LEGISLATIVE COUNCIL

Wednesday 15 October 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.

BATTLE FOR AUSTRALIA

Motion by the Hon. CHARLIE LYNN agreed to:

(1) That this House acknowledges that:

(a) on 4 September 2014 a commemoration service of the Battle for Australia was held at the Cenotaph, Martin Place;

(b) the major activities that were the key elements of the Battle for Australia were:

(i) the Battle for Singapore-Malaya;

(ii) the campaigns across the island chain to our north, not limited to, but including, Timor, Rabaul and New Guinea;

(iii) the bombing of Darwin where all three of our services were involved, the losses of the RAN and RAAF, and the subsequent bombing of a number of our coastal towns;

(iv) the sea battles and activities involving our Navy, including, but not limited to, *HMAS Perth* and *HMAS Sydney*; and

(v) the little-known battle around our coast, as enemy submarines extensively engaged our merchant navy, including the sad loss of the Hospital Ship *Centaur* and more than 30 merchant ships off the Australian coast.

(c) the war lost some of its remoteness when Darwin was attacked and when Japanese submarines shelled Newcastle and Sydney and mounted a major mini-sub operation against shipping in Sydney Harbour;

(d) the first shots of both World Wars were fired from gun emplacement batteries at Point Nepean and Fort Queenscliff in Victoria; and

(e) we remember not only all of those who served but also those who waited, who lost loved ones and who, by their efforts, made a considerable sacrifice in the defence of Australia.

(2) That this House commends the Chairman of Battle for Australia Association NSW, Major General Warren Glenny, AO, RFD, ED, (Rtd) and its organising committee for hosting an exceptional service.

PAPUA NEW GUINEA INDEPENDENCE DAY

Motion by the Hon. CHARLIE LYNN agreed to:

(1) That this House acknowledges that:

(a) on Tuesday 16 September 2014, Papua New Guinea will celebrate its thirty-ninth anniversary of Independence Day;

(b) Papua New Guinea is our former mandated territory, fellow Commonwealth member, wartime ally and closest neighbour;

(c) Australia and Papua New Guinea have a long history of partnerships from fostering economic growth, through to advancing opportunities for women and girls, and providing assistance in the areas of health, education and policing; and

(d) today we join Papua New Guinea in celebrating its history and wish all citizens of Papua New Guinea a safe, happy and continued peace and prosperity in the coming year.

(2) That this House congratulates the Government and people of Papua New Guinea led by Her Majesty, Queen Elizabeth II, and Their Excellencies, Governor-General Michael Ogio, Prime Minister Peter O'Neil, and Foreign Affairs and Immigration Minister Rimbink Pato and its Embassy in Australia headed by High Commissioner Charles Lepani, and our very good friend Consul-General Sumasy Singin on the occasion of its thirty-ninth National Day.

HIS EMINENCE BEATITUDE PATRIARCH CARDINAL MAR BECHARA BOUTROS RAI

Motion by the Hon. SHAOQUETT MOSELMANE agreed to:

(1) That this House notes that:

(a) His Beatitude and Eminence Patriarch Cardinal Mar Bechara Boutros Rai, Maronite Patriarch of Antioch and All the East, will be visiting Australia and will be received by the Australian Lebanese Community and the Maronite Bishop of Australia, His Grace Bishop Antoine-Charbel Tarabay, from 24 October to 7 November 2014;

(b) this visit is of the utmost significance not only for Australia's Maronite community but for all Middle Eastern communities;

(c) the Maronites make up the largest proportion of Australian Lebanese and they remain one of the principal ethno-religious groups in Lebanon;

(d) His Beatitude is the spiritual shepherd of the Maronite Church and an ambassador of peace and harmony for all Lebanese as a prominent figure in Lebanon and the Middle East;

(e) His Eminence was born in Himlaya, Matn District of Lebanon on 25 February 1940, attended Collège Notre Dame de Jamhour, a Jesuit school in Lebanon, entered the Mariamite Maronite Order on 31 July 1962 and was ordained as a priest on 3 September 1967;

(f) from 1967 to 1975 he was responsible for the Arabic transmissions of Vatican Radio, in 1975 he received a PhD in canon and civil law and he also studied for three years at the Lateran University in Rome;

(g) His Eminence was consecrated as Auxiliary Bishop of Antioch on 12 July 1986, by His Beatitude Patriarch Cardinal Mar Nasrallah Boutros Sfeir and on 9 June 1990, he was appointed Bishop of Byblos;

(h) in 2003 His Eminence was elected Secretary of the Maronite Synod and in 2009 he was appointed President of the Lebanese Episcopal Commission for the Media;

(i) at 71 he was elected Maronite Patriarch of Antioch and All the East on 15 March 2011, after receiving more than two-thirds of the votes of the 39 bishops following the resignation of Patriarch Sfeir, and he formally requested and received ecclesiastical communion from Pope Benedict XVI;

(j) on 7 March 2012, Patriarch Rai was appointed a member of the Congregation for the Oriental Churches and was created a Cardinal by Pope Benedict XVI in a consistory on 24 November 2012;

(k) His Eminence is the fourth Maronite Patriarch created Cardinal;

(l) on 31 January 2013 Cardinal Patriarch Rai was appointed by Pope Benedict XVI to serve as a member of the Congregation for the Oriental Churches, the Supreme Tribunal of the Apostolic Signatura, the Pontifical Council for the Pastoral Care of Migrants and Itinerants, and the Pontifical Council for Social Communications;

(m) in February 2013, following the resignation of Pope Benedict XVI, Patriarch Rai, being a Cardinal, became a candidate to the papacy and he participated as a cardinal elector in the conclave that elected Pope Francis;

(n) Cardinal Rai was one of four cardinal-electors from outside the Latin Church and is also the first Maronite Cardinal Patriarch ever to participate in a papal conclave; and

(o) Cardinal Patriarch Rai was named a member of the Congregation for Catholic Education by Pope Francis on Saturday 30 November 2013.

(2) That this House congratulates His Grace Bishop Antoine-Charbel Tarabay, Maronite Eparchy of Australia and the Australian Lebanese and Maronite Community and warmly welcomes His Eminence Patriarch Cardinal Mar Bechara Boutros Rai, Maronite Patriarch of Antioch and All the East.

AUSTRALIAN COPTIC NEW YEAR DINNER

Motion by the Hon. GREG DONNELLY agreed to:

(1) That this House notes that:

(a) the inaugural Australian Coptic New Year Dinner was held on Saturday 4 October 2014 at the Novotel Hotel, Brighton Beach, Sydney;

(b) the dinner was organised by the Australian Coptic Movement Association Ltd [ACM]; and

(c) the ACM was founded in 2010 as a community advocacy group.

(2) That this House further notes that:

(a) church and community leaders along with distinguished members of the Coptic community who attended the dinner included:

(i) His Grace Bishop Daniel, Coptic Orthodox Diocese of Sydney and Affiliated Regions;

(ii) His Eminence Mor Malatius Malki Malki, Metropolitan Archbishop for Australia and New Zealand of the Syrian Orthodox Church;

(iii) Very Reverend Shenouda Mansour, General Secretary of the New South Wales Ecumenical Council;

(iv) Deputy NSW Police Commissioner Nick Kaldas;

(v) Dr Eman Sharobeem;

(vi) Dr Farag Ghoubran, President of Saint Maurice Aged Care;

(vii) Mr Zakaria Yassa, President of the Australian Sudanese Coptic Welfare Association;

(viii) Dr Ramsis Gayed and Mrs Amani Gayed from Set My People Free;

(ix) Mr Lyle Shelton, Managing Director of the Australian Christian Lobby;

(x) Ms Karen Bos, Vice President of Christian Faith and Freedom;

(xi) Mr Wally Wehbe, President of Australian Lebanese Christian Federation; and

(xii) Mr Hermiz Shaheen, General Secretary of Assyrian Universal Alliance.

(b) Federal, State and local government representatives present included:

(i) Prime Minister of Australia, the Hon. Tony Abbott, MP;

(ii) Senator Deborah O'Neill, representing the Leader of the Opposition, the Hon. Bill Shorten, MP;

(iii) Senator the Hon. Concetta Fierravanti-Wells, Parliamentary Secretary to the Minister for Social Services;

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

(v) Mr Nickolas Varvaris, MP, Federal member for Barton;

(vi) the Hon. Victor Dominello, MP, Minister for Citizenship and Communities;

(vii) the Hon. Greg Donnelly, MLC, representing the Hon. John Robertson, MP, the Leader of the State Opposition;

(viii) Reverend the Hon. Fred Nile, MLC, Leader of the Christian Democratic Party;

(ix) the Hon. Paul Green, MLC;

(x) the Hon. Marie Ficarra, MLC; and

(xi) Councillor Paul Sedrak.

(3) That this House acknowledges and congratulates Peter Tadros, Mariam Wagih Tadros, Sarah Ramsay, Medhat Attia, Heidi Attia, Monica Mikhail, John Tawadros, Anthony Hanna and Andrew Hanna on the outstanding work they did organising the dinner and expresses its hope that the advocacy and community work of the ACM may continue to go from strength to strength.

SOUTH SYDNEY RABBITOHS

Motion by Dr MEHREEN FARUQI agreed to:

(1) That this House notes that:

(a) on 5 October 2014 the South Sydney Rabbitohs won their first National Rugby League [NRL] premiership in 43 years;

(b) the Rabbitohs not so long ago endured a painful struggle to stay in the NRL;

(c) the Rabbitohs have a long and proud history of including multicultural and Indigenous players, membership, and supporters; and

(d) the Rabbitohs have the largest membership base of any NRL team, with over 30,000 members in 2014 representing the communities of South Sydney including Redfern, Maroubra, Mascot, Alexandria, Kingsford, and Marrickville.

(2) That this House congratulates the South Sydney Rabbitohs family, including the team, staff, faithful membership and supporters, for their well-deserved success in the 2014 NRL season.

PRIVATE BARNEY MOORE NINETY-FIFTH BIRTHDAY CELBRATION

Motion by the Hon. CHARLIE LYNN agreed to:

(1) That this House notes that:

(a) on Tuesday 14 October 2014 Mr Barney Moore celebrated his ninety-fifth birthday;

(b) Barney was born on 14 October 1919 and emigrated from England with his parents in 1925;

(c) at the outbreak of World War II he enlisted from Auburn in New South Wales and was sent to train with the 2/2nd Australian Infantry Battalion, 16th Brigade as a private;

(d) he sailed with the battalion for the Middle East in 1940 on the troop ship *Aquitania*;

(e) his battalion was the vanguard battalion in the capture of the Italian garrison of Bardia, then the capture of Tobruk;

(f) he celebrated his twenty-first birthday in Palestine;

(g) in 1941 the battalion was moved to Greece and was instrumental in holding up the Germans in the battle of Pinios Gorge, their actions helping numerous allied troops evacuate from Greece;

(h) the battalion was then sent to Syria to combat the Vichy French where they remained for a number of months;

(i) the 16th Brigade were then ordered to Ceylon, current day Sri Lanka, and were garrisoned there to guard against the Japanese;

(j) in 1942 the battalion arrived back in Melbourne for leave, which was short-lived as they were ordered to New Guinea to repel the Japanese on the Kokoda Trail where Barney was in action for over 90 days, being involved in terrible battles at Templeton's Crossing and Eora Creek as part of the Kokoda campaign;

(k) after Kokoda, Barney was repatriated to Australia and was demobilised at the war's end, but to this day still suffers from his war service with symptoms of malaria and dysentery;

(l) after the war he worked as a roof tiler and in 1945 married Ruth and moved to Cabramatta in 1957 where he still lives today;

(m) Barney fathered 11 children, seven girls and four boys, and is a grandfather and great-grandfather nearly 50 times;

(n) he retired in 1979 but his physical fitness has contributed to his longevity; and

(o) he has been active in his battalion's association for many years and up to recently was an active lawn bowler.

(2) That this House acknowledges that Barney Moore and our World War II veterans are, to paraphrase former Premier Bob Carr, "among the greatest of heroes in a land that rightly canonises few heroes. And as time slowly steals the survivors from our midst, it's hard to resist thinking that Australians in the not too distant future will look back with almost disbelief at the giants who lived in those days".

(3) That this House congratulates and commends:

(a) Barney Moore for his service to his country;

(b) his continued contribution to his community, family and friends; and

(c) his ninety-fifth milestone, and may this continue for many more years.

COMMUNITY LANGUAGE SCHOOLS STATE CONFERENCE AND PROFESSIONAL DEVELOPMENT TRAINING DAY 2014

Motion by the Hon. MARIE FICARRA agreed to:

(1) That this House notes that the NSW Federation of Community Language Schools hosted the annual 2014 Community Language Schools State Conference and Professional Development Training Day at the University of Sydney on 4 October 2014, facilitated by Associate Professor Ken Cruikshank, Faculty of Education and Social Work.

(2) That this House notes that:

(a) the event was supported by the NSW Department of Education and Communities and Multicultural NSW and was attended by 355 people representing 42 community language groups across New South Wales;

(b) at the event 40 workshops were conducted by 22 presenters covering a variety of topics in promoting the professional development of community language education; and

(c) the event was attended by:

(i) the Hon. Victor Dominello, MP, Minister for Citizenship and Communities, Minister for Veterans Affairs, Minister for Aboriginal Affairs, and Assistant Minister for Education;

(ii) the Hon. Marie Ficarra, MLC;

(iii) Mr Matt Kean, MP, member for Hornsby and Parliamentary Secretary;

(iv) Mr Mark Coure, MP, member for Oatley;

(v) Mr Charles Casuscelli, MP, member for Strathfield;

(vi) Mr Ryan Park, MP, member for Keira, shadow Minister for Education and Training and shadow Minister for the Illawarra;

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

(viii) Professor Shane Houston, Deputy Vice Chancellor of the University of Sydney, Indigenous Strategy and Services;

(ix) Ms Jozefa Sobski, Chair of the Community Language Schools Board;

(x) Ms Felice Montrone, OAM, Deputy Chair of Multicultural NSW;

(xi) Mr Stefan Romaniw, OAM, Executive Director of Community Languages Australia; and

(xii) Ms Nina Conomos, Community Language Schools Program Coordinator.

(3) That this House:

(a) recognises that the annual Community Language Schools State Conference and Professional Development Training Day is of vital importance in promoting a higher quality of community language education and promoting multiculturalism in New South Wales; and

(b) acknowledges and commends the dedication and outstanding work of the NSW Federation of Community Language Schools in organising the event, including its president, Mr Albert Vella, committee members and the team of volunteers.

CARDINAL EDWARD CLANCY, AC

Motion by the Hon. MARIE FICARRA agreed to:

(1) That this House notes the recent passing of Cardinal Edward Clancy, AC, who was born in Lithgow on December 1923 and passed away on 3 August 2014 in Randwick, aged 90.

(2) That this House further notes that:

(a) Cardinal Edward Clancy, AC, began his religious studies at the age of 16 and was ordained into the Catholic Church in 1949;

(b) for 65 years Cardinal Edward Clancy, AC, served the Roman Catholic Church in a variety of posts, including:

(i) assistant priest at Belmore;

(ii) parish priest at Elizabeth Bay, Liverpool and Blacktown;

(iii) Professor of Sacred Scripture at St Columba's College;

(iv) Chaplain of the University of Sydney;

(v) Scripture teacher at St Patrick's College, Manly;

(vi) Auxiliary Bishop of Sydney;

(vii) Archbishop of Canberra-Goulburn; and

(viii) the seventh Archbishop of Sydney.

(c) Cardinal Edward Clancy, AC, will be remembered for his involvement in the transformation of Catholicism in Australia, often being described as "a people's pastor";

(d) Cardinal Edward Clancy, AC, oversaw the completion of St Mary's Cathedral, the making of the controversial decision to split the archdiocese into three—Sydney, Parramatta and Broken Bay—pushing for the establishment of the Australian Catholic University, supporting the Catholic Church's AIDS ministry, and playing a pivotal role in the eventual canonisation of Australia's first saint, Mary MacKillop;

(e) Cardinal Clancy's outstanding service and contribution to the Catholic Church in Australia has been recognised on numerous occasions, including:

(i) his appointment to the Sacred College of Cardinals in 1988;

(ii) being awarded an Order of Australia in 1984; and

(iii) being appointed a Companion of the Order of Australia in 1992.

(f) a funeral was held for Cardinal Edward Clancy, AC, on 9 August 2014 at St Mary's Cathedral to commemorate and farewell the seventh archbishop of the Archdiocese of Sydney at which the Cardinal's family was joined by more than 1,500 congregants, over 130 priests and some 18 bishops along with the following attendees:

(i) Governor-General Sir Peter Cosgrove;

(ii) Prime Minister the Hon. Tony Abbott;

(iii) former New South Wales Treasurer Michael Egan;

(iv) Chief Justice of New South Wales, Tom Bathurst, representing the New South Wales Governor-Designate, General David Hurley; and

(v) Sydney Lord Mayor Clover Moore.

(3) That this House:

(a) acknowledges and commends the outstanding service and leadership of Cardinal Edward Clancy, AC, to the Australian Catholic Church for 65 years; and

(b) extends its sympathy to the family, friends and the Australian Catholic Church and community for the loss of the late Cardinal Edward Clancy, AC.

COPTIC NEW YEAR DINNER 2014

Motion by the Hon. MARIE FICARRA agreed to:

(1) That this House notes that the Australian Coptic Movement Association's Coptic New Year Dinner was held on 4 October 2014 in the presence of the Hon. Tony Abbott, Prime Minister of Australia, at the Novotel Hotel, Brighton Beach.

(2) That this House further notes that dignitaries in attendance included:

(a) the Hon. Tony Abbott, Prime Minister;

(b) Senator the Hon. Concetta Fierravanti-Wells, Parliamentary Secretary to the Minister for Social Services;

(c) the Hon. Victor Dominello, MP, Minister for Citizenship and Communities;

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

(e) Mr Nickolas Varvaris, MP, Federal member for Barton;

(f) the Hon. Greg Donnelly, MLC, representing Mr John Robertson, MP, Leader of the State Opposition;

(g) Reverend the Hon. Fred Nile, MLC, Leader of the Christian Democratic Party;

(h) the Hon. Marie Ficarra, MLC;

(i) the Hon. Paul Green, MLC;

(j) His Grace Bishop Daniel, Coptic Orthodox Diocese of Sydney and Affiliated Regions;

(k) His Eminence Mor Malatius Malki Malki, Metropolitan Archbishop for Australia and New Zealand of the Syrian Orthodox Church;

(l) Father Shenouda Mansour, General Secretary of the NSW Ecumenical Council;

(m) Deputy Commissioner Nick Kaldas, NSW Police Force;

(n) Dr Eman Sharobeem;

(o) Dr Farag Ghoubran, President of Saint Maurice Aged Care;

(p) Mr Zakaria Yassa, President of the Australian Sudanese Coptic Welfare Association;

(q) Dr Ramsis Gayed and Mrs Amani Gayed from Set My People Free;

(r) Mr Lyle Shelton, Managing Director of the Australian Christian Lobby;

(s) Ms Karen Bos, Vice President of Christian Faith and Freedom;

(t) Mr Walley Wehbe, President of Australian Lebanese Christian Federation; and

(u) Mr Hermiz Shaheen, General Secretary of Assyrian Universal Alliance.

(3) That this House commends the Australian Coptic Movement Association for its service to the protection of fundamental and inalienable rights throughout the Middle East and in North Africa as well as the promotion of Coptic identity and the celebration of Coptic culture in Australia.

VIP GAMING MANAGEMENT AGREEMENT

Production of Documents: Claim of Privilege

Motion by Dr JOHN KAYE agreed to:

(1) That this House notes that:

(a) since the Egan decisions affirming the power of the House to order the production of State papers it has been the practice of the House that on the receipt of a return to order from the Department of Premier and Cabinet, the reasons for any claim of privilege, together with the indexed list of all documents received, are tabled and made public or made public out of session;

(b) since May 2010 the Director General of the Department of Premier and Cabinet has routinely included in correspondence covering a return to order the following paragraph:

"I note that submissions in support of a claim of privilege may sometimes reveal information that is privileged. To the extent that they do, such submissions should be considered to be subject to the same confidentiality as the documents over which the privilege claim is made."

(c) notwithstanding this assertion, since May 2010, the House has continued to make public the reasons for any claim of privilege in a return to order;

(d) in the most recent return to order received on 2 October 2014 concerning the VIP Gaming Management Agreement, the Acting Secretary of the Department of Premier and Cabinet included the following paragraph in correspondence covering the return:

"Additionally, in this instance, the submission in support of the case for a claim of privilege reveals information that is also privileged. The submission should be considered to be subject to the same confidentiality as the document over which the privilege claim is made."

(e) this is the first time a claim of privilege has been made in such definite terms over the submission in support of the claim of privilege; and

(f) as a result, the submission in support of the claim of privilege concerning the VIP Gaming Management Agreement has not been made public at this time.

(2) That, as a general principle, this House regards publication by the House of the submission in support of any claim of privilege in a return to order as consistent with the system of responsible government that operates in New South Wales, under which information provided to the Parliament should not be withheld from the public where there are not good public interest reasons to do so.

(3) That this House also recognises that, on occasion, it may not be feasible to make properly a submission in support of a claim of privilege without necessarily revealing in that submission some information that is itself subject to that claim.

(4) That in view of the circumstances and considerations outlined above, the Department of Premier and Cabinet produce within seven days of the date of passing of this resolution a redacted version of the submission in support of the claim of privilege over the VIP Gaming Management Agreement, in which only the particular information that is subject to the claim of privilege is redacted.

(5) That the redacted version of the claim of privilege over the VIP Gaming Management Agreement be tabled and made public.

(6) That the unredacted version of this particular submission be treated in accordance with the procedure set out in Standing Order 52 for dealing with documents over which a claim of privilege has been made.

MARTINS CREEK AND WOLLOMBI PUBLIC SCHOOLS

Production of Documents: Order

Motion by Dr JOHN KAYE agreed to:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents created since 1 July 2011 in the possession, custody or control of the Minister for Education or the Department of Education and Communities:

(a) any documents relating to any proposed or possible change of the status of Martins Creek Public School and/or Wollombi Public School, including closure or placement into recess;

(b) any document that refers to the viability of Martins Creek Public School and/or Wollombi Public School;

(c) any document that refers to Martins Creek Public School and/or Wollombi Public School in the context of the February 2014 "Protocols for schools where recess, closure, amalgamation or other educational provision models are to be considered"; and

(d) 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.

SUNSWIFT SOLAR RACING TEAM

Motion by Dr JOHN KAYE agreed to:

(1) That this House notes that:

(a) the University of New South Wales' solar racing team Sunswift has designed and built a solar-powered car, "eVe", which recently set a new world speed record for electric vehicles;

(b) as confirmed by the world motorsports governing body, the Federation Internationale de l'Automobile, the car averaged more than 100 kilometres per hour over 500 kilometres on a single battery charge; and

(c) Sunswift's car "eVe" broke the previous record of 73 kilometres per hour that was held for 26 years.

(2) That this House congratulates all those involved in the world record attempt, especially the University of New South Wales' solar racing team Sunswift.

DEMOCRACY IN BURMA

Motion by Dr JOHN KAYE agreed to:

(1) That this House notes:

(a) that despite the holding of elections in Burma, the 2008 constitution remains in force and is deeply undemocratic in that:

(i) the Commander-in-Chief of the armed forces appoints 25 per cent of the legislature, giving him the power to block important reform legislation;

(ii) the Commander-in-Chief of the armed forces also appoints the Defence Minister, Interior Minister and Border Affairs Minister and maintains control over the executive arm of government and the judiciary; and

(iii) democracy leader, Daw Aung San Suu Kyi, is banned from standing for president by Article 59 (F).

(b) that while a number of political prisoners have been released from jail and detention, nearly 70 political prisoners remain behind bars and human rights in Burma remains tenuous, especially for members of a number of ethnic groups; and

(c) armed conflict between the military and a number of ethnic groups continues to take an appalling toll on human lives and economic progress.

(2) That this House joins with the Burmese community in New South Wales to call for:

(a) a fully democratic constitution that respects the values of one person, one vote, enshrines participation in elections and the democratic process and secures respect for human rights;

(b) free and fair elections, in which participation is not limited by arbitrary and politically motivated convictions;

(c) a civil society with no political interference from the military; and

(d) national reconciliation, leading to a free, democratic, peaceful and prosperous Burma, based on a federal structure that recognises the legitimate aspirations of all ethnic groups within a strong federal Burma.

COMMUNITY LANGUAGE SCHOOLS

Dr JOHN KAYE [11.09 a.m.]: I seek leave to amend Private Members' Business item No. 2050 outside the Order of Precedence as follows:

(1) In paragraph (2) (b) delete "supports" and insert "notes".

(2) In paragraph (2) (b) delete "as well as the full CPI increase promised by the former Labor Government".

Leave granted.

Motion by Dr JOHN KAYE agreed to:

(1) That this House notes:

(a) the significant economic, social and cultural benefits to the community provided by language learning;

(b) that the NSW Federation of Community Language Schools represents approximately 245 community language schools and groups across the State, servicing 32,000 students across 56 language groups at 440 school sites in the Greater Sydney Metropolitan region;

(c) that the federation is facing several financial challenges with rising costs, including fulfilling a requirement that each site has its own public liability certificate, an annual cost becoming increasingly unaffordable;

(d) that the federation is a predominantly volunteer organisation, with only two paid staff, one part-time and the other a shared position;

(e) that the federation is seeking a $10 per student per annum increase to its per capita grant funding allocation to increase support for student learning in the community language schools and to support the federation in the conduct of its duties and responsibilities as the peak body, including employing an executive officer;

(f) that the federation is also seeking the full CPI increase that was granted by the outgoing Labor Government on top of the doubling of the per capita grant funding from $60 to $120 per student per annum; and

(g) that since the current government has been in office, the CPI increase has only been awarded on the $60 increase per student and not the entire $120.

