

The Commissioner of the NSW Rural Fire Service may also prescribe in the 10/50 Vegetation Clearing Code of Practice whether particular rooms of a building are or are not habitable and what is, or is not, an external wall of a building, for the purposes of section 100R.

Once it has been developed, the 10/50 Vegetation Clearing Code of Practice will be placed on public exhibition for at least 21 days.

At the close of consultation, the code of practice will be reviewed and refined where necessary before the final version is approved by the Commissioner of the NSW Rural Fire Service.

Section 100Q (2) allows the 10/50 Vegetation Clearing Code of Practice to be amended by the Commissioner of the NSW Rural Fire Service from time to time.

An ongoing public consultation mechanism will be built into the 10/50 Vegetation Clearing Code of Practice should any substantial amendments be required.

This will ensure that it continues to remain relevant.

The code of practice will be published in the New South Wales *Government Gazette* and on the NSW Rural Fire Service website.

Landowners whose properties fall within a 10/50 area can obtain a copy of the 10/50 Vegetation Clearing Code of Practice on request and free of charge.

The bill makes a range of other amendments to the Rural Fires Act 1997.

These include amendments:

- consequent to the enactment of the Government Sector Employment Act 2013.
- relating to bushfire hazard reduction certificates, such as a requirement to specify the period for which a bushfire hazard reduction certificate operates, and to clarify that such certificates become effective on the date that they are endorsed.
- to the National Parks and Wildlife Act 1974 to expand the exemptions contained in sections 118A and 1180 of that Act provided that there is compliance with the 10/50 Vegetation Clearing Code of Practice.

This bill enables owners of land situated within a 10/50 area to carry out vegetation clearing works with a minimum of bureaucracy, provided they comply with the 10/50 Vegetation Clearing Code of Practice.

It provides for greater streamlining and clarification of the requirements for vegetation clearing approvals which may be required under relevant legislation.

I commend the bill to the House.

The Hon. STEVE WHAN [5.03 p.m.]: I contribute to debate on the Rural Fires Amendment (Vegetation) Clearing Bill 2014 and state at the outset that the Opposition will be supporting the bill. That should come as no surprise to those opposite, given that the shadow Minister for Emergency Services indicated his support for the bill when it was discussed in the other place. The purpose of the bill is to amend the Rural Fires Act 1997 to make provision for vegetation clearing work to be carried out in certain areas near residential accommodation or high-risk facilities to reduce bushfire risk, and to make other miscellaneous and consequential amendments to the Rural Fires Act 1997 and the National Parks and Wildlife Act 1974.

The bill also provides that the owner of land situated within a 10/50 vegetation clearing entitlement area may carry out certain vegetation clearing work on that land despite any requirement for an approval, consent or other authorisation for the work made by other legislation. Unfortunately, despite being flagged some time ago, this legislation has been fairly hastily introduced and, accordingly, some details are yet to be worked out. The shadow Minister sought a commitment from the Minister in the other place regarding the code of practice. The Commissioner of the NSW Rural Fire Service is to determine what land is a 10/50 vegetation clearing entitlement area and identify this land on a map to be published on the NSW Rural Fire Service website.

The vegetation clearing work that can be carried out is the removal, destruction, by means other than by fire, or pruning of any vegetation, including trees or parts of trees, within 10 metres of an external wall of a building containing habitable rooms that comprises or is part of residential accommodation or a high-risk facility, and any vegetation, except for trees or parts of trees, within 50 metres of an external wall of a building containing habitable rooms that comprises or is part of residential accommodation or a high-risk facility. A "high-risk facility" is defined as a childcare centre, school or hospital within the meaning of the Standard Instrument Local Environment Plan.

The vegetation clearing work must be carried out in accordance with the 10/50 Vegetation Clearing Code of Practice, which is to be prepared by the commissioner and is to deal, at a minimum, with the following matters: the type of vegetation that can and cannot be cleared, including the types of trees; the circumstances in which vegetation should be pruned and not entirely removed; use of herbicides; managing soil erosion and landslip risks; protection of riparian buffer zones; protection of Aboriginal and other cultural heritage; and protection of vegetation that the owner of the land on which vegetation clearing work may be carried out is under a legal obligation to preserve by agreement or otherwise. The code is to be published in the *Government Gazette* and made publicly available. The shadow Minister indicated that it would have been preferable if the Opposition had seen the code of practice before the legislation was passed. I quote the Minister's response in his speech in reply:

The Rural Fire Service is currently developing the code of practice in consultation with the relevant New South Wales government agencies. The code of practice will be placed on public exhibition for at least three weeks following the passage of this bill through the New South Wales Parliament, allowing stakeholders and the public to have their say. Ongoing public consultation will occur on substantial amendments made to the code of practice over time. The final code of practice will be approved by the Commissioner of the NSW Rural Fire Service. It is anticipated that this will occur before the commencement of the upcoming bushfire season.

The final code of practice will be placed on the NSW Rural Fire Service website and will be publicised in local communities. Copies of the code of practice will be made available on request and free of charge to any landowner situated within the 10/50 vegetation clearing entitlement area. It is important to note that the code of practice will be a plain English guide to allow landowners to easily understand the clearing activities that are permissible. I also make note that throughout the course of the debate some members indicated they would like to see an expansion of this. I highlight to those members that we have built into this bill a review period of two years. I think that a two-year period is an appropriate time to gain a clearer understanding of how this code is working on the ground.

I am pleased that the Minister has put on record that there will be public consultation on the code of practice. I note that a three-week consultation period is very brief but we are rapidly approaching the next fire season and that obviously constrains the time that might otherwise have been available. I ask the Minister to keep an eye on whether that three-week consultation period is adequate and, if it proves to be adequate, whether there should be a further review before the expiration of the two-year review period.

The bill contains other miscellaneous amendments, including provisions relating to bushfire hazard reduction certificates, such as a requirement to specify the period for which a bushfire hazard reduction certificate operates, and to clarify that such certificates become effective on the date that they are endorsed. The bill also makes consequential amendments to the National Parks and Wildlife Act 1974 to expand the exemptions contained in sections 118A and 118D of that Act, provided there is compliance with the 10/50 Vegetation Clearing Code of Practice. This bill came about following the 2013 Blue Mountains fires. A call was made for the Act to be amended to enable landholders to undertake more clearing in immediate proximity to their properties. Members would recognise, within the bounds of what we can practically do to give those landholders who want to undertake this sort of activity the power to do so, that many people who live in high fire danger areas do not necessarily undertake the activity they need to in order to keep their homes safe.

We need a continued effort to encourage those people to undertake the clearing or safety work that they need to do. We also need to recognise that there are areas, particularly in the metropolitan fringe around Sydney and in the Blue Mountains, where the urban design that occurred when properties were approved is not necessarily the safest when it comes to protecting properties from bushfires. People in those areas need to plan for bushfires and look seriously at what is their best option. It may be to leave early on days of catastrophic fire danger. Anyone who has had the privilege of flying over these areas, as I have, with the NSW Rural Fire Service would have seen areas where the bush extends onto ridges.

No matter what work one does on a property, there are areas where the topography will make it difficult for owners to be adequately protected from the threat of bushfire on some days. Whilst the Opposition is supporting this measure it certainly should not be seen as the be-all and end-all of protecting properties in some of those areas that are seriously affected by bushfire risks, particularly on catastrophic fire danger days. I note that this measure has been supported by one of the people who has been actively involved in this issue—that is, the mayor of Blue Mountains City Council.

The Hon. Matthew Mason-Cox: What party would he be from?

The Hon. STEVE WHAN: In response to the interjection he is a Labor mayor, and a very good one. I am sure that the Minister who is in the Chamber would acknowledge that Blue Mountains City Council has done a good job for its local communities. It did a lot of work to assist those communities and it lobbied on behalf of them after the bushfires and the damage we saw in that area. As I understand it, the mayor will be putting a mayoral minute to council tomorrow. It contains a recommendation to councillors that they support this legislation. I note that the mayor says in that minute:

Given the devastating loss of property and impacts on people's lives it is recommended that the Council formally supports the government's initiative subject to appropriate safeguards to protect the environment.

The minute notes that the draft legislation proposes the removal of trees within 10 metres and vegetation within 50 metres of habitable structures—an issue that I have already discussed. The mayor indicated that the Rural Fire Service will prepare and publish mapping to define the vegetation clearing area. He notes further:

It is important that the Code of Practice takes into account the methods of clearing that take into account the environmental factors appropriate for the land to be cleared and the impacts on adjoining land. The experience of this Council, when the Council prior to 2009 had responsibility for bushfire hazard reduction approval on private land, was that there are effective methods of clearing that take account of the environmental factors.

The mayoral minute continues:

This mayoral minute in addition to supporting the new legislation seeks to request the government to make provisions for clearing methods for environmentally sensitive land. Such an approach is consistent for a City within a World Heritage National Park and forming part of the Sydney and other water supply catchments.

I note the provisions in the legislation that should ensure the code of practice put in place by the Rural Fire Service does that. As I mentioned earlier, the code of practice is to deal with: the circumstances in which vegetation should be pruned and not entirely removed, the use of herbicides, and the protection of Aboriginal and other cultural heritage—and obviously that would include things like scar trees and so on. The code will also deal with the protection of vegetation that the owner of the land on which vegetation clearing work may be carried out is under a legal obligation to preserve by agreement or otherwise. That would cover voluntary conservation agreements on properties, which one would assume landowners would want to honour anyway given that they are the ones who entered into them.

I believe the legislation as it stands ensures that there is adequate protection for the issues raised by the mayor and by others and that this is carried out in an environmentally appropriate way. Labor also clearly recognises that landholders want to ensure that they do their best to protect property and life in their communities. When this legislation was debated in the other place members took the opportunity to talk about the Rural Fire Service and the vital and amazing work that volunteers do around our communities. As a former Minister for Emergency Services, I have spoken on many occasions in this place about the wonderful work they do and the phenomenal efforts of volunteers to protect our community and life and property during the fire season. They also do incredibly important work to protect lives and properties by the hazard reduction work in which they are involved. This occurs at a household level—where Rural Fire Service teams often work with individual property owners. The Rural Fire Service either asks property owners to carry out hazard reduction work or, in the case of people who are aged or infirm, assists in the conduct of that work. That vital work is being undertaken.

I noted in the budget yesterday that the Government has indicated an increase in funding for the Rural Fire Service. My reading of the budget is that what the Government is doing is maintaining the funding at the level to which it was upped in 2009 in response to the Victorian bushfires which, of course, is welcome. I am a bit concerned about some aspects of assistance for the Rural Fire Service, in particular the drop in funding for new facilities and also the fact that we have seen over the past few years an increase in the average age of the Rural Fire Service fleet. I think the safety of our Rural Fire Service volunteers should be our paramount concern, and that means keeping modern equipment available for them to use. That is something I would like to note in this debate.

I noted in the budget for the New South Wales National Parks and Wildlife Service the continuation of the program started in 2009 to increase hazard reduction burning and activity in national parks. That program has been very successful in producing record levels of hazard reduction in national parks.

Mr David Shoebridge: Is that the measure of success, is it?

The Hon. STEVE WHAN: I note the interjection from The Greens that that is a measure of success. In fact hazard reduction in national parks is very important. Low-intensity burns are very important for the regeneration of many areas in national parks. We have seen the devastating impact in some national parks of high-intensity burns. Some trees do not regenerate if they are burnt more than once every 20 years—in particular, the mountain ash. It is important that we manage those burns well and carefully when we are undertaking hazard reduction activities.

The increase in resources that was made available to the National Parks and Wildlife Service by the O'Farrell Government, and that was carried through to the budget again this year, is important to residents of the Blue Mountains and to all residents living near national parks for the protection of their properties. It does not necessarily mean having targets for a certain percentage of burnings or burning tens of thousands of hectares; it means targeting hazard reduction to areas to produce the most effective hazard reduction and to protect property—and ensuring that it is undertaken consistent with the ecological needs of those areas. From what I can see, that is what the New South Wales National Parks and Wildlife Service has undertaken over the past few years since it has had those additional resources. Important work is being undertaken.

We must ensure that the resources of the Rural Fire Service are maintained. Over the past year I was pleased to see that the Government postponed—it seems to me that it will probably drop this—its negative proposal to move the funding model for the New South Wales Rural Fire Service away from the current model. The current model is supported by the vast majority of volunteers in the Rural Fire Service as well as the organisation itself. That model is able to respond quickly to the need to boost funding—for instance, as occurred in 2009 after the Victorian bushfires and the recommendations of its royal commission. I know there will be debate about how this legislation compares to similar legislation in Victoria.

There is a similar ability for people to clear their own properties and areas near to their properties. I am aware that there is the potential for debate over things such as trees outside the area and whether it is a 10-metre area for the clearing of trees, 50 metres for the clearing of vegetation, or some other figure. I note that the Minister has indicated there will be a two-year review of these provisions to see whether they are effective. I ask the Minister to reconfirm that we will keep an eye on the provisions to ensure that they are working effectively and providing the appropriate protection and management of the environment in which the houses are located.

I hope that the codes of practice that are indicated are easier to understand than the codes of practice that have been put out in draft form for the Native Vegetation Act, which are interesting to say the least. Having expressed concern that the Government might go too far in changing the native vegetation laws and enabling the destruction of areas that need to be preserved, I read the codes of practice and I realised I did not have to worry about that because most landowners would have found those codes very difficult to negotiate. I suspect I am not the only person in this Chamber who thinks that.

I hope that the code developed by the Rural Fire Service that goes with this bill is a practical piece of work that provides the protection home owners and essential facilities need and ensures that the environment is protected. Let us be realistic: most people who move to rural areas do so because of the environment, which they value as part of the surrounds in which they have chosen to live. I indicate Labor's support for the legislation on that basis.

The Hon. RICK COLLESS [5.21 p.m.]: I am pleased to support the Rural Fires Amendment (Vegetation Clearing) Bill 2014. The Rural Fires Act 1997 legislates for prevention and mitigation measures in the event of bushfire. Under that Act private landowners can apply for a bushfire hazard reduction certificate to clear land for hazard reduction purposes. It is proposed that the amendments contained in this bill be made to that Act to allow landowners to undertake vegetation clearing work on land that will be known as a 10/50 vegetation clearing entitlement area. If that is the case a hazard reduction certificate will not be required, which will make it easier for landowners and home owners to do necessary hazard reduction work.

The bill allows for the removal, destruction or pruning of any vegetation including trees or parts of trees within 10 metres of a residence or high-risk facility and the removal, destruction or pruning of any vegetation except for trees and parts of trees within 50 metres of that residential accommodation or high-risk facility. Owners of land within a 10/50 clearing entitlement area will be able to undertake clearing work provided that the work is done in accordance with the 10/50 Vegetation Clearing Code of Practice, which will be developed and presented shortly.

Despite the positive aspects of the bill there remains an important omission. The bill does not allow for trees in excess of 10 metres in height located between the 10-metre and 50-metre boundary from a residence or a high-risk facility to be removed. For example, if a tree is 25 metres in height but only 12 metres from a house or high-risk facility it cannot be removed under this bill.

The Hon. Dr Peter Phelps: Despite the fact that it could fall on it.

The Hon. RICK COLLESS: Should the tree catch on fire and fall in the direction of the house it could still impact the house and potentially cause it to burn. These trees should be removed. It is my view that this bill needs a future amendment to allow for removal of trees in excess of 10 metres in height that are located between 10 metres and 50 metres from a residence or facility. I do not see that as a clear fell situation; they do not need to be totally removed. Trees greater than 10 metres in height should be removed in accordance with their fall height. For example, a 25-metre tree should be removed if it is within 25 metres of a house or facility so that it cannot impact the house or facility if it falls over.

I have spoken about fall height many times in this House during debates on the Rural Fire Service and native vegetation matters. So much rural infrastructure can be impacted by falling trees during fires or storms. It includes not only residences but also machinery sheds, stables, dairies, woolsheds, windmills, pump sheds, fences and the list goes on. Some trees, particularly eucalypts, can shed limbs and fall without any warning on calm days. I believe the Government should hold a philosophical position that if infrastructure is at risk of damage by falling timber, that timber should be removed. It is simply an issue of risk management that should be addressed.

I bring these issues forward as a person with some experience in bushfire management. I served for 10 years as the officer in charge of land surrounding the Copeton Dam foreshore. Anybody familiar with the

area knows that it is at very high risk of fire. Many thunderstorms cross over it every year and lots of lightning strikes ignite bushfires. I also spent 10 years as chairman of the Inverell Shire Council bushfire management committee and during that period I was appointed as a section 44 controller. In addition, in 2002 in this place I served on the joint select committee on the bushfires in the Blue Mountains. As I said, I have some experience in this area.

After reading the bill it caused me considerable frustration when I had difficulty raising the fall height issue with the Minister's office. Today I finally spoke to Rural Fire Service Commissioner Rob Rogers and discussed my concerns with him. It is a fact that there is some urgency to pass this bill today. It is now time to commence hazard reduction works in bushfire-prone areas and to amend the bill to allow for the fall height issue would hold up the process. It is imperative that the bill proceeds so that important hazard reduction work can be undertaken forthwith, and the bill is of course a vast improvement on the current situation.

Commissioner Rogers gave me a commitment that a review of the fall height issue would be undertaken before the start of the 2015 fire season, which is 12 months from now. I therefore ask the Minister to confirm that commitment by the commissioner. I thank the Minister's staff and the commissioner for the frank and forthright discussions I have had with them during the course of the day with respect to the fall height of trees within that zone of between 10 metres and 50 metres from residences and high-risk facilities. With those words, I am pleased to support the Rural Fires Amendment (Vegetation Clearing) Bill 2014. I look forward to further reviewing the issue of fall height with Rural Fire Service personnel and others over the next 12 months.

Mr DAVID SHOEBRIDGE [5.28 p.m.]: On behalf of The Greens I express our opposition to the Rural Fires Amendment (Vegetation Clearing) Bill 2014. We oppose the bill for three principal reasons. First, it will give landowners and occupiers a false sense of security that may ultimately put them at risk of bushfire. Secondly, it will reduce essential interaction between Rural Fire Service [RFS] personnel, who are the experts who can give the best advice, and landowners and occupiers. Thirdly, it will create unacceptable damage to a large amount of environmentally sensitive bushland across the State.