(2) That this House:

(a) supports the establishment and running of community language schools in New South Wales and the work of the federation to service these groups;

(b) notes the federation's request that the State Government approve a $10 per student per annum increase to its per capita grant funding to assist its work; and

(c) encourages the NSW Department of Education and Communities to take measures to ensure that principals are aware of the benefits of community language schools to their students, their school community and the system as a whole.

UNPROCLAIMED LEGISLATION

The Hon. Matthew Mason-Cox tabled a list detailing all legislation unproclaimed 90 calendar days after assent as at 14 October 2014.

TABLING OF PAPERS

The Hon. Matthew Mason-Cox tabled the report entitled "Bus Safety Investigation Report: Unintentional opening of bus rear doors, Ryde, 3 April 2014".

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

VISITORS

The PRESIDENT: I welcome into the public gallery year 11 students who are attending the young women's leadership seminar which is being conducted by Parliamentary Education.

JOINT SELECT COMMITTEE ON LOOSE FILL ASBESTOS INSULATION

Deputy Chair

The PRESIDENT: I inform the House that at a meeting held on 18 September 2014 the Hon. Niall Blair was elected Deputy Chair of the Joint Select Committee on Loose Fill Asbestos Insulation.

SESSIONAL ORDERS

Rules for Questions

Mr JEREMY BUCKINGHAM [11.23 a.m.]: I move:

> That, for the remainder of the current session, Standing Order 65 be varied by inserting the word "directly" before the word "relevant" in paragraph (5).

A former Clerk of the Legislative Council, Ms Lynn Lovelock, in her book *New South Wales Legislative Council Practice*—

The Hon. Dr Peter Phelps: Have you read it?

Mr JEREMY BUCKINGHAM: —I have—highlighted that since the reconstitution of this place in 1978 the Council has rediscovered "its identity as the 'House of Review', central to the revival of parliamentary democracy in New South Wales". This place performs an essential function in the operation of our democracy in New South Wales. As a House of review it is an important check and balance on the decisions of the executive branch of government and affords the community, through the members of the Legislative Council, the ability to ask important questions about the administration of the Government of New South Wales. We do this by asking questions verbally without notice in the House and in writing as questions on notice. The standing orders and rules of the Legislative Council set out the procedures for the asking and answering of questions. Standing Order 65 (5) states that an answer must be relevant to the question.

Since the making of this order Presidents have reflected on its application and have made rulings and reinforced those rulings that answers must be generally relevant. I am sure it would not surprise many in this House that my colleagues in The Greens and I feel that there may be reason to consider whether the current standing order meets the expectations of the people of New South Wales. General relevance can indeed be a very long yardstick with which to measure the responses to some questions in this place. Today my fellow Greens and I are calling on the House to take appropriate steps to ensure our rules require answers to be directly relevant. In moving this motion my fellow Greens and I are not casting aspersions on the decision of the President or his predecessors.

The status quo is that our standing orders have been interpreted as requiring answers to be generally relevant and Presidents have rightly relied on this interpretation in ruling on the appropriateness of answers. But I suspect that our test of relevance in this place falls well short of the pub test. The public would expect that if a fair and reasonable question is asked, a direct answer should be given that is directly relevant to the question. The Procedure Committee considered issues relating to the relevance of answers to questions in 2011. In its November 2011 report titled "Report relating to private members' business, the sitting pattern, Question Time and petitions", the Committee looked into how other Australian parliaments and parliaments in other countries have dealt with the challenge of improving the relevance of answers to questions.

My colleague Dr John Kaye was a member of the Procedure Committee and considered some of these very questions in 2011 and I am sure he will speak to his experience on the committee, but I want to specifically highlight that a number of jurisdictions have considered this very issue. At the time the report was written, the House of Representatives, the Senate, the Northern Territory Legislative Assembly and the Australian Capital Territory Legislative Assembly all had provisions requiring a Minister to be "directly relevant" to the question. While the report outlines some of the difficulties in enforcing such a ruling, I do not think we, the members of

the New South Wales Legislative Council, should shy away from trying to set as high a standard as possible in accountability, transparency and honesty in our dealings with each other and with the issues that concern the people of New South Wales.

The Procedure Committee report also notes that despite any rules of debate, question time is an intrinsically political process and the intention in asking questions is often designed for a purpose other than eliciting information. I certainly agree with that and I am sure that many in this place enjoy, as do I, the theatre of question time and debate, but I want to run just a few examples of my 3½ years in this place past members so they can invoke their personal pub test as to whether some of the answers fulfil our public responsibility as a House of Parliament and a House of review. The catalyst for my raising this matter was my ejection from this place on 19 June 2014.

The Hon. Duncan Gay: Can you remember that day?

Mr JEREMY BUCKINGHAM: I can remember that day very well.

The Hon. Duncan Gay: I am surprised.

Mr JEREMY BUCKINGHAM: You are a grub, Duncan.

The PRESIDENT: Order! The Leader of the Government should remain silent.

Mr JEREMY BUCKINGHAM: I asked a question of the Minister for Roads and Freight on the issue of Needles Gap Dam, which the Minister will clearly remember, and about the fact that the Federal Leader of The Nationals had said there was no point in building a dam if there were no users. I accept it was a politically charged question but it went to the critical issue of the viability of this major project which, in my opinion, is not wanted and not needed locally. It was clear the Minister did not have an answer, but instead of taking the question on notice he chose to quote a recent media statement from someone having a go at The Greens on the issue.

I have a few more examples that I hope will illustrate the need for cultural change. On 17 October 2012 I asked a former Minister, the Hon. Greg Pearce, about a report published in the *Sydney Morning Herald* concerning the risk of gas price increases for domestic manufacturing caused by the gas export industry. I asked whether the Government was aware of the report and would guarantee there would be no increase in gas prices in New South Wales due to the opening of an export gas industry. It was an important question. The Minister answered:

> I cannot answer for everyone in the Government. There are several hundred thousand public servants in this State and I assume at least one of them reads the *Sydney Morning Herald*.

One could call it theatre, but I was asking a serious question about an issue that has now been demonstrated to have caught off guard governments at Federal and State levels. There is now a serious backlash from the manufacturing industry and concern that it impacts on our economy. It may just be hindsight but a more appropriate answer would have been that the report would be brought to the Minister to seek a response. More recently, I put a series of questions on notice to the Minister for Resources and Energy primarily concerning coal royalties and the administration of the royalty system. The questions were mostly of a technical nature, asking for figures.

The issue of coal is significant to this State. The Greens are opposed to expanding coalmining and are interested in how a transition away from coalmining and exports can be managed responsibly. The Government supports the expansion of coalmining and regularly champions to the public the role of coal in our economy. Given these opposing positions, I assumed that the Government had a positive story to tell about coal and other royalties. However, the answers I have received failed to answer any of my questions meaningfully or, in my opinion, relevantly. On a question about unpaid royalties and fines I was simply provided with a figure for total royalties received and a Government spin line about mines funding roads and hospitals. On a question relating to recent audits that identified underpayments of royalties and the amount of allowable deductions I was given almost identical answers.

On the very top line question about whether all mining royalties are paid in full and what the penalties are for underpaying mining royalties, I received the answer that all titleholders are required to pay royalties in full and if they fail to do so penalties apply. These questions did not relate to commercial-in-confidence arrangements. Total royalty figures are public information and there have been Auditor-General reports highlighting underpayments. Clearly not all royalties have been paid in full and, judging from the Government's answers, it appears that no penalties have been levied. In recent years the administration of mining in this State

has come under scrutiny by the Independent Commission Against Corruption and the public should reasonably expect direct and relevant answers to direct and relevant questions about the administration of an income stream so regularly highlighted by this Government, which demonstrates the virtues of coal and coalmining.

I have asked the Minister's office to reconsider these answers but received the plain reply that it would not do so. On 11 September this year I asked the Hon. Duncan Gay a question about Shenhua—which he would recall clearly—and the $300 million success fee built into the exploration licence condition. I asked how the people of New South Wales could be confident that such a large amount of money would not affect the approvals process. His answer in full was:

> For the simple reason that the Government does not act like The Greens.

The Shenhua mine has been enormously controversial in the Liverpool Plains community. It will have a big effect on that community, business and the local environment. It comes on the back of corruption concerns about the issuing of licences, particularly by former Minister Ian Macdonald. It is a reasonable and responsible question. To have a question dismissed so curtly is unacceptable, in my view, and shows disrespect to the many people in the Liverpool Plains area who genuinely want to hear a relevant answer. I must admit that, while it is frustrating, there have been a couple of crackers from the early days that I should read into *Hansard*—including a couple of answers from the former Minister, the Hon. Greg Pearce, who decided to fantasise about North Korean controllers rather than answer the question. On 20 October 2011, I asked:

> I direct my question to the Minister for Finance and Services, representing the Minister for Planning. Does the Minister support the statement made today by the Minister for Resources and Energy about a potential coalmine in the Wyong area that "no applications will be permitted that are harmful to our water or our environment"? Can he confirm that this new benchmark for considering applications will be applied statewide?

In response, the former Minister said:

> I do not know; it is getting close to Christmas and the Christmas cards are flooding in from his controllers in North Korea. The member asked me a question as the representative of the Minister for Planning about the Minister for Resources and Energy. Obviously the North Korean translator in his office has lost it again. The Hon. Jeremy Buckingham knows the Government's policy on these matters because we have discussed it with him many times. I refer him again to that policy.

I quote another answer from the former Minister's spy thriller series in response to part of another question from me that was a follow-up from a question the previous week. I asked:

> Given the toxicity of antimony and history of contamination, what is the Government doing to ensure that these mines will not further contaminate the Macleay River and contaminate the Nymboida River?

The Minister replied:

> Last week I commented upon the member's North Korean controller and the need to translate his questions from Korean to code, then from code to Korean, and then from Korean to English. I said that his questions are garbled. If anyone can make sense of that question, I invite them to answer it for me. I could not follow it at all—I really could not. I invite the member to put the question on notice to get a detailed answer.

The final example I would like to leave with the House is an answer to a question not from me but from my colleague Ms Jan Barham on 20 September 2012. Inexplicably, though, the answer is about me.

> **The Hon. Matthew Mason-Cox:** It's always about you.
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> **Mr JEREMY BUCKINGHAM:** I know; I am the centre of attention. Ms Jan Barham asked:
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> My question without notice is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. Will the Minister advise whether approval has been given to the plans of management for the Crown's Brunswick Heads holiday parks—The Terrace, Massey Green and Ferry Reserve—and/or the closure of Riverside Crescent, which had been the access to the boat ramp and its closure is now blocking the street and creating conflicts for the residents?

That is an excellent question. The response from the Hon. Duncan Gay was:

> I thank the honourable member for her question, which asks for great detail. It involves Brunswick Heads and the boat ramp—a well-known holiday destination. I suspect the 1972 Ford Country Squire station wagon that Corncob Joe uses around the place has been there. Yesterday I suspect he misled the House when he said he had answered my question on carbon sequestration. I had a look at *Hansard* and read what the Hon. Jeremy Buckingham said in an adjournment speech. He said:
>
> > I draw the attention of the House to my recent "frack-finding" tour of the United States of America and wish to respond to the questions that have been asked about my emissions.

> At no time have I ever asked about the Hon. Jeremy Buckingham's emissions. I am reliably informed they are not without substance, that my question was about his carbon offsets for his frack-finding tour to the United States in the 1972 Ford Country Squire station wagon—an aspirational vehicle if ever there was one. That car is powered by a 351 Windsor Motor. That is the same motor which powered the XY Falcon GT-HO.

I could go on, but I am sure members remember and take my point. It had absolutely no relevance to the excellent question from Ms Jan Barham about Brunswick Heads. Of course, in response to my feelings that answers have not been answered sufficiently I have taken to YouTube and other social media to demonstrate to constituents the Government's response to their questions. It is very hard to post videos featuring the Hon. Duncan Gay. In fact, I have been approached by constituents who have seen these answers on YouTube or have read *Hansard* and who are astonished and appalled by the lack of seriousness that appears to have been given to an answer—particularly when it is an issue that concerns their areas or their interests.

From time to time in this place we are very casual with each other—as we should be—but we should also remember our role and the responsibility people have given to us as a House of review. My preference would be not to have to rely on YouTube but to be able to email responses to constituents that, although may not include an answer they like, includes an answer that is relevant. The Procedure Committee report concluded:

> Real change to the operation of Question Time would require cultural change. However, notwithstanding the political nature of Question Time, all members of the House should be encouraged to use Question Time for the purpose for which it is intended—an opportunity to seek and provide information about government decisions and actions.

I agree that no amount of rules will change the outcome unless we take more responsibility as individual members in this place to approach question time with this very purpose. While I encourage the House to be bold and set our standard in the rules governing this place, regardless of the vote on this sessional motion I hope that we can all take on board the intention behind the motion and in our individual actions strive to attain the highest standard. I commend the motion to the House.

The Hon. DUNCAN GAY (Minister for Roads and Freight, and Vice-President of the Executive Council) [11.39 a.m.]: Frankly, this motion is a waste of the House's time. It is the sort of issue that should be referred to the Procedure Committee for further consideration. It needs and deserves proper consideration to understand the impact of changing years of precedent in this House. It is entirely appropriate for the Procedure Committee to look into this matter further and to put recommendations to the House. Mr President, I gather from the contribution by the member that the major reason he wants to change the rules is he was ejected from the House. The member should look at his own behaviour in the House and the circumstances that led to his being removed from the House on that day.

Mr Jeremy Buckingham: Frustration with your stupid responses.

The Hon. DUNCAN GAY: The member says it was frustration. Every member of this House knows it went a lot further than that. If the member wishes to put people on YouTube, maybe he will end up there too.

Mr David Shoebridge: Point of order: If the Hon. Duncan Gay wishes to cast personal aspersions on another member he must do so by way of substantive motion and not by way of commentary in the course of purportedly speaking to the motion.

The PRESIDENT: Order! There is a very fine line between speaking in reply to points that were made in debate and making reflections on members. At this point the Minister is responding to the debate but I will monitor his comments closely. The Leader of the Government has the call.

The Hon. DUNCAN GAY: Clearly, the member was removed from the House. Rather than look for excuses in the rules of precedent, the member should carefully analyse why he was removed from the House. I am sure that others in this place could—but have decided not to—use YouTube to show the member's standards of behaviour. The Government has not done that, but if that is the way he wants to go it is up to him.

Dr John Kaye: Point of order: The Leader of the House is clearly casting an aspersion on Mr Jeremy Buckingham, which he should do only by way of substantive motion. The Minister is making implications about the member's behaviour in the House that are not within standing orders.

The PRESIDENT: Order! The Minister did not make any specific statement about behaviour. There was a reference to behaviour but there was no reflection, by way of specific statements, as to what that behaviour was. Whilst sailing close to the wind, I do not believe the Leader of the Government was falling foul of that particular standing order.

The Hon. DUNCAN GAY: There have been rulings by former Presidents on the issue of relevance, including learned rulings by the present President and by me in a former capacity. I defer to the decision made in 2009 by former President Peter Primrose. As President, he stated:

> The only requirement is that in answering a question a Minister must not debate the question—Standing Order 65 (6)—and an answer must be relevant to the question—Standing Order 65 (5). The term "relevant" has traditionally been interpreted very broadly by successive presidents requiring general, as opposed to strict, relevance and I am bound by these precedents.

Further, he said:

> It is not for the Chair to direct a Minister how to answer a question. Ministers are not obliged to answer questions, they can answer part of a question. The Minister may answer a question in his or her own manner. Even though a question may invite a "yes" or a "no" answer, members cannot demand that an answer be in such terms and the Chair cannot compel a Minister to answer a question other than in the way the Minister chooses.

Do we want Mr Jeremy Buckingham to be able to say to a Minister in this House: "Answer this yes or no"?

Mr David Shoebridge: That is not right.

The Hon. DUNCAN GAY: It is ultimately where we could go on the relevancy issue.

Mr David Shoebridge: Rubbish.

The Hon. DUNCAN GAY: You might say that, but the issue here is precedent. Is the House going to put its trust in past presidential rulings or in the whimsy of the honourable member who felt he was badly treated by being removed from the House? As has been quoted by the honourable member, in *New South Wales Legislative Council Practice*, authored by Lovelock and Evans, the precise relevancy of remarks and their connection to the question before the House are not always apparent. Mr Jeremy Buckingham's proposal to change Standing Order 65 (5) from "an answer must be relevant to a question" to "an answer must be directly relevant to a question" may seem like a small point but it can be argued that it alters the Minister's ability to provide context and clarity to the question. That thereby limits the Minister's ability to provide a relevant answer. If the honourable member is intent on changing years of tradition and reversing numerous rulings by past Presidents, frankly, it should be considered by the Procedure Committee so that the proposal is fully understood. If the Procedure Committee then believes it should go ahead, it will make the relevant recommendation to the House. In the light of that, I move:

> That the question be amended by omitting all words after "That" and inserting instead "the Procedure Committee inquire into and report on whether Standing Order 65 (5) should be amended by inserting the word "directly" before the word "relevant" in paragraph (5)".

The Hon. LYNDA VOLTZ [11.46 a.m.]: The tome *New South Wales Legislative Council Practice*, authored by Lynn Lovelock and John Evans, makes the point that *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament* describes question time as, "not a time for debate but one for seeking information". A Minister can answer a question in any way he or she sees fit. Therein lies the dilemma for people in this Chamber. While the questions seek information, rarely do the answers provide any information. That is why the Opposition supports the idea of inserting the word "directly" in front of the word "relevant" in Standing Order 65. It is a worthwhile measure.

It reflects Standing Order 104 in the House of Representatives, which states that an answer must be directly relevant to the question. There is no argument put forward by Government members as to why that ruling in the Federal Parliament should not be applied in this Chamber. The Minister cited previous rulings from the Chair, but the Government has changed on a whim other rulings and precedents regarding a range of standing orders. The application of standing orders in any Parliament is a movable feast, and it is up to Parliament to decide whether standing orders reflect the public interest.

The Minister said that there was a need to provide context and clarity but the reality is that most of the answers given in this Chamber do not do that. That is not true of all Ministers, but some are better than others at answering questions. That is not only true of the Coalition Government but of previous governments. Providing context and clarity should also include providing some information with regard to the question, but it rarely does. There is public discontent with politicians across many countries, particularly in Australia.

The Government's desire to play political games rather than to provide information and a service to the people causes that discontent. If a question is asked and Ministers obfuscate to avoid answering and use

question time as an opportunity to attack other members, they do a great disservice to the public because that behaviour exacerbates community discontent. The Minister's amendment calls on the House to refer the matter to the Procedure Committee. The Opposition supports that approach, but it also supports an amendment inserting "in regard to answers to questions" before the word "relevant".

The Hon. Dr PETER PHELPS [11.50 a.m.]: Section 72 of *Odgers' Australian Senate Practice* requires that Ministers' answers be directly relevant to the question asked. Having worked in that environment for nine years, I believe I am the person in this Chamber who has the most direct and relevant experience of answers to questions that are supposed to be directly relevant. Having worked for Senator Ellison and Senator Abetz, both of whom were and are Ministers, and Senator Ronaldson, a shadow Minister, I was able to see for nine years a question time system that required direct relevance. No-one else in this Chamber has that level of experience.

The PRESIDENT: Order! I call Mr David Shoebridge to order for the first time.

The Hon. Dr PETER PHELPS: The simple fact is that there is no meaningful difference in the answers provided by Ministers in this Chamber and Ministers in the Senate or in the presidential discretion exercised by the President of this Chamber or by the President of the Senate. There is no practical difference between the answers provided in the Senate or in this Chamber, despite the difference in standing orders with regard to being "relevant" and "directly relevant". Moreover, if Mr Jeremy Buckingham had any evidence that there was a material difference in the answers provided, he would have adduced it. However, he did not, and for the simple reason that if members were to watch Senate question time and compare it to the Legislative Council question time they would see there is no material difference in the answers provided. We can talk on and on about relevance or irrelevance, argumentation in question time or otherwise, but the simple fact is that there is no material difference.

Instead, what did we hear from Mr Jeremy Buckingham? He is clearly aggrieved by decisions made in this Chamber, and I thought he was straying towards reflecting on the President's rulings. I ask him to watch Senate question time, which is conducted under standing orders that require answers to be directly relevant, and to tell me exactly where the material difference lies. He will not be able to do that because as a practitioner in that field for more than nine years I know that there is none. This is a waste of time. It is a truckload of butt-hurt from Mr Buckingham, and he should not stop whining like a North Korean air raid siren.

Dr John Kaye: Point of order: The member's closing remark was irrelevant and offensive, and also well wide of the standing orders. He gesticulated at Mr Jeremy Buckingham and behaved in a deeply unparliamentary manner.

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

Mr DAVID SHOEBRIDGE [11.54 a.m.]: I support the motion. The Government Whip said that even if we tightened up the wording of the standing orders we could still get long, rambling and irrelevant responses like those he says are delivered in the Senate.

The Hon. Dr Peter Phelps: Point of order: At no point did I say the words attributed to me. Mr David Shoebridge is misleading the House.

The PRESIDENT: Order! As the member knows, there is no point of order.

Mr DAVID SHOEBRIDGE: Mr President, this motion in no way seeks to reflect upon your rulings or the rulings of any previous President of this Chamber. My personal view is that your rulings are fair and balanced and that you do your best to apply the practice and precedents in this House in an impartial manner.

The Hon. Lynda Voltz: You are not helping his preselection.

Mr DAVID SHOEBRIDGE: Mr President, it is all the more credit to you in being an impartial Chair if that causes you embarrassment within your party. The issue before the House relates to the rules under which debate is framed. Question time is simply that—question time. It is about the theatre of the questions rather than the substance of the answers. Indeed, as a member who has participated in question time for the better part of four years, there have been many occasions when I have come into the House seeking a substantive response but known before I even asked the question that, given the politics of this place, I would not get the information

I wanted. Rather, question time offers members the opportunity to embarrass the Government about its failure to answer questions. We should recast question time as answer time. It would be a far more fruitful exercise if we saw it as a period during which answers were provided and the substance of questions was addressed.

If members ask reasonable questions and the Minister cannot provide the facts in response, he or she should genuinely take the question on notice and provide the information requested. Instead, members feel frustrated because they get bizarre political diatribes such as those provided by the Leader of the Government. Members' frustration is palpable. If members have the misfortune of looking to the public gallery during question time they see the disbelief on the faces of those present—if there is anyone in the gallery. That is their response to the nonsense provided as answers. It would be of benefit to all members—Government, Opposition and crossbench—if we were to amend the rules to provide greater scope to the President to call Ministers to account and require them to answer questions directly. The 2012-13 edition of *Odgers' Australian Senate Practice* states:

> Questions with or without notice are permissible only for the purpose of obtaining information, and answers are subject to the same limitation, that is, they are limited to supplying the information asked for by the questions. Questions would not only be in conformity with the standing orders, but would be more effective and telling, if they were confined to properly framed questions, and did not contain statements, assertions, allegations, insinuations and other extraneous material. In answering a question, a senator must not debate it. Thus an answer should be confined to giving the information asked for, and should not contain any argument or comments. An answer must also be relevant to the question. On 22 August 1973 President Cormack ruled that in answering a question:
>
> > the Minister should confine himself to points contained in the question with such explanation only as will render the answer intelligible. In all cases the answer must be relevant to the question.

I commend that practice to this House. But instead we have rulings that are in accordance with precedent and in accordance with our practice, so I do not criticise any President for making the rulings. The rulings are that a lengthy political diatribe, which is not providing any facts or any substantive response but is notionally providing some context, is ruled to be generally relevant.

That kind of answer provides no benefit in respect of accountability to the House or accountability of the executive to the Parliament. If question time becomes a mock debate or political theatre rather than a substantive exchange of question and answer then it greatly reduces the ability of this House to hold the Government to account. If we had clearer rules and the President had the ability to call the Minister to account and require the answers to be directly relevant then that would improve not only the answers but also the questions. If the Opposition believed that there would be a substantive response to a question that would encourage more substantive questions. But when members realise that if they ask a substantive question they are likely to get a political rant that encourages the questions to be crafted as a political point.

It would assist the administration of this House and increase the public confidence in this House if this motion were adopted. I am happy to see the Opposition support this motion. I hope that when the Opposition comes into government in the future it maintains a commitment to directly relevant answers to questions without notice. I have noticed that often the views of those in opposition do not reflect their views in government. Let us adopt good practice while we can. I urge crossbench members, who must also be frustrated by the absence of substantive answers, to join with The Greens and the Opposition in tightening up these rules.

Dr JOHN KAYE [12.01 p.m.]: I support the motion of Mr Jeremy Buckingham to insert "directly" before "relevant" in Standing Order 65 (5). I was disappointed by the contribution of Government members on this matter. I appreciate the contribution of the Deputy Opposition Whip, but I thought the contribution by the Leader of the House, the Hon. Duncan Gay, displayed a singular lack of understanding of what we are talking about. The Leader of the House specifically said there are rulings by various Presidents, including the Hon. Peter Primrose, that answers do not have to be generally relevant and that we have to live with that precedent.

However, that precedent is based on the existing wording of Standing Order 65 (5). Precedent is only an interpretation of the standing orders. It is not up to Presidents to change standing orders or to make rulings outside of standing orders; it is up to Presidents to make rulings that are within standing orders. A change to standing orders would change those precedents. I am not a lawyer, but I presume the same would be true in a court of law where precedents in respect of interpretation of a piece of legislation would change if the piece of legislation were changed. That is exactly what is being proposed by this motion.

The Leader of the House also said that Ministers would be restricted because they would not be given the opportunity to provide clarity and context to their answers. Indeed, this change would stop them from

providing context and clarity to any matter other than the matter raised in the question. I have great confidence in the President of the day making sensible rulings on a putatively amended Standing Order 65 (5) that would allow sufficient context for the answer to make sense. Where context and matters of clarification are specifically and directly relevant to a question then the President would allow them.

The Leader of the House talked about years of tradition. There are years of tradition but they are not necessarily good. There are good things and bad things about tradition. On occasion we need to accept that we have not done as well as we could have done. I have been in this Chamber for 7½ years and I have watched Ministers from both sides of politics. Some people will recall the way former Treasurer Michael Costa dealt with answers. He exploited Standing Order 65 (5) despite repeated points of order and he turned question time into abuse time. I recall the Hon. Michael Costa standing at the podium and shouting at me for 2½ minutes in answer to a question when I could get no relief from the President because the President felt the answer was generally relevant.

Allowing Ministers to act in this way has three significant consequences. The first is that the Government is not held to account. A key component of responsible government in New South Wales is the accountability provision of the New South Wales upper House. The Government does not have the numbers to dominate this Chamber. This Chamber proportionately represents the people of New South Wales and allows for diversity of opinion. That diversity of opinion informs the questions asked of Ministers, and so sections of our society which would otherwise not be represented have their voices heard in holding the Government to account.

The current structure of Standing Order 65 (5) is such that this accountability provision does not work as question time does not hold the Government to account. Instead of getting answers that are directly relevant we end up with tirades of abuse, particularly if the question is on the money and any answer risks exposing something that the Government would rather not have exposed. If something adverse has happened or has been perpetrated by the Government and a question is asked on this matter, all that does is to turn up the volume and the intensity of the abuse that the questioner receives.

This is not in the best interests of democracy because it brings the House into disrepute. Question time is observed by the public and the media probably more than any other time. When question time becomes a joke—and frankly it has become a joke under the current structure of Standing Order 65 (5)—the opprobrium associated with that attaches itself to the rest of the proceedings of the House and that brings the House into disrepute. The sorts of answers given to serious questions by this Government and its predecessors have frankly been embarrassingly bad for democracy. It is very clear that certain Ministers choose from time to time to treat the instruments of democracy, the Parliament, with total and complete contempt. That contempt goes to the integrity and authority of Parliament. The failure of Ministers to directly answer questions is a blight on our Parliament.

The third and most serious reason is the standard of government itself. When governments are not exposed to questioning they can hide behind the rock of secrecy and behave adversely. Many members will recall questions asked by former Greens member Lee Rhiannon to the then Minister for Minerals and Energy, Ian Macdonald, in respect of Doyles Creek. Minister Macdonald responded to these questions with tirades of abuse about Lee Rhiannon and her family. We now know that there were corrupt activities around Doyles Creek which directly involved Minister Macdonald, but at the time we could not cover this topic. The harsh reality is that there was a failure of Standing Order 65 (5) to provide a responsibility for the Minister to answer directly. This allowed him to evade the exposure that would have brought the Doyles Creek matter to a head much earlier and would have done far less damage to New South Wales.

The Hon. Dr Peter Phelps: Rubbish. You know that's rubbish.

Dr JOHN KAYE: I hear the Government Whip saying, "Rubbish." The Government Whip was not in the Chamber at the time. You were, Mr President, as were many other members. The Government Whip, who has had his opportunity to speak, would have known if he had been here that Ministers such as Macdonald, Obeid and the others who have been found corrupt used Standing Order 65 (5) to escape. The Government Whip would also know that questions relating to the impacts of coal seam gas were hidden by Ministers such as Macdonald refusing to answer. He would also know that repeated questions to Ministers Costa and Roozendaal with respect to the Gentrader and privatisation transactions, which ended up costing the State $5 billion, were not answered because they continually used the opportunity to attack the questioner—often being me and sometimes members of your party, Mr President—rather than fronting up to the accountability that would have saved the State at least $5 billion.

It is a tragedy that we did not have this rule earlier. The Leader of the House says that we are throwing away tradition. Tradition is one thing but we must understand, as Mr Jeremy Buckingham said, that this is exactly what happens in the House of Representative and in the Senate federally: the same relevancy laws apply there.

The PRESIDENT: Order! Members will cease interjecting.

Dr JOHN KAYE: The relevancy laws that apply in the Federal Parliament do not breach tradition because there is already a precedent: it is done in other Houses. I understand it is done in the Australian Capital Territory and in other State and Territory Houses. I congratulate Mr Jeremy Buckingham on bringing this proposal forward. He is responding to two governments back to back who have treated question time with utter and complete contempt. I qualify that statement by saying that some Ministers, on occasions, do provide honest answers, and I thank them for doing so. However, anyone who has been in Opposition or on the crossbench who has asked a question about an issue raised with them by a constituent or a group of constituents knows full well what they will get if they get too close to the bone and the issue is on the money—a tirade of abuse.

I find it utterly extraordinary that the Leader of the House, in particular, thinks it appropriate to make references to some mythical connection between The Greens and North Korea and Priuses whenever he is asked a question that he finds embarrassing to answer. This amendment to Standing Order 65 (5) is not about Mr Jeremy Buckingham being evicted from this House, as the Hon. Duncan Gay suggests.

The Hon. Dr Peter Phelps: Of course it is.

Dr JOHN KAYE: No, it is not. It is not about any one member in this Chamber, it is not even about the Hon. Duncan Gay; this amendment is about accountability. It is about mechanisms of responsible government. It is about holding the Government to account. It is about openness and honesty in government. It is about a higher standard of government and it is about going right to the heart of the cancer that is eating away at politics in New South Wales—the corruption scandals that have engulfed both the Labor Party and the Liberal Party. It is about addressing those by improving the standard of government.

I heard the contribution of the Hon. Dr Peter Phelps, who seemed to suggest that there was no such thing as Eightbyfive, that there was no such thing as the Eddie Obeid findings or the Ian Macdonald findings in the Independent Commission Against Corruption and that there was no such thing as corruption in this State. What the Hon. Dr Peter Phelps fails to understand is the direct connection between corrupt States and the failure of the mechanisms of accountability. One of the big failures of mechanisms of accountability in New South Wales is the current wording of Standing Order 65 (5).

I understand that this issue will probably be referred to the Procedure Committee, on which I still sit. I hope that we can—if not in this session of Parliament in a subsequent session of Parliament—do something to improve question time and turn it from the farce that it has become into a serious mechanism for accountability of government, no matter who is in government. I commend the motion to the House.

The Hon. Dr Peter Phelps: Like Senate question time, you goose.

Mr David Shoebridge: Point of order: I distinctly heard the Government Whip call Dr John Kaye a goose. That is a deliberately offensive comment. The Government Whip is already on one call to order and he appears to be flouting your authority, Mr President, and the ordinary decorum of the Chamber in making that comment. I ask you to call him to order.

The Hon. Dr Peter Phelps: I withdraw the terminology that I used towards the member.

The PRESIDENT: Order! The member has voluntarily withdrawn his comments.

Mr JEREMY BUCKINGHAM [12.15 p.m.], in reply: I thank members for their contributions to the debate, particularly Mr David Shoebridge and Dr John Kaye, who so eloquently and eruditely fleshed out the issues that I have brought to the House today. The points raised by Dr John Kaye about the impact of this standing order on the standards of governments are pertinent and I support them wholeheartedly. In his contribution the Hon. Dr Peter Phelps suggested that what I have proposed would make no material difference. If it would make no material difference, why oppose it? If, in his opinion, it will not change things much—which I do not agree with at all—why oppose it?

I believe that if my motion were enacted it would enable you, Mr President, and future Presidents to make rulings that guide answers and it would ensure that answers are more relevant and that governments are held to account. It was remiss of me to overlook the contribution of the Hon. Lynda Voltz. The Opposition's support is welcomed. I join Mr David Shoebridge in hoping that the Labor Opposition commits to this if and when it is returned to government, which may be sooner rather than later if the Government continues to act in an arrogant way and is dismissive of this House of review and its role.

I put a number of questions and answers in this place on YouTube and they are of enormous interest to the community. It informs the community of the standards of the executive and the Government. The Greens will be supporting a referral of this matter to the Procedure Committee, but I hope wholeheartedly that in good faith the committee—even though it has a Government majority—responds in a meaningful way because this is an issue that will not go away. I commend the motion to the House.

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

Amendment of the Hon. Duncan Gay agreed to.

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

Motion as amended agreed to.

HEALTH SERVICES AMENDMENT (AMBULANCE FEES) BILL 2014

Second Reading

The Hon. CATHERINE CUSACK (Parliamentary Secretary) [12.19 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.

I move that this bill be now read a second time.

The Health Services Amendment (Ambulance Fees) Bill 2014 amends the Health Services Act 1997 to facilitate the more effective recovery of unpaid debts to NSW Ambulance for services that it provides to the public.

Both historically, and continuing until the present time, ambulance services in New South Wales have not been provided free of charge. The Commonwealth Government does not make any contribution to the cost of State ambulance services, as it does for public hospital services.

In New South Wales the most any New South Wales resident will need to pay for ambulance transport is 51 per cent of the cost as the State Government subsidises almost half—or 49 per cent—of the cost.

New South Wales residents who hold private health insurance are exempt from payment as they have already made a contribution through their health fund under the Health Insurance Levies Act 1982.

NSW Ambulance does not charge fees for ambulance services provided to pensioners or government concession card holders. NSW Ambulance also has a Hardship Policy in place under which individuals can apply for waiver of fees, deferral of payment or a payment plan on a case by case basis on grounds of hardship, both financial and non-financial.

Unfortunately there are people who may have financial capacity to pay for services provided by NSW Ambulance but who decline to do so. This results in NSW Ambulance having to "write off" significant amounts as unpaid debt each year.

The value of the debt owed by each individual to NSW Ambulance is, on average, relatively modest. In 2011-12 the average debt owed by individuals for a NSW Ambulance Service was approximately $400. However, cumulatively the unpaid debt is substantial—in the 2011-12 financial year alone it amounted to approximately $26 million in debt. This represented an increase from $21 million in 2008-9 and $22 million in 2009-10.

These substantial unpaid amounts impact on NSW Ambulance's ability to continue to provide a world class ambulance service to the people of New South Wales.

Given the large number of individual debtors and the relatively modest amount owed on average by those debtors, taking the usual court-based steps to recover the debt is simply not cost effective or practicable, as court and administration costs and legal fees will quickly exceed the value of each debt.

I reiterate that most users of the NSW Ambulance Service do not pay any fee through a wide range of exemptions including pensioners, concession card holders and those with private health insurance.

The bill proposes providing the Commissioner of Fines Administration with similar civil enforcement powers to those the commissioner has under the Fines Act. These powers allow recovery of a debt by garnisheeing wages, making a property seizure order, or placing a charge on land. The power to recover debts using these civil enforcement powers is broadly modelled on the Intoxicated Persons (Sobering Up Centres Trial) Act passed by Parliament last year.

Like that Act, this bill proposes to give the commissioner only limited civil enforcement powers. The bill does not give the commissioner a range of other powers the commissioner has under the Fines Act in relation to fine defaulters, such as the power to suspend or cancel individuals' driver licences or vehicle registration, impose community service orders, or imprison individuals. Further, recovery of ambulance fees by the commissioner will not result in a criminal conviction being recorded or impact on the credit profile of affected individuals.

The proposed amendments include a range of privacy and procedural protections to ensure that information is used appropriately, and that individuals against whom fee recovery action is taken have ample opportunity to demonstrate that they are excused from payment, including access to review processes.

The new powers proposed to be given to the commissioner in this bill will only impact on the approximately 7 per cent of occasions of service provided by NSW Ambulance at the present time that result in an unpaid debt where none of the available exemptions apply. Transferring responsibility for the recovery of unpaid fees owing to NSW Ambulance in these circumstances to the Office of State Revenue is expected to result in an improvement in the debt recovery rate and result in an increase in revenue for NSW Ambulance.

I reiterate that this bill does not involve any increase in ambulance service costs or change to services for patients. However, it is in the interests of equity that all New South Wales residents who can meet the costs associated with use of the service, and who are not otherwise exempt or excused from payment, do so and that there are appropriate mechanisms in place to seek recovery of these amounts where necessary.

I turn now to the detailed provisions of the bill.

Schedule 1 to the bill proposes amendments to Chapter 5A of the Health Services Act to make changes to the provisions of the Act that allow NSW Ambulance to recover fees for its services. There is currently a provision in section 67D of the Act that permits the Minister for Health to fix a scale of fees for ambulance services, and this power will be retained in the new section 67L.

The bill proposes to amend the Act to permit the Health Secretary to charge a fee for ambulance services, which is modelled on the current provision permitting fees to be charged by public health organisations for hospital services in section 70 of the Act.

Under section 67M, the person who is liable to pay the ambulance fee is the person who received the service. However, there are important exceptions to this principle included in the bill. First, the bill excludes children from personal liability to pay for an ambulance service provided to a child. Under the provisions contained in the bill, liability to pay for an ambulance service provided to a child, and potential subsequent fee recovery action by the Office of State Revenue, applies to the parents or legal guardian of the child.

Secondly, the bill recognises current categories of persons who are exempt from payment of ambulance fees. These include:

- persons who hold or are covered by private health insurance that includes ambulance services or ambulance only cover, which also includes family members covered by family membership; and

- persons who hold a government concession card of a kind prescribed by the regulations, which includes pensioners.

Section 670 of the Act allows the Health Secretary to make payment rules. Under the payment rules, which must be published in the *Government Gazette*, the Secretary may determine:

- additional categories of exempt persons, and

- grounds for waiver or reduction of ambulance fees, extension of time to pay, payment by instalments and fee reviews.

I am advised that NSW Ambulance intends to consult widely with affected stakeholders in the development of the payment rules so as to consider whether there are any additional categories of exempt persons who should be considered, or any modifications to NSW Ambulance's current Hardship Policy that should be implemented under the payment rules.

In order to ensure appropriate procedural protections for persons who are liable for ambulance fees, the bill provides for two distinct steps that must be taken to seek payment of a fee owed to NSW Ambulance prior to referral of the debt to the Commissioner of Fines Administration for fee recovery action.

First, the Secretary must issue an invoice, called a fee invoice. Under new section 67P a fee invoice must contain certain required information about the ambulance service provided and the basis for the fee, and must also be in the prescribed form, if any.

Secondly, if a fee invoice is not paid at least 28 days after the date on which the invoice is served, the Secretary may issue a debt notice. A debt notice must also contain certain required information, and be in the prescribed form, if any. A debt notice must include information about the consequences of non-payment, including that the debt may be referred to the commissioner for fee recovery action.

Under the new section 67V of the Act, if a debt notice is not paid within 28 days of the debt notice being served, the Secretary may refer the fee to the commissioner for the making of a fee recovery order.

When referring an unpaid fee to the commissioner, section 67W (1) of the bill permits the Secretary to disclose only limited categories of information about the ambulance service giving rise to the fee. The intention of this restriction is to limit the kind of information that may be disclosed by NSW Ambulance to the commissioner for the purpose of fee recovery action to information that is reasonably necessary for the purpose of recovery of the outstanding fee. It does not permit the disclosure of any health information of a clinical nature.

The categories of information that may be provided by the Secretary to the commissioner were compiled in consultation with the NSW Privacy Commissioner. Additional categories to those listed in the Act may be prescribed by regulation, however, any such regulation may only be made with the agreement of the Attorney-General and following consultation with the Privacy Commissioner.

The bill proposes inserting a new part 6 into chapter 5 to provide persons who are charged with an ambulance fee a right to request review of the fee by the Secretary. During the period in which a review application is being considered, fee recovery action is effectively stayed. The Secretary may take a range of actions following a fee review, including revoking the decision to charge the fee, waiving the fee, confirming the decision to charge the fee, or issuing a new fee invoice.

The bill contains transitional provisions permitting the recovery of ambulance fees incurred before commencement of the bill. Where it is intended to refer a pre-existing ambulance fee debt for recovery action by the commissioner, the bill requires the Health Secretary to first issue a debt notice to the person who incurred the debt in accordance with the provisions in the bill. The bill provides that the capacity to recover pre-existing debts using the powers under the bill is subject to the Limitation Act 1969. Pre-existing debts in relation to services provided to children cannot be recovered.

The bill inserts a new schedule into the Health Services Act, which confers powers on the Commissioner of Fines Administration to take action to recover ambulance fees. These provisions broadly mirror the civil enforcement powers of the commissioner under the Fines Act 1996.

Following a referral of an ambulance fee to the commissioner by the Secretary, the commissioner may make a fee recovery order. The commissioner must serve notice of the fee recovery order on the debtor who has 28 days within which to pay the fee, following which the commissioner may take fee recovery action. Fee recovery action may be taken by anyone or a combination of:

- a garnishee order which may be issued to a debtor's bank or employer,
- a property seizure order to allow goods and other property belonging to a debtor to be seized and sold, or
- registration of a charge on land owned by a debtor.

The bill also incorporates by reference the corresponding machinery and administrative provisions relating to these civil enforcement measures under the Fines Act.

Clause 22 of schedule 9 allows the commissioner to suspend fee recovery action and to refer a matter back to the Secretary where the commissioner is satisfied the person may be exempt or for some other reason. This may include, for example, where the commissioner considers the person may satisfy the criteria for waiver of payment on the basis of financial hardship or similar grounds. Suspension of the fee recovery action will be revoked and fee recovery resumed only if requested by the Secretary.

The commissioner may withdraw a fee recovery order in a range of circumstances, including where the commissioner is satisfied:

- the person is exempt from payment
- the person was not aware the debt notice had been issued
- the person was otherwise hindered by accident, illness or misadventure or other cause from taking action in relation to the debt notice, or
- the order was made in error, such as where the person named in the order is not the person who incurred the liability to pay for the ambulance service, or the amount of the ambulance fee has been incorrectly calculated.

The commissioner must withdraw a fee recovery order if the Secretary revokes the referral of the ambulance fee to the commissioner.

Under clause 24 the commissioner may cancel a property seizure order, garnishee order or charge on land. This would generally occur where the fee recovery order has been withdrawn.

Under clauses 10 to 12 the commissioner will have similar powers to those under the Fines Act to recover the prescribed fee recovery costs as well as Sheriff's costs where applicable. These amounts will be in addition to the amount of the ambulance fee.

The commissioner will also have a power to cancel fee recovery action in whole or part if the commissioner is satisfied that due to the financial, medical or personal circumstances of the debtor:

- the debtor does not have sufficient means to pay the ambulance fee, and
- fee recovery action is not likely to be successful.

This clause mirrors provisions in the Fines Act in relation to the commissioner's own review powers in respect of fines.

Under clause 27 the Hardship Board is given the same functions with respect to ambulance fees as it has with respect to fines under the Fines Act.

As under the Fines Act, the commissioner can grant a debtor additional time to pay.

Under clause 29 the commissioner and the Health Secretary may enter into arrangements for the payment to the Secretary of ambulance fees that are recovered by the commissioner under the schedule. This may include provision for the commissioner to retain an amount for services provided in relation to ambulance fee recovery.

Clause 32 allows disclosure of personal information by the commissioner to the Secretary, including disclosure:

- in connection with the administration or execution of the commissioner's functions under schedule 9, and
- in connection with the Secretary's functions under chapter 5A of the Act.

Clause 32 places restrictions on the disclosure by the commissioner of information supplied in relation to ambulance fee recovery. The bill prevents the commissioner from sharing this information with other government agencies or external bodies without the consent of the person to whom the information relates, except in connection with the administration of chapter 5A of the Health Services Act, unless it is required or permitted by legislation such as for Hardship Board applications, or if required to be produced by a law enforcement agency such as the NSW Crime Commission.

The Office of State Revenue advises that it will be quarantining information supplied by NSW Ambulance from the rest of the operational areas within the Office of State Revenue and will maintain it exclusively for the use of the collection team allocated to the New South Wales Ambulance debt process. This means that the Office of State Revenue will not be able to use personal information regarding ambulance fees for the purposes of enforcement functions or other functions administration or First Home Owner Grants.

In conclusion, NSW Ambulance provides a vital essential service to the New South Wales public. In order for it to be able to continue to effectively provide that service it is essential that all users of the service with financial means to pay meet their obligation to contribute towards the cost of the service. Many individuals and families do this already via the private health insurance or ambulance-only cover for which they pay insurance premiums noting that such cover is commercially available for as little as $1 per week or $45 per year. For those users of NSW Ambulance who choose not to take out insurance, or who are not exempt or excused from payment, the proposals contained in this bill permit a more efficient and effective process for recovery of the debts owed by those individuals, whilst ensuring appropriate protection of privacy and procedural fairness. The powers to be given to the commissioner are limited to its civil enforcement powers, with mechanisms in place to quarantine information about ambulance services from the other activities of the Office of State Revenue including its administration of fines, taxes and grants legislation.

I commend the bill to the House.

The Hon. WALT SECORD [12.19 p.m.]: As the shadow health Minister I lead for Labor on the Health Services Amendment (Ambulance Fees) Bill 2014. Labor will be opposing the bill. I will detail our concerns about the bill. In June in the Legislative Assembly my predecessor Dr Andrew McDonald detailed Labor's initial objections to the bill, and at least a dozen members spoke in the debate at the time. So the legislation has been canvassed, but I will expand on that today with some of our concerns. The object of the bill is to amend the Health Services Act 1997 to set up a scheme for the charging and recovery of ambulance fees.

According to the bill, under the new scheme an ambulance service fee can be charged to any person who is provided with ambulance services, including the parent or guardian of a child provided with ambulance services, unless the person is exempt; an ambulance fee will be charged by way of a fee invoice served on the person liable to pay the fee; if the fee is not paid a debt notice, which functions similarly to a reminder notice, will be served on the person liable for payment of the fee; if the fee is not paid the secretary of the Ministry of Health can then refer the matter to the Commissioner of Fines Administration for fee recovery action; and the Commissioner of Fines Administration will be able to take fee recovery action similar to the civil enforcement action available to the commissioner under the Fines Act 1996.

At present the bill states that the Health Services Act 1997 permits the Health secretary to charge fees for the provision of ambulance services, but it does not provide any scheme for how those fees are charged or recovered in the event of non-payment. In other words, or put simply, the Health Services Amendment (Ambulance Fees) Bill 2014 sets up a recovery system for unpaid ambulance debts by transferring the responsibility for collecting outstanding fees from NSW Health to the Office of State Revenue and its State Debt Recovery Office. This is a significant change from existing standard debt recovery processes. The bill will allow for the recovery of ambulance fees by garnisheed wages, making a property seizure order or, in a fairly extraordinary measure, placing a charge over land. I remind members that a charge over land incorporates a legal right to seek court enforced sale of that asset to recover debt. It occurs to me that legislating the potential right to force the sale of a family home to recover an ambulance fee is an extraordinary step and would require extraordinary justification.

Yet neither the Baird Government nor the Minister for Health has made the case for such punitive or draconian measures. Indeed, before this legislation appeared earlier this year the issue of so-called unpaid ambulance fees had never been raised by anyone in the Parliament or in the wider health system. By way of background, more than 4,000 people are employed in the NSW Ambulance Service, with 90 per cent of them being operational staff. These include paramedics and patient transfer officers, as well as staff in specialised areas, such as intensive care and extended care paramedics, special operations, counter disaster, aeromedical and medical retrieval. They do an outstanding job and work tirelessly to help New South Wales families.

In New South Wales four control centres receive 000 and non-emergency telephone requests; they are based in Sydney, Wollongong, Dubbo and Newcastle. In turn they coordinate road ambulance services within their geographical region. There are 267 New South Wales ambulance stations, 226 of which are permanently staffed and there are several volunteer-run services. New South Wales does not have a crisis of people defaulting on ambulance fees. It should be stressed that the vast majority of ambulance fees are paid promptly. The health Minister has said that about 93 per cent are initially outstanding, with a further 4 per cent paid later. Labor is of the view that the 3 per cent of outstanding bills are owed by people who cannot pay rather than those who are unwilling to pay. This legislation makes an ambulance bill a fine. There is already a debt recovery collection system in place for unpaid fees. Ambulance fees are not covered by Medicare, but almost all private health insurance companies have some form of ambulance cover. This change affects people who do not have private health insurance.

Currently, the maximum charge in New South Wales for an ambulance is $5,584. I have been advised that the average cost of an ambulance trip in New South Wales is $785. However, the average outstanding debt for an ambulance is less than $400. There is no extraordinary budget impact and no sudden rise in ambulance fees. So there is no case for such a drastic measure. On top of this, the Health Services Amendment (Ambulance Fees) Bill is retrospective. It is the kind of legislation that the House usually considers in more dire State or national interests. Even the Government's own Legislation Review Committee, chaired by the Government Whip, the Hon. Dr Peter Phelps, in its report issued on 17 June, expressed concern about the retrospective provisions in the bill.