This bill creates what are called 10/50 vegetation clearing entitlement areas where, subject to the yet to be publicly provided 10/50 Vegetation Clearing Code of Practice, home owners, occupiers and landowners can clear trees within 10 metres and any vegetation apart from trees within 50 metres of their home without having to apply for permissions that would otherwise be required. Through new section 100Q of the bill, the commissioner is tasked with preparing a 10/50 Vegetation Clearing Code of Practice that covers the type of vegetation that can be cleared, when it should be pruned rather than removed, the use of herbicides, erosion and landslip risks, riparian buffer zones et cetera.

We are told that the code of practice will operate in 10/50 vegetation clearing entitlement areas, which will be determined by the commissioner on a map or maps published on the NSW Rural Fire Service website. This House is deciding on the legislation without having seen the code of practice. We do not know what controls and protections will be put in place. This House is proposing to make these laws without having seen any indicative maps of where the legislation will apply.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! Members will come to order.

Mr DAVID SHOEBRIDGE: When we look at maps of bushfire-prone land where this legislation could be applied across the State, we see that it covers large swathes of extremely sensitive and valued bushland around the foreshores of Sydney, land throughout the Blue Mountains and adjoining the Blue Mountains National Park, and large swathes of highly valued coastal bushland along the coast as well as extremely important and valued scenic areas across the State, such as the Dorrigo Plateau.

The Hon. Robert Borsak: They won't be very scenic when they are all burnt.

Mr DAVID SHOEBRIDGE: I note the interjection by the Hon. Robert Borsak—that they will not be very scenic once this law passes. Indeed, that is true. Under new section 100R, vegetation can be cleared in a 10/50 vegetation clearing entitlement area if it is a tree within 10 metres or vegetation within 50 metres of an external wall of a building containing habitable rooms or what is called a high-risk facility, which is a school, childcare centre or hospital. The definition of a high-risk facility is used in a variety of other parts of the law regarding bushfire risk. The bill clarifies that it applies only when there is development consent or other lawful authority for the building. Though "habitable" is the definition, there is no requirement that the rooms in fact be inhabited.

New section 100S creates a requirement for the Minister to review this division and its policy objectives as soon as possible two years after commencement of the division. The Minister is required to report to the Premier on the outcome of the review, but unfortunately there is no requirement for the outcome to be tabled in Parliament or made public. Schedule 2 creates exceptions in the National Parks and Wildlife Act for offences that harm or damage threatened species that include vegetation clearing in a vegetation clearing entitlement area. The bill also makes a number of other amendments to the Rural Fires Act 197 that bring employment matters up to date and revises provisions relating to bushfire hazard reduction certificates.

This bill is a substantial attack on biodiversity in New South Wales and goes too far in allowing property holders discretion to remove trees and vegetation, even where they are not contributing to bushfire risk. The idea that an as yet unsighted code of practice will be sufficient to ensure vegetation clearing is done in a way that protects riparian zones and Aboriginal as well as other cultural heritage is quite extraordinary. It is also concerning that the Government is asking this House to pass this legislation without ever having sighted the code of practice or a draft code of practice that will give some indication to the Government, or the cheerleaders on the Government benches, about how it will be implemented. The Minister's second reading speech identified that there were 30 million hectares of bushfire-prone land in this State. That is a worrying indication of the area of land that he, his Government and his supporters in this Chamber think would be appropriate for clearing.

The Hon. Rick Colless: That is nonsense.

Mr DAVID SHOEBRIDGE: The Hon. Rick Colless in his contribution to debate during the second reading made it clear that he wants to go further. He wants to increase the area of vegetation that can be cleared. He wants additional trees to be subject to clearing.

The Hon. Robert Borsak: And national parks.

Mr DAVID SHOEBRIDGE: I note that members of the Shooters and Fishers Party are proposing to move amendments to increase the area of land. I hear them referring to the clearing of national parks in their interjections.

The Hon. Rick Colless: Hear, hear!

Mr DAVID SHOEBRIDGE: I also note that the Hon. Rick Colless and other Government members are saying "Hear, hear" in support of the concept of clearing national parks. If the people who are concerned about our environment and a rational approach to fire management could hear the kind of enthusiasm in this Chamber for going vastly beyond this legislation and for the wholesale clearing of up to 30 million hectares—or more, as some of the advocates in this State who are in favour of clearing propose—they would and should be deeply disturbed. This bill has been criticised by a number of stakeholders on the grounds that it will reduce contact between residents in bushfire-prone areas and the RFS by allowing residents to clear without contact or assistance from the RFS, which is the acknowledged bushfire expert. Bushfire survival plans, which can be absolutely essential tools for home owners and occupiers in vulnerable parts of our State, are best made in consultation with the RFS and by sitting down and discussing a series of strategies to protect property in consultation with the experts.

But if this legislation passes, as it undoubtedly will, many landowners, instead of contacting the RFS and finding out about the suite of measures that will best protect their property—such as checking on their eaves and having a certain water supply as well as treatment of their house and surrounds outside the arrangements proposed by this legislation—will be lulled into a false sense of security. They will have a false sense of security that if they clear in accordance with the 10/50 rule, they will have protected their homes and done the best they can. But they will not have done so. The best thing that people can do is sit down and speak with the RFS. They should ensure RFS officers come onto their property so that they can talk together about their bushfire survival plan, that may well be essential for the protection of their home and their loved ones if, and in many cases when, a bushfire approaches the edge of their property.

It was claimed in the Minister's second reading speech that the bill strikes a balance between environmental protection and household and property protection. Given that the bill is all about allowing the clearing of property and that there are no identified safeguards in this legislation, it is very difficult to see how that could be the case. The detailed briefing paper provided by the Parliamentary Library on this issue is very informative. I suggest members take the time to read it at length. It shows clearly that the greatest risk to property is living within 100 metres of a forest, not the proximity of a small number of trees closer to a house.

That is because in many cases it is the ember attack, which travels up to 100 metres ahead of the fire front, that is responsible for spot fires in residential areas and for the loss of many residential homes. That is well outside the region that will be proposed to be protected under this bill.

What is the best way of protecting residents from those spot fires that start from ember attacks that travel 100 metres or more in front of a fire? The best approach is for residents to sit down with the RFS, make a bushfire survival plan and work out a suite of measures to protect the property from bushfires rather than simply getting out the chainsaws and clearing trees within 10 metres of their house. One of the best ways to protect lives and properties from bushfire is to properly resource the Rural Fire Service and ensure that development does not occur in the most bushfire-prone parts of New South Wales. Disturbingly, the Government, in its original planning bill, proposed to get rid of the requirement for local government authorities to consult with the Rural Fire Service before allowing development in bushfire-prone land.

On the one hand, this Government says it is deeply concerned about development in bushfire-prone land, and on the other hand we know that it is at an advanced stage of planning under its planning bills to remove the requirement for local government to consult with the Rural Fire Service before it opens up bushfire-prone land to residential development. This Government is not being honest with the people of New South Wales about a number of things, but in particular about how to seriously address concerns about future and existing development on bushfire-prone land. If the Government was serious about this, it would introduce substantial restrictions to prevent further residential development in bushfire-prone land. But we do not see that.

Indeed, in large part this Government wants to remove the restrictions on development in bushfire-prone land and create more risk for home owners throughout the State. On the one hand, it is creating more risk and putting future residents under threat from bushfire fronts by allowing engulfing development in bushfire-prone land and by encouraging that kind of development. On the other hand, it is crying crocodile tears and putting up this ineffective legislation. The Government is not seeking to genuinely grapple with the increasing risk from climate change and the interaction between residential development and bushfire-prone land across the State. These risks will get worse in a hotter and drier future, and we need to be adaptive in our laws and our fire management practices. We absolutely need to be adaptive.

It is not a question of The Greens opposing any change to these kinds of laws. We think we need to be very proactive in looking at how we manage the risk of development in bushfire-prone land because there are millions of hectares across the State where we should be saying no to development, full stop. We should not be allowing inappropriate development, putting people at risk and then coming up with ineffective ad hoc methods of reducing the risk, such as we are seeing here. This requires a much more comprehensive approach to land management in New South Wales than the bandaid solution in this bill.

There is a real risk that it will lead to less contact with the Rural Fire Service, whereas under the existing arrangements landowners are encouraged to sit down and consult with the RFS and implement a suite of measures to protect their properties. For those reasons The Greens do not support this legislation. For those reasons we urge members to reject the bill and insist on the Government seriously addressing the risk from development and the risk to life and property in the crucial interaction between some of the most beautiful and environmentally sensitive parts of this State and areas where there is constant and growing pressure for development.

Dr MEHREEN FARUQI [5.41 p.m.]: On behalf of The Greens I will speak briefly in debate on the Rural Fires Amendment (Vegetation Clearing) Bill 2014. I support the comments of my colleague Mr David Shoebridge. Yesterday when this bill was debated in the lower House the member for Kiama, Mr Gareth Ward, said:

We are not intimidated by The Greens, who have a different agenda in this place and one that seems to have very odd priorities in relation to people and life versus limb of trees and other flora and fauna.

First, I wish to set the record straight. I understand that we are the only party in this Parliament with a specific policy on bushfire risk management that is publicly and transparently available on our website. The Greens policy on bushfire risk management is about a strategic and coordinated approach. The Greens New South Wales policy refers to:

Strategically planned hazard reduction, including controlled burning, where and when climatic conditions allow it to be done safely and where it is consistent with maintaining the ecosystem.

We are committed to an effective and scientifically based approach to hazard reduction, which takes into account the needs of both human and natural environments. The Greens policy is underpinned by the primacy of protecting human life, and the preservation of natural and built assets. The many scientists, farmers and environmental engineers in The Greens, of whom I am proud to be one, have long known that hazard reduction and controlled burning techniques are not just effective but also often necessary in mitigating the effects of truly horrific bushfires. Our policy is, therefore, an acceptance of the realities of the bushfire season and methods to best protect people and their properties while also protecting biodiversity, and especially threatened species. If Mr Ward is interested in what The Greens have to say, perhaps his Government should adopt one of our policy points about properly resourcing the Rural Fire Service [RFS], professional firefighters and local councils, instead of shutting fire stations.

The Rural Fires Amendment (Vegetation Clearing) Bill 2014 creates new "10/50 vegetation clearing entitlement areas", where home owners can clear trees within 10 metres and any vegetation apart from trees within 50 metres of their home without having to apply for permissions that would otherwise be required. The clearing would be subject to a vegetation clearing code of practice that would contain guidance for landowners on how best to protect their properties. It is very concerning that the Government is asking us to pass legislation when no-one has seen this code of practice that will guide the implementation of the bill. This bill will actually reduce contact, as my colleague Mr Shoebridge has pointed out, between residents living in bushfire-prone areas and the RFS, who are the real experts in bushfire management. Without any guidance and assistance from experts, home owners will be expected to make these important decisions on their own. That is no way to protect people.

The bill does not seem to strike a balance between environmental protection and household property safety, as claimed by the Minister in his second reading speech. In fact, it creates a danger for both our community and our environment. The Rural Fire Service website states:

Reduction of fuel does not have to be as drastic as removing all vegetation. Environmentally this would be disastrous and often trees and plants can provide you with some bushfire protection from strong winds, intense heat and flying embers.

This seems like very good advice. Hazard reduction and bushfire management should be strategically planned and include a number of measures to protect the community and assets, and minimise the adverse impacts on our environment and biodiversity. Unfortunately, this bill fails to do that, and The Greens will not support it.

The Hon. ROBERT BROWN [5.46 p.m.]: First, I put on record that the Shooters and Fishers Party will support the Rural Fires Amendment (Vegetation Clearing) Bill 2014, but we have some severe reservations about it and I foreshadow that we will move a simple series of amendments in Committee. Before I begin, I will comment on the contributions from two of the eastern bloc Greens. Only someone who lives in the eastern bloc would consider that there are 30 million hectares of national park in New South Wales. I think Mr David Shoebridge may have had a brain snap. Secondly, Dr Faruqi talked about The Greens policies on bushfires. Might I put my view on record? The Greens policy causes bushfires. No fuel, no fire—it is a very simple fact of life in rural New South Wales. Some people think the Anzac Bridge is out west, but we cannot really blame them.

The Rural Fires Amendment (Vegetation Clearing) Bill 2014 makes a number of amendments, which have been covered by various speakers. Essentially, the bill decriminalises clearing under certain codes of conduct within certain distances of fuel load, including trees, around habitable residences and high-risk areas such as schools and hospitals. In principle, this bill should be supported. I am not sure whether it was at Kinglake or in one of the other communities affected by the Victorian fires, but I recall that a particular landholder had dared to clear, I think, 100 metres around his house and copped a \$100,000 fine as a result. That residence was the only one left standing for miles and miles. I will not put the boot in and talk about the number of deaths that occurred in Victoria. It is quite simple, and I will say it again: no fuel, no fire.

It is not just a question of looking at how close trees are to residences and the height of trees. If one lives in fairyland one thinks that every rural residence has one or two 10- to 25-metre trees standing beside it that may or may not fall on the house—it may fall the other way, and I am told that an adviser to a certain Minister made that silly statement—but there is also the danger of radiation heat caused by crown fires. If you have 20 trees alongside your residence, outside 10 metres but within 50 metres, they might not fall on your residence but the radiant heat from a crown fire in those trees, particularly eucalypts or other large trees, would demolish the house.

It would blow up because it would get that hot. In fact, that is what happens. Embers might weigh half a kilogram and if the windstorm is hard enough and the firestorm is fast enough chunks of bark fly over

properties, not just little leaves that will extinguish. General Purpose Standing Committee No. 5 shortly will inquire into the bushfires at Coonabarabran, so I will not comment further except to say that this legislation does not bind the Crown. Perhaps after the Coonabarabran bushfires inquiry some recommendations might be made affecting not just landowners. I acknowledge that the bill refers to owners of land other than land on which the subject residence is constructed—in other words, a neighbour—but it does not bind the Crown.

I could clear within 10 metres of my house and have a fence line at 12 metres yet hard up against that fence line is a forest of 30-metre high trees. That was the situation in Coonabarabran. A farmer's land was clear on his side of the fence, but immediately on the other side was a firestorm waiting to happen—caused by a lightning strike, arson or something else. I will not go into too much detail now. I acknowledge the comments of the Hon. Rick Colless and appreciate his advice on this matter. He took the time to discuss this issue with the Shooters and Fishers Party and the Hon. Paul Green, who put forward some ideas.

It is a pity the Government could not adopt some of the more technical ideas about trying to measure whether a tree or group of trees is a danger to a residence—a method that certainly is in practice in the Shoalhaven council area. Having said that, I have foreshadowed an amendment that we believe may help the bill's principle: to protect people and property. Of course, the bill does not go anywhere near protecting all property, only habitable property. Let us face it, the thing of most value is not bushland; it is people's lives. We are playing with people's lives. We should be arguing not some ideological position but about the best way to protect people who live in close proximity to huge fuel loads.

Large trees, particularly large eucalypts, constitute a huge fuel load—especially when a firestorm gets into the treetops. It is absolutely frightening. We have all seen footage of such fires on our television screens over probably the past 15 to 20 years and would acknowledge how terrifying it is. I understand the Government is not keen to support the Shooters and Fishers Party amendments. I understand also that The Greens and Labor probably will not support them, but we are making a point. If more consideration had been given to this issue, the bill could have been better.

When I first heard about the policy I thought it was fantastic, but I had confused the 50- and the 10-metre restrictions. I thought it meant that trees within 50 metres of a residence could be chopped down. The tall trees could be kept at a distance and shrubbery could be within 10 metres of a residence. That sounded sensible. At the moment, Madam Deputy-President, I am standing 10 metres from you. This Chamber is about 7½ metres tall. Imagine doubling the height of this Chamber, multiplying that by five, 10 or 15 stumps or trunks, and considering having to defend oneself in those circumstances in the face of a firestorm. We will support the bill but we will prosecute our amendments to the fullest extent.

The Hon. PAUL GREEN [5.54 p.m.]: On behalf of the Christian Democratic Party I contribute to debate on the Rural Fires Amendment (Vegetation Clearing) Bill 2014. This bill will give residents in bushfire-prone regions greater opportunities to clear vegetation close to their houses. The bill was introduced by the Minister for Police and Emergency Services, Mr Stuart Ayres, on 29 May. It amends the Rural Fires Act 1997 to allow the Commissioner of the NSW Rural Fire Service to identify what land would be designated as a "10/50 vegetation clearing entitlement area". The bill states for landowners:

The vegetation clearing work that can be carried out is the removal, destruction (by means other than by fire) or pruning of:

- (a) any vegetation (including trees or parts of trees) within 10 metres of an external wall of a building containing habitable rooms that comprises or is part of residential accommodation or a high-risk facility, and
- (b) any vegetation, except for trees or parts of trees, within 50 metres of an external wall of a building containing habitable rooms that comprises or is part of residential accommodation or a high-risk facility.

In his second reading speech the Minister said:

In 2013 New South Wales experienced one of its most challenging bushfire seasons yet. Fires began well before the officially declared bush fire danger period ...

The Minister called the proposed amendments "practical changes [that] have been incredibly well received by many members of the community". He said that the reforms strike a "balance between environmental protection and household property". The Christian Democratic Party concurs with him. This bill is a good start and correctly puts the lives of people and property first. I note further that Premier Mike Baird told the *Sydney*

Morning Herald that the New South Wales Government is "putting people before trees" and "empowering individuals". The Deputy Commissioner of the Rural Fire Service, Rob Rogers, also welcomed the new laws, saying:

We need to ensure the community is as prepared as possible for bushfires and these changes will give residents the flexibility they need to clear their property from bushfire risk.

However, some critics have raised concerns about potential unseen consequences, highlighting the dangers of land clearing, such as increased instability for slopes and ridges. The Greens also raised concerns about lack of oversight, saying that they fear habitats for native animals could be destroyed "carte blanche".

The Hon. Dr Peter Phelps: Humans are native animals too, unfortunately.

The Hon. PAUL GREEN: I have to acknowledge that the Hon. Dr Peter Phelps may come from evolution, but I come from the image of God. The bushfire policy officer for the Nature Conservation Council of NSW, Greg Banks, told the *Sydney Morning Herald* that the existing process allowed for extra safeguards. He said:

It requires people to engage with the Rural Fire Service so that they came out and have a look at the property before issuing a hazard reduction certificate to clear. Some vegetation can prove very useful in providing a barrier to embers.

The status quo is burdensome, riddled with red tape and puts ideology above real people. Let us face it, Australia is the sixth-largest country comprising approximately 7.6 million square kilometres. Some 90 per cent of the land is uninhabited and 90 per cent of Australians live in 10 per cent of the continent near the coast. I am not convinced that removing the tiniest percentage of carefully defined trees within 10 or 50 metres of selectively defined scrub near homes will significantly impact fauna. Fifty metres is around 50 steps and my colleague just acknowledged some measurements within this Chamber as the area involved for tree removal.

Fifty steps measures around 50 metres for the average adult. This law will not apply to all homes; it will apply only to those declared to be in bushfire-prone areas, and only for certain fauna. This bill is common sense and is a good start. I take issue with the sentiments of those who insist that the bill allows carte blanche destruction of native animal habitats. That is completely erroneous and misleading. The bill safeguards completely against carte blanche clearing. Part 4, division 9, new section 100Q clearly defines the 10/50 Vegetation Clearing Code of Practice. It states:

- (1) The Commissioner is to prepare a 10/50 Vegetation Clearing Code of Practice for the carrying out of vegetation clearing work on land situated within a 10/50 vegetation clearing entitlement area pursuant to section 100R. The Code must (without limitation) deal with the following:
 - (a) the type of vegetation that can and cannot be cleared, including the types of trees,
 - (b) the circumstances in which vegetation should be pruned and not entirely removed,
 - (c) use of herbicides,
 - (d) managing soil erosion and landslip risks,
 - (e) protection of riparian buffer zones,
 - (f) protection of Aboriginal and other cultural heritage,
 - (g) protection of vegetation that the owner of the land on which vegetation clearing work may be carried out is under a legal obligation to preserve by agreement or otherwise.

Professor Ross Bradstock from the University of Wollongong's Centre for Environmental Risk Management of Bushfires told the *Sydney Morning Herald* that land clearing could be beneficial in reducing bushfire threats but that residents should be mindful that good garden design could be just as critical, if people are into gardening, which I am sure many of us are. This bill represents an expansion of freedom and choice. People will not be forced to clear around their houses; those who do not want to do not have to. However, this bill will empower those who choose to do so. While the Christian Democratic Party [CDP] believes that some areas may need larger clearing areas in certain zones, this bill is a good start. We commend the bill to the House in those terms.

I wish to defend the member for Kiama in the other place. He was fantastic in his former role as deputy mayor of Shoalhaven City Council and was attuned to all of our constituents. His efforts were second to none when it came to helping establish the tree management policy in the Shoalhaven. Members may remember that

the Shoalhaven City Council was held liable for the death of Mr Timbs—may he rest in peace—after a tree fell on him. The Shoalhaven City Council advised Mr Timbs not to cut the tree down. As a result of Mr Timbs' death the council was mindful of trees in and around homes and developed a good tree management policy called the 45-degree rule, which The Greens opposed. The 45-degree rule extends from the foundation of the House. If a tree crosses the 45-degree angle at any point, it is likely to fall.

The Hon. Rick Colless: The fall height.

The Hon. PAUL GREEN: The fall height, as the Hon. Rick Colless mentioned earlier. We are not talking only about bushfires. The Shoalhaven has had some humdinger windstorms, and we must not forget other catastrophes such as floods. Some people visited me in my mayoral office and said that the council would not agree to them felling trees. My experience is that if mums believe that their houses are endangered by trees, they will not settle until the threat to their family is dealt with. For some people their quality of life was compromised by fear and anxiety. The easiest solution was to empower them to remove those trees which threatened to fall on their house or their children who played in the backyard. The Shoalhaven City Council knows that the 45-degree system works. It has asked the Government to consider it. Government members have indicated that Commissioner Rogers will review the model after the bushfire season and will consider it in conjunction with fire zones.

Ms Jan Barham will agree that at one time The Greens were interested in empowering people to make choices, but in this case they want to disempower people. They have stated, "Our policy will tell you what to do." It is one or the other. Should people be empowered and have the authority to make decisions about their lives and their property? Time and again we have talked about empowering farmers to make decisions about the management of vegetation on their land, which is their livelihood. If a tree falls and causes damage or kills someone the individual lives with the consequence. People should be empowered to manage their houses and properties so that they can remove trees if they deem it is necessary. Seventy-five per cent of the Shoalhaven is made up of national parks and another 13 per cent is Crown lands. When this tree management policy was introduced trees were not felled in the Shoalhaven because people love their trees. Only those who felt threatened took the appropriate action to feel safe, which removed the liability for council and ratepayers.

The Select Committee on Social, Public and Affordable Housing is conducting an inquiry. It has found that people are finding it is becoming too expensive to invest in their first home. Recently one staff member of Parliament lost his house at the Blue Mountains during the bushfires and he is going through the process of rebuilding. The building regulations have changed and he now has to spend another \$80,000 to \$100,000 to rebuild his home on the same footprint. Buildings in bushfire areas now have to be customised with shutters, gutter coverings and steel-framed windows. These mums and dads do not have an extra \$80,000 to \$100,000 to rebuild their homes.

One way to reduce the cost of rebuilding these homes is to reduce the bushfire attack level [BAL]. A designation of BAL-40 means a building has to be covered in fire-proof material. One way to release the pressure on people who have to rebuild is to ensure there is a clearing 25 metres out from the footings of their house. They could also use the 45-degree law. If the BAL assessment is reduced, the price of building a house is reduced. House prices are becoming unaffordable for a lot of people. When people are building in a bushfire zone common-sense decisions need to be made. If every second house in the Blue Mountains were to be rebuilt, the BAL assessment would be extremely high—for example, BAL-40 or BAL-FZ, which is a flame zone and rated higher than BAL-40. In fact, in New South Wales BAL-FZ is not recognised under the Australian Standard. Trees around houses in bushfire zones can certainly pose a problem.

The Christian Democratic Party is mindful of that. We are also mindful of fall height and vegetation clearing. We are put on this planet as stewards, so we should all be wise stewards of God's good environment. But common sense also comes into play. Indeed, there are other ways in which we can absorb some of these things—for example, if we remove a tree we plant another one, but perhaps not right next to a house. This bill is about protecting people; putting people first. We need to look after people's assets because it is becoming unaffordable for people to rebuild once their assets perish.

I note that about 85 per cent of fires are started by embers. Something needs to be done about that. It is the view of both the Christian Democratic Party and the Shooters and Fishers Party that people should be empowered to look after their assets. They should be able to do what they need to do to protect their assets and, importantly, to protect their families. The Christian Democratic Party commends the bill to the House. However, I foreshadow that we will be supporting the wise amendments that will be moved in Committee by the Shooters and Fishers Party.

The Hon. HELEN WESTWOOD [6.10 p.m.]: I make a brief contribution to debate on the Rural Fires Amendment (Vegetation Clearing) Bill 2014. Previous speakers have adequately covered most aspects of the bill, but as the duty member of the Legislative Council for the Blue Mountains I wish to make a couple of points. In that role I have had a lot to do with families who lost their homes in the Blue Mountains fires. Indeed, some of my very dear friends were amongst those who lost their homes in the October 2013 fires. I have been in contact with a number of councillors involved in the bushfire recovery program being facilitated by the Blue Mountains City Council.

This bill seeks to amend State law. In 2009 the State Government took over responsibility for bushfire prevention strategies, regulation and laws. But there is a perception that council laws, by-laws or codes have prohibited the removal of trees. That is not the case. It was not the action or the inaction of the Blue Mountains City Council that led to the October 2013 fires. The Coroner is yet to hand down his report, but it is widely accepted that the fires were caused by a tree on private property falling onto power lines. However, until the Coroner's report is handed down it is not fair to say that was the definite cause of the fires. Indeed, it was not that council had not permitted the removal of that tree, but an application had not been made to remove the tree believed to have caused the fire.

Importantly, this bill should not be seen as a panacea for bushfire prevention, particularly in bushfire-prone areas. As my colleague the Hon. Steve Whan said earlier, tomorrow night Councillor Mark Greenhill will move the following motion at a meeting of the Blue Mountains City Council:

That the Council in the wake of the devastating October 2013 bushfires supports in principle the Rural Fires Amendment (Vegetation Clearing) Bill 2014 to better protect communities subject to appropriate environmental protection measures being incorporated in the Vegetation Clearing Code of Practice.

No doubt that motion will be carried. This area is part of the World Heritage Blue Mountains National Park and some residents are concerned that there should be protection for environmentally sensitive lands. It is not clear what protections are in place, but I understand that discussion is still taking place. It is also important not to give residents in bushfire-prone areas a false sense of security that once the legislation is passed trees will be removed and everything will be safe. This legislation will only give people a right to remove trees.

Some residents will not remove trees because they value their garden the way it is or they value the environment. In addition, some home owners are less responsible than others. Anyone who has been involved in local government can point to properties that have been left derelict—that can be for a variety of reasons—and that sort of risk needs to be managed. Bushfire management is risk management. Many people live in the Blue Mountains because they place a high value on its beautiful green environment. Many of them will not choose to remove trees within 10 metres or even closer proximity to their homes. I accept the Hon. Paul Green's point that many people are fearful and anxious. When I was in local government I came into contact with a lot of residents who requested that trees be removed because they were fearful of them falling. That also has to be taken into account. This bill reaches a reasonable balance.

We need to ensure that residents do not see this legislation as a panacea. People need to understand that there is still a need for a bushfire plan. It is important that residents continue to clear their gutters. As previous speakers have said, ember attacks cause a lot of damage. Many of the homes in the October 2013 fires were lost to ember attack. This bill does not address that. My comments are mainly directed to the Blue Mountains because it is the area I am most familiar with, but it is not the only area. History shows that the overwhelming majority of fires in the Blue Mountains have started on Crown land or within the national park. The fires have not started on private land. This legislation does not address all the issues but it is an appropriate response to community concern following the horrendous bushfire season we just had. Residents need to be alert to the risks of bushfires and have a bushfire plan. They also need to take practical steps, such as clearing gutters.

The other point I would like to make—because I know that one of the catalysts for this bill was the Blue Mountains fires—is that a whole lot of other issues have come out of this that we need to address and that the Government certainly needs to turn its mind to. One of those issues has been referred to by the Hon. Paul Green—that is, the new building codes. Naturally they are about reducing risk, but the new codes will mean that many residents of the Blue Mountains who have lost their homes cannot afford to rebuild. Many will choose not to rebuild. People will be homeless or will have to move out of the area. If we look at the community overall, this will have quite a devastating impact. Many people who call the Blue Mountains home will not be able to remain living there. We have to take that into consideration. It is not a reason not to have appropriate building codes. However, it is something that the Government needs to take into consideration in responding to the tragedy and the loss of property that occurred as a result of the fires last year.

Obviously the new building codes cover design, but they also cover things such as sprinklers. I know that the fire last year was so intense that even if the homes that were lost had had sprinklers installed they would not have been saved because the conditions were so extreme. Again, there is no one answer to this. It is all about risk management. We will not be able to totally prevent loss of property in a country such as Australia. We will not be able to completely prevent the loss of property. It is a falsehood for anyone to suggest that that is possible or to present a bill providing a 100 per cent guarantee. We have to be honest. People will build in these areas. We have seen bushfires in places that were not considered to be bushfire prone.

The Hon. Robert Brown: Yes, in the Sydney suburbs.

The Hon. HELEN WESTWOOD: Absolutely, and again we have to be honest about that. The other issue that has come up for a lot of people is the adequacy of insurance coverage. Some people will not be able to rebuild. It is not that people were underinsured because they were careless, thoughtless or irresponsible; the fact is that people did not understand the additional cost to rebuild under the new codes. If that information had been available to people perhaps they would have increased their premiums to an appropriate level. Again, that is something we might want to think about in our response to that tragedy. Could governments provide that information?

Governments of all political persuasions introduce new codes that will add additional costs to rebuilding. Should we or the insurance companies be notifying those home owners so that then they can increase their insurance premium? In the end, it is up to them. It is something we need to think about. The Blue Mountains will lose some great people because they cannot afford to rebuild. Certainly the Opposition will be supporting the bill. I hope we never see another day like the one we saw last October. Regretfully, I know that it will not be the last bushfire that we live through.

The Hon. CATHERINE CUSACK [6.23 p.m.], on behalf of Mr Matthew Mason-Cox, in reply: I thank honourable members for their contribution to this debate—the Hon. Steve Whan, the Hon. Rick Colless, Mr David Shoebridge, the Hon. Robert Brown, Dr Mehreen Faruqi, the Hon. Paul Green and the Hon. Helen Westwood. As members are aware, the amendments enable owners of land situated within a 10/50 vegetation clearing entitlement area to clear any vegetation on their property, including trees or parts of trees, within 10 metres and any vegetation, excepting trees or parts of trees, within 50 metres of residential accommodation or a high-risk facility without the requirement for assessment or approval under any New South Wales legislation, as long as the code of practice is complied with. The proposed amendments provide for accountability, whilst at the same time preserving the original intention of empowering landowners to carry out vegetation clearing aimed at protecting their homes with a minimum of red tape and interference.

Last year we watched as homes across New South Wales were lost in what was one of the most challenging bushfire seasons this State has experienced to date. In the wake of those fires the New South Wales Government began to look at ways to help people better protect their properties, while balancing legitimate environmental objectives. The amendments contained in this bill, and supported by the 10/50 Vegetation Clearing Code of Practice, achieves this. Importantly, members of the community will be able to consider and provide any comments on the 10/50 Vegetation Clearing Code of Practice when it is released for public consultation. I understand that the code of practice will be on public display for at least three weeks, giving stakeholders and communities the opportunity to have their say.

At the completion of the public consultation process the code of practice will be reviewed, and any relevant amendments made, before the Commissioner of the New South Wales Rural Fire Service approves the final code of practice. An ongoing public consultation mechanism will be incorporated into the code of practice for any substantial amendments. The bill includes a mechanism to review the new provisions two years after they are introduced. In response to issues raised by a number of speakers, particularly the Hon. Rick Colless and the Hon. Robert Brown, an undertaking has been given to review the issue of falling trees which are outside the 10-metre perimeter but which could still potentially fall on a home. This review will be done by the Rural Fire Service before the start of the 2015 bushfire season. 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.

The Hon. ROBERT BROWN [6.27 p.m.], by leave: I move the Shooters and Fishers Party amendments Nos 1 to 14 on sheet C2014-063 in globo:

- No. 1 Page 4, schedule 1 [9], line 6. Omit "**10/50**". Insert instead "**25/50**".
- No. 2 Page 4, schedule 1 [9], line 8. Omit "**10/50**". Insert instead "**25/50**".
- No. 3 Page 4, schedule 1 [9], line 9. Omit "**10/50**". Insert instead "**25/50**".
- No. 4 Page 4, schedule 1 [9], line 10. Omit "**10/50**". Insert instead "**25/50**".
- No. 5 Page 4, schedule 1 [9], line 33. Omit "**10/50**". Insert instead "**25/50**".
- No. 6 Page 4, schedule 1 [9], line 35. Omit "**10/50**". Insert instead "**25/50**".
- No. 7 Page 5, schedule 1 [9], line 4. Omit "**10/50**". Insert instead "**25/50**".
- No. 8 Page 5, schedule 1 [9], line 6. Omit "**10/50**". Insert instead "**25/50**".
- No. 9 Page 5, schedule 1 [9], line 10. Omit "**10/50**". Insert instead "**25/50**".
- No. 10 Page 5, schedule 1 [9], line 14. Omit "**10/50**". Insert instead "**25/50**".
- No. 11 Page 5, schedule 1 [9], line 17. Omit "**10/50**". Insert instead "**25/50**".
- No. 12 Page 5, schedule 1 [9], line 23. Omit "**10**". Insert instead "**25**".
- No. 13 Page 5, schedule 1 [9], line 29. Omit "**10/50**". Insert instead "**25/50**".
- No. 14 Page 5, schedule 1 [9], line 38. Omit "**10/50**". Insert instead "**25/50**".

I will not take up the time of the Committee by discussing these amendments in detail. They are almost identical. They simply convert the 10/50 figures in the bill to 25/50 figures—that is, the amendments seek to increase the minimum distance from 10 metres to 25 metres in all circumstances. I made my reasons for this adequately clear during my contribution to the second reading debate. The bill could have been a bit more robust in this regard. We are concerned that two years is a long time until a review—that is two fire seasons. I thank the Government for confirming that the Commissioner of the NSW Rural Fire Service will review the fall lines—that is, trees outside the perimeter that could fall onto a property—after the next season. I commend the amendments to the Committee.

The Hon. CATHERINE CUSACK [6.29 p.m.]: While the Government will not support the amendments it appreciates the issue being raised. I repeat the undertaking that has been given that the Rural Fire Service will review the issue before the start of the 2015 bushfire season.

The Hon. PAUL GREEN [6.29 p.m.]: As I have noted, one of the most efficient ways I have seen to clear vegetation is the 45 degree angle method. That is the appropriate way to empower people to watch over their properties and keep their families safe. On this occasion the Christian Democratic Party agrees with the Shooters and Fishers Party that the boundary should be extended and therefore will support the amendments.

Mr DAVID SHOEBRIDGE [6.30 p.m.]: The Greens oppose the Shooters and Fishers Party amendments. I see the shock on the faces of my colleagues. We think these amendments are a ridiculous expansion of what is already a fully drafted bill. There is no scientific support for the proposition put by the Shooters and Fishers Party and there is no support in the literature. This is simply an attempt to out-brown The Nationals in politics. I do not think the Shooters and Fishers Party members are even pretending that these amendments have any likelihood of succeeding. This is just chest beating about who has the bigger chainsaw—The Nationals or them. We oppose the amendments.