The Hon. Dr Peter Phelps: I'm not the chair.

The Hon. WALT SECORD: The Hon. Dr Peter Phelps tabled the report in this House. While Labor struggles to see any justification for this bill, it is easy to predict its impact and we will bear it. Furthermore, the State Secretary of the Health Services Union, Gerard Hayes, has also expressed concern. He said:

> The proposed process for recouping ambulance charges are both distressing and unfair to the underprivileged.

Mr Hayes further said:

> Either the State Debt Recovery Office or a debt collector attempting to source the funds out of an individual or family who needed to call an ambulance in an emergency situation is only going to add further anxiety to a situation that may already be difficult to deal with.

The bill will hit vulnerable people and families, also known as the working poor on tight budgets. It will make them reluctant to call an ambulance. Do we want a society where someone thinks twice about calling an ambulance? As a State, and through governments of all political persuasions, we have spent decades telling people to call an ambulance immediately if they have chest pains or chest tightness, sudden onset of weakness such as numbness or paralysis of the face, arm or leg, breath difficulties, a sudden collapse or an unexpected fall, or a child who has had a seizure or has an ongoing raging fever. These are life-threatening situations where every second counts. So our message for decades has been: Don't wait. Dial 000. What message does this legislation send?

This Liberal-Nationals legislation says, "Call 000, but only if you can pay." The bill will make a working family without private health insurance on a tight budget think twice about calling an ambulance. Slightly more than a quarter—26 per cent—of all patients presenting at New South Wales hospitals arrive by ambulance. Last year the Ambulance Service responded to 1.219 million call-outs. Families without ambulance cover will worry about whether they can pay or whether their wages will be docked, and in that anguished consideration vital seconds and minutes will slip away. Like the Abbott Government's $7 general practitioner tax, this legislation will hit the poorest communities the hardest. We know from NSW Health modelling that $7 can make people think twice about seeing a general practitioner and force them into emergency departments.

Imagine the reluctance of calling an ambulance if people think the Office of State Revenue and the State Debt Recovery Office will come knocking. The State Debt Recovery Office can seize their wages or their property. What an appalling situation—and one that targets only the most vulnerable in our society. This bill does not target me or anyone in this room. It is highly likely that almost all members of this House have private health insurance, which covers ambulance fees. We are lucky. But not every Australian can afford private health insurance. So it seems that the Baird Liberal-Nationals Government wants to punish people for being too poor to pay for private health insurance, which covers ambulance trips.

The health Minister claims that the bill seeks to redress so-called debt impacting on the NSW Ambulance Service. Yet a draconian legislative response like this should be mounted only to face the more urgent or dire crises. Make no mistake: there is no ambulance debt crisis in New South Wales. We are far from it. After all efforts are undertaken, less than 3 per cent of bills are still outstanding. The latest data shows that in the 2011-12 financial year some 68,000 patients owed $26 million, out of a budget of $19.9 billion, in unpaid ambulance fees. Even if the current debt were wiped away, we are talking about one-tenth of 1 per cent. Sadly, this legislation is asking us to trade a longstanding health equity principle. Nor can the Minister claim that this punitive bill is needed due to the sudden rise in ambulance use. The average number of ambulance responses increased by 3.3 per cent last year. Factors contributing to increased ambulance activity include population growth, an ageing population and associated increases in rates of illness.

Further, many regular users of ambulances will not be affected by this bill because they will remain unbilled. Patients with private health insurance are exempt from payment. The Ambulance Service of NSW does not charge pensioners, concession card holders, and victims of sexual assault, domestic violence or child abuse. However, the more one looks at this bill the more extraordinary it becomes because one sees that it is completely unnecessary and largely ineffectual but hugely punitive on the most vulnerable working families—people who cannot afford private health insurance. Labor will oppose this bill because it will put lives at risk. The Government has not made the case for the bill nor for its heavy-handed tactics. Labor opposes the Health Services Amendment (Ambulance Fees) Bill 2014.

As a brief but relevant aside, members will be aware that on 18 September 2014 I became the shadow Minister for Health and shadow Minister for Liquor Regulation replacing Dr Andrew McDonald. I wish to briefly acknowledge the work of Dr McDonald, a paediatrician who has indicated that he will return to practice and clinical teaching in south-west Sydney after the March 2015 State election. Dr McDonald, also affectionately known to us as Dr Mac, was a fantastic shadow Minister who continually raised Labor's concerns about the direction of health under this conservative Government. Dr McDonald has served the families and community of Macquarie Fields as an elected member since 24 March 2007. He will be missed by this Parliament and by the Macarthur region as its elected official, but we are pleased that he will continue to serve the community as a doctor. I wish him and his family well beyond the next election. I also thank him and his office for their guidance and assistance in the transition to my shadow ministerial duties. I look forward to his valedictory speech. I also thank the House for its consideration. Labor will oppose the Health Services Amendment (Ambulance Fees) Bill 2014.

Dr JOHN KAYE [12.33 p.m.]: On behalf of The Greens I will address the Health Services Amendment (Ambulance Fees) Bill 2014. The Greens oppose this legislation as it is unnecessary, disproportionate to the size of the problem and will unnecessarily impact on low-income households which cannot afford ambulance fees and which find themselves, through no fault of their own, in debt. I also pay tribute to Dr Andrew McDonald and his tenure as the shadow Health spokesperson. He has added a lot to the debate in New South Wales from the perspective of a health practitioner and as a man who comes from his community. Dr McDonald brought a lot of insight to the position and elevated the debate on health in this State. He will be missed. I welcome the Hon. Walt Secord to the position.

The Government has not justified introducing the Health Services Amendment (Ambulance Fees) Bill. It said that in 2011-12 the Ambulance Service of NSW was owed $26 million, but that, of course, is cumulative debt; it is not a debt that was racked up in 2011-12. It had accumulated over the years with many long-term overdue payments. I understand that the figure is not rising particularly rapidly. In 2008-09 it was $21 million, and three years later it is $26 million, part of which is keeping pace with inflation and the growing and ageing population. None of the data that has been presented by the Minister in her second reading speech, or in any of her public comments, shows a crisis of debt that would require a response of this size. About 7 per cent of ambulance call-outs, according to the Minister, result in an unpaid debt.

About 50 per cent of people who use ambulances do not have to pay because they are wealthy enough to have private health insurance, in which case they are exempt; they are sufficiently disadvantaged to hold a

health card of some form; or they are the victim of a particular kind of crime. The 3 per cent of outstanding debt would need to be divided into two categories of debtors—those who will not pay and those who cannot pay. In any service there will always be those who refuse to pay, but I would argue that the overwhelming majority of that 3 per cent outstanding debt has been incurred by those who cannot pay.

Mr Assistant-President, as the father of four children I think you will recall the sorts of emergencies that occur in families when a son or daughter is playing sport and injures themselves or falls out of tree and breaks an arm. They are the unexpected occurrences that befall almost every family in almost every household. We know that many families sail very close to the wind financially. They operate with a very small margin and when those families are suddenly hit with a bill for $400, being the average fee, or $500 they simply cannot afford it. It goes beyond what is allowed under their financial planning. In an age of rising electricity, gas, water, energy and transport costs a family hit with a $400 impost often simply cannot pay. This might not be a family that is sufficiently disadvantaged to warrant a Health Care Card or other exemption but it is, nonetheless, a family that is struggling.

This legislation says the Health secretary can refer that case to the State Debt Recovery Office. Suddenly, under this legislation, instead of needing to engage debt recovery organisations or debt collectors to go to court to grab some of the wages or assets of that family, the Commissioner of Fines at the State Debt Recovery Office can recover the debt through a garnishee order on wages, through property seizure or through registrations charged on land owned by the debtor. Many of the debtors will not own land or have much in the way of property, so it then goes to the issue of garnishee orders. As Mr Assistant-President knows, garnishee orders have a savage effect on many households that are struggling to make ends meet.

The Greens' real concern is that this legislation will make it easier to issue garnishee orders, which previously had to be imposed by the court. As a revenue raising measure I cannot imagine a worse place to extract money than from those families that are really struggling to make ends meet and are right on the edge; they want to pay but cannot pay. I ask the Parliamentary Secretary, the Hon. Catherine Cusack, to address why the Government is going to such extraordinary lengths given the relatively small rise in the outstanding cumulative debt from $21 million to $26 million in the three years between 2008-09 and 2011-12. Will the Parliamentary Secretary also identify whether this issue has been raised in public before? Like the Hon. Walt Secord I googled—I might be putting words in his mouth, he might not have googled—

The Hon. Paul Green: Wikipedia.

Dr JOHN KAYE: He might have wikipediaed it. I do not know what the Hon. Walt Secord gets up to in his office.

The Hon. Walt Secord: Research.

Dr JOHN KAYE: I wanted to find out more about debt so I googled it. I did not find any statements from this Government or its predecessor that there was a crisis that required heavy-handed tactics like garnisheeing wages and the implementation of a much lower threshold. The other issue I would like the Parliamentary Secretary to address is how those low-income households that do not fall within the exemptions to pay will be dealt with. Will they simply be dealt with by the payment rules or will they be dealt with by another mechanism? I refer to specific cases where people cannot pay because they are not sufficiently cashed up. I note also that the Health budget last year was underspent. If there was such a money crisis why was the Health budget underspent and why are we suddenly going after some of the State's least capable payers to extract the money?

I also make the observation that there is a strong case that ambulance services should be free. When that statement is made people always respond by saying, "Oh yes, but then you will get a whole lot of vexatious users of the Ambulance Service." Vexatious users, those seeking attention, those repeat offenders who call ambulances when they are not needed, should be dealt with in other ways. Most of those people have other substantial issues in their lives and mechanisms should be developed to deal with those issues. We should not be threatening them with being rushed off to the State Debt Recovery Office and having their wages garnisheed because they have a disturbance in their life that makes them feel they need the attention of the Ambulance Service. We should look at what is going on in their lives rather than exposing them to this draconian legislation.

We should not discourage those people who make a genuine mistake and call an ambulance when there is not medical justification even though they thought there was. It is far better, from a human and economic

point of view, for an ambulance to be called out unnecessarily than for people who think they are having a heart attack and indeed are having a heart attack not to be attended to. I congratulate the State Government on putting considerable effort into educating the community on how to recognise a stroke when it is occurring and on what action to take. The Ministry for Health, its agencies, the Minister and the Parliamentary Secretary are to be congratulated on their work in this area. However, this will inevitably result in false positives, that is, people calling ambulances when they are not needed. We do not want to create legislation that says to people, "Think twice before you call an ambulance because you might end up in the hands of the State Debt Recovery Office and you might end up having your wages garnisheed."

That is a mixed message. Defeating this legislation will help the Government by removing that mixed message, which undermines the Government's excellent campaign. I note that not only Labor and The Greens have difficulty with the bill; the Australian Medical Association also has difficulty. The association acknowledges that a small proportion of people abuse the system but it regards the bill as an inappropriate way to deal with the problem. Gerard Hayes, Secretary of the Health Services Union, said that the proposed process for recouping ambulance charges is both distressing and unfair to the underprivileged. The Greens oppose the bill. We believe there are better ways to deal with the problem. We believe there needs to be a substantial examination of ambulance fees; indeed, a re-examination of the idea that ambulance services should be free to all members of the community. The Greens will oppose the bill and will move an amendment in the unfortunate event that the bill passes the second reading stage.

The Hon. PAUL GREEN [12.44 p.m.]: On behalf of the Christian Democratic Party I speak on the Health Services Amendment (Ambulance Fees) Bill 2014. Members have raised affordability of health care and the opportunity to have an ambulance come to the door and this is very pertinent. There is no doubt that $6 million is a lot of money that the healthcare service could well use, such as upgrades to ambulance stations, improvements to ambulances and other enhancements. That $6 million could go a long way; indeed there may be the opportunity to recoup even more as that is the increase over the past few years.

I note that exemptions apply to vulnerable groups such as those who hold Health Care cards, pensioners and others. Dr John Kaye or the Hon. Walt Secord stated that having kids in sport are little things but can I say that sport costs a lot of money. I am the father of six children and we decided as a family, even though money was tight, to make sure that we had basic ambulance cover as part of our private health insurance. Having spoken to friends who have gone through that experience I know it was cheaper to take out that insurance each year than to pay an ambulance bill. We made that choice. People work out their budgets and their priorities and allocate accordingly. I accept it is an individual choice but I believe that if it is at all possible any responsible parent should take up ambulance cover as a priority, particularly if the family lives some distance from the hospital.

The Christian Democratic Party notes that some people cannot afford this cover. I refer to cases of people being unable to afford other fees, in particular, pensioners who cannot afford council rates. But local government has provided pensioner rebates; indeed, Shoalhaven City Council allowed some people to defer their rates for up to 17 years. It was basically banked against the sale of their property and the amount was settled when their property was sold. Those types of initiatives can provide relief and remove some of the pressure on people when they receive bills in their letterboxes. While many people might be cash poor, they may not be asset poor. The day may come when they can settle those accounts so that the Ambulance Service does not miss out.

It is also the case that some people may not even know they are in trouble with the State Debt Recovery Office [SDRO]. It does not take much to get a black mark against one's credit rating. People may be late in paying their council rates or phone bill because they have not received their bill; they may have been away for a couple of days or been on holidays when the bill is due and may be a few days late in paying it. People do not realise how easy it is to get a black mark against their name until they do a credit check or apply for a loan. They can become quite stressed to find they do not qualify because of the black mark against their name for something as simple as a late payment or not even knowing about a late payment.

There are some concerns about this. As a former healthcare professional I hold the view that if people have the capacity to pay it is better to allow people to do so. The Government needs to make clear in its reply the processes that will be followed before a debt is referred to the State Debt Recovery Office. The SDRO can be an ugly place if you are facing hardship as a family. The last thing you need if you are trying to feed the kids and educate them is to be pursued by the SDRO. Most people do not seek to evade paying the bill, they just require a short reprieve and a payment plan of a few bucks a week. People do not object to paying a bill, sometimes they need a bit of time to pay it because they do not have the financial capacity to find $400 or $800.

Having read the bill and heard the initial briefing from the Government the Christian Democratic Party is of the view that this is the way forward but urges the Government to ensure that before a matter gets to the SDRO steps are taken—and ticked off—to involve the stakeholder in a remedy. That must occur prior to their being placed in a situation where the SDRO is demanding payment or they will go to court. To put families and vulnerable people in that situation because they do not have the capacity to pay would be wrong. The Christian Democratic Party commends the bill and looks forward to our comments being addressed by the Parliamentary Secretary in reply.

The Hon. ERNEST WONG [12.51 p.m.]: I join my colleagues in opposing the Health Services Amendment (Ambulance Fees) Bill 2014. This is a bill that will achieve very little economic benefit while causing great financial hardship for those least able to bear it. When courts administer the laws of Parliament they have various frameworks at their disposal to interpret Parliament's intention. One of these is to ask what is the ill that this law seeks to remedy. In interpreting the bill our courts may ask that question with very little answer. The Government has brought forward this bill with no debate or discussion, no submissions, no outcry from the Ambulance Service about unpaid bills and no evidence of a sudden upswing in client debt.

Instead, out of the blue, the Government has looked for a revenue gap and decided that punishing poor ambulance patients is an appropriate priority. I say "poor" because most individuals with health insurance have ambulance fees covered by the insurer. Chances are that if a person receives a reasonable income the question of defaulting on an ambulance fee never arises as the insurer will pay for them. I note holders of a Health Care card and pensioners are, and remain, exempt from fees. There is no possibility of a debt there either. Who does this bill target? It is those in between: the large number of low income families who may incur significant fees due to the need to call an ambulance in an emergency.

It must be stressed that the vast majority of ambulance bills, around 93 per cent, are paid and there is already a debt collection system in place for unpaid fees. This bill changes the way ambulance fees are pursued. The Ambulance Service of NSW will refer the matter to the Commissioner for Fines Administration and the commissioner will have powers similar to those outlined in the Fines Act 1996. These include property seizure, garnishee orders and charges on land owned by the debtor. This is disgraceful when we consider who it targets and why. It targets the poor as a result of illness or injury. The families most affected are the working poor. There will often be other reasons for not being able to pay such as poverty or family breakdown.

If, in the middle of all this, a child has a medical emergency what do they do? Leave the child at risk or run the risk that if they cannot pay the bill their fridge can be taken and their child cannot eat? What sort of appalling choice is that? As pointed out by other members, if the Government introduces this measure it will need to spend millions of dollars on advertising to inform the public that they can be fined and have assets taken if they cannot pay an ambulance bill. What will the net effect of that be? Patients will defer lifesaving assistance for fear of economic hardship. Good Lord, how many years and how many millions of dollars have we spent educating the public on various conditions for which the first response is "call 000"? Unexplained chest pain and compression, call 000; sudden shortness of breath in a child, call 000; and undiagnosed allergic reaction, call 000. What will the message be now—call 000, but only if you can pay?

This is a draconian measure. Were it a harsh measure to cure a real and serious issue in our society then we could have a sensible debate about it. As it stands there is not even a serious ill that needs a cure. There is no issue of runaway ambulance debt. There has been no economic modelling as to how the State will benefit financially and non-financially from this measure. In short, the case for the ill has not been made. The case for this draconian cure certainly has not been made. It is an ill-conceived bill. It should be withdrawn so better solutions for ambulance debt recovery can be sought. Accordingly, Labor strongly opposes the bill.

Mr SCOT MacDONALD [12.56 p.m.]: I will make a short contribution to the Health Services Amendment (Ambulance Fees) Bill 2014. The shadow Minister in his reply made a comment that "lives will be at risk". I think this highlights the transition of the shadow portfolio from Dr McDonald, a fine man for whom I have great respect. I think he paid a couple of my catering bills by mistake. He is a very good man and not just for that reason. We have gone from the evidence and policy of Dr McDonald to the approach of the spin doctor who says, "Lives will be at risk." We have this picture in our minds of people dying in the gutter not being able to afford an ambulance or unwilling to call an ambulance, but nothing could be further from the truth. We have approximately 1.2 million responses every year from the Ambulance Service. It does a fine job and its response times are improving.

We use the service with confidence. It has to be sustainable. There has to be a point at which we are not subsidising those who do not pay. People who budget and take out private health insurance understand that the health service has never provided the service free of charge. It simply cannot. We do not pretend that we have

an ambulance service that can draw down without a price signal. We have a patient hardship policy and basically this bill is reinforcing and supporting that policy. If you are in difficult financial circumstances and you do not have the resources then you have access to that patient hardship policy.

You can apply for relief and have access to that policy. No-one will be turned away. No-one will be in a position where an ambulance will not come to them in their hour of need. That is not the Ambulance Service of NSW. It does this debate a disservice to hear the comment "Lives will be at risk". It is obviously meant for the *Daily Telegraph* or a media release headline instead of addressing the substantive problem. The service requires considerable resources. We do not want those people who take the time, effort and trouble to pay for private health insurance to be disadvantaged. The community of New South Wales understands that there is a fee attached to the service.

It is an expensive service and it involves a great deal of infrastructure. It is also labour intensive—each ambulance requires two or three officers. Is the shadow Minister saying that the service should be provided free of charge? The end point of his game is that this service should be provided free. He should examine the funding required and offer a feasible budget, but, of course, he has not done that. He simply offers the flippant comment that "lives will be put at risk". There is nothing further from the truth. After only a week or so we can already see the difference between the former shadow Minister, Dr Andrew McDonald, and the *Daily Telegraph* human headline who tells us that lives will be put at risk. He is disappointing.

The Hon. Walt Secord: I am just starting, buddy.

Mr SCOT MacDONALD: I welcome that interjection.

The Hon. Walt Secord: I can hear the exhaustion in Skinner's voice already. She will be asking herself whether she needs this at 78 years of age.

Mr SCOT MacDONALD: The shadow Minister is kidding himself. The Minister was the shadow Minister for Health for 16 years and she has had the portfolio for nearly four years. That represents substance in contrast to the human headline who claims that lives will be put at risk. There is nothing further from the truth. The Government has implemented the patient hardship policy, which provides backup, and it is making the Ambulance Service sustainable by sending a clear message to the community. I saw a website this morning on which people are exchanging ideas about how to avoid paying the ambulance fee. That is not good. We must make it clear that if people can pay, they should. They should not burden those who have protected themselves by taking out private health insurance. This is a very sound, reasonable and equitable policy and I commend the bill to the House.

[*The Assistant-President (Reverend the Hon. Fred Nile) left the chair at 1.02 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

PYRMONT BRIDGE

The Hon. LUKE FOLEY: My question without notice is directed to the Minister for Roads and Freight. Did the Minister for Planning or the Sydney Harbour Foreshore Authority consult at any time with the Minister or with Roads and Maritime Services on the impact of their proposed vertical garden on users of the Pyrmont Bridge before they abandoned their plan?

The Hon. DUNCAN GAY: I thank the member for his question. He is a very naughty member.

The Hon. Luke Foley: I'm tossing it up for you.

The Hon. DUNCAN GAY: You have given me a full toss and you are hoping that I knock it out. There are people in my office saying, "Oh no, he's taken his glasses off. He's tempted." To answer the question: I cannot remember. I do not believe that is the case, but it is a question of incredible detail. I will take it on notice and come back with a detailed answer.

ROADS AND TRANSPORT WEATHER IMPACTS

The Hon. MELINDA PAVEY: My question is directed to the Minister for Roads and Freight. Will the Minister update the House on road and transport networks affected by inclement weather in the past 24 hours?

The Hon. Walt Secord: Inclement? It was wild weather.

The Hon. DUNCAN GAY: This is one of the few times that I agree with the Hon. Walt Secord: the weather was not just inclement, it was wild. Heavy rain and snow in the past two days caused localised flooding, road closures and train line closures in Sydney, the Illawarra and the Blue Mountains. If my memory is correct, exactly 12 months ago there were intense bushfires.

The Hon. Adam Searle: One year on Friday.

The Hon. DUNCAN GAY: One year on Friday. In 12 months this State is facing a different weather pattern.

The Hon. Dr Peter Phelps: Global warming!

The Hon. DUNCAN GAY: Climate change. As at midday today, current major road closures due to flooding, snow and ice conditions include the Bells Line of Road between Lithgow and Bell, the Darling Causeway between Mount Victoria and Bell, Castlereagh Road in Penrith at James Street, and Audley Weir between Audley Road and Sir Bertram Stevens Drive in the Royal National Park. The Great Western Highway was closed for safety reasons due to heavy snow and ice. The highway has reopened in stages; it first reopened between Bathurst and Lithgow at 5.00 a.m. and then completely opened at 9.00 a.m. An online article in the *Sydney Morning Herald* was brought to my attention. It said that motorists were trapped on the road and were unable to get out. There were motorists on the road but they made the decision to be there; they were offered the opportunity to get out. So the article is not quite correct.

The rail areas most affected were on the T2 Airport Line, with repair and service restoration efforts focused on the area between Kingsgrove and Turrella. As of midday today, the Blue Mountains train line remains partially closed between Katoomba and Lithgow, and buses are operating as a replacement service between those stations in both directions. NSW Police, NSW Fire and Rescue, the Rural Fire Service, the State Emergency Service and Roads and Maritime Services worked tirelessly throughout the night in difficult and horrendous conditions doing everything they could whilst ensuring their own safety.

Extra field resources were called to work under the direction of the Transport Management Centre to manage incidents on roads in Sydney due to flooding and extreme weather. Emergency services—including Roads and Maritime Services traffic and maintenance crews, traffic commanders and traffic emergency patrols—are constantly assessing the situation, cleaning up roads and putting in place detours. Information about closures or flood-impacted roads is published on *livetraffic.com*, Facebook and Twitter. Media alerts were issued and interviews conducted with radio stations. Information is continually updated as the rain impacts the road network.

Regular media briefings and interviews have been carried out by the Transport Management Centre and all local media throughout Sydney and western New South Wales advising of the closures. The freight industry has been kept informed of the current closures and the impacts on the road network. Roads will not reopen unless the NSW Police Force deems it safe to do so.

NEWCASTLE MINISTERIAL VISITS

The Hon. ADAM SEARLE: My question without notice is directed to the Minister for Roads and Freight. When did the Minister last visit Newcastle in his capacity as Minister for Roads and Freight?

The Hon. DUNCAN GAY: It was within the last week.

The Hon. Steve Whan: He could have gone to Oxley to check out the preselections.

The Hon. DUNCAN GAY: I could have gone up to Oxley but I do not think my numbers are looking that good. I was in Newcastle last week and it was an enjoyable visit. I am pleased to say that when I was there

I was able to indicate to the people of Newcastle that when we make a promise we intend to deliver it. I was able to make major announcements about planning starting on the Tourle Street duplication and on the inner-city bypass. That is something those opposite cannot do. As I pointed out to the House yesterday, all those opposite can do, like a dog revisiting its vomit, is to come up with another glossy brochure to reannounce infrastructure projects that they promised when they were in government.

I gave a little bit of advice to some Labor members recently who are in local government councils and are looking for funding for roads. I told them that if they want funding for roads they have to hope that we are the next government in New South Wales. I know that whilst the people of Newcastle have not got an opportunity on this occasion to vote Liberal at the by-election they will be hoping like hell that we win the election because they know the track record of Labor. The Premier gave an undertaking to the people of Newcastle that we would not desert them, and we have not deserted them.

The Hon. Peter Primrose: No ticker.