The Hon. ROBERT BROWN [6.31 p.m.]: If the Shooters and Fishers Party amendments are trying to out-brown The Nationals is the Christian Democratic Party support expressed by the Hon. Paul Green an attempt to out-green everybody?

Question—That Shooters and Fishers Party amendments Nos 1 to 14 [C2014-063] be agreed to—
put.

The Committee divided.

Ayes, 4

Mr Brown
Reverend Nile
Tellers,
Mr Borsak
Mr Green

Noes, 32

Ms Barham	Dr Kaye	Mr Searle
Mr Blair	Mr Khan	Mr Secord
Mr Buckingham	Mr Lynn	Ms Sharpe
Mr Clarke	Mr MacDonald	Mr Shoebridge
Ms Cotsis	Mrs Maclaren-Jones	Mr Veitch
Ms Cusack	Mr Mason-Cox	Ms Voltz
Mr Donnelly	Mrs Mitchell	Ms Westwood
Dr Faruqi	Mr Moselmane	Mr Whan
Ms Fazio	Mrs Pavey	<i>Tellers,</i>
Ms Ficarra	Mr Pearce	Mr Colless
Mr Gay	Mr Primrose	Dr Phelps

Question resolved in the negative.

Shooters and Fishers Party amendments Nos 1 to 14 [C2014-063] negatived.

Schedule 1 agreed to.

Schedule 2 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. Catherine Cusack, on behalf of the Hon. John Ajaka, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Catherine Cusack, 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.

[Deputy-President (The Hon. Natasha Maclaren-Jones) left the chair at 6.41 p.m. The House resumed at 8.10 p.m.]

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2014

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

ADVOCATE FOR CHILDREN AND YOUNG PEOPLE BILL 2014**Second Reading**

Debate resumed from 28 May 2014.

The Hon. LYNDA VOLTZ [8.12 p.m.]: The Opposition takes a keen interest in legislation affecting the wellbeing of children and young people. The objects of this bill are to establish the statutory office of the Advocate for Children and Young People and to provide for its functions, to establish a new Youth Advisory Council and to provide for its functions, and to abolish the Commission for Children and Young People. The Opposition supports the bill and is pleased the Government has brought this legislation forward. As my parliamentary colleague the Hon. Sophie Cotsis previously stated, the role of the Advocate for Children and Young People has been carried out in an acting position for 13 months. We would expect the Minister to immediately begin the process of interviewing and appointing a permanent advocate. In this bill the function of the office has been expanded to apply to nought to 24 year olds whereas the Act, which will be repealed by this bill, provided that the remit of the advocate was children or young people aged from nine to 18 years.

In November 2013 the New South Wales Commission for Children and Young People released a report on public consultations in relation to strengthening advocacy for children and young people in New South Wales. The report concluded that community consultations confirm the need for an advocate. Children and young people have a strong desire to speak for themselves. An Advocate for Children and Young People should be free to offer advice on what are seen to be children's best interests and advocacy should be underpinned by comprehensive research and policy analysis. Advocacy also should take a coordinated approach to action with various relevant government and non-government organisations to address issues affecting children and young people. The Opposition acknowledges the recommendations of the report. It therefore will be no surprise to Government members that the Opposition supports the bill.

The Hon. MARIE FICARRA (Parliamentary Secretary) [8.15 p.m.]: I support the Advocate for Children and Young People Bill 2014, which will further reinforce advocacy for children and young people of this State aged up to 24 years. I commend the Hon. Victor Dominello, who is the Minister for Citizenship and Communities and Minister for Aboriginal Affairs, for championing the cause of children and young people in New South Wales and for providing them with what will become a stronger presence in the State. Reinforced advocacy will be achieved through the establishment of a new statutory office of the Advocate for Children and Young People, which will report to the Parliament of New South Wales.

The younger years of a person's life are crucial for his or her future development. As we know, children and young people are still developing emotionally, mentally, physically and socially. The Government of New South Wales recognises that there are many challenges and opportunities faced by the thousands of children and young people in today's society. This legislation stipulates that the overall function of the advocate will be to advocate for and promote the safety, welfare and wellbeing of children and young people. By doing so, it will encourage greater participation of children and young people in making decisions that impact upon them. Government decisions can have a significant impact on children and young people. As we are well aware, up until the age of 18 children and young people do not have the right to vote. For that reason, it is essential that this Government establish a platform on which the opinions and concerns of the younger members of our society can be voiced and resolved. Consequently, as a Government we will be better equipped to tailor policies, regulations and laws that will meet their needs.

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! There is too much audible conversation in the Chamber. The Hon. Marie Ficarra will be heard in silence.

The Hon. MARIE FICARRA: I acknowledge the hard work of Minister Dominello for undertaking the most extensive community consultation in 14 years. This rigorous process has involved the appointment of two youth ambassadors whose role is to guide and oversee the consultation process, the release of a discussion paper for public comment, community roundtable talks open for children and young people throughout various locations in the State, a non-government organisation roundtable consultation that involved over 40 agencies, and classroom consultations in each sector in 34 schools around the State.

Throughout this extensive consultation process, the Government received responses from more than 900 children and young people. At the heart of the consultation lay a strong message to the leaders of this State that an advocate for children and young people is needed to promote the voices of children and young people—

an advocate to stand up for their interests and an advocate to promote, encourage and assist the voices of children and young people from different backgrounds to be heard. In addition to that, children and young people hope that the position of the advocate will help to ensure that all legislation, policies and regulations made by this Parliament will have a lasting and positive impact on their lives.

This clearly came out during the consultation period. Furthermore, I am pleased that the legislation will consolidate the Office of the Advocate with that of the New South Wales Advisory Council, which will further promote efficient and effective means of advocacy. Consequently, this will clarify responsibility within government departments with matters concerning children and young people, provide a cohesive structure for working on and achieving agreed objectives, allow for the combining of resources which can be used to maximise effective advocacy as well as provide a defined point of contact for those seeking independent advice on child and youth-related matters regarding government and non-government agencies throughout the State.

The legislation will adopt many elements of the Commission for Children and Young People. For example, it will take on the conduct of special inquiries, making recommendations to both government and non-government agencies in areas concerning policy and services affecting children and young people as well as undertaking research on matters impacting their welfare. In doing so, the advocate will ensure that policies and programs are coordinated properly at a systematic cross-government level in order to deliver the best outcome for children and young people of this State.

In addition, the legislation requires the advocate to prepare a three-year strategic plan targeting children and young people and it will be responsible for monitoring its implementation. The Youth Advisory Council as well as the advocate will be of vital importance in advising the Minister on related matters. The Youth Advisory Council will simultaneously benefit from its amalgamation with the advocate in gaining access to its networks in the non-government sector. In doing so, the advocate will act as a facilitator for the Youth Advisory Council by liaising across various government agencies in order to raise matters of concern and potentially aid the implementation of recommendations made by the Youth Advisory Council.

The advocate and the Ombudsman will work in partnership in order to ensure that the advocate fulfils the role of promoting the participation of children and young people in the decision-making processes that inevitably impact their lives and in ensuring that their overall safety, welfare and wellbeing are protected in the wider community. This bill provides contemporary New South Wales with the strongest model of advocacy for children and young people. The Advocate for Children and Young People Bill will enable the Government of this State to work in collaboration with the community in making sure that the voices of our children and young adults will be heard. I commend the bill to the House.

The Hon. ERNEST WONG [8.22 p.m.]: I join my colleagues in reviewing the Advocate for Children and Young People Bill 2014, which attempts to create a new and consolidated structure within government for advocacy and policy on behalf of the youth of New South Wales. I have had much involvement with youth services through my roles in community services and local government, and it is an issue in which I continue to take great interest. The effect of this bill will be to repeal the Commission for Children and Young People Act and the Youth Advisory Council Act in order to create a single office of the Advocate for Children and Young People. I join my Opposition colleagues in not opposing the bill, subject to a number of assurances sought by the shadow Minister in the other place. The Advocate for Children and Young People will be empowered to consult on behalf of children and young people up to the age of 25 years. Largely, the existing functions of the commissioner and the Youth Advisory Council have been retained, and this is to be supported.

Children and young people face unique challenges and they require a platform from which their voices can be heard. It was recognising this need that saw the Carr Labor Government introduce the Commission for Children and Young People Act in 1998. The Opposition, of course, acknowledges the need for continual assessment and improvement in youth services and advocacy. And the reforms we debate today largely build upon the legacy of that Government and continue to support the aims encapsulated in that Act. For example, key functions of the existing role of the commissioner will be retained by the advocate, but the bill will extend the remit of the advocate to include all persons aged zero to 25 years. I also note that the provisions for membership of the Youth Advisory Council are identical, although the bill proposes that the council reflect the diversity of young people in New South Wales and that, of course, is a welcome amendment. In short, the effect of this bill is to consolidate and build upon the foundation laid by the Labor Government in this area and hence it is a largely welcome development.

I note too that the bill has been the subject of some public discussion and debate. It builds on the commission's public consultation on strengthening advocacy for children and young people released for

comment in 2013. Feedback has not been without qualification. The Police and Community Youth Club previously raised concerns regarding the need to focus effort on the under-18 sector with many advocates already established in the 18 to 25 age bracket. On the other hand, as has been canvassed in the other place, the Youth Action and Policy Association NSW is broadly supportive of the provisions in the bill. I believe that Labor's in-principle support is aligned with the overall sector's view—that while this advocacy model could always be fine-tuned, it remains an initiative generally worth supporting.

Of course, the effectiveness of any public office such as this is largely dictated by its resources. The Office of the Youth Advocate assumes a number of important and complementary roles, but it is essential that it be well resourced and well staffed in order to deliver on those roles. At the very minimum, the Opposition trusts that the excellent policy staff currently supporting the Commission for Young People and Youth Advisory Council will find their way to the advocate office. It would be a loss to our community if their dedication and expertise in this area were not captured. Indeed, as the functions of the new office incorporate a wider range of issues and services, this is an opportunity to increase support and funding in this area.

Finally, as the shadow Minister for Youth has noted in the other place, the commissioner's role has been carried out by a person acting in that position for about 13 months. Labor appreciates that with this area of government in a state of change in recent months an acting role may have been appropriate, but with this new consolidated structure in place a commissioner with permanent tenure is an appropriate signal of the Government's commitment to this area. I trust that the Minister will ensure this occurs promptly. I thank members for their attention.

The Hon. PAUL GREEN [8.26 p.m.]: On behalf of the Christian Democratic Party I speak in debate on the Advocate for Children and Young People Bill 2014. The objects of the bill are threefold: to establish the statutory office of the Advocate for Children and Young People and to provide for its functions; to establish a new Youth Advisory Council and to provide for its functions; and to abolish the Commission for Children and Young People. In 2013 the Working With Children Check function was transferred from the Commission for Children and Young People to the Children's Guardian.

As I said in my speech on the Child Protection Legislation Amendment (Children's Guardian) Bill 2013, I commend the Government for recognising in this bill that the improved checks are part of a critical child protection safeguard system. After that bill received assent the Minister for Citizenship and Communities commenced extensive community consultation on advocacy for children and young people. I commend the Minister for taking the time to sit down and listen to his constituents. I have always found him to be very open to listening and to dialogue, and I commend him for that.

The consultation process he undertook included the appointment of two youth ambassadors to guide and oversee the process, the release of a discussion paper, community roundtables for children and young people, a non-government organisation roundtable, and classroom consultations. Responses were received from more than 900 children and young people. Some of the key messages from the consultation were that children and young people should have a say on matters that affect their lives, children and young people should be encouraged and assisted to speak for themselves in ways that suit them, and an advocate should promote the voices of children and young people and stand up for their interests.

The Christian Democratic Party has always endeavoured to advocate for children and young people. Indeed, children and young people are generally vulnerable members of our community. According to an updated 2012 Bravehearts report, one in three girls and one in six boys will be sexually abused before the age of 18 years. There is widespread agreement that child sexual abuse spans all races, economic classes and ethnic groups. One in three Australians would not believe children if they disclosed abuse and one in five Australians lacked the confidence to know what to do if they suspected abuse or negligence. Ninety per cent of surveyed adults believe that the community needs to be better informed about the problem of child abuse in Australia and 86 per cent of Australians believe that the Commonwealth and State governments should invest more money in protecting children from abuse and neglect.

The Bravehearts report particularly cites several resources that explain the effect of child sexual abuse, including triggering the development of future violent behaviour resulting in criminal convictions, psychosomatic responses, psychiatric disorders, long-lasting emotional problems, youth suicide, regression, sleeping and eating disorders, lack of self-esteem, nightmares, mutilation, self-hatred, promiscuous behaviour and aggression. A wide variety of later effects were pointed out, including sexual difficulties, inability to form lasting relationships, a serious lack of self-confidence, marital problems and poor parenting skills. Other effects include extreme distrust of others, self-blame, stigma, self-hatred and self-harming behaviours such as substance abuse, eating disorders, suicide and a subconscious attraction to and revictimisation by abusive partners.

On a surface level while these statistics may seem abstract and unrelated to the substance of this bill, this could not be further from the truth. These things happen when we neglect or fail our children and young people. This bill is another part of the overall strategy to better represent our kids. But I digress. The bill reflects the key messages from the consultation process. I note that in the media the Minister said:

The NSW Government today introduced a bill to create a new Advocate for Children and Young People who will represent the interests of all people under 25 years of age and give them a strong voice on policies and programs which impact on their lives.

The Advocate for Children and Young People Bill 2014 creates an independent statutory office to replace the Commission for Children and Young People (CCYP), which was established in 1999.

The bill brings together in the one office all of the important features of the CCYP and the functions of the NSW Youth Advisory Council (YAC). The YAC will maintain its direct access and line of reporting to the Minister responsible for Youth under the changes.

It is a reform that provides a sound structure to work collaboratively on agreed priorities and combine efforts across government and non-government agencies in NSW.

The new Advocate will be responsible for preparing, in consultation with me, a three-year strategic plan for children and young people. "For the first time there will be a whole-of-government strategy addressing the challenges and opportunities facing children and young people in our state," Mr Dominello said.

Mr Dominello said the transfer of responsibilities for the Working With Children Check from the CCYP to the Children's Guardian in 2013 provided an opportunity to clarify and strengthen the New South Wales Government's approach to advocacy for children and young people. "This decision created a unique opportunity for a root-and-branch review and I am proud to say that these reforms come after the most extensive public consultation in the CCYP's history," he said.

Mr Dominello said the Strengthening advocacy for children and young people in NSW report, released in December 2013, encapsulated the views of over 900 children and young people and more than 40 organisations.

Again, I commend the Minister for his consultative approach. I also note further comments from Youth Action NSW Managing Director Emily Jones, who welcomed the bill and said:

We are very supportive of the decision to create a whole-of-government strategic plan.

I also concur with the following statements made by the Minister in the other place:

... an advocate should have a strong focus on enhancing the lives of all children and young people, and a particular focus on vulnerable and disadvantaged young people; strong advocacy for children and young people means being solely focussed on improving the wellbeing of children and young people, and therefore should be independent of other agendas; strong advocacy for children and young people should be underpinned by an understanding of the lives of children and young people and the role of Government, and so needs to be supported by sound policy-relevant research and analysis; and an advocate must work with others to make a difference, ensuring there is coordinated action to tackle the issues that affect children and young people across agency and sector boundaries.

I also understand that according to the Minister:

... By having the Government work collaboratively with the wider community, we can be assured that the voices of young people are being heard.

The Christian Democratic Party hopes that the new Advocate for Children and Young People and its Youth Advisory Council will look at a number of strategies for reducing violence, harm and sexual abuse of children and work in close collaboration with other advocacy organisations, such as Bravehearts, to ensure the best outcomes for our kids and young people. No doubt our kids are our future. At no point are they a cost, but they are a great investment. The Christian Democratic Party and many around this Chamber know that we will do whatever we can to ensure they have the best, brightest and most prosperous future certainly on our watch and on any future watch in which we have involvement. We commend the bill to the House.

Ms JAN BARHAM [8.35 p.m.]: I support the Advocate for Children and Young People Bill 2014. As a member of the parliamentary joint Committee on Children and Young People I have maintained a close interest in the work of the Commission for Children and Young People, which this bill abolishes and replaces with the newly established role of Advocate for Children and Young People. I note at this point that my colleague Dr Mehreen Faruqi will also speak to the bill as she has portfolio responsibility for young people. The Greens believe this portfolio is very important, and therefore is proud that two members with joint responsibility for these issues will contribute to the debate. The role of the commission has been in limbo since early last year when the previous commissioner, Megan Mitchell, left to take up the newly created position of National

Children's Commissioner. Since then, the Children's Guardian, Kerryn Boland, has served as acting commissioner and directed the commission during the process of consultation and review that led to this bill. I commend Ms Boland for her work in that role while continuing the important work of the Office of the Children's Guardian.

This bill follows the Speak Up! consultations that were conducted in July and August 2013. The consultations involved around 900 children and young people from school years 6 to 11 as well as community roundtables, online surveys and input from non-government organisations. I note one gap between the consultation and what this bill delivers. The role of the advocate will be extended to include young people up to the age of 25 years, yet young adults beyond school age had relatively limited involvement in the consultation process, with the exception that the Youth Advisory Council was included as a stakeholder. The consultation seemed to focus largely on the age group already covered by the role of the commissioner with a view to identifying a model for providing strong and effective advocacy for these children and young people across the State. During my time in local government, when preparing policy for children and young people and establishing a youth council we saw the importance of extending the age limit to 25 years as many young people in that category still need support, recognition and a voice in their lives. It is important to recognise that group, and I applaud the Government for ensuring that they were included in the bill.