The Hon. DUNCAN GAY: I have much more ticker than you.

MEDICINAL CANNABIS

Dr JOHN KAYE: My question is directed to the Minister for Roads and Freight, representing the Premier. Will the Minister clarify the status of the trials on medicinal cannabis by, firstly, explaining what was agreed to between the Premier of New South Wales and the Premiers and Chief Ministers of the other jurisdictions and the Prime Minister at the Council of Australian Governments on Friday? Secondly, will the Minister tell the House what progress has been made on the appointment and deliberation of the advisory committee, including who has been appointed to it?

The Hon. DUNCAN GAY: I thank the member for his question. As he said, it is a question for the Premier, and I will refer it to him. The Premier has spoken strongly on this issue, as has the member for Tamworth, representing his community, and, indeed, the majority of members of this House from all sides of the political spectrum. The question requires detail and I will refer it to the Premier for that.

CARER OF THE YEAR 2014

The Hon. CATHERINE CUSACK: My question is directed to the Minister for Ageing, and Minister for Disability Services. Will the Minister update the House on the 2014 Carer of the Year?

The Hon. JOHN AJAKA: I can update the House: This week, during Carers Week, I proudly announced Anne Funke as the 2014 New South Wales Carer of the Year. Anne Funke has two children and cares for her 18-year-old son who has angelman syndrome. It was a pleasure to meet Anne, who is a social worker and a carer advocate, and has a passion for improving the experiences of other carers. She is the national president and New South Wales vice-president of the Angelman Syndrome Association. She was also the association's national conference convenor in 2013 and she regularly speaks at conferences about carers.

Anne has held the position of parents and citizens president at Caroline Chisholm Special School at Padstow for the past 10 years. I congratulate Anne and all the carers who were nominated for the 2014 New South Wales Carer of the Year. These people are something special, and each of the 10 finalists I met had an amazing story of strength, resilience and love. One of the award recipients is a young carer, Mondelle Hogan of Dapto, who cares for not only her mother but also her two siblings and her aunt, all while carrying out her studies. In fact, during the award ceremony that morning she had to leave early to undertake her Higher School Certificate exams. She is an astonishing young person.

Without carers many people would not be able to remain living in their own home and participate in their community. We all probably know a carer whose unpaid care is essential to the wellbeing of our society and our economy. One in 10 people in New South Wales is a carer. There are more than 850,000 carers in New South Wales, including 100,000 young carers who are under 25 years. Earlier this year I launched the New South Wales Carers Strategy. The strategy is a five-year plan to improve the position of carers in this great State. It contains 16 projects that will make a real difference to the lives of carers in five key areas: employment and education, carer health and wellbeing, carer engagement, improving the evidence base, and information and community awareness.

The Carers Strategy has been developed with carers and other partners in the government, non-government, private and academic sectors. The Government has listened to the needs of the community and devised the Carers Strategy to deliver real and practical solutions and supports. The Government believes that carers have the right to be recognised but must also be supported. The New South Wales Premier, Mike Baird, has said that a hallmark of this Government will be its commitment to protect and support vulnerable members of our society, including their carers. This Government will provide the recognition and support worthy of our 850,000 plus carers in New South Wales.

I was pleased to launch a new community awareness campaign, Care for a Carer, at the awards event. The campaign video and website encourage all to care for a carer we know and provide simple ideas for how we can do this. The campaign is the first step in implementing another of the Carers Strategy projects, media campaigns, to raise the profile of carers. As well as the video, which we hope to see viewed on websites and television, we have developed a campaign website. The website contains more information about the people featured in the video and their carer. This is the beginning of an ongoing community awareness campaign as outlined in the New South Wales Carers Strategy.

ROYAL NORTH SHORE HOSPITAL

Reverend the Hon. FRED NILE: I ask the Minister for Roads and Freight, representing the Premier, a question without notice. I was chairman of the previous inquiry into Royal North Shore Hospital. Is it a fact that the New South Wales Government is planning to sell part of the Royal North Shore Hospital grounds? Is it a fact that the local area board has recommended that this land be used to ensure that Royal North Shore Hospital is of sufficient size to comply with being a major teaching hospital? Will the Premier intervene to ensure that the land is reserved for Royal North Shore Hospital purposes in accordance with the clinicians' proposals?

The Hon. DUNCAN GAY: I thank the member for this important question about Royal North Shore Hospital and its grounds. I will refer the question to the Premier and obtain a response.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. HELEN WESTWOOD: My question without notice is directed to the Minister for Ageing, and Minister for Disability Services. Will the Minister advise why negotiations with the Commonwealth Government regarding the National Disability Insurance Scheme [NDIS], which have historically been undertaken by the Minister for Disability Services, have been sent to the Premier's office instead of directly to his office?

The Hon. JOHN AJAKA: Many negotiations relating to the NDIS are undertaken between the Prime Minister's office and the Premier's office. The NDIS heads of agreement was signed by Prime Minister Julia Gillard and then Premier Barry O'Farrell. I undertake all of my meetings with Senator Mitch Fifield, as we are the two Ministers, State and Federal, who have been empowered in relation to the area of disability services.

MILLERS POINT PUBLIC HOUSING

The Hon. GREG PEARCE: My question is addressed to the Minister for Fair Trading. Will the Minister update the House on the recent rationalisation of the public housing properties at Millers Point?

The Hon. MATTHEW MASON-COX: The Hon. Greg Pearce has a deep and abiding interest in this issue. In fact, he was the Minister at the time with the vision that could see the potential of what the Government could achieve with the redevelopment and resale of those areas. It is with great pleasure that I update the House. At the start of question time I was concerned that the Hon. Sophie Cotsis was not in the Chamber, but she is here now; she will be interested to understand what is happening. I will go through the latest good news for social housing in New South Wales. I am pleased to report that two more government properties at Millers Point have been sold in the past couple of weeks.

The Hon. Walt Secord: Kerching!

The Hon. MATTHEW MASON-COX: Kerching! Kerching! On 25 September the fifth Millers Point property was sold for $2.27 million. This property was a three-level, three-bedroom home on Windmill Street. It was sold following 1,370 inquiries and 200 property inspections. So the market at Millers Point is still very strong. I can report that last Wednesday the sixth Millers Point property was sold for $1.7 million. Many people

have stopped me in the street and asked what proceeds the Government has received to date from the six properties at Millers Point that have been sold. I wonder whether the Hon. Sophie Cotsis has added up those six sales and understands how much that has contributed to the New South Wales coffers.

The Hon. Sophie Cotsis: It's a fire sale.

The Hon. MATTHEW MASON-COX: According to the Hon. Sophie Cotsis, it is now a fire sale. My goodness—$15 million. We have sold six properties for $15 million. That is what has happened.

The Hon. Sophie Cotsis: What are you going to do with the money?

The Hon. MATTHEW MASON-COX: The Government has many more properties—293—at Millers Point to sell. We are talking about a government with vision that is looking to realise proceeds from these properties. I can report, as I have at other times, that the reality is that every single last dollar from the sale of these properties will go into other social housing in this State, despite what those opposite might say. They are against any realisation of these properties. They have said, "No, no, no." They have said they do not want to revitalise social housing in New South Wales; they want to continue to do the same stupid things they did for 16 years and pretend they are going to get a different result. That is the reality.

The New South Wales Government is willing to look at the real options for this State and is willing to address the 58,000 people who are on the waiting list, which the former Government shamefully did nothing about for 16 years. Those 58,000 people deserve a better future under this Government. This Government is determined to ensure they get a better future. We will outline our plans, as one would expect from a government that has sound economic principles, and that money will revitalise social housing in New South Wales. I very much look forward to reporting back to the House in due course. I congratulate the Minister responsible for doing such an excellent job in this regard.

MOUNT THORLEY AND WARKWORTH MINES

Mr DAVID SHOEBRIDGE: My question is addressed to the Minister for Fair Trading, representing the Minister for Planning. Will the Minister provide a public assurance that there will be no delegation issued to the Planning and Assessment Commission in relation to either the Mount Thorley or Warkworth mines extension applications by Rio Tinto that will in any way limit the appeal rights for the community?

The Hon. MATTHEW MASON-COX: Given this is a detailed question, I think it prudent that I ask the Minister for Planning to respond. I will report back to the House in due course.

MYPLATES ADVERTISING

The Hon. PENNY SHARPE: My question is directed to the Minister for Roads and Freight. What is the Government's response to the record 533 complaints generated as a result of a sexist television advertising campaign by myPlates?

The Hon. DUNCAN GAY: The Government shares the concern about the campaign that deserved the anguish expressed by the community. The campaign was inappropriate. The Government has indicated its concern and changes have been made. I will take this question on notice and provide a detailed answer. The Government and I share the concerns of the Hon. Penny Sharpe.

STATE INFRASTRUCTURE

Mr SCOT MacDONALD: My question is addressed to the Minister for Roads and Freight. Will the Minister update the House on some of the key achievements of the Government to date? I am sure a supplementary question will be required.

The Hon. DUNCAN GAY: I am truly proud to answer this great question. Since coming to office this Government has been transforming infrastructure in this State. This year alone it is investing a record $5.5 billion into roads and freight across New South Wales, $4 billion of which has been committed to regional and rural New South Wales.

The PRESIDENT: Order! There is far too much chatter on both sides of the Chamber. I am sure Hansard is having difficulty hearing the Minister.

The Hon. DUNCAN GAY: Since April 2011 the Government has committed more than $20 billion to fast track major infrastructure upgrades that should have been planned and delivered by Labor a decade ago. After 16 years of absolutely nothing, finally there is relief for the communities and businesses of this great State. Those opposite are throwing everything they have at us—which, frankly, is not much—to try to convince the people of this State otherwise. They have even done a little reshuffle, with the addition of Labor's twelfth man in the Roads portfolio in the past 10 years. There has been a decade of disappointment from Labor in this area so I will take a little trip down memory lane. We remember Carl Scully was the roads Minister from 2004 to 2005.

The Hon. Lynda Voltz: Point of order: My point of order is relevance. The question was specifically about the infrastructure of this Government. I ask the Minister be brought back to the question that was asked.

The PRESIDENT: Order! The Minister was placing the matter in context.

The Hon. DUNCAN GAY: Part of the achievements is the disarray in the Opposition spokesmen. Michael Costa was the Minister in 2005; Joe Tripodi in 2005; Eric Roozendaal from 2006 to 2008; Michael Daley from 2008 to 2009—remember that date; David Campbell in 2010—who can forget his service; David Borger in 2011; Tony Kelly in 2011 for a nanosecond; Robert Furolo in 2012 for nearly as short a time; Ryan Park in 2013; the Hon. Walt Secord in 2013, whose innings were not for very long either; and then Michael Daley, the twelfth man, but possibly not the last. We all know the twelfth man does not do a whole lot for any team except warm the benches and deliver the water. I did not expect Speed Camera Secord to last long and he did not.

The Hon. Steve Whan: Point of order: My point of order is relevance. Mr President, earlier you mentioned that the Minister was giving context to the argument. I note that the Minister has been answering for 3½ minutes and still has not been able to find an achievement. I ask that he be drawn back to the supposed achievements of the Government.

The PRESIDENT: Order! I uphold the point of order. I note the Minister is getting fairly close to reflecting on a member too.

The Hon. DUNCAN GAY: I know the Hon. Steve Whan is hard of hearing and he must have missed the $4 billion that was committed to regional and rural New South Wales and the $5.5 billion that was committed to regional New South Wales. He is not only deaf; he will spend his lifetime on the losers lounge. [*Time expired.*]

CARERS SUPPORT SERVICES

Ms JAN BARHAM: My question is addressed to the Minister for Ageing, and Minister for Disability Services. In light of it being Carers Week, I note the work the Minister has done. Is the Minister aware of the release of the report from Anglicare entitled "Caring into old age" and its recommendation that the Federal Government amend the National Disability Insurance Scheme Act 2013 to include provision for a separate carer assessment in addition to the participant's assessment and plan? Is the Minister advocating for this position? Is the New South Wales Government taking any other action to care for these people who, in the most part, are over 60 years of age and have been caring for their children for more than 30 years?

The Hon. JOHN AJAKA: I am well aware of the concerns and efforts of Ms Jan Barham in relation to carers. As I have indicated previously, it is Carers Week and the Government recognises the enormous contribution families and carers make to the lives of people with disability. They provide help and support that cannot be provided by formal services or paid support workers. The primary aim of the National Disability Insurance Scheme is to put people with disability at the centre of decision making about their own lives. Families and carers are often active partners in this and are critical to the success of the scheme. The National Disability Insurance Scheme [NDIS] aims to better support families and carers in their ongoing and often difficult caring roles. The New South Wales Government is working closely with the Commonwealth Government, other jurisdictions and the National Disability Insurance Agency to support the design and implementation of the scheme.

All NDIS participants will have an individualised plan that is tailored to their goals, personal circumstances and support needs, which may include supports that directly or indirectly assist families and carers in their caring role. In working with an individual, their families and carers to develop a participant's plan, the NDIA will take account of what is reasonable to expect families, carers, informal networks and the

community to provide. Some of the supports that may benefit carers include personal care to support an individual in their home or the community, assistance with tasks of daily living, including help to improve a person's ability to do things, and supports to assist people with disability to live independent lives.

As I have indicated on a number of occasions, currently there are more than 850,000 carers in New South Wales and more than 100,000 young carers aged 25 years or under. This Government's commitment to the NDIS has remained strong. We have seen positive outcomes for participants in the Hunter trial site, actively participated in national forums to refine the design of the scheme, and invested in capacity building across the State to ensure that individuals, families, carers and other providers of supports are confident to begin their transition into the scheme. Our heads of agreement states that the full scheme of the NDIS will be rolled out across the whole of New South Wales by July 2018, with our transition period to commence in July 2016. I am aware of the report by Anglicare. I have examined the report and will continue to discuss aspects of the report with the Commonwealth Government.

ORANGE PALLIATIVE CARE

The Hon. WALT SECORD: My question without notice is directed to the Minister for Ageing, and Minister for Disability Services. What is the Government's response to the growing Central West community and Orange City Council campaign to improve resourcing and support for palliative care in Orange, given that the stand-alone service was cut by his Government?

The Hon. JOHN AJAKA: The honourable member is well aware that that is not the case. He is well aware that continued supports are being provided by this Government where required in that area. That is what we continue to do. The member opposite should cease in any way to scaremonger. Clearly he knows that this question should have been directed to the Minister for Health. He has not done so.

The Hon. Walt Secord: You represent the Minister for Health.

The Hon. JOHN AJAKA: You have not indicated in your question that you are asking me the question on behalf of the Minister for Health. Notwithstanding that you did not do that, I am happy to take the question, forward it to the Minister and come back with an answer.

WILLIAM ROSE SCHOOL

The Hon. JENNIFER GARDINER: My question is addressed to the Minister for Disability Services, representing the Minister for Education. Will the Minister update the House on recent developments at William Rose School?

The Hon. JOHN AJAKA: I am pleased to inform the House that last Tuesday 7 October the Assistant Minister for Education, the Hon. Victor Dominello, officially opened the new $6.2 million learning facilities at William Rose School.

The PRESIDENT: Order! The level of conversation is again becoming unacceptably high. Members should keep their level of conversation less audible.

The Hon. JOHN AJAKA: This project means that William Rose School, located in Seven Hills, can remain at the cutting edge of educational provision for its 62 students from kindergarten to year 12 with complex learning needs. This is a significant project that has enabled demountable buildings to be replaced with new permanent facilities and the construction of three new blocks, including three purpose-built classrooms, a library and a new staffroom. An extra two classrooms have been created by converting the existing library. Covered walkways, paths and access ramps have also been built as part of the project. Students will also have access to new play areas, a sensory garden and specialised play equipment.

William Rose School caters for students with vision impairment, hearing impairment, physical and intellectual disabilities, autism and students who are deaf and blind. The Government is dedicated to providing quality early intervention and education for children with disability. I cannot tell the House how many success stories I have heard in my time as Minister of children reaching their full potential because of early intervention and education. The William Rose School community works tirelessly to maintain a learning environment that is tailored to support the unique needs of each student and enables them to reach their potential at school.

Students are taught to be successful learners in their own way, to build confidence and to become creative individuals. The school's ethos is built around developing each student's sense of self-worth, self-awareness and personal identity. William Rose School does not stand alone. It is one of 19 schools for specific purposes upgraded by the New South Wales Government using $94 million of the residual Federal Government Building the Education Revolution [BER] funding. I commend my colleague the Minister for Education, the Hon. Adrian Piccoli, for his efforts to ensure that these projects were completed.

This House is well aware of some of the shortcomings of the BER scheme, particularly the rules governing what residual funds may be spent on. The New South Wales Minister for Education thought that was unacceptable and lobbied the Federal Government to have the rules changed. To his credit the rules were changed and 19 schools were able to be upgraded. I am sure members will agree that this is a much better use of that funding than might otherwise have occurred. Students at William Rose School will now have new specifically designed classrooms that will cater for their individual needs. As I indicated before, the classrooms will also have an individualised learning space, break-out zones, toilets, kitchen and creative arts areas and integrated play and therapy spaces.

The outdoor learning spaces give students a safe environment where they can test themselves and go beyond what they previously may have thought they could. The new library provides additional learning opportunities and staff now have great workspaces and are able to share their professional learning in the new environment. The benefits of this upgrade will touch staff, families, carers and children with special needs. These benefits will be far reaching. This work is yet another example of the Baird Government providing additional early intervention educational services to people with a disability, their families and carers, protecting and improving the lives of our vulnerable.

FATHER MITKO MITREV

The Hon. ROBERT BROWN: My question without notice is directed to the Minister for Ageing, and Minister for Disability Services, representing the Attorney General. Following on from my question yesterday to the Attorney General regarding false evidence given by Father Mitko Mitrev in the matter of *His Eminence Petar, the Diocesan Bishop of the Macedonian Orthodox Diocese of Australia and New Zealand v Kotevich*, will the Director of Public Prosecutions also investigate previous New South Wales Supreme Court proceedings in the matter of *Metropolitan Petar v Mitreski* that began in 1996 and are believed to have cost the local Macedonian community about $10 million, given that Judge Stevenson found that had this false evidence in the case of *His Eminence Petar v Kotevic* been available in those earlier proceedings, previous judgements may not have been made?

The Hon. JOHN AJAKA: The honourable member indicated a similar or maybe part one of the question yesterday. I have referred it to the Attorney General. I will now refer this part of the question to the Attorney General, obtain an answer and come back to the honourable member.

RESIDENTIAL (LAND LEASE) COMMUNITIES REGULATION

The Hon. MICK VEITCH: My question without notice is directed to the Minister for Fair Trading. When will the Minister introduce the regulations for the Residential (Land Lease) Communities Act 2013 and will these regulations be open for public consultation prior to commencement?

The Hon. MATTHEW MASON-COX: I thank the member for this important question; its timing is serendipitous because I intend to issue the draft regulations very shortly—in days, not weeks. I hope to do that on Friday. I am just arranging the logistics at this point in time. I might even pass the details to the member once they have been confirmed. They will be issued in draft form and there will be a consultation period, as one would expect, so that all stakeholders who may be affected by that will be able to respond with any concerns.

The member would be aware that these regulations are pursuant to the redraft of the Act and that those regulations are important to complement that Act, which will be taking effect once we have gone through that consultation process. The timing will depend on the submissions we receive from stakeholders. As members would be aware this is a very important concern for residents of those retirement areas. The Government is keen to ensure that stakeholders are involved in an active way in the consultation process. That will start later this week and we will then move forward with a consultation period over the Christmas break. It is a busy time for the industry so we do not want to put undue pressure on operators or residents. We will give them plenty of time to respond and we will take on their concerns and make decisions in relation to those regulations. Once settled we will then set a date to enact the bill and those regulations.

The Hon. MICK VEITCH: I ask a supplementary question. Given the Minister's response will he elucidate his answer with regard to the public consultation and the time frame for that consultation period?

The Hon. MATTHEW MASON-COX: Off the top of my head the time frame is 15 weeks. We wanted to ensure that there was plenty of opportunity for responses. Because it is a busy time over the December-January period we wanted to ensure that operators and residents had an opportunity to respond. During that period I will be visiting a number of residential communities and holding forums up and down the coast to ensure that all participants understand the detail of these regulations and the Act itself. There have been significant changes. That will improve the whole situation for residents significantly and it is important to understand that it is about reaching balancing points between the concerns raised by residents and the way in which operators in this industry conduct their activities.

MOTOR VEHICLE REPAIR INDUSTRY

The Hon. RICK COLLESS: My question is addressed to the Minister for Fair Trading. Will the Minister update the House on the Insurance Australia Group smash repair quality program annual report for 2013-14 and the AutoPath industry employment initiative?

The Hon. Walt Secord: Mihailuk has him on the run.

The Hon. MATTHEW MASON-COX: I thank the member for his question and respond to that interjection. The shadow Minister has no idea. It is quite embarrassing that I have to correct the blatant errors the shadow Minister is throwing around in the marketplace. This morning it was my pleasure to attend the launch of the Insurance Australia Group's [IAG] annual quality report at The Mint, a couple of doors down from this place. It was a gathering of a few hundred participants in the smash repair industry. It was pleasing to see key industry players such as NRMA Insurance from the IAG group issuing a report on quality and safety issues in the industry.

It is important to understand that there is a lot of information that moves around the marketplace and one needs to be sure of the facts when addressing important public policy issues in this area. Let us look at what the IAG smash repair quality program found. I note that this is the second year in which this program has been instituted within those repairers that are part of the IAG group. It found that of the 120,000 vehicle inspections conducted since 2011 only 0.02 per cent required rectification of repairs. That is 0.02 per cent. That is, in fact, the industry average across Australia. Only 0.02 per cent of vehicles that have had an accident and are reviewed by an assessor following that repair require rectification.

That places in context some of the information that has been flowing about how many vehicles have had dodgy repair jobs done on them in this industry. I note that in the last financial year 89 complaints in relation to smash repairs were received by Fair Trading. It was pleasing to see an independently prepared report from IAG that works through the issues and promotes information in the industry. I congratulate IAG on being the only insurer in Australia with a dedicated quality assurance program that publishes statistics on quality and safety issues. It is an important leadership role and I encourage all other participants in the industry to follow the lead of IAG.

In the past 12 months there have been 40,000 quality inspections across Australia and the report demonstrates that the program and partner repairer network is working very well within the IAG program. I launched a new program for the smash repair industry called AutoPath, which is an employment initiative. Members would be aware that the motor repair industry is becoming a more complex industry and it requires significant investment and the ability to tap into a skilled workforce over time. It is an industry that needs to be very much focused on sustainability in order to ensure its own future.

It is pleasing to see a program supported by TAFE NSW, and partnered with NRMA Insurance and Auto Skills Australia, to promote apprenticeships and traineeships within the industry. It focuses on school leavers and our Indigenous community. Those groups are looking at pathways through this motor repair industry initiative that will be successful and I look forward to reporting back in more detail— [*Time* expired.]

DENILIQUIN JOBS

The Hon. ROBERT BORSAK: My question without notice is directed to the Minister for Roads and Freight, representing the Minister for Natural Resources, Lands and Water. Is it a fact that the Murray-Darling Basin Authority shows that in the last three years there were a lot of people from surrounding shires who would

work in Deniliquin of a day and there has been a significant reduction in those jobs? Is the Minister aware that people, instead of going into Deniliquin, are going to other places to work, which has had a significant impact on its economy? Will the Minister outline the economic impact upon Deniliquin of less water and where those "other places" are that people are going to work?

The Hon. DUNCAN GAY: I thank the honourable member for his question. I am not fully acquainted with the report he is talking about, but as far as I am aware there is no denying the background facts behind his question. The people who have lost jobs in and around Deni have legitimate concerns.

Mr Jeremy Buckingham: They signed off on the biggest water buy-out in the country's history.

The Hon. DUNCAN GAY: There they are, the red Greens. Mr President, you would have been in this House when The Greens promised us an environmental and tourism led recovery to the Pilliga.

The Hon. Rick Colless: And the river red gums.

The Hon. DUNCAN GAY: And the river red gums. Tell that to the people in the Pilliga who have had to walk away from their homes because there are no jobs and their houses are worthless. They cannot sell them and have nowhere to go. That is a legacy of The Greens and Labor, as this is a legacy of The Greens and Labor. You are a screaming disgrace to even put your head up regarding this issue because you have been responsible for denying people their right to work. The Greens have removed the legacy of homes that workers in that community have worked and saved for years to buy. It is a home for their families that has become valueless because no-one wants to buy. There is no work in your new domain. The Greens are disgraceful with regard to their treatment of regional New South Wales. How dare you enter into this debate? As to the detail of the question, as requested, I will refer it to the Minister for a detailed answer.

LAKE ILLAWARRA AUTHORITY

The Hon. SHAOQUETT MOSELMANE: I direct my question to the Minister for Ageing, Minister for Disability Services and Minister for the Illawarra. What is the Government's response to community concerns about the lack of funding for the Lake Illawarra Authority?

The Hon. JOHN AJAKA: The honourable member is well aware that this Government took all necessary action with regard to the lake and it has now transferred responsibility back to the relevant councils, which is the appropriate thing to do. The Lake Illawarra Authority was established in 1988 to improve the health of Lake Illawarra. In May 2013 the Hon. Troy Grant, who was then Parliamentary Secretary for Natural Resources, released a report on the review of the authority. The report found that the authority had met its objectives and that alternative arrangements were available to manage the lake. The review was the subject of considerable public consultation and input and it attracted 140 submissions.