The key messages from the consultation were, first, that children and young people should have a say on matters that affect their lives because they have a right to do so. They want to have a say and are experts in their own lives. Second, children and young people from all walks of life should be encouraged and assisted to speak for themselves in ways that suit the individual child or young person. Third, an Advocate for Children and Young People is needed in New South Wales to promote the voices of children and young people and to stand up for their interests. Fourth, children and young people want respect from adults and see a strong role for adults and experts in helping them make their lives better in New South Wales. Fifth, an advocate should have a dedicated focus on enhancing the lives of all children and young people, on vulnerable children and young people, and preventing disadvantage among children and young people.

Sixth, strong advocacy for children and young people means being focused solely on improving their wellbeing and, therefore, an advocate needs to be independent of other agendas, aims or objectives. This needs to be aligned with a high public profile to champion the interests of children and young people and to reflect their views and comments. Seventh, strong advocacy for children and young people is underpinned by understanding the lives of children and young people and the role of government, so it needs to be supported by sound research and policy analysis. Eighth, an advocate must work with others to make a difference. An advocate needs to make sure there is coordinated action to tackle the issues affecting children and young people as many of these issues go beyond the province of individual government and non-government agencies. The conclusions from the consultations were that there was a strong desire for an advocate to be a voice for children and young people and to provide leadership for them.

Children and young people showed that they had clear insights into what they needed. They wanted to speak for themselves and they also wanted designated people, the advocate and other adults, to speak for them. A children's advocate needs to be independent to give balanced, unhampered advice on what is deemed to be in the children's best interests. Advocacy needs to be underpinned by sound research and policy analysis, and to take a coordinated approach to action with government and non-government agencies to tackle the often complex issues affecting young people. Young people suggested that an advocate needs to be able to provide a platform for them to share experiences and stories with each other and have enough influence to make a difference to things that matter to young people, such as regulation around reporting social media and online bullying.

The bill establishes a new role of the Advocate for Children and Young People that will deliver this advocacy model. Many aspects of the bill remain unchanged from existing legislation relating to the Commission for Children and Young People and the Youth Advisory Council, which this bill will replace. The principles governing the work of the advocate are largely unchanged from those of the commission. Many of the principal functions of the commission, including those relating to advocating and promoting the safety, welfare and wellbeing of children and young people; the participation of children and young people in decision-making that affects their lives; the provision of information and advice to children and young people; the conduct of special inquiries and making of recommendations to government and non-government agencies; and research into issues affecting children and young people, are transferred to the advocate under this bill. The bill does not assign to the advocate the commission's functions of monitoring the overall safety, welfare and wellbeing of children and young people and of monitoring trends in complaints relating to children.

This serves to clearly distinguish the roles of the advocate and the Ombudsman, although there will need to be effective collaboration between the two officers, with the advocate acting strongly to ensure children's voices are heard on issues that affect their safety, welfare and wellbeing, and that they have appropriate pathways to make complaints, which can be monitored and form the basis of recommendations by the Ombudsman. The advocate will also not be explicitly assigned the functions of conducting, promoting and monitoring public awareness or training activities, although some may follow from the advocate's role in promoting and advocating for the safety, welfare and wellbeing of children and young people. The advocate's functions will include a requirement to develop a three-year strategic plan. I welcome this emphasis on taking a strategic approach to covering the needs of children and young people, and exercising the functions of the advocate's role. It should assist the parliamentary joint committee in appreciating the advocate's planned approach to ensure that he or she fulfils the important statutory functions.

There will be some difference in the advisory bodies that will work with the advocate compared with the current arrangements. The advocate will not be required to have an expert advisory committee equivalent to the one that advises the commissioner in the exercise of all the commission's functions. Instead, the advocate will be able to establish project-specific advisory committees and will also be required to consult with children and young people from diverse backgrounds along with relevant experts, and government and non-government agencies. Along with having this capacity to engage in consultation and receive advice that is tailored to any specific project or function, the advocate will have a formal involvement in facilitating the work of the Youth Advisory Council. The council will be able to advise and inform the advocate's work, but the advocate should also act to ensure that the council has a strong and effective voice in raising issues and making recommendations. I am pleased that the advocate will retain the same capacity to conduct special inquiries and make reports that the commission has held.

I also welcome the bill's provisions that ensure the role of the parliamentary joint committee is to monitor and review the advocate's functions and the Children's Guardian's functions under the Child Protection (Working With Children Check) Act 2012, and to examine and report to Parliament on a range of other matters. I regarded my role on the parliamentary joint committee as a crucial opportunity to ensure that this Parliament and this Government give due regard to the work of the commissioner and the Children's Guardian, to the wishes and concerns of children and young people, and to some of the most serious issues that are facing children and young people in our society. I look forward to continuing this role and want to highlight the importance of these provisions in the bill by placing on record some comments about issues that the new advocate and the parliamentary joint committee should address.

These issues include the number of children and young people in out-of-home care. The number is currently above 18,000 and yesterday the budget indicated that the trend is continuing. What is particularly alarming is the overrepresentation of Aboriginal and Torres Strait Islander children in this population. The Australian Institute of Health and Welfare child protection statistics indicate that as at 30 June 2012 there were 5,991 Aboriginal children in out-of-home care in New South Wales, which means that approximately 35 per cent of children in care are identified as Aboriginal or Torres Strait Islander. The rate of placement in out-of-home care for Aboriginal children in New South Wales is 83.4 per 1,000, which is almost 12 times the rate for non-Indigenous children. Aboriginal and Torres Strait Islander children and young people are also overrepresented in the justice system. The March 2014 quarterly update on custody statistics show that 152 of 332, or 46 per cent, of young people in juvenile custody were identified as Indigenous.

I look forward to the outcomes from the Opportunity, Choice, Healing, Responsibility, Empowerment [OCHRE] project that Minister Dominello has overseen. Hopefully it will deliver better outcomes that start with the important area of culture and language for Aboriginal and Torres Strait Islander people and that it supports them to regain a connection with their culture and identity. Suicide and self-harm are also key issues that we must address to protect and preserve the wellbeing of children and young people. Headspace noted that the 2011 Australian Bureau of Statistics Causes of Death report showed that suicide was the leading cause of death of young people aged 15 to 24, followed closely by road traffic accidents. In 2011, 231 males and 90 females aged between 15 and 24 years took their own lives and there were many more attempted suicides. We need to focus on these matters of great importance. We are losing more and more children every year, which is frightening. I am sure members have heard about the high level of self-harm in their communities. Little is understood about it but it is definitely on the increase.

I am encouraging the Government to do more to provide services across the spectrum to young and disadvantaged people. They should have the confidence to seek help early from people whom they can trust in their own communities. We should not be waiting for someone to end up in the morgue before providing

children and young people with those important services. Headspace notes that it is difficult to estimate the rate of self-harm because a small proportion of those who self-harm will not present for hospital treatment. However, it reports that the evidence from Australian studies suggests that in any 12-month period 6 per cent to 7 per cent of Australians aged 15 to 24 years engage in self-harm. Lifetime prevalence rates are higher, with 24 per cent of females and 18 per cent of males aged between 20 and 24, and 17 per cent of females and 12 per cent of males aged between 15 and 19 reporting that they have self-harmed at some point in their life.

Youth unemployment remains a serious concern. A recent analysis of Australian Bureau of Statistics jobs data by the Brotherhood of St Laurence warned that youth unemployment "has spiked in key New South Wales areas, jumping 73 per cent compared to the level of youth unemployment just two years ago". Brotherhood of St Laurence Executive Director Tony Nicholson has warned of the "profoundly scarring effect" of youth unemployment, making it more difficult for them to hold a job later in life and hurting their life chances. This entrenchment of disadvantage and poverty will only become worse under the proposed harmful welfare reforms—I am reluctant to call them reforms—in the recent Federal budget. I am sure many would wonder how any government could take action that will result in young people not receiving any support for six months of the year. This will have an horrific effect, particularly in rural areas where jobs are even harder to find. There are no regional programs for youth unemployment. Young people will forever be damaged because they will not be able to survive. Indeed, many say that young people will be left with few options other than crime in order to survive.

Youth homelessness is also a key problem that we must do much more to address. I regret to say that 15 months ago I was supportive of the Government's Going Home Staying Home reforms. It was my belief that those reforms would deliver more funds to the regions and communities for specialised homelessness services on the ground. The grants were announced last Friday. Since then I and other members have been flooded with calls of concern about the delivery of that program. This problem needs to be addressed. Members well know about the high levels of homelessness and couch surfing. In fact, a lot of statistics do not recognise that many young people are living in overcrowded situations or couch surfing. I hope that the Advocate for Children and Young People will address promptly the issues that face young people. We then need to try to adapt budgets, policies and programs to support them because young people are the future. Indeed, one of the most troubling figures revealed in the census was that of the more than 28,000 people in New South Wales experiencing homelessness on the night of the 2011 census, 37.5 per cent were 24 or younger, including 12.9 per cent aged under 12.

Questions have been raised about whether equivalent resourcing will be provided to the advocate's office to fulfil its functions as well as in the important area of policy research and engagement in mental health. I hope the Government will respond more strongly to this once the advocate is appointed. The Minister has indicated that the advocate will have an equivalent staffing component to the commission's existing capacity for its policy research, engagement and advocacy functions. Although this provides some reassurance, I note that the functions of the advocate are being extended to address a broader age range of children and young people, with the inclusion of young adults up to the age of 25. It is my understanding that the advocate will engage in more research and investigation. If that is what is required in this area I hope the Government will ensure the advocate's very important role is not restricted by lack of funding.

Under this bill the Advocate for Children and Young People will be able to carry on the crucial advocacy and reporting work that has previously been delivered by the commission. I am committed to seeing that the functions of the advocate are exercised in a way that is consistent with the requirements listed in proposed section 15 (2) of the bill, including a focus on systemic issues, giving priority to the interests and needs of vulnerable and disadvantaged children and young people, and consulting broadly across backgrounds and age groups, including all regions and remote areas of this State. I hope that, once appointed, the first Advocate for Children and Young People will take up some of the most challenging issues facing children and young people in New South Wales. Those who are the most vulnerable and disadvantaged have the least capacity to be heard. Hopefully the role of the advocate will protect and safeguard their wellbeing, and help to overcome some of these obstacles. Finally, I acknowledge the work of the previous commissioner and acting commissioner and look forward to the next stage in advocacy for children and young people in New South Wales. I am pleased to support the bill.

Dr MEHREEN FARUQI [8.55 p.m.]: On behalf of The Greens I make a brief contribution to debate on the Advocate for Children and Young People Bill 2014. I commence my contribution by acknowledging the work of my colleague Jan Barham, who is a member of the Committee on Children and Young People, and with

whom I share portfolio responsibility for this area. The bill establishes the Office of the Advocate for Children and Young People and retains the Youth Advisory Council while abolishing the Commission for Children and Young People. The Advocate for Children and Young People will have the general function of providing advocacy for children and young people and promoting their safety, welfare and wellbeing, as well as considering systemic issues that affect children and young people. It will give priority to the needs of vulnerable and disadvantaged children and young people—a very important focus in New South Wales.

The advocate will be required to prepare annual reports for Parliament. These reports will include details of the advocate's activities and evaluation of the responses of relevant authorities and recommendations for any changes to State law or administrative action. The advocate will also, in consultation with the Minister for Citizenship and Communities, prepare a three-year strategic plan for children and young people in New South Wales. After government approval, it will be part of the advocate's duties to monitor its implementation. The advocate will also be able to conduct special independent inquiries, as well as when directed by the Minister. After an extensive consultation process, including classroom consultation, two community roundtables for children and young people, a non-government office roundtable as well as online consultations, the Speak Up! report was produced.

This bill is consequent to that report. However, as my colleague pointed out earlier, young people between 17 and 25 were not consulted. I urge the Government to undertake an ongoing process of broader consultation with young people, who actually understand the issues that affect them better than anyone else. I have a few concerns about the bill and I ask the Minister to respond to those concerns in his speech in reply to the debate. First, I understand that the role of the advocate is essentially to mirror many of the functions currently performed by the Commission for Children and Young People. As of June last year, the commission employed around 76 staff. Will the new advocate be similarly resourced? I note that the working with children function was relocated to the Children's Guardian, so those numbers may have changed. Nonetheless, the Government must guarantee that the advocate will be well resourced to achieve its objectives.

Finally, it is my understanding that the Youth Advisory Council will consist of 12 members, six of whom will be under the age of 25. The members of this council are to be appointed by the Minister for Citizenship and Communities. How will the Minister guarantee that the members of the Youth Advisory Council will represent the full breadth of diversity of our youth? I encourage the Minister to consult widely when selecting these representatives. There are many groups in our community who are too easily overlooked, such as Indigenous youth, lesbian, gay, bisexual, transgender and intersex youth as well as youth from non-English speaking backgrounds.

We simply cannot deny that the challenges facing our youth are many—high youth unemployment, attacks on their right to education, vulnerability to sexual abuse and bullying, and high suicide rates. I hope the Advocate for Children and Young People will have the inclination and the capacity to research and investigate the most relevant, but possibly politically difficult, areas; to devise effective preventative measures; and to ensure the welfare of children and young people.

Reverend the Hon. FRED NILE [8.59 p.m.]: The main purpose of the Advocate for Children and Young People Bill 2014 is to strengthen advocacy for children and young people in New South Wales by creating a new statutory office of the Advocate for Children and Young People, which will report to the New South Wales Parliament. Obviously the main change introduced through this legislation is that it effectively abolishes the NSW Commission for Children and Young People and the role of Commissioner for Children and Young People.

I was concerned and wanted to understand this situation because I spent many years on the joint Committee on Children and Young People. The committee provided oversight of the Commission for Children and Young People and met frequently with the Commissioner for Children and Young People. I—and I am sure other members of the parliamentary committee—was impressed with the work of the commission and the experience and knowledge of the commissioner. In my opinion, the commissioner had become highly respected as a person of great knowledge and advice in matters regarding children and young people. I think it is a pity if somehow that ability has been pushed to one side with the change of emphasis contained in this legislation. The Minister acknowledged a number of omissions in his second reading speech. He said:

The Advocate will not have a specific function of monitoring trends in complaints made by or on behalf of children.

He said that function would now be taken over by the Ombudsman. I think the Ombudsman is already overloaded. It seems like every issue under the sun is now being dumped into the lap of the Ombudsman. He also touched on the specific roles that the commission had had up until this moment when he said:

The Advocate will not have a specific role in conducting, promoting and monitoring training on issues affecting children or in conducting, promoting and monitoring public awareness activities affecting children.

The Minister says it will not have a specific role, so there seems to me a danger there. I do not know whether we are leaving a vacuum but we will need to monitor carefully how this new statutory officer will work and function and what that person will in fact achieve. The bill is quite clear in its provisions in creating this new statutory office of the Advocate for Children and Young People. The new office will still be oversighted by the joint Committee on Children and Young People. The bill brings together the functions of the NSW Commission for Children and Young People and the NSW Youth Advisory Council. They will be combined to form this new office of the Advocate for Children and Young People.

Another issue that concerns me—and it is not something that will cause panic—is that there will need to be an education campaign about this new office. People will meet this new advocate and will say to themselves, "I've never heard of this advocate position. Where did they come from?" So a new education campaign will be required. Awareness of the NSW Commission for Children and Young People was widespread. It was clearly understood by the community, at a parliamentary level and especially at the local government level, and by the organisations working with young people.

So the Government needs to be very careful, in introducing this new Advocate for Children and Young People, to explain its purpose—who it is, what it is and what it hopes to achieve—to get the cooperation of all those who are involved in children and young people's activities in this State. Otherwise the new advocate will find themselves left out in the cold and may find it difficult to make much progress. I look forward, with confidence, to seeing this new position and office succeed. I hope it does succeed. But it seems to be facing some challenges just given the novel nature of the establishment of this advocacy office and the position of the Advocate for Children and Young People.

The Hon. MATTHEW MASON-COX (Minister for Fair Trading) [9.05 p.m.], in reply: I thank honourable members for their contributions to the debate on the Advocate for Children and Young People Bill 2014. The Greens raised some questions about resources. I assure them that the appropriate resources will be released for this new role of the Advocate for Children and Young People, which will be equivalent to the former Commissioner for Children and Young People. I assure Reverend the Hon. Fred Nile that there will be consultation, as there has been already. Stakeholders are certainly supportive of this change. No doubt that will be publicised through the usual channels. Again, I thank honourable members for their contributions and for their heartfelt enthusiasm for this change. It is great to see that level of unanimity amongst members. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. Mathew 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.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Orders of the Day Nos 6 to 12 postponed on motion by the Hon. Duncan Gay and set down as orders of the day for a later hour.

TRADE AND INVESTMENT CLUSTER GOVERNANCE (AMENDMENT AND REPEAL) BILL 2014**Second Reading****Debate resumed from 28 May 2014.**

The Hon. MICK VEITCH [9.08 p.m.]: I lead for the Opposition in debate on the Trade and Investment Cluster Governance (Amendment and Repeal) Bill 2014. The overview of the bill states:

The objects of this bill are to dissolve the following statutory bodies and transfer their assets, rights and liabilities to the Crown and, in some cases, to transfer their functions to other bodies:

- (a) the Chipping Norton Lake Authority,
- (b) the New South Wales Dairy Industry Conference,
- (c) the Lake Illawarra Authority,
- (d) the Ministerial Corporation for Industry,
- (e) the Poultry Meat Industry Committee and Poultry Meat Industry Advisory Group,
- (f) the Film and Television Office (also known as Screen NSW) and its Board,
- (g) the Homebush Motor Racing Authority, its Advisory Board and the Event Implementation Committee.

From the outset I indicate that the Opposition opposes elements of the bill. If we are unable to remove those items in the Committee stage we will oppose the bill on that basis. I extend my appreciation to the Minister's staff for the briefings I have had with them. The Opposition's main concern relates to the Lake Illawarra Authority. My colleagues in the other place from the Illawarra have made it clear that they are vehemently opposed to action being taken to dissolve the authority. The member for Shellharbour and the member for Wollongong eloquently placed the reasons for their position on the record in the Legislative Assembly. The Opposition's concerns are about the ongoing management of the lake, including its environmental management. The Opposition also has concerns with the way in which Screen NSW is proposed to be treated in the bill. We have received stakeholder feedback about that process.