In June 2013 the Government announced its decision to disband the authority and to repeal the Lake Illawarra Authority Act 1987. The lake will be managed through an estuary management committee comprising members from the Wollongong and Shellharbour city councils, relevant State agencies and community representatives. This model has been adopted for lakes and estuaries throughout New South Wales and has been shown to work effectively. Funding will continue to be available from existing funding partners, including NSW Trade and Investment, Crown Lands and through current grants programs. The authority's executive officer is managing the transition of work for the closure of the authority under delegation.

The Hon. SHAOQUETT MOSELMANE: I ask a supplementary question. Will the Minister indicate when the councils will receive the $22.5 million?

The Hon. JOHN AJAKA: I refer the honourable member to my previous answer.

SCHOOL STUDENT ROAD SAFETY

The Hon. NIALL BLAIR: I direct my question to the Minister for Roads and Freight. Will the Minister update the House on how the New South Wales Government is improving safety around schools?

The Hon. DUNCAN GAY: I thank the honourable member for that question. He has many questions and this is probably one of the most important. Making roads safer for our most vulnerable road users—our

children—is one of the most important jobs I have as Minister for Roads and Freight. I make many announcements about this Government's multimillion and even multibillion dollar road infrastructure projects. Like me, I am sure most members believe that nothing is more important than improving safety for our little L-platers, as I call them. Just as we must ensure that our more mature L-platers have the right skills set, we must ensure that our little L-platers know how to be safe on and around our roads.

When children start kindergarten they spend a little more time around roads when they jump in and out of cars or walk on footpaths with their parents or carers on the way to and from school. At this stage in their lives they tend to move away from one-on-one care as they become more independent, and that is when they become little L-platers. That is why last week I visited Bourke Street Public School to launch the Government's new kindergarten orientation day road safety packs.

The PRESIDENT: Order! There are too many interjections from Government and Opposition members.

The Hon. DUNCAN GAY: For the information of those on the losers lounge, Bourke Street Public School is one of the 2,400 primary schools across the State which the Government has contacted and which it is encouraging to get involved. The packs include height charts, which help to ensure that parents are using the most appropriate car seats for their children, and a handy car seat safety guide. It is tragic to think that children not correctly secured in a car seat are seven times more likely to suffer life-threatening injuries in an accident than those who are properly secured. It is important that we give parents as much information as possible to help them make the most informed decision.

The packs include a Safety Town DVD, fact sheets, fridge magnets and fun stickers to remind children about using the passenger's side door—which we call the "safety door"—when getting in and out of cars. The Government's groundbreaking Safety Town website is one of the greatest tools parents can use. All the information they need is at their fingertips. We want the website to act as a kids' road safety information hub and I encourage everyone to visit it on the Centre for Road Safety website.

The Hon. Walt Secord: Do you mean "Shonky Town"?

The Hon. DUNCAN GAY: The Hon. Walt Secord is talking about "Lazy Town" and he would be right at home there. These initiatives are in addition to the State's first ever complete rollout of flashing lights at schools. This Government will ensure that every school in New South Wales has flashing lights by the end of 2015. We are dedicated to doing all we can to keep our vulnerable children safe. I thank the parents, the principal and the students of Bourke Street Public School for participating in the launch.

COAL SEAM GAS

Mr JEREMY BUCKINGHAM: I direct my question to the Minister for Roads and Freight, representing the Minister for Resources and Energy. Given the announcement made yesterday by the Minister that the Government has cancelled the Leichhardt Resources coal seam gas exploration licence because of a failure to meet licence conditions, will he rule out cancelling the petroleum exploration licences covering Newcastle, Sydney and Wollongong and the Sydney drinking water catchment held by Dart Energy and Apex Energy, which appear also to have failed to meet their licence conditions?

The Hon. DUNCAN GAY: I thank the honourable member for his question. Because it is inappropriate to comment on a question, I will not refer to the double negative it contained. The member actually asked me whether the Government will rule out cancelling the licences. I will refer the question in its entirety to the Minister for Resources and Energy for an answer.

HENRY LAWSON DRIVE ROADWORKS

The Hon. LYNDA VOLTZ: I direct my question to the Minister for Roads and Freight. Given that the investigation of the northbound right-turn lane extension from Henry Lawson Drive into Bullecourt Avenue, Milperra, is complete, when will work begin and when is it expected to be completed?

The Hon. DUNCAN GAY: I know this road is important to the honourable member because she has contacted my office about it several times. I am looking engagingly at my staff to see whether I have an answer. It would appear that I do not, but I will get the details and provide them to her as soon as possible.

PRIDE OF AUSTRALIA MEDALS

The Hon. CHARLIE LYNN: I direct my question to the Minister for Ageing, and Minister for Disability Services. Will the Minister update the House on the recent Pride of Australia Medal Awards ceremony?

The Hon. JOHN AJAKA: On 8 October I was privileged to attend the presentation ceremony for the New South Wales recipients of Pride of Australia Medals. The *Daily Telegraph* Pride of Australia Medal Awards are an opportunity for us to recognise and to reward our community's most outstanding members—our community heroes. Also present at the ceremony was the Hon. Gladys Berejiklian, the Minister for Transport representing the Premier, and John Robertson, the Leader of the Opposition. The awards are now in their tenth year and I am pleased to see that this initiative has evolved from a state-only awards program to a national awards program. Awards are given across 10 categories that include courage, community spirit, inspiration and care and compassion. The range of categories is important as these awards recognise the achievements of people in the local community who might otherwise go unnoticed.

In the care and compassion category medal winner Christine Lofts was identified in her role as a foster carer, recognising the significant improvement she has made to the lives of those around her. In fact, significant does not even start to capture the difference that Christine has made to the lives of the more than 380 children she and her husband, Ian, have fostered in the past 40 years. Many of these children have disabilities including autism and Down syndrome, or are vision impaired or hearing impaired. Each of these children's lives has been enriched by the care and compassion they received from Christine. For this reason she absolutely deserves this Pride of Australia medal.

The inspiration category recognises a role model whose compassion and wisdom while teaching, coaching and mentoring our youth have been inspiring. This year's medal recipient, David Pescud, truly embodies these traits. David, who has struggled with severe dyslexia all his life, had just sold his trucking business when he heard a radio interview with a young paraplegic who wanted to compete in the Sydney to Hobart yacht race. Instead of retiring David used the money from his business to form Sailors with disABILITIES. Over the past 20 years he has worked for this organisation as a volunteer, ensuring people with disabilities can take their place among the able-bodied. This accomplishment was clearly shown when he established the first crew of sailors with disabilities to enter the Sydney to Hobart yacht race. It is this dedication that prompted the parents of his students to nominate him for the Pride of Australia medal. David is a wonderful example of a senior citizen who has shown commitment and devotion to his work with people with disabilities. I am delighted to see David and his work in the community recognised at this level.

Last year's winners, Daniel Clarke and his younger brother William, won the State and National Environment Medal as well as the National People's Choice for their work. In addition to this amazing feat and their important work is the fact that 18-year-old Daniel has cerebral palsy, not that he has let this get in his way. Daniel has now been accepted into a global leadership program. This has meant he has gained a place at Macquarie University before he has even started his Higher School Certificate. I am sure that all members of this House will join me in congratulating Daniel on this remarkable achievement, as well as all the winners and recipients of the Pride of Australia medal. I thank them all for their great work.

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

ISIS FLAG

The Hon. DUNCAN GAY: On 10 September 2014 Reverend the Hon. Fred Nile asked me a question about steps taken to ban public displays of the ISIS flag. The Premier has provided the following response:

> The New South Wales Government is well aware of the threat that terrorism poses to the New South Wales community as a whole. As the recent joint counterterrorism operation shows, we are fully committed to working with the Commonwealth Government and its agencies to protect the community from terrorism. That coordinated multi-agency operation emphasises the strength of our national counterterrorism arrangements. In addition, the NSW Police Force implemented Operation Hammerhead, a statewide operation to provide and maintain high levels of public safety to give all New South Wales residents the confidence to go about their day-to-day business.
>
> Offences related to terrorism and terrorist organisations are contained within Commonwealth legislation and include offences of recruiting for, providing support to, and associating with terrorist organisations.

TOORALE STATION

The Hon. DUNCAN GAY: On 10 September the Hon. Robert Brown asked me a question about what representations the Minister for Western New South Wales has made to restore Toorale as a working pastoral operation-national park. The Minister for Western NSW has provided the following response:

> The Labor Government bought Toorale Station in 2008 and in 2010 created Toorale National Park and Toorale State Conservation Area [SCA]. The short-sighted and foolish decision to take this enormous agricultural enterprise out of production was a huge blow to the local area resulting in the loss of jobs and the relocation of families out of the region, impacting significantly on the local economy.
>
> The New South Wales Government is continuing to look at ways to balance successful production use and environmental benefits in areas such as Nimmie Caira in the State's south, and Toorale in the north.

PYRMONT BRIDGE

The Hon. DUNCAN GAY: On 10 September 2014 the Hon. Penny Sharpe asked me a question about the AMAZE Pyrmont Bridge proposal to build a garden in the middle of Pyrmont Bridge. I provide the following response:

> I am advised:
>
> > This is a matter for the Minister for Planning.

STATE EMERGENCY SERVICE CANINE SEARCH UNIT

The Hon. JOHN AJAKA: On 10 September 2014 the Hon. Robert Borsak asked me a question about the credentials of search and rescue dogs provided by the NSW State Emergency Service. The Minister for Police has provided the following response:

> The NSW State Emergency Service has advised me that four dogs/handlers were deployed to the Rozelle incident at the request of the on-site incident controller to ensure all possibilities to search for potential survivors were exhausted.
>
> Two of these dogs had met all four components of the Basic Operational Assessment in search activities (agility, obedience, search and non-aggression) and had current credentials from their September 2012 assessment, and the other two dogs had successfully completed the search component of an assessment undertaken in July 2014.

SCHOOL SAFETY OFFICERS

The Hon. JOHN AJAKA: On 10 September 2014 the Hon. Paul Green asked me a question about establishing a qualified safety officer position in every school. The Minister for Education has provided the following response:

> The department is not considering establishing a safety officer position in New South Wales public schools.
>
> The NSW Department of Education and Communities takes its obligations to protect children and young people very seriously. In each school, the principal or the principal's delegates undertake the roles that Mr Green sets out as safety officer roles. They undertake these roles to meet responsibilities set out in the department's child protection policy Protecting and Supporting Children and Young People.
>
> Principals must ensure all staff are aware of the indicators of abuse in children and young people. They must also ensure all staff are aware of their obligations to report any concerns about suspected risk of significant harm to children and young people under 18 years of age to the Community Services Child Protection Helpline. Where staff have concerns that do not meet the threshold of suspected risk of significant harm, but are not trivial, the department's Child Wellbeing Unit must be contacted for advice and support.
>
> To ensure they are aware of their responsibilities, principals must ensure all staff participate in induction training to raise awareness of child protection, as well as annual child protection update training.
>
> Each year a mandatory annual update training package is provided to schools. The update is delivered by the principal or delegate. It includes updates on any changes to legislation, emerging issues and reminders to staff about safe practices.
>
> The department has the highest rate of all New South Wales human services government agencies of reporting suspected child sexual abuse—as indicated in the NSW Family and Community Services Quarterly Report to Partner Agencies, December 2013. In addition, the Child Wellbeing Unit responded to over 12,000 contacts from mandatory reporters during 2013, about a range of child protection and wellbeing issues.
>
> These measures are part of the extensive range of initiatives to protect students already being undertaken by schools across New South Wales.

TAFE NSW

The Hon. JOHN AJAKA: On 10 September 2014 Dr John Kaye asked me a question about proposed job cuts to TAFE NSW. The Minister for Education has provided the following response:

> TAFE NSW is undertaking business reforms to position itself to be competitive and sustainable into the future.
>
> These reforms are resulting in changes to staffing numbers and are being undertaken in accordance with the NSW Government's Agency Change Management Guidelines, Managing Excess Employees Policy, the Fair Work Act 2009 and relevant enterprise agreements.
>
> TAFE NSW is consulting with staff, unions and other stakeholders about proposals for change.

NEWCASTLE MINISTERIAL VISITS

The Hon. DUNCAN GAY: Earlier today the Deputy Leader of the Opposition asked me when I was last in Newcastle.

The Hon. Adam Searle: I wrong-footed you for a moment.

The Hon. DUNCAN GAY: I was wrong-footed; it was such an enjoyable visit that I thought it was this week but it was actually Friday last week. I was made to feel welcome in Newcastle, as I usually am. I enjoyed the visit, as did the people of Newcastle because every time I go there I provide joy that they have not experienced for 16 years.

MYPLATES ADVERTISING

The Hon. DUNCAN GAY: Earlier I was asked a question by the Hon. Penny Sharpe and I indicate that where there are issues of road safety and enforcement of numberplates I will and can intervene. Since myPlates was privatised by the previous Government I do not get creative licence over its advertising. However, I am told that myPlates also directly receives customer feedback about advertisements. As a result of this feedback the advertisement was immediately changed to pixilate out the offending footage. The advertisement in question is part of a series that is no longer being broadcast, but as I indicated the member's concerns are shared by this side of the House.

Questions without notice concluded.

ELECTION FUNDING, EXPENDITURE AND DISCLOSURES 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.

Motion by the Hon. Duncan Gay agreed to:

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

Second Reading

The Hon. DUNCAN GAY (Minister for Roads and Freight, and Vice-President of the Executive Council) [3.36 p.m.]: I move:

> That this bill be now read a second time.

The Premier has made it clear time and again that he is determined to restore the public's trust in New South Wales politics and will take whatever action is necessary to increase the transparency and accountability of the election funding system in this State. The New South Wales Government already has taken a number of steps this year to address concerns that political donations unfairly influence decision-making in this State. In particular, this Government has addressed a "gap" in election funding regulation that arose following the High Court's decision to strike down the Government's 2012 corporate donation bans.

The Government has introduced new institutional arrangements for the oversight of elections and election funding matters and has established an expert panel on political donations to consider and report on

options for the reform of election funding laws. The expert panel is due to deliver its final report at the end of the year. Following recent stakeholder consultations, the panel has released an interim report indicating its in-principle support for some important reforms.

The panel has signalled that it "favours a number of measures to improve transparency, accountability and integrity of the election funding regime", including: tougher penalties for breaching election funding laws; a new general anti-circumvention offence provision directed at those who seek to evade election funding laws; a pre-election donations disclosure in early 2015 by recipients of political donations; and an extension of the limitation period for prosecuting offences against election funding laws from three years to 10 years. Armed with this report, and in light of ongoing community concern, I believe that the time for further action is now. The election funding system that underpins the 2015 State election should benefit from the interim recommendations of the expert panel that we entrusted with this important task.

To this end, the Election Funding, Expenditure and Disclosures Amendment Bill contains a package of reforms to the regulation of election funding in New South Wales in advance of the upcoming election. These reforms are closely aligned with the expert panel's interim recommendations and also include some additional measures. Reflecting the expert panel's suggestion, one key aspect of the bill is that it will require the recipients of political donations before the 2015 election to make an additional one-off disclosure of political donations received during the period from 1 July 2014 to 1 February 2015. These disclosures should be made to the Election Funding Authority [EFA] within seven days after the end of this period and the EFA will be required to publish these disclosures within seven days after they are made.

To help ensure compliance with this important transparency measure, the offences that apply under section 96H of the Election Funding, Expenditure and Disclosures Act 1981 in relation to ordinary disclosures will also apply to political donations received during the additional relevant disclosure period and to the additional disclosure requirements. The bill also contains a number of ongoing reforms that are directed at deterring contravention of the Act.

The expert panel has made clear its view that there should be more serious offences and penalties for flouting election funding laws, including penalties sufficient to trigger disqualification of members of Parliament. The Government strongly agrees with this proposal. Ensuring that the election funding regime is complied with fully and truthfully is vital to ensuring the effectiveness of election funding regulation in New South Wales. It is important that those who are subject to obligations under the election funding laws approach these obligations faithfully and with an awareness of the gravity of these requirements. Accordingly, this bill will increase the penalties for numerous offences relating to dishonesty or attempts to avoid the election funding laws, including by adding a penalty of imprisonment to various offences with the requisite mental element. These amendments will help ensure that the penalties for contravening election funding laws are commensurate with the nature of the offence and will enhance the deterrent effect of these offence provisions.

Likewise—again reflecting the expert panel's interim report—the bill includes a new anti-avoidance provision. This provision will make it a separate indictable offence to enter into or carry out a scheme for the purpose of avoiding political donation or electoral expenditure prohibitions or requirements. This new offence will carry a maximum penalty of 10 years imprisonment. It is possible that the seat of a member of Parliament would be vacated under the New South Wales Constitution Act if the member was convicted of this offence. Given the significance of the penalty, I believe these reforms will go a long way to ensuring that the punishment matches the crime.

However, as the expert panel has recognised, if an offence is committed against the Act it is also important that the Act allows sufficient time for prosecutions to be undertaken. Retaining a short limitation period runs the risk of the authority timing out on otherwise legitimate prosecution. Presently, section 111 (4) of the Act provides that proceedings in respect of an offence against the Act or the regulations may be commenced within three years after the offence was committed. The bill will extend the limitation period to 10 years after the offence was committed, with this extended limitation period to apply prospectively.

In addition to the amendments I have just outlined that are intended to help deter contravention of the Act, the bill also includes a number of reforms to the public funding scheme that applies in New South Wales. Some of these reforms will apply on an ongoing basis. In particular, the bill will increase the value of funding that may be claimed by a party from the Administration Fund—from which registered parties and independent elected members can seek annual payments for administrative expenditure—where there are more than three elected members endorsed by the party. The bill will raise the value of payments from the current amount of

$86,800 per member in excess of three to $100,000 per member in excess of three, with this amount to be adjusted for inflation in future years. This amendment is designed to better reflect the administrative and operational costs of political parties.

Paired with this reform, the bill will also double the current value of policy development funding that may be claimed by parties not entitled to administrative funding. A related reform contained in the bill is an amendment to the definition of "electoral communication expenditure" to include expenses associated with third party market research and the campaign travel costs of candidates and their staff. This will more accurately capture the true expenses associated with running an election campaign. Many of the public funding amendments made by the bill will apply for the 2015 State election only. This recognises that the expert panel is yet to give a firm indication of its position on this issue while acknowledging that there is an urgent need for reform before the 2015 election. There will be a further opportunity to introduce additional reforms for subsequent elections once the expert panel's final report is released at the end of the year.

One important component of these reforms is the reduction in political donation and expenditure caps. The bill will rein in expenditure on electoral communication and tighten the existing limits on political donations by returning the electoral communication expenditure caps and the political donations caps for the 2015 State election to those which applied in 2011. These caps have been adjusted for inflation since 2011 and thus exceed their original value. The bill will further reduce the electoral communication expenditure caps that currently apply to third party campaigners to $250,000 if the third party campaigner is registered and $125,000 if they are not.

At present the monetary value of the expenditure caps applying to third party campaigners is $1,166,600 if the third party campaigner is registered before the capped expenditure period and $583,300 in any other case. The cap for registered third party campaigners is the same limit on electoral communication expenditure that applies to political parties that endorse Legislative Council candidates only where the Legislative Council candidates are less than 10 candidates for the Legislative Assembly. To alleviate the impact of the reduced third party campaigner caps, third parties will have additional time to become registered for the 2015 election, until 1 January 2015.

The bill will also overhaul the system for determining the amount of funding that can be claimed by parties and candidates from the Election Campaigns Fund for the 2015 State election. The Election Funding, Expenditure and Disclosures Act allows parties and candidates to claim back a proportion of their expenditure on electoral communication during the campaign period. The proportion of expenditure that can be claimed reduces as the spending of a candidate or party approaches the applicable expenditure cap. The bill will replace this sliding scale with a funding model based on a dollar per vote system which reflects models used in other Australian jurisdictions whereby the amount an eligible party or candidate can claim will depend on the first preference votes they received in the election.

Under this interim scheme, parties that meet the eligibility criteria for receiving funding would be able to claim $4 per first preference vote in the Legislative Assembly and $3 per first preference vote in the Legislative Council. Eligible parties that do not have any candidates elected in the Legislative Assembly election would receive $4.50 per first preference vote in the Legislative Council only, with no funding for first preference votes in the Legislative Assembly. Eligible independent candidates would be able to claim $4 per first preference vote in the Legislative Assembly or $4.50 in the Legislative Council. Payments under the new scheme would be up to the value of the applicable expenditure cap and dependent on actual expenditure. This is considered a fairer funding model as the amount of funding the candidates or parties are entitled to receive is more directly related to their electoral strength. Candidates and parties will be required to make more responsible expenditure decisions based on an assessment of their prospects at the election.

In response to concerns about election funding in New South Wales, the bill contains a package of reform measures which are to be implemented in advance of the 2015 State election. These amendments build on a number of election funding reforms already enacted by the Government this year and are guarded by the interim recommendations of the Expert Panel on Political Donations. I recognise that further reforms may yet be required once the expert panel has released its final report. We look forward to the panel's final recommendations for reforms that will ensure the suitability and effectiveness of the New South Wales election funding laws in the long term. However, the Government has been moved to action now so that the 2015 State election is conducted under a fairer and stronger election funding regime. I commend the bill to the House.

The Hon. LYNDA VOLTZ [3.52 p.m.]: I move:

That the debate be adjourned for five calendar days.

Question put.

The House divided.

Ayes, 18

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

Noes, 21

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

Pair

Ms Fazio	Mr Blair

Question resolved in the negative.

Motion for adjournment of debate negatived.

[*Business interrupted.*]

DISTINGUISHED VISITORS

The PRESIDENT: I welcome to the President's gallery His Excellency Mr Rovshan Jamshidov, the Ambassador of the Republic of Azerbaijan, and Mr Araz Khasiyev, the Financial Attaché at the Embassy of the Republic of Azerbaijan.

ELECTION FUNDING, EXPENDITURE AND DISCLOSURES AMENDMENT BILL 2014

Second Reading

[*Business resumed.*]

The Hon. Dr PETER PHELPS [4.01 p.m.]: I speak to the Election Funding, Expenditure and Disclosures Amendment Bill 2014. The system of political donations in New South Wales—and I would argue across Australia more generally—is in need of reform. I have said that for a long time, and will continue to do so. Over time, the donations system has been corrupted; it is broken and is in need of repair. As I have said many times in this place, the political donations process needs to be reformed.

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! There is too much audible conversation in the Chamber. Members who wish to conduct private conversations will do so outside the Chamber.

The Hon. Dr PETER PHELPS: We need a system that will remove the taint of corruption and present to the people of New South Wales an impartial process. Earlier this year the Government appointed Kerry Schott and two other people to report to government on the options for long-term reform of the political system. But this Government has not been prepared to wait. Instead, it has acted on interim reports from the

Schott committee so that it can restore the trust of the public of New South Wales in politics and in government. As a member of the Government and as a strong believer in the necessity for electoral reform, I support whatever steps are needed to increase transparency and accountability.

The system of donations presented in this reform bill has three key criteria. The first is tougher penalties both in terms of the quantum of penalty to be provided through custodial sentences and fines, and the period in which prosecutions can commence. I think it is fair to say the idea that we could have less than one electoral cycle in which to require irregularities to be not only exposed but also prosecuted is a little too generous to those who might seek to rort the system. The second component that is needed is greater transparency. The transparency measures in this bill go a long way towards meeting a concern of many people: donations in the period immediately leading up to an election campaign.

The decision regarding the promulgation of all donations received from 1 July to 1 February is a key transparency measure. By the time what might be called the bona fide campaign period starts—namely, in the middle of February prior to a State election—there will be a clear indication of who has donated how much to whichever party. Is that the highest possible level of transparency? No, it is not; but it is far better than what happens anywhere else in Australia. It is theoretically possible to have higher levels of transparency but the question is: Does every political party in New South Wales have the logistics, information technology, administrative requirements and personnel to be able to implement a system of greater transparency? I think the answer is no, they do not. The bill gives a greater level of transparency than what has occurred previously.

Frankly, from a political point of view, the sort of transparency that is required in terms of large-scale donations becomes pretty much ineffective after the first week in February. As anyone who has been engaged in a political campaign will know, the ability to buy large amounts of media—which, to be honest, is where most of the money goes: on radio, television or newspaper space, even down to the level of local newspapers—is severely restricted two months out from an election because all the good spots have been bought by that stage. Thus the necessity to raise large amounts of money in what one would call the campaign period—that is, the six weeks leading up to an election—is reduced simply because it does not matter how much money is collected during that time because there is no real practical need for it in terms of the major use for funding, which is large-scale broadcast advertising.

The third component is less influence from donations. I have said on many occasions that I believe politics should be about a battle of ideas, not of advertising budgets. I remain absolutely committed to that view. Less influence from donations has been given effect to in this bill by maintaining donations at 2011 levels, in effect wiping out the incremental increases that have occurred through consumer price index adjustments. In net effect, the level of expenditure and donations will be effectively less in real terms than it was at the previous election. In my view that is a positive—

The Hon. Luke Foley: Yes, it is; but it's very modest.

The Hon. Dr PETER PHELPS: Yes, it is true that it is not as low as The Greens would like. I believe The Greens would like a cap on donations of approximately $1,500 or $1,000. But we have to be realistic and acknowledge that some people would like to make significant donations, have the capacity to do so and should be able to do so. Finally, I will go into more detail about public funding. The simple fact is that desires for full public funding are almost certainly irreconcilable with the Unions NSW decision.