I believe the Hon. Steve Whan will make some comments about our concerns relating to the New South Wales Dairy Industry Conference, or DICON as we know it. We are not asking for those provisions to be removed from the bill, but we have some concerns. One relates to the structure of the new Dairy Industry Consultative Committee but our other and more important concern has to do with industry funds being transferred across. We are concerned that there will be an opportunity for those funds to be spent without the input of the industry and that they will not be spent on industry projects.

As I said at the outset, the Opposition will seek to remove the Lake Illawarra Authority and Screen NSW and its board from the bill in Committee. If we are unable to do that we will oppose the bill. We understand that the Government would like the bill to be passed because there is an issue around annual reporting and audits. Whilst the bill is administrative in nature it is about bringing organisations into the Trade and Investment cluster so that savings will be generated by not having to pay for audits. However, our views about the Lake Illawarra Authority and Screen NSW are strong. If we are unable to remove those bodies from the bill we will oppose it.

Mr JEREMY BUCKINGHAM [9.12 p.m.]: I state at the outset that The Greens will oppose the Trade and Investment Cluster Governance (Amendment and Repeal) Bill 2014. We do not think that the Government has made a cogent argument for the repeal of all these bodies at this time. I also indicate at the outset that we will support the Labor Party's amendments to the bill. The bill dissolves the Chipping Norton Lake Authority, the New South Wales Dairy Industry Conference, the Lake Illawarra Authority, the Ministerial Corporation for Industry, the Poultry Meat Industry Committee and Poultry Meat Industry Advisory Group, the Film and Television Office also known as Screen NSW and its board, the Homebush Motor Racing Authority and its advisory board, and the Event Implementation Committee.

Some of those bodies may have fulfilled their function and may be placing an audit and financial burden on the Government but for reasons that I will state The Greens do not support the repeal and dissolution of all of them at this time. As I said, some of the bodies are redundant and, as outlined in the Minister's second

reading speech, they cost about \$50,000 each year. That is not an insignificant sum but it is entirely appropriate for the roles that some of these bodies perform. The Government has said it wants the bill passed by the upper House before 30 June so it does not have to include the audit costs in the upcoming budget.

I will now address each body. The body that concerns me most is the Dairy Industry Conference. About \$700,000 worth of industry funds—money contributed by the dairy industry and various businesses—will be transferred to government coffers. The main role of the conference is to provide industry oversight of the policies of the Food Authority as they relate to the dairy industry. Many like bodies exist and perform a necessary function for the agricultural industry and others. It is obvious that the dairy industry is internally divided and without clear representation since the new group, Dairy Connect, was established and has attempted to replace the NSW Farmers Association as the voice of the industry. I notice that Dairy Connect has run into the arms of the coal seam gas industry, which we will see in the near future will be much to its regret.

Significant internal political issues have left the conference without a quorum and unable to perform its legislative functions. The Government has suggested that the funds be used to establish a Dairy Industry Consultative Committee within the Department of Primary Industries that would perform the same role. The NSW Farmers Association has said it supports the abolition. Dairy Connect wants to control the funds itself. The conference membership is set by regulation and currently consists of 16 people from the NSW Farmers Association and four from the New South Wales Milk and Dairy Products Association. There is clearly no consensus on the body. We are concerned that the Government is placing industry funds into government control, which could be a recipe for boosting the budget bottom line and cutting funding over time. In addition, it is unclear why a government-run committee would be any more representative of the industry than the one that currently exists.

The Hon. Dr Peter Phelps: I thought you collectivists loved government control.

Mr JEREMY BUCKINGHAM: That is clearly not the case. You are an absolutist. The old committee consisted of four representatives from the New South Wales Milk and Dairy Products Association, one representative from the Amalgamated Milk Vendors Association, one representative appointed by the Australian Retailers Association, one representative non-voting member appointed by the director general, and the chief executive officer of the Food Authority. It was a diverse committee that previously functioned well. Through regulation the Government has the capacity to change the population of that committee. It has not made a cogent argument as to why it is not undertaking that course of action rather than adopting a Big Brother approach and forcing an independent body to be part of the government. We oppose this due to the lack of industry consensus, the short time frame for consultation and issues related to transferring industry money to government. We suggest that the conference membership is changed by regulation. Those are our significant concerns about the abolition of the Dairy Industry Conference.

We are also concerned about the Lake Illawarra Authority. I join the Hon. Mick Veitch and indicate that there may be problems associated with the cost shifting from State government to local government. In the Minister's second reading speech there was no clear or comprehensive argument as to why the Government is taking this action other than to underwrite its budget bottom line. The Lake Illawarra Authority has 10 members and was created under the Lake Illawarra Authority Act 1987 in response to significant environmental degradation that occurred in Lake Illawarra due to various developments over a long period in that area. The authority is administered by Crown Lands and is tasked with undertaking works to restore the environment of Lake Illawarra.

It has done some significant work there and has made some progress. In the 2010-11 budget it received an allocation of \$2.46 million, which was funded to the extent of 39 per cent by the New South Wales Government, 44 per cent by local councils—including the Wollongong City Council and the Shellharbour City Council—and the remainder came from lease income and grants. By abolishing the authority, the responsibility for management of the lake will be transferred back to the Wollongong and Shoalhaven councils—in other words, cost shifting, which The Greens oppose.

The Hon. Paul Green: Yes.

Mr JEREMY BUCKINGHAM: I note the interjection made by the Hon. Paul Green. I look forward to his contribution to the debate, which hopefully will oppose the unnecessary dissolution of the Lake Illawarra Authority. In April 2013 the member for Dubbo, Troy Grant, undertook a Government back-of-the-beer-coaster study—another one of those—that examined whether the authority had met its objectives and future

management options for the lake. He took out the abacus and recommended that, as the authority had met its primary objectives, it be abolished and replaced by an estuary management committee. That was the recommendation made by the Hon. Troy Grant. The review acknowledged that there are still "critical issues for the ongoing management of the Lake". Following that the Lake Illawarra Authority board was disbanded in July 2013. However, an estuary management committee is yet to be established, with the Wollongong City Council holding out over funding concerns.

No independent review has been undertaken. The review to which I referred was undertaken by a Government member, the Hon. Troy Grant, without any independent expert scientific input. There is clear council opposition to disbanding of the authority. I state for the record the position of the Wollongong City Council disclosed at an ordinary meeting of the council on 24 March 2014. Recommendation Nos 1 and 2 of the council quite clearly note the current understanding in relation to the land, assets and activities proposed to be transferred to the council following the Lake Illawarra Authority closure and that the council's current operational budget allocation to Lake Illawarra does not fully fund the financial requirements, should those transfers occur. I would like to hear from the Minister during his reply how the Government plans to fully fund the financial requirements of the ongoing obligation.

The Hon. Duncan Gay: Coal seam gas royalties.

Mr JEREMY BUCKINGHAM: I note the interjection made by the Hon. Duncan Gay that the Government is looking for coal seam gas royalties for Lake Illawarra. I am sure Hansard got that—and it is gold, gold, gold. Every day there is more gold, so thank you coal seam gas.

The Hon. Dr Peter Phelps: Pup seal pelts, as far as I am concerned, and whale oil.

Mr JEREMY BUCKINGHAM: Whale oil and coal seam gas—that is exactly right. It is back to the future for this Government. The indication was given by the Minister in his second reading speech of how the Government will fund the financial requirements. Clearly the Wollongong City Council is concerned. The council also noted the significant loss of State Government funding committed to Lake Illawarra as a result of the LIA closure and that funding under existing State Government programs applicable to Lake Illawarra would require a 50 per cent contribution from the council and would compete against other statewide priorities. Clearly the Wollongong and Shellharbour councils are concerned. There has been no proper consultation process and no real independent scientific review of the necessity to disband the Lake Illawarra Authority.

As I previously stated, there is no certainty in relation to ongoing funding. The Greens believe that the transfer of money that is dedicated for conservation to general revenue is unacceptable and could see funding issues arise in the future. It is just an example of handing responsibilities on to local councils. One year after the LIA board was disbanded there is still no estuary management committee. That is utterly unacceptable. That is the principal reason The Greens will oppose the bill, along with the disbanding of the dairy industry conference.

Mr Scot MacDonald: You want to disband the dairy industry.

Mr JEREMY BUCKINGHAM: No. The Greens are big supporters of the dairy industry.

Mr Scot MacDonald: Not according to your policy.

Mr JEREMY BUCKINGHAM: Head up to Norco. Go and talk to Norco about coal seam gas and intensive agriculture.

The Hon. Duncan Gay: Intensive agriculture? You hate intensive agriculture.

Mr JEREMY BUCKINGHAM: I love intensive agriculture when it is done in a humane and ethical manner. We will certainly be supporting the dairy farmers of Australia and New South Wales, and we will continue to do so.

The Hon. Steve Whan: He likes happy cows.

Mr JEREMY BUCKINGHAM: I am very happy with happy cows. The Greens will not see the dairy industry conference being disbanded without a proper reason. Another area where the Government is regressing and failing—

The Hon. Lynda Voltz: What the hell is that?

Mr JEREMY BUCKINGHAM: What was that? I do not know what that was, but excuse me. That was strange. The other body that the Government is disbanding is the Ministerial Corporation for Industry, which was created in 1966 to promote establishment, expansion or development of industries primarily by undertaking a project management role. That was a sensible body for a government to create. It assisted with the expansion or development of new industries. According to the Government, most legacy projects now are completed or are being administered under various departmental schemes. The ministerial corporation's sole remaining landholding currently is in the process of being sold. The balance of funds standing to the credit of the fund established under the Act will be transferred to consolidated revenue. The Government has not made clear its reasons for the transfer. We are unsure about the amounts that currently are held.

The Greens ask the Minister in his reply to state the amount currently held by the Ministerial Corporation for Industry and why the funds are being transferred to consolidated revenue. While the legacy projects may be complete, should the fund take on new projects? That is the key question. New development and new industry should be supported by the Government. The Government should be assisting with innovation and entrepreneurial endeavours in New South Wales. What better industry for the Government and the Ministerial Corporation for Industry to assist than the renewable energy sector in New South Wales? It is a booming sector of our economy that is employing people across the State, especially in the regions. There is currently a boom in solar photovoltaics in the regions of New South Wales and there are projects worth billions of dollars in New South Wales that are ready to go. Why would the Government not assist those by the involvement of the Ministerial Corporation for Industry?

The Greens believe that the corporation not being used currently is not a good enough reason to abolish it. It has been used in the past and the Government should regard it as a vehicle for assisting in regional development and the creation of new jobs and new industry, especially in the renewable energy sector. We are opposed to the dissolution of the corporation because of the timing. We believe that there should be a new round of consultations. The Government is just throwing the baby out with the bathwater in its efforts to destroy government bodies and slash the public sector. That is not a proper reason for passing this bill. The Greens will oppose the bill and will support the amendments moved by the Opposition. The Greens will look to the Government and the Minister in his reply to respond to the issues I have raised.

DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! Before I call the next member, I remind members of the ruling of the Hon. Meredith Burgmann that was delivered on 31 August 2006: The reading of newspapers in the Chamber is out of order.

Mr Jeremy Buckingham: What about pornography?

DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! I will call Mr Jeremy Buckingham to order if he interjects when I am speaking. I advise members that the use of newspapers to interrupt the flow of debates, particularly when a member is speaking, will lead to a warning being given to a member.

Reverend the Hon. FRED NILE [9.28 p.m.]: On behalf of the Christian Democratic Party I join in debate on the Trade and Investment Cluster Governance (Amendment and Repeal) Bill 2014. I appreciate the assistance given by the Hon. Andrew Stoner, who answered our questions regarding this legislation that obviously has not been the subject of lengthy consideration by the Parliament. In spite of that, the Christian Democratic Party is persuaded by the arguments to support the legislation.

The main aspects of the legislation include the abolition of the Lake Illawarra Authority, which at first instance appears to be fairly dramatic. However, the authority was set up by the New South Wales Government almost 30 years ago because of the exceptionally degraded condition of the lake. That degradation has been addressed and the task of the authority no longer continues. In fact, for nearly a year the authority has not had a board and has been actively winding up its operations. This bill only confirms what the board itself had decided. Any other needs concerning Lake Illawarra will be handled by the Shellharbour City Council and Wollongong City Council.

The bill also dissolves the Dairy Industry Conference. Mr Jeremy Buckingham reacted to this news, but I am not sure whether he is aware that the Dairy Industry Conference board has not been able to form a quorum for some two years. Therefore, this body is dead and this legislation will bury it. The Government is not closing

down a dynamic industry organisation. There is a high level of discontent within the dairy industry about the situation and the need to bring back the assets within functioning government control because apparently there is some \$640,000 sitting in bank accounts.

The bill also seeks to absorb the Film and Television Office, now Screen NSW, into the Department of Trade and Investment. Schedule 1 to the bill amends the Film and Television Office Act 1988 to dissolve the New South Wales Film and Television Office and its board, which is now operating as Screen NSW. In the first instance, it would seem that the Government is abrogating any responsibility for the film and television industry in this State. That is not the case. The Government has given a commitment to continue its support of the film and television industry in New South Wales. That will be done through Screen NSW, which will continue to exist and perform its current function in the film and television sector.

The proposed amendments to the Film and Television Office Act will result in no disadvantage to the New South Wales screen industry, including in relation to funding applications. Its statutory functions, including its suite of funding programs, will remain unchanged by the bill, and Screen NSW will continue to have the resources needed to deliver on the Government's objectives. There will be no impact on the work of the Government arising from the NSW Creative Industries Taskforce report. Finally, the bill seeks to absorb the Homebush Motor Racing Authority into Destination NSW which is happening while I speak. The bill will abolish the Homebush Motor Racing Authority and it will be absorbed into Destination NSW.

Similar to Screen NSW, the Homebush Motor Racing Authority is already administratively organised by Destination NSW for a number of purposes, including staff. Events such as the World Rally Championship in Coffs Harbour and the Sydney 500 at Sydney Olympic Park at Homebush for the next three years were secured by Destination NSW, which signed the contracts, not the Homebush Motor Racing Authority. The authority has been effectively folded up and will be given new life through Destination NSW. For those reasons we enthusiastically support the bill. Smaller government is better government.

Dr MEHREEN FARUQI [9.33 p.m.]: On behalf of The Greens I speak briefly in debate on the Trade and Investment Cluster Governance (Amendment and Repeal Bill) 2014 and support my colleague Mr Jeremy Buckingham. This bill will dissolve or abolish seven authorities, including the Lake Illawarra Authority. As The Greens New South Wales spokesperson on the environment, I make some comments regarding the Lake Illawarra Authority, which was established to rehabilitate the degraded waters and foreshores of Lake Illawarra and has done some good work in restoring the lake.

I understand the Government reviewed the authority in 2013 and determined that it was best replaced by an estuary management committee. I have significant experience with estuary management committees—when I was a local government environmental manager on the mid North Coast of New South Wales I was on two committees. These committees do a great job and can be very successful, but only when they are properly resourced. There seems to be no funding for this estuary management committee. In fact, as has been raised by members in the lower House, there is no estuary management committee at all. It has been one year since the review and there is still a lack of clarity about the whole process. No-one knows what the terms of reference are or who will be on this estuary management committee.

We are being asked to abolish this authority with no estuary management committee and no resources. The actions of the New South Wales Government and its persistent attacks on our environment have illustrated to us that this is a Government not to be trusted on any of these issues. We are being asked to replace a statutory authority with a budget and staff with an as yet unformed and unfunded estuary management committee. And all this is being brought to Parliament in a huge rush. I also know that Wollongong City Council has raised the many concerns of council and the community regarding the decision to abolish this authority. Local government is rightly concerned about the implications and financial liabilities of this decision. The Greens will not be supporting the abolition of the Lake Illawarra Authority or this bill.

The Hon. STEVE WHAN [9.36 p.m.]: I endorse the comments of my colleague the Hon. Mick Veitch on the Trade and Investment Cluster Governance (Amendment and Repeal) Bill 2014, and I support his foreshadowed amendments. However, I shall deal specifically with the agricultural organisations outlined in the bill. First, the Opposition does not oppose the proposal in the bill to abolish the Poultry Meat Industry Committee and the Poultry Meat Industry Advisory Group. I have spoken to representatives of the growers, who are comfortable with what is being proposed in this area and I am happy to go along with that. I have some questions about the dairy changes, some of which have been met to my satisfaction by consultation between the

Minister's office and the Hon. Mick Veitch. I will come to that shortly. I make a couple of comments on the abolition of the New South Wales Dairy Industry Conference and give some history because there is a little Whan family involvement.

The Hon. Duncan Gay: You have been involved in qangos for three generations.

The Hon. STEVE WHAN: There is a generational involvement, as the Minister points out. My father and George Davey were quite closely involved in the establishment of the Dairy Industry Conference. It was established before the dairy industry in New South Wales was deregulated and the source of its funds was the proportion of the regulated price of milk that went to the industry. The growers believed they sacrificed some of the money they could have got for their milk to go into this fund, which was to assist the development of the industry. That is why there has been a bit of passion about what is going to happen to the funds, and I will return to that shortly.

Many of the growers feel that this is their money and they want to make sure that it is used appropriately. It is money that came from what was once the regulated price of milk. As I understand it, a certain number of cents per litre of milk went into different proportions—some went to growers, some went to processors and some went into these funds. Other members have said that there is \$650,000 to \$700,000 in this fund; I gather that is about right. However, the department also currently has \$350,000 to \$360,000 in milk marketing funds.

I would like the Minister to clarify whether those funds are being combined with the funds from the Dairy Industry Conference into a single fund. My original concern about the abolition was that when the bill was first presented to the Parliament, as far as I could tell there had been no consultation with the industry sector. Many people were surprised when this bill was introduced. They were not surprised that the Government was going to abolish this body because there had been speculation about that for some time, but when the bill was introduced into the Parliament that was the first they knew about it.