However much one may like to have full public funding, it is simply not going to happen and it will almost certainly be declared unconstitutional. So what is the next best thing? I believe it is a level of public funding that, while not unconstitutional, is sufficient to mean that one will not need large private donations to make up the residual amount of one's campaign expenditure. In other words, the need for donations and the potentially corrupting influence of those donations are materially reduced by the amount of money that can be given, especially in campaigns for Legislative Assembly seats, through direct public funding. That is what this bill does.

The levels of public funding suggested are quite generous; I make no bones about that. They are quite generous levels but they are designed for a specific purpose. If the majority of the campaign—say $80,000 or $90,000—can be paid for by public funding there is no need to sell oneself to private donors. Frankly, I think that is a good thing. The Government has announced legislation that attempts to clean up the current system. The measures will hopefully be enacted for the March 2015 election and the Schott committee will make further recommendations for future years.

I turn now to the specifics of the package and the penalties provisions. The bill doubles the penalties for offences under the Act. Most penalties will increase from $22,000 and/or two years jail to $44,000 and/or four years jail. The bill prohibits third party arrangements being used to avoid donation and expenditure caps. This offence carries a maximum penalty of 10 years imprisonment. It allows for prosecutions for offences to be commenced up to 10 years—in other words, two electoral cycles—after the offence was committed. However, this change to the Act will apply only to future offences—in other words, upon enactment its effect will be prospective, not retrospective.

The package will be more transparent. It will allow the public to see who is funding candidates in the key nine-month period leading up to the State election because it requires political parties to disclose donations received from 1 July to 1 February. This disclosure must be made within one week from the end of this period and will be released publicly by 15 February—that is, roughly six weeks out from the election date at a time when one would normally expect the campaign to commence. Caps on political donations will be reduced from $5,700 to $5,000 for a political party and from $2,400 to $2,000 for candidates. This returns donations to the quantum levels of the 2011 State election and represents a reduction in real terms in what can be expended.

The bill reduces spending caps on electoral communications to levels that applied at the 2011 election. In other words, we have tried to reduce the "arms race"—as it is sometimes called—in relation to electoral advertising to below what it was in 2011. The bill reduces spending caps for registered third party campaigners to $250,000 from $1.66 million. Concern has been expressed about this in the media. I ask members opposite to consider this: If one can effectively run third party campaigns with more than $1 million in potential expenditure, why would one not simply seek to subvert the system by running a lot of "swift boat" campaigns? Why would one not seek to gain an electoral advantage by consciously diverting money into what the Americans call political action committees—or PACs—and let them do the dirty work? Surely an election campaign is about political parties seeking to achieve government or seeking some sort of sway over the Government. That is why elections are held.

There is no prohibition on third party campaigners advertising as much as they like outside the campaign period, but I believe the campaign period should be a time for political parties to espouse their values, to set out their policy agendas, to raise issues that they believe are of importance and to set the scene for what they would do if they were to achieve government. It is a situation that requires if not clean air, then at least a playing field where all sides have the opportunity to have their say without the waters being muddied by various organisations. That does not deny the ability of organisations to do so. Even with $250,000, registered third party campaigners could effectively spend to their maximum limit on a wide range of what one might call marginal seats—places where they would be able to give effect to their issues. They can still spend but they should not crowd out the voices of Independents or candidates from political parties who are seeking election to Parliament to win a majority and form the next government of this State for four years.

The package provides for more public funding of State election campaigns, and I have outlined the rationale as to why that would be useful. It replaces existing arrangements for public funding with a scheme similar to the methods used in Queensland, South Australia and, in the context with which I am more familiar, the Federal Parliament—namely, a dollar-per-vote model. It makes the system fairer for all parties and rewards performance rather than spending, calculating the level of public funding with a dollar-per-vote model. Importantly, payments will be made only up to the applicable spending cap and only after the spending is proven and audited. This is done to prevent what is called the "Pauline Hanson situation", where Hanson would run for election federally, spend a negligible amount of money on her campaign and then reap literally tens of thousands—if not hundreds of thousands—of dollars as a personal windfall when her dollar-per-vote quantum was calculated by the Electoral Commission. Under our system, one will be able to get back only an amount of money that is equivalent to or less than the amount spent—and proved to be spent by an audited process—on the campaign.

This is an historic and important change that will clean up politics in this State. This package reduces reliance on donations from half to a third or even less and increases public funding, on our estimates, by around 30 per cent. It is a start and there will be more long-term reform to come from the expert panel when it releases its final recommendations. I hope members in this place will look forward and support this bill in order to help restore the public's trust in this great place. I will say this: The bill is not perfect, but show me an electoral bill that is perfect and I will be very much surprised. The bill simply attempts to reduce the propensity for potential corruption.

If people are forced to rely on substantial numbers of donors and a quantum of money to run a campaign effectively the potential for corruption is undeniable. I am not going to speak about any recent

incidents but the point of the matter is that if we accept the a priori position, then full public funding is almost constitutionally impossible. No member of this Parliament will deny that point. The question is: If we cannot get full public funding what is the next best option? Surely a system that offers substantial public funding to the point where large-scale donations are no longer needed to run an effective campaign largely ameliorates the problem.

I am not a fan of legislation for the sake of legislation but there is a problem that needs to be solved. Given the High Court's decision in Unions NSW, while this bill is not perfect it goes a substantial way towards correcting the current problem with electoral donations laws in this State—namely, an over-reliance on private donations. The bill corrects the problem through a substantial increase in public funding, especially for campaigning in Legislative Assembly seats. It is a good enough bill, and it should be supported on that basis.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [4.21 p.m.]: I join my colleagues in supporting the Election Funding, Expenditure and Disclosures Amendment Bill 2014. It is a good bill and it has been drafted by some very good people. They have been involved in the bill's establishment and creation. I refer to Kerry Schott, one of the State's premier public servants who has a strong, good reputation. I refer to Andrew Tink, the former member for Epping and shadow Minister who enjoys the respect of both sides of Parliament. I refer to the Hon. John Watkins, a former Deputy Premier and Minister in the Carr Government. The three of them were asked by Premier Baird to come up with a solution to the issue created by the High Court challenge by Unions NSW that would ensure better transparency, disclosure and integrity in the electoral funding system in New South Wales. This bill achieves that.

As the Hon. Peter Phelps said, it is hard to make perfect legislation. This bill improves the current situation. The Government has addressed the gap in election funding regulation that arose following the High Court's decision to strike down the Government's 2012 corporate donations bans. The bill introduces new institutional arrangements for the oversight of elections and election funding matters. The Government established an expert panel on political donations to consider and report on options for the reform of election funding laws, and it is due to deliver further information at the end of the year. The bill introduces tougher penalties for breaching election funding laws, a new general anti-circumvention offence provision directed at those who seek to deliberately evade election funding laws, and a pre-election donations disclosure in early 2015 by recipients of political donations from February this year.

It is most important to ensure that the process is transparent and has the proper integrity required to restore faith in democracy in this State, which has copped a beating in recent times. There is no need to go over that ground again, but this bill is an improvement and a solution to issues that we faced in this State. In light of ongoing community concern, the Government decided that it was time to act. The election system that will underpin the next State election in March 2015 will benefit from these interim recommendations by the expert panel. That is appropriate.

With an election less than six months away, Parliament must show immediately that it has acted to restore the faith of the community. There is more to do, but this bill is an important signal to the people of New South Wales and Australia that we can create laws that deliver better transparency and less reliance on powerful institutions and people. To help ensure compliance with this important transparency measure, the offences that apply under section 96H of the Election Funding, Expenditure and Disclosures Act 1981 in relation to ordinary disclosures will also apply to political donations received during the additional relevant disclosure period. The bill also contains a number of ongoing reforms that are directed at deterring contravention of the Act.

The expert panel has made clear its view that there should be "more serious offences and penalties for flouting election funding laws, including penalties sufficient to trigger disqualification of members of Parliament." The Government strongly agrees with this proposal. Ensuring that the election funding regime is complied with fully and truthfully is vital to ensuring the effectiveness of election funding regulation in New South Wales. It is important that those who are subject to obligations under the election funding laws approach these obligations faithfully and with an awareness of the gravity of these requirements. Accordingly, the bill will increase the penalties for numerous offences relating to dishonesty or attempts to avoid the election funding laws, including by adding a penalty of imprisonment to various offences with the requisite mental element.

These amendments will help make sure that the penalties for contravening election funding laws are commensurate with the nature of the offence and will enhance the deterrent effect of these offence provisions. Likewise—again reflecting the expert panel's interim report—the bill includes a new "anti-avoidance" provision. This provision will make it a separate indictable offence to enter into or carry out a scheme for the purpose of

avoiding political donation or electoral expenditure prohibitions or requirements. This new offence will carry a maximum penalty of 10 years imprisonment. It is possible that the electorate of a member of Parliament would be vacated under the New South Wales Constitution Act if the member was convicted of this offence given the significance of the penalty.

I believe these reforms will go a long way to ensuring that the punishment fits the crime. I acknowledge the work of the expert panel in these interim law changes so that we can help restore the community's faith prior to the next State election. The panel's work will continue. I congratulate the Government on this bill and the improvements to the electoral funding process and democracy in New South Wales.

The Hon. TREVOR KHAN [4.24 p.m.]: I speak briefly to the Election Funding, Expenditure and Disclosures Amendment Bill 2014. I will address my comments to particular provisions of the bill that relate not just to the 2015 State election but also to future elections. I acknowledge that this bill can be described as an interim step in reforming electoral funding laws in New South Wales. In recent times an expert panel was appointed to give advice to the Government in light of the High Court decision. Because of the times in which we find ourselves and as we approach the end of this parliamentary term, it is appropriate that interim steps be undertaken to give the people of New South Wales some confidence that the electoral funding and donations legislation in this State is sufficiently robust—at least with respect to the 2015 election.

That is why the expert panel made interim recommendations to deal with certain specific matters regarding the level of election funding and disclosure, and the penalties that appropriately apply when there is rorting of the system. I note in that regard that the bill makes significant adjustments to the penalties that will apply for a range of breaches of the legislation. In that context I take the House to schedule 2 of the bill, which deals with a range of penalties that will apply for breaches.

I note specifically that the bill sets out a range of additional penalties that are to apply. For instance, it makes it a separate indictable offence carrying a maximum penalty of imprisonment for 10 years to enter into or to carry out a scheme for the purpose of circumventing political donations or electoral expenditure prohibition legislation. That is intended to be an indictable offence, moving it away from the way in which until now parties of all political persuasions have generally considered breaches of electoral donations laws simply to be matters dealt with summarily in local courts.

On the recommendation of an expert panel the Government has attempted to reinforce for members of political parties that any style of scheme that is intended to circumvent the legislation will in all likelihood result in imprisonment. We are not talking about a pecuniary penalty but the prospect of imprisonment. That is a most significant change because while people enter politics for a variety of reasons, the prospect of exposing themselves to imprisonment will have an extremely educative impact on their behaviour. For instance, if people know that they could go to jail one would expect them to undertake appropriate research into their obligations under the legislation. No longer will it be appropriate for people simply to say that they did not know or that they had no idea about the implications. If, as is being reported in the newspapers, politicians will be exposed to imprisonment, they will be far more careful in their actions.

I note also that the legislation increases the maximum penalty for the existing summary offences under the Act relating to political donations and electoral expenditure. Many of the penalties will be doubled. Most penalties increase from $22,000, which I have converted from the penalty units, or two years in prison, and $44,000 or four years in prison. That clearly indicates that while it would not be strictly indictable, a four-year penalty must of necessity be imposed in a higher court. The legislation extends the period in which a prosecution can be launched to 10 years after the offence was committed. The current legislation is defective in that because, by the time it takes to discover the offence the statute of limitations expires and no prosecution can be launched. By increasing that period to 10 years any thorough investigation—

The Hon. Dr Peter Phelps: That is two electoral cycles.

The Hon. TREVOR KHAN: As the Government Whip said, that is two electoral cycles. If in a later electoral cycle it is discovered that there has been some impropriety, a more thorough investigation may well yield evidence of earlier criminal activity. A 10-year statute of limitations will allow not only the later conduct to be the subject of prosecution but also any earlier conduct that may be discovered. That is a significant change to the current system. It is a step in the right direction because people will not be able to go through the system in a slapdash way and hope to cover up inappropriate or illegal behaviour simply with the effluxion of time. In my time in practice as a lawyer I often saw conduct—

Mr Scot MacDonald: In the traffic court?

The Hon. TREVOR KHAN: It was extended beyond the traffic court. We found that offences had been committed and we were careful to ensure that no action was taken that may have disclosed those offences until the statute of limitations had expired. That was the nature of circumstances that arose from time to time. Plainly, a 10-year statute of limitations changes the whole dynamic of that arrangement. Offenders will be discovered and candidates will need to ensure that they have behaved appropriately and legally.

The bill provides that expenditure associated with campaign research and travel costs is electoral expenditure and is taken into account in determining expenditure caps in public campaign funding. That change clarifies the definition of what constitutes expenditure, and it is another significant step in the right direction. This interim bill makes changes designed to improve the circumstances for the 2015 election campaign and it is an appropriate step forward.

I do not wish to address public funding and the like because other members have made extensive reference to those issues. I simply reinforce the view that the increase in penalties in this bill is a significant, productive and educative step forward for political parties, candidates and members of Parliament. Those steps should have the support of this House and all political parties in New South Wales. If we are to clean up politics in this State, if we are to regain the confidence of the people of New South Wales, we should be apolitical in ensuring that candidates of all political persuasions behave in an appropriate manner. I therefore commend the bill to the House.

The Hon. CATHERINE CUSACK (Parliamentary Secretary) [4.37 p.m.]: I strongly support the Electoral Funding, Expenditure and Disclosures Amendment Bill 2014. I strongly support Premier Mike Baird's genuine and courageous effort to introduce measures that will increase transparency, to reduce the influence of special interests that are exerted on all sides of politics, and to do the best that we can in very difficult circumstances to ensure confidence in and the integrity of the next State election, which will be held in just six months.

There can be no question that Premier Baird has inherited a dog of a situation, but he has embraced the challenge enthusiastically. This bill is the best assistance he can provide to this Parliament so that we can navigate through a difficult situation. We must be open about the problem. Many Government members are on the crossbench in both Houses as a result of an Independent Commission Against Corruption inquiry that is yet to report. We do not know when it will report, and it will certainly not be before the end of this parliamentary session. Therefore, we will not have the opportunity to respond to the report in a considered way and to introduce considered legislation. That simply will not happen between now and the next election.

Consider the dreadful situation that this has placed every member of this place in, not just Government members. We have an independent review by an expert panel, and I commend the Premier for establishing this review panel. I thank the panel members for their service: Kerry Schott, Andrew Tink and John Watkins. However, the panel is unable to report because its position is complicated by the drawn-out nature of the Independent Commission Against Corruption inquiry. Everybody would like to know the outcome of this inquiry so we can inform our decisions and ensure we respond as best we can to the findings. As these findings are not available everybody is left wrestling with the problem. There have been many obstacles to delivering best practice reform before the next election, but it is vital for reform to occur before the next election. I believe this bill is an excellent response in difficult circumstances.

As a member of the Government I am in favour of this legislation. I am passionate about the problems with political donations and the New South Wales electoral system that I have experienced during the three decades I have been involved in politics. I believe this is not one party political problem and that members on both sides have contributed to bringing the system into disrepute. This ought not be a political football but is a matter that must rise above politics to ensure the best interests and policies are served for this State. There is goodwill on the part of the Government to do that and I beg those with the best interests of the State at heart to engage on that basis. This problem did not begin with the Independent Commission Against Corruption inquiry. In fact, in many respects it is a symptom of a problem that has bedevilled the State for more than two centuries. As counsel for the Independent Commission Against Corruption suggested, this problem has been around since the Rum Rebellion.

I became involved in politics when I was 18, more than three decades ago. I was very idealistic about the role of Parliament when I joined the Liberal Party. Schoolkids who come to this building are taught about

parliamentary process and the system. Some will get engaged in politics on that basis but from there will have nothing but disillusionment. I have spent 30 years striving to maintain optimism and belief that the system will work, but there is something about the culture of New South Wales which I believe dates back to the days of the Rum Rebellion more than two centuries ago—it tells us that money is power in this State. I sometimes think of New South Wales as the "smash and grab" State, which is unfortunate. We are now dealing with the latest scandal, one which is very public and the subject of an Independent Commission Against Corruption inquiry.

Far worse things have happened in the past than have been revealed in this term of this Government, but the State's inability to deal with the current scandal dismays and disappoints its citizens. The reality is that every rule we set up to curb a climate conducive to corruption, as described by a previous Independent Commission Against Corruption Commissioner, seems only to affect those who abide by the rules. Those who break the rules by making political donations to individuals who are procuring them seem to benefit from there being more rules. This is because good people continue to abide by the increasing complexity of the rules and find it increasingly difficult to thrive in the system while the rule-breakers are not restrained by these additional rules and seem to be further empowered by the increasingly complex process.

When I joined the Liberal Party it was broke following an election before which then Premier Neville Wran introduced public funding. At the time the party felt public funding was not appropriate and that taxpayers should not contribute to elections, so our party voted against the legislation. The party was smashed in the election and then decided public funds were necessary. The Government of the day, led by Premier Wran, thought that, as the Liberal Party had said "no" before, the election, the Labor Government would make sure we could not get any public funds. That led to the party being bankrupt. Until that point the Liberal Party had been a well-resourced organisation with about 100,000 members. The Liberal Party had clearly made an error of judgement and had a $1 million debt, which in today's currency would be anywhere from $10 to $30 million, I think. This was catastrophic, so the party president and a rescue committee saved us in a proper way. From this we learned a lesson about public funding.

One big issue facing governments of both political persuasions is the fundraising role of individuals in political parties. When I joined the Liberal Party, politicians were not only not allowed to be involved in fundraising but also not allowed to be informed of the identity of donors, and this was written in our constitution. This was an article of faith for all members of the party. Over the years the party's membership has declined, as it has in all voluntary organisations, and increasingly it has fallen to the members of Parliament to participate in raising funds for election campaigns. Why is money so important to election campaigns? We have always known that it matters, but for me the seminal election was the 2003 election, which brought me to parliament, when John Brogden was party leader.

He was an exciting leader who put together a fantastic program of announcements, but unfortunately the program coincided with a Federal Government decision to support the United States in the second war on Iraq. The media was focused on the war, but the Liberal Party dominated State media stories during the election campaign. Party political polling showed that after the evening news broadcasts our polling for the evening would soar. That polling was reversed after the evening news when Labor Party advertising, which was outspending the Liberal Party's spending on advertising by more than five to one, would cut in and all our gains would collapse.

We learned a big lesson about the power of money spent on advertising during that 2003 election campaign, and many of today's problems stem from the lesson we learned then. From that point a decision was made that all of us have to be accountable for finding the resources we need to have a fair election in New South Wales. Our reaction in 2003 was we will never have a fair election in this State because of the power of the union dollars. This power is seen not only in direct donations to the Labor Party but also in the third-party campaigns. This was a seminal experience. The message to all on my side of politics was that there will never be a fair election campaign in New South Wales.

If we fast-forward, Labor imploded dramatically over its last two terms and suddenly the Liberal Party was in a good position as the Labor Party's credibility was such that we were facing a landslide victory. Many would ask a valid question: Why would the Coalition go over the envelope on donor funding when it has the election in the bag? I was shocked and dismayed by some revelations, but the only explanation I can find is that the decision came out of an environment of people who had slaved for decades to ensure a Liberal win not believing there could be a fair election.

The other issue is what I describe as the Eddie Obeid model of campaign funding. It has been so corrosive to all sides of politics and, in a sense, has lowered the standards and changed informal rules which, in

many ways, are the problem. Eddie Obeid is not a man who stood in this place as a great orator swaying people on the power of his ideas. Eddie Obeid is a man who we, when we were in Opposition, and the public saw very little of, but he was very effective within the Labor organisation. For example, a Labor candidate was running for Parliament and Eddie Obeid said he would get the candidate three tables for his or her fundraiser at $10,000 a table, which would amount to $30,000 and be hugely important to that candidate running for the House.

Those of us who have been involved in politics know that people just cannot pick three tables of donors at $10,000 per table out of their sleeve; it is just not possible. I will not comment on the people who were participating in that fundraising—I presume the tables were filled with cronies or whatever—but it is much to the chagrin of my side of politics where the $30,000 was coming from. Without reflecting further on that matter I want to stress the influence that Eddie Obeid then had over that member of Parliament for the rest of his or her career and how dependent that member was on donations like that for his or her next campaign. That is how Eddie became the king-maker.

This dynamic is found inside political parties and is therefore a matter that Parliament can never address; I appeal to political parties to address it. This is not a matter that the Schott inquiry or the Independent Commission Against Corruption can address; this is a matter for internal political party governance. We can send them a message, we can make the rules, but unless people of integrity inside the parties recognise that the informal rules and the informal processes engender this model we are never going to be successful in restoring public faith in our election processes. That sort of process was going on and I think everybody then learnt that the more money they could get into the system the more power they would have. This is the toxic nexus between money and power in New South Wales, and people on my side of politics have learnt from that.

The idea that "the more money I have the more I can influence who the candidates are; the more they are in my faction, the more say I can have over the leader" is the dynamic that was driving what was going on. The answer to the question as to why we would do this when we had a landslide in our lap is not about the party as a whole, because the party as a whole had no idea this was going on; it is to do with individual behaviour within the organisation, of people jockeying for their position after the election. I place this on record so that people understand how such a debacle could have occurred. It is very regrettable to me.

On the issue of third parties I had a couple of nasty experiences but the one I will reflect on was when Kate Carnell, who was representing one of the packaging groups, approached me on the issue of container deposit legislation. I was shadow Minister for the Environment and I was struggling to raise my fundraising target, which had been arbitrarily increased by the then leader, Barry O'Farrell. I was in a situation where our fundraising director, Paul Nicolau, had all the major environment companies donating and the only solution for me, because it was mandatory to meet my fundraising target, was to just pay the money out of my own pocket. I had a good program, I did everything the right way—it was all done ethically and within the rules—but my husband and I could see that two years out from the election we were not going to meet this new target. I live in a National Party electorate and I am a member of the upper House. I was not in a position to fully meet that target so we paid a portion of it off over time. I believe that I met my target. There was another problem right at the end which, if I have time, I will refer to.

I was approached by Kate Carnell during that campaign because she and her organisation were fearful that I was a supporter of container deposit legislation. It was put to me very bluntly in a conversation that if there was any suggestion that my side of politics would support container deposit legislation her members would be funding a massive campaign against the Liberal and National parties in the 2011 election. I think one company in particular, Lion Nathan, was prepared to commit $4 million to a campaign against us. I was obviously shocked by what was clearly a threat not only to my side of politics but a threat to me if I did put my leader and my party in that situation. I advised my relevant colleagues of that conversation at the time. I hasten to assure the House that I was not pushing container deposit legislation at the time and nothing was affected by what happened, but the unsolicited threat to us I thought was a disgrace.

I refer to that incident because the issue of third parties is always characterised in terms of trade unions, which is a very legitimate issue because they have an ability to pay twice for campaigns. I believe it is fair enough that they contribute and their affiliation fees to the Labor Party—I have never had any problem with that. I felt that the O'Farrell legislation early in its term went too far—and I understand the High Court ruling on that matter. But there is the other issue of trade unions paying twice in a separate third party campaign. This legislation will clearly seek to cap the capacity to do that, but it caps the capacity of all the special interests, and that is very much in the interests of the people of New South Wales.

On the issue of retrospectivity I begin by saying I welcome the new penalties for breaching the Act. Unfortunately, the Election Funding Authority has been a toothless tiger and nobody is afraid of it. The authority found nothing wrong in any New South Wales election other than a candidate being late on his or her return or a couple of other pathetic issues. In all the time the authority has been in existence it has found no problem with our elections. That is a disgrace. This whole situation we find ourselves in is an incredibly disgraceful reflection on the Election Funding Authority, which is why the Independent Commission Against Corruption has had to step in. Even when the authority was given clear evidence it could not process it. I was amazed that the authority had the energy after six months to put allegations in an envelope and send them to the Independent Commission Against Corruption. If it had not, none of this would have happened. What a poor reflection this all is on our Election Funding Authority.

I have lost my train of thought because I have been so distracted by my anger at that organisation, whose negligence has contributed to this position. On the issue of retrospectivity I do not support making the proposed new penalties retrospective. I refer to the Solar Bonus Scheme. Members might recall I was opposed to retrospectivity in relation to it. It is a central tenet of liberalism and I tried to point that out to my leader and my party. I believe that if we had adhered to our central principles we would not have gone astray on that issue. I say again that I have no problem with this being prospective legislation and not retrospective legislation. My disgust at what has occurred does not alter one iota the need to adhere to fundamental principles that we all believe in, and retrospectivity is one of those.

I conclude by thanking the Premier for making what I believe is a very good first step. The next election will be a better election because of this legislation. I urge all parties on all sides of politics to understand how serious this situation is and how incumbent it is on us as members of Parliament to give faith and confidence to the people that they can have a fair and transparent election in March next year as best we can do in these difficult circumstances. This is the best option we have.