At the time that the Hon. Mick Veitch and I spoke about this I indicated that I would be opposed to the bill if the funds were to be put into something that would be determined by the Minister because, frankly, I do not trust the Government with the administration of industry funds. The reassurance that we have been given is that the Government will replace this body with a dairy industry consultative committee comprising a chair; the chief executive officer of the Food Authority; a representative appointed by the director general; a representative from the dairy producer farmers sector, likely to be appointed by NSW Farmers; a representative from the dairy produce merchant sector, likely to be appointed by the Amalgamated Milk Vendors Association; a representative of large dairy processors with technical expertise; a representative of small dairy processors with technical expertise; a representative of the dairy retail sector, likely to be appointed by the Australian National Retailers Association; a representative from the dairy research sector, likely to be appointed by Dairy Australia; and a representative from an organisation that represents through chain dairy issues, likely to be appointed by Dairy Connect.

I would like the Minister to tell us that this consultative committee will comprise people nominated by those bodies, not people from those bodies as nominated by the Minister. I am sure he understands what I mean. The appointments might be made officially by the Minister but I assume that the Minister for Primary Industries would appoint people nominated to her rather than those that she would select. I would like another assurance from the Minister because in the advice that the Hon. Mick Veitch has been given the department or the Minister said that residual milk marketing—

The Hon. Duncan Gay: It is very hard to give you assurances to get your vote when you have already said you are not going to vote for it.

The Hon. STEVE WHAN: I could not hear what the Minister was muttering across the table, but he indicated that the Government would establish a separate committee of relevant dairy industry interests similar to the one to which I referred earlier to determine where the money will be directed. I would like an assurance that that would be a committee with the same or similar representatives to the one I just outlined. I am not really sure why a separate committee is needed to determine where the money that comes from industry and that is in the government reserves is to be directed. I would like some clarification on that.

The Hon. Duncan Gay: But you are voting against the bill anyway.

The Hon. STEVE WHAN: My concern is that the direction of industry funding is determined by industry and that it does not get siphoned off into government or, for instance, overseas travel.

The Hon. Duncan Gay: Not everyone is like you.

The Hon. STEVE WHAN: The Minister says that not everyone is like me when in reality over the past few years some of those funds have been used for travel—and there are good reasons to go to some industry conferences overseas. We need to go through that issue. There are also projects that industry was behind that utilised some of the funds. One of those was a research project being undertaken on the industry deregulation process. Some dairy marketing funds have been used for that. I think it is important for industry to continue to have a say in the use of those funds. It is also my view that, fundamentally, industry needs to have a say about industry funds. That is not something that should be determined simply by the Minister. I think that is reasonable. The Minister said that Opposition members would vote against the bill when in fact we will not if he supports our amendments.

The Hon. Duncan Gay: No, your leader has already said you are voting against it. We are not supporting your amendments if you are voting against it.

The Hon. STEVE WHAN: The Minister indicated that he will not support the amendments so we will be voting against the bill. But I think it is reasonable to get an assurance on some of the issues that we have raised. Those issues have been raised by industry and I think there is legitimate cause. As I said, it is not a big surprise that the dairy industry conference would cease to exist and the Government would abolish it—it is probably time to move on from that—but it should be done in consultation with industry. To this point that clearly has not happened. As that conference was established quite some time ago industry has a right to expect that it will control the use of that money. That is the key issue on which I would like some assurance from the Minister.

The Hon. LYNDA VOLTZ [9.45 p.m.]: My parliamentary colleague the Hon. Mick Veitch has already raised concerns relating to the amendment to the Film and Television Office Act. Essentially, the Government is removing the board, the chief executive officer and the office itself and placing it within the Department of Trade and Investment. It is removing the board and replacing it with an advisory committee and a secretary. We assume that this will not affect the day-to-day funding although it would be interesting to know how much was allocated in the past financial year to production finance.

The Hon. Duncan Gay: I will be able to tell you.

The Hon. LYNDA VOLTZ: That is good.

The Hon. Duncan Gay: The same as this year.

The Hon. LYNDA VOLTZ: In relation to the advisory committee, there is to be a Film and Television Industry Advisory Committee comprising members appointed by the Minister. However, I would like to know from the Minister what will be the selection criteria for this advisory committee. Currently the bill states that the advisory committee will have "any other functions prescribed by the regulations or agreed between the Minister and the Advisory Committee" but that is a broad definition and it would be of use to members to know how the advisory committee will function and what its functions will be. For those reasons the Opposition is concerned about the amendments to the Film and Television Office Act. It would be of assistance to the Chamber if the Government could enlighten us in relation to those areas of concern.

The Hon. DUNCAN GAY (Minister for Roads and Freight, and Vice-President of the Executive Council) [9.47 p.m.], in reply: I thank all members for their contributions to debate and I thank certain members of the Opposition for the series of questions that they asked, most of which I will be able to answer but some of which I will not. At 9.45 on Wednesday night it is hard to find the right people and something else is happening in the State. If members make a list of the questions that I am unable to answer the Minister's adviser has indicated that he is happy to obtain the answers. I find unbelievable the fact that members of the Australian Labor Party are defending quasi-autonomous non-governmental organisations [qangos]. I was reminded of Sir Lurchalot when we saw his old companions and friends in this place trying to defend qangos.

The PRESIDENT: Order! I remind the Hon. Amanda Fazio that she is on two calls to order.

The Hon. DUNCAN GAY: My colleague the Government Whip reminded me of Sir Humphrey's comments to Jim Hacker, "It takes two to qango, Minister." Concerns were raised about the abolition of the Lake Illawarra Authority. Part 4 of the bill dissolves the Lake Illawarra Authority and responsibility for the various functions performed by the authority will be assumed by the department and the two local councils, that is, Shellharbour City Council and Wollongong City Council.

In the Legislative Assembly and in this place Opposition members misrepresented the current role of the authority and the implications of its abolition. For nearly a year the authority has not had a board and, frankly, has been actively winding up its operations. Even now the Lake Illawarra Authority's [LIA] functions are completed or duplicated by local councils. The authority was initially formed by the New South Wales Government nearly 30 years ago because of the exceptional state, as indicated by members, of degradation of the lake. This degradation has been fully addressed and the extraordinary funding stream applied to that task can now be discontinued. Accordingly, there is no need to have a standalone statutory authority that is not doing anything with its attendant operating costs.

Several members, including the Hon. Jeremy Buckingham, raised the issue of future funding. The New South Wales Government will maintain responsibility for the management and funding of the entrance breakwaters—the single biggest ongoing maintenance cost with respect to the lake. It is considered reasonable and appropriate that the local councils assume responsibility for the maintenance costs associated with the foreshore amenities. Lake Illawarra sits across two local government areas. The lake is 34 per cent in Shellharbour City Council local government area and 66 per cent in Wollongong City Council local government area. Both councils have made a financial contribution to works around the lake for over 27 years.

Shellharbour City Council has already assumed trust management of the foreshore lands and assets in its area. It has recognised that this action created minimal additional liability for the council. The Wollongong City Council has been inconsistent in its position regarding its share of the lake. The majority of lands and assets held by the LIA in the Wollongong area are being transferred to Government Property NSW. Wollongong City Council has requested that the Government provide it with funding to maintain infrastructure, such as paths and boardwalks, built by the authority around the lake.

The costs associated to maintain infrastructure are not elaborate or significant and are offset by the tourism and amenity value of the lake to Wollongong City Council. The Opposition and The Greens were critical of the failure not to establish and commit funding to an estuary management committee [EMC] to replace the authority which misunderstands the method of establishment, resourcing and role of the State Government in relation to EMCs. They are formed by local councils with support from the Office of Environment and Heritage and the Minister for the Environment.

Mr Jeremy Buckingham: They are not qangos.

The Hon. DUNCAN GAY: If the Hon. Jeremy Buckingham is involved it would be a quasi-autonomous non-governmental organisation. An estuary management committee is established when a plan needs to be developed for a threatened estuary. Estuary management committees do not usually operate in an ongoing sense. Rather, they form, develop a plan and then close when the plan they produce is adopted by the council or councils. Councils normally undertake any works or improvements required without the specific participation of an estuary management committee.

Wollongong City Council and Shellharbour City Council have been members of a transition committee that has provided information on how the new estuary management committee could be brought to commencement. Both councils are familiar with the estuary management committee process and the similar coastal management committee process, including how to access funding from the New South Wales Government to support these committees. The authority has already produced a competent estuary management plan for the lake and has provided substantial technical material to support an update of the plan as soon as the two councils get together. All technical material to update the plan has been catalogued and provided to both councils.

Elsewhere in New South Wales councils combine to form a joint estuary management committee. For example, the Georges River has previously developed a plan with the involvement of a large number of councils and the New South Wales Government is only requiring that Wollongong City Council and Shellharbour City Council adopt the practices for managing Lake Illawarra that apply elsewhere in the State, for example Lake Macquarie and the Tuggerah Lakes.

Concern was raised by the Opposition and The Greens about the abolition of the Dairy Industry Conference [DICON]. As indicated, the bill also dissolves this conference and, following industry change and resignations, the Dairy Industry Conference board has not been able to form a quorum for two years. accordingly, it is unable to operate its wholly owned subsidiary corporation DICONF Management Pty Limited. It holds \$640,000 in residual funds. The member was not sure whether it was \$650,000 or \$700,000 but it is \$640,000. These residual funds cannot be used or reallocated. The Government attempted to find out the answer to the question regarding the \$350,000 but was not able to contact anyone.

There has been no effective consultation with the dairy industry, as required by statute, for two years. In addition, following deregulation of the industry a number of the industry conference statutory functions are now redundant. The member was correct when he said that there is a high level of discontent within the dairy industry about the situation and a need to bring back the assets within functioning government control. The funds currently held by the conference are intended to be used for the long-term benefit of the dairy industry. In the first instance they will be transferred to the NSW Food Authority but only as a holding arrangement whilst the conference is wound up. The funds will then be placed into an account and combined with the funds of another company, Milk Marketing, which is being wound up.

A dairy industry advisory committee is being established to advise how the funds can best be spent to achieve long-term outcomes for the entire dairy industry. Membership of this advisory committee is proposed to include representation from Dairy Connect, NSW Farmers, Subtropical Dairy, Dairy NSW and Murray Dairy. As part of the reforms a new dairy industry food safety consultative council will be established under the Food Regulation 2010 to provide advice on the operation of food safety schemes. That is consistent with the consultative councils and committees for other industry sectors.

The industry group Dairy Connect has requested that the funds held by DICON and DICONF be transferred to it. Dairy Connect does not represent the entire dairy industry and it is important that the views of the entire industry are taken into account before those funds are allocated to specific projects. The new committee will be representative of the dairy industry as a whole, including producers, researchers, processors, merchants and the retail sector. It will be established using the procedures already contained in the Food Regulation and is likely to replicate the food industry committees established under that regulation. Abolishing DICON and transferring its assets to the food authority is anticipated to result in significant savings.

Schedule 2 amends the Film and Television Office Act 1988 and dissolves the NSW Film and Television Office and its board, now operating as Screen NSW. Most of the operational functions, including funding and investment in the New South Wales film and television industry, will be transferred to the secretary of the department and performed by Screen NSW as an office of the department. A new advisory committee will be established under regulation to perform the specialist advisory functions of the current board. The Government changes were developed in consultation with the management of Screen NSW and have its full support. Screen NSW already is administratively organised in the department for a number of purposes. Its staff members already are employees of NSW Trade and Investment, and are integrated into the department. The changes create savings and efficiencies by removing the need for separate financial reporting and auditing, removing the duplication in administration, and reducing red tape.

Pursuant to sessional orders business interrupted to permit a motion to adjourn the House if desired.

The House continued to sit.

The Hon. DUNCAN GAY: A question was asked about funding. Had the member looked at the budget papers she would have seen nearly \$10 million allocated in 2013-14 and \$10 million in 2014-15. The money continues to be provided. I have answered in detail the questions about issues raised. I hope members feel those answers represent answers to the foreshadowed Opposition amendments because they relate exactly to the issues raised. Rather than take the time of the House repeating the same contribution, I hope that sits carefully in their memory. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

In Committee

The CHAIR (The Hon. Jennifer Gardiner): Order! By leave, I propose to deal with the bill in parts.

Parts 1 to 3 [Clauses 1 to 13] agreed to.

Question—That part 4 [Clauses 14 to 17] stand as part of the bill—put.

The Committee divided.

Ayes, 19

Mr Blair	Mr Green	Mr Nile
Mr Borsak	Mr Khan	Mrs Pavey
Mr Brown	Mr Lynn	Mr Pearce
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

Noes, 17

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

Pairs

Mr Ajaka	Mr Foley
Mr Harwin	Ms Voltz

Question resolved in the affirmative.

Part 4 [Clauses 14 to 17] agreed to.

Parts 5 to 7 [Clauses 18 to 29] agreed to.

Schedules 1 to 3 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. Duncan Gay agreed to:

That the report be adopted.

Report adopted.

Third Reading

The Hon. DUNCAN GAY (Minister for Roads and Freight, and Vice-President of the Executive Council) [10.14 p.m.]: I move:

That this bill be now read a third time.

Question put.

The House divided.

Ayes, 20

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

Noes, 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

Pair

Mr Ajaka

Mr Foley

Question resolved in the affirmative.

Motion agreed to.

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

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads and Freight, and Vice-President of the Executive Council) [10.23 p.m.]: I move:

That this House do now adjourn.

DOMESTIC VIOLENCE

The Hon. HELEN WESTWOOD [10.23 p.m.]: Tonight I speak on the scourge of domestic violence and the savage impact it has on the lives of women and children. I wish it was a topic I was not so intimately acquainted with. Unfortunately, because of recent developments in how services are funded for these women and children, I fear the situation will become more dire. For me, this subject brings my role as a parliamentarian into sharp relief.

The Hon. Robert Brown: Point of order: I cannot hear the Hon. Helen Westwood.

The PRESIDENT: Order! I am also finding it difficult to hear the Hon. Helen Westwood. Members will leave the Chamber as quietly as possible so that the member can be heard in silence.

The Hon. HELEN WESTWOOD: There are those who wish to judge the state of our society solely by the achievements of the greatest among us: businesspeople, sports stars, entertainers and the high-flyers. I respect achievement and I am happy to celebrate those who strive to make our State great, but I strongly believe we must not judge our society on this alone. Our society is only as strong as the least amongst us. In the Chamber we must be voices for the voiceless and advocates for those most in need. Right now thousands of desperate women and children need our help. Tonight I am not interested in partisan attacks. This issue is too

important and the lives of these women and children are too valuable for petty bickering. I vehemently disagree with the Government's changes to the Going Home Staying Home reform. I know there are members on all sides of politics who are concerned about what will happen to at-risk women and children as a result of these changes.

Let us look at the facts. At least 80 homelessness services have been forced to close as a result of the recent changes. Each is an individual tragedy. It is particularly disturbing that many of these services cater for women and children fleeing sexual and domestic violence. Many of these services have been in operation for decades and the work they have done has literally saved the lives of thousands of children and women in New South Wales. Supporters of the changes in the Going Home Staying Home reform point to the promise of extra money for selected service providers. While maintaining funding levels is important—it is not about extra money—how that funding is targeted and the conditions attached to that funding are just as important. Sadly, the changes to the Going Home Staying Home tendering process have proven to be a death sentence for many women-only services, which is the crucial point in this debate. Women fleeing from domestic and sexual violence need women-only services. Domestic violence counsellors, mental health professionals and police tell us that women-only domestic violence services are crucial not only to assist the healing process for victims; their existence helps to empower women to leave violent relationships.

The most important thing is what is good for a woman and her children. A woman making the decision to leave a violent situation is more likely to do so if she knows there is a safe women-only environment to go to. This is particularly important for women from some cultural and ethnic backgrounds. With great sadness, I note that the Muslim women's refuge is one such service that is under threat of closing because of the recent changes. It is hard enough to get these women to leave violent situations. Without women-only services they will simply stay and suffer, and some will die. For those women who make the choice to leave violent homes, women-only services are empowering havens where the healing process can begin. They are safe places, where medical and welfare support services are offered and mental health issues can be assessed. Rays of hope can return to the lives of vulnerable women and children.

I mentioned earlier that I am not interested in making partisan attacks tonight. I want nothing more than for all members to come together to ensure that women-only domestic violence services are saved. The past 19 months of indecision and uncertainty have been damaging for the sector that supports women escaping violent relationships. The Government needs to listen to the experts to ensure that certainty is returned to this vital sector before we lose more of our most experienced and skilled domestic violence workers. I know there are well-meaning members opposite who truly believe the Government's changes will result in better domestic violence services for women. I ask them to talk to the advocates at SOS Women's Services. Please reconsider the changes and together let us be the voices for the voiceless. Let there be no politics and let us just put vulnerable women first.

FERAL CAT CONTROL

The Hon. ROBERT BROWN [10.28 p.m.]: Recently in this place my colleague spoke about the damage that foxes are doing to our native wildlife, and have done for more than 200 years. It still amazes me that Sydney Fox Rescue is supplying foxes as pets to Sydney residents. As bad as the fox is and has been for native wildlife, there is another predator that I saw described this week as being "worse than climate change". I am referring to feral cats. The CSIRO has just published research that estimates that feral cats kill 75 million animals every night in Australia, placing them as the leading cause of population decline in native mammals, which is—again I quote from the CSIRO—"way ahead of climate change". The organisation says that there are 15 million wild cats in this country, which is an estimate of course. That is not counting the tame domestic moggy who lives next door and hunts of a night-time. Fifteen million wild cats are causing havoc and destruction in our bush. Every night they each kill an estimated five small animals. This includes not only mammals but also reptiles and birds.

This is obviously a serious and urgent problem, because the study found that extinctions of our animals are 40 per cent higher than previously thought. I know that hunters do what they can to shoot feral cats in the wild whenever they can, but I do not think even they can keep up with the task. I shot my first feral cat in 1958. More effort is needed, and I support the Federal Minister for the Environment, Greg Hunt, who has called for research into a virus to eradicate feral cats. I have not seen any reaction to this yet from The Greens but I expect that they will oppose any such move, basically because they always seem to oppose everything just for the sake of it. On this issue, the Federal Government deserves the support of everyone. Mr Hunt says that Canberra

endorses a dedicated eradication program, the use of "island arks" that exclude invasive species, and research into a safe and targeted form of biological control. If this requires domestic cat owners to immunise their pets against the disease, I do not think that is too much to ask.

The fact is that feral cats are generally domestic cats who have escaped into bushland or their issue, and over one or two generations they morph into an animal that is far more savage than the tame domestic moggie whom most people know and love. Every hunter can attest to that. A feral cat is a frightening animal. Anyone who has confronted these animals in the bush will attest to their size and aggressiveness. They are pure hunting machines and ferocious predators, and the Australian native animal simply cannot cope with them. Believe it or not, our native animals are not only faced with foxes and feral cats; the feral dog problem is just as bad. The feral dog, like the feral cat, was once someone's pet—or a dingo or crossbreed—but once they get out into the bush to fend for themselves they develop into pack animals. They hunt in packs and have the ability to drive some farmers off their land because of their rapacious attacks, particularly on sheep in marginal country.

There are instances of farmers being forced to switch from sheep to cattle farming because of feral dogs. But even changing to cattle does not help because the dogs will also attack cattle, mostly calves. People in the city may not realise the seriousness of the fox, feral cat and feral dog problems, and the impact they are having on our native animals and rural way of life. I think it is a national problem and it probably deserves a national approach. However, in the meantime I call on the State Government to make as much use as possible of our R-licensed hunters in New South Wales to reduce feral cat and feral dog numbers. They are a resource that is available at no cost to the Government, and there is no reason that they cannot be enlisted more in the fight to save our native animals and protect farmers from losing their livelihoods. If what I have outlined to the House tonight does not make those in Sydney who are giving homes to foxes feel a little uncomfortable, I do not know what will.

TRIBUTE TO PHIL GOULD, AM

TRIBUTE TO DON FELTIS, OAM

The Hon. MARIE FICARRA (Parliamentary Secretary) [10.32 p.m.]: The 2014 Queen's Birthday Honours List has once again included people who have given of themselves selflessly for community benefit. Our much-loved Governor, Her Excellency Marie Bashir, AD, CVO, who has dedicated her life to others and served our State with distinction, was rightly made a Dame of the Order of Australia. I wish to acknowledge some other fine citizens whom I have observed making outstanding contributions. Mr Phil Gould, AM, has made an extraordinary difference to the welfare of children, young people and families, especially in the place he loves so much—Western Sydney. His dedication, generosity and determination to provide services to the community of Western Sydney have been inspiring. Most people think of Phil as a former rugby league great, a league administrator, a journalist, and State of Origin and premiership winning coach. Gus Gould, as he is known to his mates, is much more than that. He is a person who truly cares about people, be it struggling young people to whom he extends his hand in support to mentor, or the help he gives to families of those in need who are going through tough times. Phil is always willing to help, encourage and acknowledge others around him.

Phil grew up in Western Sydney and played juniors for Wentworthville Leagues. In 1976 he was selected to represent Penrith in lower grades and by 1979 was elevated to first grade. At 20 years of age Phil made history by becoming the youngest New South Wales Rugby League Premiership captain since David Brown led Easts in the 1930s. Overall, Phil made 104 first grade appearances across four clubs. From these humble beginnings an extraordinary coaching career ensued. Phil coached Canterbury in 1988 and Penrith in 1991 to premiership victories. In 1992 he became State of Origin coach, and the Blues were victorious for the next three series—as they have been tonight. In 1996 the State of Origin side completed a series whitewash, becoming the first and only team to go through a series with the same squad of 17 players. Phil returned to coaching the State of Origin series from 2002 to 2004, winning two series and drawing the third. To date, he has been the most successful State of Origin coach in this State's history—and I know that Gus Gould is very happy tonight with the Blues Origin win.

Phil is Penrith through and through, and adored by hundreds of thousands of Penrith supporters who love the game. He answered their call and returned to Penrith in 2011 to help the club. With the exemplary leadership of Don Feltis, OAM, and Phil, the club has thrived. Apart from inspiring the footballers and fans of the club with his ability to motivate and teach, Phil, together with Don Feltis and Di Langmack, OAM, has spearheaded the Panthers on the Prowl Foundation, a community development foundation helping at-risk kids by diverting them into education. It promotes learning, self-esteem, social skills, resilience, healthy lifestyles

and functional literacy. Phil, with the generous support of James Packer, has also been successful in ensuring the building of a \$10 million hospitality college along with the development of a campus for the National Centre of Indigenous Excellence in Penrith providing much-needed training and employment for Western Sydney.

Mr Don Feltis, OAM, as chair of Penrith Panthers is indeed its heart and soul. Don played Rugby League for Picton, Penrith Waratahs, New South Wales Police, Wellington, New South Wales Country, Bourke, St Mary's and Richmond between 1947 and 1970, and coached the club's Presidents Cup Team from 1971 to 1973, acting as selector of representative teams from 1974 to 1979. Don has been the driving force behind the Penrith Junior Rugby League since 1985 in a variety of positions, such as chief executive officer, president, vice-president, secretary administrator, and the inaugural district coaching and development manager in 1989. He has been the chair of Penrith Panthers since 2009, having served on the board since 2002. Don served as chairman of the Foundation for Disabled Sportsmen and Women since 2009.

In honour of his outstanding service to rugby league, Don has had bestowed upon him life memberships of the New South Wales Junior Rugby League, New South Wales Rugby League and Penrith District Junior Rugby League, and of course life membership of Penrith Panthers. He has also been awarded the Australian Sports Medal and the James Anderson Memorial Award for service to sport in Penrith, and was placed on the Penrith City Council's Community Wall of Achievement. Don has also served on an array of New South Wales Rugby League and other community committees, dedicating his life to furthering the game of rugby league in New South Wales and his beloved Penrith region. I congratulate these outstanding Australian men.

ABORIGINAL DEATHS IN CUSTODY

The Hon. SHAOQUETT MOSELMANE [10.37 p.m.]: On June 21 I was walking past the front gate of the New South Wales Parliament and stopped for a few moments to observe a rally marking the death of 21-year-old Eddie Murray, an Aboriginal man who was murdered 33 years ago. There I saw my friend from Western Australia Mr Gerry Georgatos. Gerry is a PhD researcher into the Australian custodial system and deaths in custody, including suicides. Also at the rally were five sisters of the late Eddie Murray, who had 11 siblings. They are all clearly suffering from ongoing hurt and lack of closure. As many will know, Eddie died in police custody in a Wee Waa police cell 80 minutes after being apprehended. His death was just one of many deaths in custody that led to the Hawke Federal Labor Government's Royal Commission into Aboriginal Deaths in Custody.

Gerry was aware of our Standing Committee on Law and Justice inquiry into the Bowraville murders and suggested that the Parliament could consider a similar inquiry into Eddie's death—especially as the family continues to grieve and call for accountability. I am aware of previous calls in this place for a full inquiry into the death of Eddie Murray, but nothing came of them. I am sympathetic to the plight of the Murray family and, in view of the Bowraville inquiry precedent, I am prepared to move for an inquiry to report on the family response to the murder. I have raised this with my Labor colleagues and I will move only if there is consensus in our multiparty Legislative Council. Until then, I do not wish to give the family any false hope.

Aboriginal people have suffered, and continue to suffer, deaths, poverty and homelessness. We must continue our commitment to tackle poverty, eliminate homelessness, prevent deaths in custody and combat the causes of suicide. A prolific writer in the *Stringer*, Gerry notes that suicide rates are rising at horrific levels for first peoples. The statistics are heart wrenching. Australian children aged 14 to 18 are more likely to die by suicide than by any other cause. Since 1997 the suicide rate among all Australians has been at its highest. For first peoples, the crisis is much worse and, as usual, the numbers are disproportionate. According to the Australian Bureau of Statistics, one in every 24 first peoples will die by suicide. This shocking statistic only reflects reported suicides. Gerry's research suggests that suicides of first peoples are somewhere around one in 16. Unfortunately, we still find ourselves fighting those who take away rather than pour in desperately needed resources. In this regard Federal Opposition leader Bill Shorten said of the Federal budget:

... a brutal and heartless cut of more than \$500 million from Indigenous health, education, support for families and children and employment programs.

In an article in the *Australian* titled, "Abbott breaches faith with Aborigines in 'act of political theft'", Bill Shorten wrote:

Australians have heard a lot about Tony Abbott's broken promises—but even I didn't think the Prime Minister would breach faith with Indigenous Australians so shamelessly and so brazenly.

Mr Shorten said further:

These cold and callous cuts put the hard-earned trust and hard-won progress of recent years in jeopardy. And from the "Prime Minister for Aboriginal Affairs", it is a particularly mean-spirited act of betrayal.

We should invest in Aboriginal and Torres Strait Islander health, education, housing and welfare reform, as well as recognise and support advocates and those who work hard for the wellbeing of the Aboriginal and Torres Strait Islanders. For this reason, and to acknowledge those first peoples who strive to make a positive difference for their people, I am pleased to announce the launch of the inaugural National Indigenous Human Rights Awards. The first ever first peoples human rights and social justice awards will be presented here at the New South Wales Parliament on 24 June. Ms Linda Burney, our only Aboriginal member of Parliament, will do the welcome to country. She will also act as master of ceremonies.

There will be three categories of awards: a human rights award named after the legendary late Dr Yunupingu, to be presented by his wife, Yalmay Yunupingu, who will fly in from the Northern Territory; a social justice award named after land rights campaigner the late Eddie Mabo, to be presented by his daughter Gail Mabo, who will fly in from Queensland; and a courage award named after former rugby league player and three times world champion boxer Anthony Mundine. These national awards are a small contribution to the Aboriginal struggle for rights, but long overdue. I encourage all members to attend the awards on 24 June to honour and recognise the achievements of our Aboriginal and Torres Strait Islanders for their work in human rights and social justice.

THE NATIONALS AND COAL SEAM GAS

Mr JEREMY BUCKINGHAM [10.41 p.m.]: This evening I will speak on one of my favourite topics, that is, the hypocrisy and stupidity of The Nationals. I bring to the attention of the House comments by the Hon. Kevin Hogan, Federal Nationals member of Parliament, who said he would not want a gas well "on or near his farm". He said:

My pledge is that I will loudly oppose any attempts to withdraw or water down regulations on the CSG industry, and pledge to support any legislation that will safeguard the Northern Rivers from CSG, including any way we can pause or suspend CSG activities. I would cross the floor of Parliament on this issue if necessary.

On the water trigger legislation he said:

I certainly won't be voting for any winding back of this legislation if elected, and the Federal Coalition won't be handing back water protection responsibility to the State Government if elected.

On Monday Kevin Hogan voted to wind back the water trigger legislation and give the powers to State governments. What lies and hypocrisy from a man who will be held to account by the electors of the Northern Rivers. Another man who will be held to account is Deputy Premier Andrew Stoner. In February 2013 the Deputy Premier said:

I wouldn't want a CSG well five metres from my property. It's going to affect my property value a hell of a lot. Nobody is going to want to buy that value, ah, that piece of land rather, um, and there's always the potential for something to go wrong, so I understand why people are concerned.

Last weekend at The Nationals conference—at which members opposite were probably present—in relation to the Bentley blockade he said:

It broke my heart that some of those professional bludgers thought they had a win.

He described the good people of Bentley, the people of Lismore, the doctors, the lawyers, the teachers—all those who turned up and successfully defended their community—as bludgers. He is the bludger, he is the liar, he is the parasite and he is the hypocrite.

The Hon. Matthew Mason-Cox: Point of order—

The PRESIDENT: Order! The member will cease using unparliamentary language about members of the other place or he will be sat down.

Mr JEREMY BUCKINGHAM: The Deputy Premier also said:

Mark my word, we were prepared to go head to head with that protest group.

Mr Christopher Gulaptis, another Nationals hypocrite—

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

The Hon. Melinda Pavey: Good, sit.

Mr JEREMY BUCKINGHAM: Running defence for a bunch of hypocrites?

The PRESIDENT: Order! The member was warned. If he does not resume his seat he will be ejected from the Chamber.

AUSTRALIAN SOCIAL TRENDS

The Hon. Dr PETER PHELPS [10.45 p.m.]: Tonight I speak about the cult of feelings that has taken over our society. It is no longer simply good enough to be a great athlete. Now, you must have some heart-rending backstory, an Everest of personal suffering that is not connected with any actual sporting endeavour that you had to overcome. Peddled by shouty sports broadcasters, who obviously feel that any dead airtime is an offence against God and man, we are regaled with vaguely emetic stories designed to elicit some sort of emotional reaction: "Yes, she can run the 100 metres in under 11 seconds, but did you know that she also had to work at three jobs during high school to pay for her grandmother's surgery?"

Where would *MasterChef* or those other ghastly reality shows be unless there was some tragedy in a contestant's past that could be dug up for the sake of a teary confession and triumphant surmounting? Have you had a cancer scare, been bullied as a child, or been bitten by a dog perhaps? Frankly, I do not care, and neither should you. We should just enjoy the fact that a person is a marvellous athlete or cook or singer without also having to turn them into an object of redemptive martyrdom, with suffering worthy of St Barbara or St Sebastian. Do we really need the feels?

A radio station in Canberra used to have a morning presenter and, sure as clockwork, he would always turn to old faithful: "How do you feel about it?" It was not who, what, when, where, why or how? That would have involved too much thought. Better to stick with feelings. It may be that the presenter just had a hopeless producer who hated doing research. But I suspect that it was more likely to have been reasoned thus: Few people can understand the factual basis of an issue but everyone has feelings, so let us go with that as the point of listener engagement. It is pathetic. Needless to say, the presenter was a former sports broadcaster.

We now have a society where lachrymosity trumps logic and where symbolism and empathy, rather than action, are the delimiters of behaviour in respectable company. We have a society where there is an outpouring of public emotion for those precious little hothouse flowers who have bad words spoken about them on Twitter or Facebook, those whose fragility of ego leads them to self-abnegation. But the greater sin lies with the chorus of bewailing empathetes, where a healthier, more human reaction would simply be a mocking laughter at the prima donna's lack of perspicacity. The left-wing writer Brendan O'Neill recently noted:

Raising awareness has become the aim of just about every political movement and charity of the 21st century. There was a time ... when socially minded folk were focused on changing the actual, physical, infrastructural world ... Charities now raise awareness about poverty rather than trying to end it. Schools raise awareness about STDs. Government officials raise awareness about the dangers of binge-drinking ... And there's no option to remain unaware. To say "I don't want to know ..." is to mark oneself out as unfeeling, one of the ribbonless rabble who refuse to become aware.

An orange lapel ribbon arrives on my desk in Parliament House. What is it this week? Does it mean I should be aware of leukaemia or multiple sclerosis? Maybe it is opposition to cruelty to animals, or is it self-injury awareness day? Perhaps it is ADHD, or malnutrition awareness. The simple fact is it does not matter. Just put on the ribbon because it shows that you have that most desirable feature of modern bourgeois culture: You are an overt carer. You care about stuff.

When researching her book *Ribbon Culture*, the academic Sarah Moore found she had to remind some of her interviewees what their ribbons represented. But the colour and cause of a ribbon are not what is important. A ribbon on a lapel, whatever its hue, is really about showing the world that you are sensitive, aware and good. This conceit is hardly a new phenomenon. About 2,000 years ago some guy in the Middle East also expressed his concerns about showy displays of empathy. He said:

Be careful not to practise your righteousness in front of others to be seen by them. If you do, you will have no reward ... So when you give to the needy, do not announce it with trumpets, as the hypocrites do ... to be honoured by others.

What is the point of that? If today's self-selecting moral elite cannot walk around displaying their superior virtue, what is the point of being part of that moral elite in the first place? Australia was built on an unabashed culture of stoicism and reserve. Now we have a society, imported, sad to say, from the United States of America, which pathologises every failing or inconvenience or, as Robert Hughes described it, "a culture of therapeutics, a juvenile culture of complaint." The decree has been posted: Only the victim can be the hero, and thus even our greatest heroes must be afflicted with some aura of victimhood. So I propose this: No Ribbon Day, where, like the Sex Pistols, you proudly proclaim that you have no feelings—or at least none that you particularly want to share with the rest of society through gratuitous, self-indulgent public displays.

SPEED CAMERAS

The Hon. WALT SECORD [10.50 p.m.]: As the shadow roads Minister I make a contribution on this week's budget and the State Government's broken promise on speed cameras. In late February 2011 at its election campaign launch in Dubbo The Nationals leader, Andrew Stoner, vowed to slash the number of speed cameras. In opposition the Coalition opposed speed cameras but in government it uses them as de facto cash registers. On 5 June, at a Staysafe parliamentary committee inquiry, the State Government was forced to admit that it had plans to have 200 new cameras in place by the end of next year. These 200 cameras are in addition to the current 126 red light speed cameras, 108 fixed speed cameras, 24 point-to-point cameras and 45 mobile speed camera units operating at 2,500 locations around the State.

For the record, my position is clear: I do not condone speeding, especially in school zones. The best way to change behaviour is high-profile, visible policing, speed awareness training and speed monitors alerting motorists to their speed. Getting a ticket three weeks later in the post rarely changes behaviour. Tuesday's budget papers show that the Liberal-Nationals Government will spend \$58.3 million to buy new speed cameras, mobile speed cameras and point-to-point cameras in 2014-15. This gives credence to the claim that these cameras are simply cash cows for the State Government.

Furthermore, while the State Government is slashing staff and cutting front-line services across New South Wales, it is expanding the operating hours at the Office of State Revenue from 8 00 a.m. to 7.00 p.m. The sole purpose of the extension is not to provide better customer service to the community but to chase fines. No-one supports speeding, but a State budget should not be predicated on revenue from these fines. I thank the House for its consideration.

[Time for debate expired.]

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

Motion agreed to.

The House adjourned at 10.53 p.m. until Thursday 19 June 2014 at 9.30 a.m.