Mr SCOT MacDONALD [4.57 p.m.]: I support the Election Funding, Expenditure and Disclosures Amendment Bill 2014. I congratulate the Hon. Catherine Cusack on her very thoughtful—

The Hon. Dr Peter Phelps: Illuminating.

Mr SCOT MacDONALD: —and illuminating contribution. I think we have all felt some sort of pressure, but obviously the member felt incredible pressure. She highlighted very well why we need to get on with this amending legislation. I share the member's disappointment. I reflect back on my inaugural speech in May 2011 in which I said:

> Unquestionably, there was a feeling of jadedness and cynicism about State politics prior to the March election. Clearly, we have important economic, social and environmental goals to prosecute, but I believe they will not easily be attained if this Parliament does not restore confidence in our political institutions and representatives.

I went on to talk a little bit about that. The past 3½ years have been very disappointing for me. We were part of a team turning a new leaf and that has not transpired as well as it should have. I hope this bill will be part of the process of correcting that and moving on. I think Premier Mike Baird is reflective of all our thoughts and aspirations in this space that there will be zero tolerance for any future breaches or corrupt conduct.

The panel was ably chaired by Dr Kerry Schott, with Mr Andrew Tink and Mr John Watkins. The panel's report makes the point, as did the Hon. Catherine Cusack, that this is about culture and leadership. If we do not have cultural change led by a strong party leader, then nothing much will change. As the Hon. Catherine Cusack said, public funding was introduced by Neville Wran back in 1981 to clean up politics at that time. In the report Dr Kerry Schott set out some of Premier Wran's hopes and exactly what he would do. Of course, if anything, things probably went downhill after that.

This is not only about regulation or a new law; it is about what all of us who have remained in the Parliament, and those who will enter Parliament in years to come, tolerate amongst ourselves and our colleagues, and the conversations we have with our leaders and our party members. I look forward to brighter days. This bill is an important interim measure that will go towards addressing what the Premier articulated: People are sick of what they saw on their nightly news throughout the year and in previous years, and books such as *He Who Must be Obeid*. I am reading that book at the moment and it is vomit-inducing. It was politics for sale. It is incredible. I do not know that it necessarily reflects on the leadership of that party at the time. Obviously some of the stuff was taking place behind closed doors. Again, it comes back to the culture of the party.

We must balance access to democracy with participation. I hope that the bill, with its caps, increased public funding and greater penalties, does not degrade people's desire, ability and capacity to participate in democracy. We are trading off our strong desire to stop rent-seekers getting an inside run on legislation, Parliament and government. I think we are all determined to do that. It comes down to the strength of personalities of people such as the Hon. Catherine Cusack, who are able to say, "Hang on, there's something wrong here." The bill is important. As Kerry Schott said, we must maintain that democratic right to access members of Parliament and Ministers and put forward a point of view, but not dollars for decisions. Hopefully, the legislation will break that nexus.

The Government is reducing spending caps which, as we have heard, is particularly important for third parties. We think we know the traditional, well-known third parties, but the longer I have been in this place the more I have come to realise that there seem to be wheels within wheels and rent-seekers within rent-seekers. If the legislation flushes that out and reduces some of that influence, that will be incredibly important. We are in a grey area. The High Court has struck down the bar to union participation. I have mixed feelings about that. I acknowledge the right of unions to be an important part of a democracy. When I have said that in this place previously I got grumbles from my colleagues. But I think unions are an important part of our social fabric.

The Hon. Dr Peter Phelps: Grumble, grumble, grumble.

Mr SCOT MacDONALD: The High Court is considering other cases. The former mayor of Newcastle, Jeff McCloy, is challenging the prohibition on donations from property developers. So we are in a grey area. That reinforces the point that the bill is an interim step. When we see how those cases are run and the decisions that are handed down, I am sure we will have to revisit some of this material. It is a legitimate concern of the working group to talk about the cost to taxpayers. We all say we can fix this overnight with purely public funding—reject any private-personal funding and any third party funding. Of course, we are talking about tens of millions of dollars in funding. I have seen figures of $40 million to $50 million. Sometimes we throw around figures like confetti. Fifty million dollars would fix Armidale Hospital tomorrow. I know the Hon. Sarah Mitchell is looking forward to the day when that might be addressed. Tens of millions of dollars would be taken out of front-line services, whatever they may be.

Yes, this is constrained, but will a different government look at it differently? A future government might say that it is woefully inadequate and we must increase it, double it or whatever. But there should be a full and frank discussion in the public domain about the cost to taxpayers. This bill is important. The Premier has made it his platform to recognise the problem and to get a working group of integrity and capacity to address it. We are responding to the problem. We are taking the bill to the Parliament and hopefully it will be passed.

The Premier has made it clear that there is more work to be done in this place. I think there will be a further report and more debate in the public domain. In future years we will probably revisit the legislation again. Will we be here in 33 years time, looking back, as we look back at Neville Wran, saying "This public funding was going to fix poor behaviour in governance in New South Wales"? Like the previous speaker, I suspect that there will always be individuals and rent-seekers who do not care about the lawfulness of our government, their reputations or the damage they do.

It behoves all of us to treat this seriously. I was disappointed with the behaviour of members after the division. We witnessed all sorts of indignation. Yet previously the Leader of the Opposition, John Robertson, said that this needed to be addressed in a bipartisan manner. And we had the dummy spit from the Labor leader, which was unbecoming. Hopefully we can look forward to a better debate.

The Hon. RICK COLLESS [5.07 p.m.]: I will make a few brief comments about the Election Funding, Expenditure and Disclosures Amendment Bill 2014. No doubt the system of political donations in New South Wales needs reform. That has been well recognised by many people for some time now. The Premier has made mention of this fact since the day he became a member of this Parliament in another place. In his inaugural speech in 2007 he said:

> Political donations are corrosive when the donors seek to influence outcomes, and directly taint or corrupt an impartial process.

That is the nub of the problem we are addressing today. There has been a system of donations made on the premise that an organisation or individual will get some sort of political or business advantage by funding certain candidates or parties.

As other members have said, the Premier appointed Kerry Schott to report back to the Government by December with options for long-term reform of the political system and also options for short-term reform in relation to the 2015 election. Kerry Schott and her group identified a need to restore the public's trust in New South Wales politics, something with which I think every member of this House would agree. The Government needs to take whatever steps are necessary in order to increase transparency and accountability. Kerry Schott's committee identified four key issues that needed to be addressed in the run-up to the 2015 election, which revolved around tougher penalties, more transparency, less influence from donations and more public funding. Those measures will certainly apply to the 2015 election and the committee will make further recommendations for future elections.

The Schott committee recommended tougher penalties for those who break the law. Under the current Election Funding, Expenditure and Disclosures Act 1981 the penalties are around the $22,000 mark and/or two years in jail and under this bill they will be doubled to $44,000 and/or four years in jail. That will make people think twice about illegally raising money. The committee also recommends the prohibition of third party arrangements being used to avoid donation and expenditure caps. This provision will apply not only to the 2015 election but also to elections beyond 2015. The maximum penalty is increased for such breaches of the Act from three years imprisonment to 10 years imprisonment. That is a much more serious prison sentence that can be applied to people who avoid donation and expenditure caps.

The package also allows for prosecutions for offences to be commenced up to 10 years after the offence was committed. This change is not for the 2015 election but for future elections. It will mean that people who think they can get away with some of these things, or think they may have got away with them some months after an election, will suddenly find they may well be prosecuted many years down the track. That will surely give people cause for concern if they are considering breaking some of these laws.

Reference has been made to the need to have more transparency in some of these laws and the package before us today will provide that transparency. It will allow the public to identify who is funding the people who are seeking to represent them. It requires all political parties to disclose donations received from 1 July 2014 to 1 February 2015, that is, about two months before the next election. That disclosure has to be made within one week after 1 February and will be publicly released by 15 February.

One of the criticisms of the current system is that people do not know who is behind the candidates for election. It has been suggested in some of the matters that have arisen before the Independent Commission Against Corruption recently that significant amounts of money have been put into certain campaigns, from which it can be interpreted they may be being funded for the return of political favours from the Government. That is an important point; people need to understand that information can now be released to the public prior to the election which could, of course, make it very difficult for some of them to be elected if the public understand that their campaign is being funded by people with a less than honest intent.

The package will reduce the amount of influence that donations have on our political system. It will reduce the caps on political donations to those that applied for the 2011 election, that is, from $5,700 to $5,000 for a political party and from $2,400 to $2,000 for individual candidates. As has been pointed out previously in this debate, people who wish to donate to political campaigns should be able to do so. Many people donate to political campaigns to support the philosophical position of one party, not to gain political favours per se. I do not understand why anybody would want to donate to The Greens or the Australian Labor Party because they are well outside my philosophical ideals. However, I do understand why people would want to donate to the Liberal Party and to The Nationals, in particular, because they are very much in tune with my personal political philosophies about supporting small business and allowing people to get on with their business with reduced levels of red tape and fewer restrictions. That is certainly what this Government has been attempting to do in the past 3½ years.

This package will also reduce the spending caps on electoral communication to those that applied for the 2011 election. It will reduce the spending caps for registered third party campaigners to $250,000 from $1.16 million and to $125,000 from $583,300 for non-registered third parties. Finally, more public funding has been the subject of considerable discussion over the years, particularly in relation to whether it should be a full or partial public funding model and what the proportion of public funding should be when that model is applied. The package before us today provides for more public funding of State election campaigns and replaces existing arrangements for public funding with a scheme similar to the methods used nationally and in Queensland and South Australia, that is, the dollar-per-vote model. It is argued, and I agree, that it makes the system fairer for all parties in the election by rewarding performance rather than spending. That level of funding is often described as a dollar-per-vote model.

The Hon. Dr Peter Phelps referred to the way that Pauline Hanson applied the dollar-per-vote model. She ran a very low-cost campaign and because of her public profile she received a lot of votes and ended up making several hundred thousand dollars. She ran in the elections knowing it was unlikely that she would be elected but that the likelihood was that she would receive a significant financial windfall as a result. Under this bill payments will only be made for the amount that was actually spent on the campaign. Although candidates will be paid on a dollar-per-vote model, they have to spend the money first before they receive the funding and the spending has to be audited and proven. This should reduce the possibility of people abusing the system for financial gain.

These are important and historic changes in an attempt to clean up politics in this State. The package reduces reliance on donations from one-half to one-third. It also increases public funding by about 30 per cent. That is an appropriate model so that there is less influence and less reliance on donations. It will impact on those people wanting to make a large cash donation to a particular candidate with the implication being that the candidate, when elected, will do something for them in return. That is what this is all about. The bill will also increase public funding by about 30 per cent, which will make the system more accountable.

This is a good start to election funding reform in New South Wales but there are more recommendations and reforms to come from the expert panel. All members should support reforms to election funding in New South Wales. While we acknowledge that more work needs to be done, we must first put our foot on the bottom rung of the ladder and by doing that we will see a much more accountable and transparent election funding process in New South Wales. With those few comments I commend the bill to the House.

The Hon. NIALL BLAIR [5.23 p.m.]: I, too, support the Election Funding, Expenditure and Disclosures Amendment Bill 2014 and echo the comments of my colleagues on the Government benches. I address, first, why we are debating a bill that others may have said is an interim measure to provide some certainty for all the candidates at the 2015 State election. It is no secret that we are here because the Premier has taken decisive action to address many of the issues around election funding raised not only in the ICAC hearings but also by members of the public, representatives of all political parties in this Parliament and media commentators.

I congratulate the Premier on taking decisive action to address this unpleasant and undesirable issue facing New South Wales. I congratulate also the expert panel that has been established to seek long-term solutions. No-one is under the illusion that this bill is the endpoint or provides the silver bullet that some in the past may have sought. The bill seeks to address some of the issues raised and to provide certainty for the March 2015 election. To that end I congratulate the expert panel, led by Dr Kerry Schott, on its interim report, on suggestions that could be implemented for the 2015 election and on its longer term work. Representatives of The Nationals have given evidence or a presentation to the expert panel and other organisations have also made submissions and presentations on what they believe should be long-term reforms in New South Wales. I congratulate the Premier on introducing these interim measures.

The bill has four main objectives. The first is to make sure we have tougher penalties to deter people from trying to get around election funding donation laws in the future. Many commentators and political parties have stated that the penalties are not a sufficient deterrent to those who seek to get around a system that provides for fair, equitable and democratic elections in this State. Secondly, the bill seeks to improve transparency for the voters of New South Wales so that when they enter the voting booths on 28 March 2015 they know exactly who stands for what and who stands behind the candidates. The third objective is that the bill seeks to lessen the influence of donors. Some members have spoken about unfortunate situations that have arisen in this State due to influence from political donors. This bill introduces measures for the 2015 election to reduce influence from donors.

The fourth objective of the bill seeks to provide more public funding not only to political parties but also to anyone who wishes to stand in the March 2015 election so that they can adequately resource their campaigns, not to make a quick buck but to legitimately represent their constituents in the New South Wales Parliament. They are the four broad objectives and I will discuss each of those in detail. I will add another one, that is, to provide assurance and certainty to anyone seeking to run in the 2015 State election that they can do so with clear guidelines and rules that are up front and presented in this bill, less than six months out from the election. It gives everyone certainty about where they stand.

Members from all major and minor parties know that election campaigning has begun in electorates throughout New South Wales. The Nationals have held many preselections and are now planning good solid

campaigns in those electorates that will give constituents the opportunity to make well-informed decisions as to who should represent them. It is not just The Nationals; all the other parties are also campaigning—but some are doing it better than others. I note the clumsy attempt by the Labor Party at a community preselection in the electorate of Ballina, which did provide the result it was advocating for. The community's preferred candidate did end up being the Labor candidate. Compare the measly 2,000 people who turned out to that preselection with The Nationals community preselection in Tamworth for the 2011 election, when more than 4,000 people—

[*Interruption*]

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

The Hon. NIALL BLAIR: They turned up on one of the coldest, wettest days that I have ever experienced at a polling booth. I was manning that booth with the Hon. Sarah Mitchell and it was a cold, wet, windy day in Manilla. The number of people who turned up for that preselection is in stark contrast to the number who turned out for the Labor Party in the electorate of Ballina. Labor and all other parties are well and truly through their preselection processes. That means their campaign teams and head offices are preparing budgets.

[*Interruption*]

The Hon. Trevor Khan: Point of order: There are clear and repeated interjections from members opposite. I ask that you call those members to order and direct them to stop their continued badgering of the member.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I remind members that interjections are disorderly at all times. I also remind members that some of them are on calls to order. The Hon. Dr Peter Phelps will come to order. Members who wish to contribute to the debate will do so in the appropriate manner.

The Hon. NIALL BLAIR: This is an example of what is occurring across the State. Whether you are an Independent or a member of a party, candidates are preparing for the 2015 State election. Time is running out. We need to provide certainty for the political parties that are about to begin campaigning and for any Independents or minor parties that may be looking to contest lower House seats or the upper House in the State election. This bill provides certainty for those considering putting their hands up in their communities. It will give people the option to consider the candidate and make an informed decision as to whether that person should represent them in the Parliament of New South Wales.

The bill will provide certainty to plan a proper campaign that gives members of the public appropriate information prior to voting on 28 March 2015. Tougher penalties, more transparency, less influence from donations, and more public funding and certainty for those who want to put up their hand is why we need to support this bill and ensure that there is a system in place for March 2015. It is up to Dr Schott and her task force to provide long-term solutions to address the wider issues. That is being done through careful and considered consultation with all political parties by a group of people who are experienced and representative of the political divide in New South Wales.

The bill provides for tougher penalties—for example, making sure that the offences created will carry a maximum penalty of 10 years imprisonment as a deterrent. We have heard from the Opposition and media commentators that existing penalties are not enough of a deterrent to stop someone making the conscious decision to try to skirt the funding laws in New South Wales. Other political parties have requested an increase in those penalties. The Premier has listened and increased the penalties to ensure that people do not rort the system.

There is a transparency issue. We have seen examples of donations being received by various entities and then moved through different people and organisations before being distributed to political parties. The public wants increased transparency, and this bill delivers that. A one-off disclosure of political donations received by parties, elected members, candidates or third party campaigners during the period from 1 July 2014 to 1 February 2015 is to be lodged and made publically available approximately four weeks before the general election is held. That is a perfect example of everyone involved in the political system placing their cards on the

table prior to election day and allowing the voters to review that information. They will then go to the ballot box knowing who stands behind those political parties. Everyone has been crying out for improved transparency, and this Government is delivering on that request.

Another issue involves more public funding. More public funding will provide an incentive for candidates to do well in elections. If they reach 4 per cent of their quota they will be reimbursed, which will remove the temptation to solicit further donations to fund the campaign. I listened to the contribution by the Hon. Catherine Cusack, who explained the difficulty of meeting a quota imposed on her by her political party. Other political parties place quotas on members, branches, electorate councils or electorates to raise money for campaigns. Making that funding available across the board to Independent, minor and major parties in a sensible way addresses the issue, for example, of Pauline Hanson putting names on ballot papers to profit from the proceeds of political funding.

It is a sensible approach that I believe increases the opportunity for the average person to stand up and say, "I have something to offer the people of New South Wales and I am going to get organised." It cannot be a half-hearted attempt. That is why there is a 4 per cent threshold. Not only must someone have the desire to represent their community but also they must have the motivation, organisational skills and team to put that into action. It is something the public has been crying out for and will benefit from. I again reflect upon my time as an office bearer in The Nationals. I know of the difficulties that political parties face during election campaigns when trying to provide information about their candidates' attributes, and doing so in a measured way.

Campaigns should not be excessive. The average New South Wales voter does not want to be bombarded with political information and advertising, and all political parties must be smarter about the way in which they provide that information. Many parties put off people because of the volume and content of their advertising. The electronic expenditure caps in this bill will benefit all parties because we will not be able to bombard people with excessive advertising. Clive Palmer and the Palmer United Party's Queensland campaign in the Federal election is a good example of excessive expenditure. It did achieve some success, but the feedback I have received indicates that many people found the party's political advertising intrusive.

I am more than happy to support this bill, which is a sensible interim measure. The Premier has introduced this legislation after receiving sound advice from Dr Kerry Schott and the expert panel. I will reiterate the objectives of the bill. It imposes tougher penalties on those who do the wrong thing, and I do not believe any member would argue against that. It also allows for more transparency for the people of New South Wales when they make a decision about who they want to represent them. They will know not only the candidates but also the people behind them. The bill will also ensure that donations cannot be used to increase influence.

We do not want campaigns run by minority or single-issue groups. I would hate this State to copy what happens in other jurisdictions and to have single-issue campaigns. Donors pushing a single issue will have less influence as a result of the passage of this legislation. The bill also provides for more public funding, which will enable more people to offer themselves as candidates to represent the people of New South Wales. However, more importantly, it will provide certainty for anyone considering standing as a candidate in the 2015 election. They will understand the rules, the risks involved and also what their candidature will cost them financially. With those few short words, I commend the bill to the House.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [5.42 p.m.]: I support the Election Funding, Expenditure and Disclosures Amendment Bill 2014. Like many members who have spoken to this bill, I congratulate Premier Mike Baird on his foresight and determination in introducing this much-needed legislation. I will deal first with the history of this bill by referring to a number of passages that I have read in New South Wales Parliamentary Research Service publications. I congratulate the service on the excellent research it undertakes for all members. Its February 2014 e-brief states:

> On 18 December 2013, the High Court handed down its decision in *Unions NSW v New South Wales*. The Court ruled that electoral funding provisions enacted in NSW in 2012 were invalid because they infringed upon the implied freedom of political communication in the Commonwealth Constitution.

In dealing with previous reforms it states:

> Electoral funding laws in NSW have been the subject of debate over a number of years. The main issue has been community concern about corruption and undue influence in NSW politics. Parliamentary inquiries were established in response to this debate and a number of reforms were enacted.

> In 2008, following a report from a Legislative Council Select Committee on Electoral and Political Party Funding, new legislative requirements were introduced governing the disclosure of political donations and electoral expenditure.
>
> In 2009, laws were enacted that prohibited the receipt of political donations from property developers. When introducing these reforms, then Premier Nathan Rees stated that they were a first step, and it was intended that the next State election would be conducted under a public funding model. This issue of public funding was then referred to the Joint Standing Committee on Electoral Matters for inquiry and report.
>
> In 2010, in response to the Committee's report, wide ranging electoral funding law reforms were introduced including:
>
> - *Caps on donations*: Political donations to registered parties and groups were capped at $5,000; and political donations to other parties, elected members, candidates, and "third-party campaigners" were capped at $2,000.
> - *Banning political donations from other sources*: The prohibition on receiving political donations from property developers was extended to the tobacco, liquor and gambling industries.
> - *Caps on electoral expenditure*: Caps on electoral expenditure were imposed on political parties, candidates, and "third-party campaigners". The caps apply from 1 October prior to an election to the end of polling day for the election.
> - *Increased public funding of electoral expenditure*: The amount of public funding available to political parties, groups and candidates was increased in order to partly compensate for the loss in revenue arising from the caps on donations.

The e-brief also states:

> The *Election Funding, Expenditure and Disclosures Amendment Act 2012* (NSW) made two main changes to the Act. First, it made it unlawful for a political donation to a party, elected member, group, candidate or third-party campaigner to be accepted unless the donor was an individual who was enrolled to vote ... The Premier, Barry O'Farrell, stated:
>
> > … the only way that you can ensure that the public is going to have confidence about our electoral system is to limit [donations] to the individuals who are on the electoral roll. It must be limited to those Australian citizens who are enrolled, not overseas citizens and non-residents, because of course those people do not get the vote. They do not have a stake in the system and they should not be able to influence the system—and nor should unions, third party interest groups and corporations …

Of course, we are all aware of the High Court decision that followed and, as has been stated by a number of members, we are well aware of what has occurred at the Independent Commission Against Corruption. I do not believe it is necessary for me to repeat what has been said about that by other members. A number of members have already said that this is a good bill and that the people of New South Wales clearly need it. The Government Whip, the Hon. Peter Phelps, used an interesting term; he said that this was a "good enough bill".

In my opinion, this is simply a bill that will deliver a better and fairer system—a better and fairer election funding system, a better and fairer electoral expenditure system, a better and fairer political donations system, and, of course, a better and fairer disclosure system for New South Wales State elections. This is clearly what the people expect and it is what they have been requesting for many years, and are still requesting. That is why I congratulate Premier Mike Baird on taking this important step in meeting the public's expectations. As I said, this is what good government does, and the Premier and this Government are delivering. We are delivering by introducing this bill for a better and fairer system. In his second reading speech the Premier said:

> I have made it clear time and again that I am determined to restore the public's trust in New South Wales politics and I will take whatever action is necessary to increase the transparency and accountability of the election funding system in this State. The New South Wales Government already has taken a number of steps this year to address concerns that political donations unfairly influence decision-making in this State.

Like the Premier, many previous speakers have noted that the Government has established an expert panel on political donations to consider and report on options for the reform of election funding laws. We have been made aware that the expert panel is due to deliver its final report some time towards the end of the year and that the panel has released an interim report indicating its in-principle support for some important reforms. In his second reading speech the Premier also said:

> The panel has signalled that it "favours a number of measures to improve transparency, accountability and integrity of the election funding regime", including: tougher penalties for breaching election funding laws; a new general anti-circumvention offence provision directed at those who seek to evade election funding laws; a pre-election donations disclosure in early 2015 by recipients of political donations; and an extension of the limitation period for prosecuting offences against election funding laws from three years to 10 years.

In connection with the interim report, he went on to say:

> Consistent with this report, and in light of ongoing community concern, I believe that the time for further action is now. The election funding system that underpins the 2015 State election should benefit from the interim recommendations of the expert panel that we entrusted with this important task.

We have presented this bill because clearly the system for political donations in New South Wales needs reform. I believe nobody in this Chamber could argue that this system does not need reform. The Government is aware that the system is broken and needs repair. The bill makes it clear that the Government needs to act now; it cannot and must not wait to do so until after the next election or after the release of the final report towards the end of the year. We must restore the public's trust in New South Wales politics and in the Government by taking the necessary steps to increase transparency and accountability.

The bill will address each of the four important areas for donations: tougher penalties, more transparency, less influence from donations and more public funding. The bill is designed to clean up the current system for the March 2015 election. The expert panel's final report, which is due to make further recommendations, will be considered after the election. This bill is a great further step in this process. It is not a first step because previous steps have been taken, and this bill is a natural extension of the steps the public requires us to take. The first area the bill addresses is tougher penalties. The bill doubles penalties for offences under the Act. Most penalties will increase from $22,000 and/or two years jail to $44,000 and/or four years jail.

The bill prohibits third party arrangements being used to avoid donation and expenditure caps. This carries a maximum penalty of 10 years imprisonment—a great deterrent and a message that anyone who tries to avoid donation laws will not be dealt with lightly. It allows for prosecutions for offences to be commenced up to 10 years after the offence was committed. How could anyone argue against these provisions after hearing the evidence before Independent Commission Against Corruption? These tougher penalties are designed to ensure that offences are not committed.

The next area is transparency. This bill ensures that the public knows who is funding the people who represent them. The bill requires political parties to disclose before the next election donations received from 1 July to 1 February 2015. Disclosure must be made within one week of the end of this period and will be released publicly by February 2015. For the first time, each and every donation made in that period will be disclosed to the public before they cast their vote, not 12 or 18 months later. How could anyone in this Chamber argue against that position? That is what democracy is about.

The Hon. Duncan Gay: That is what transparency is about.

The Hon. JOHN AJAKA: I note the interjection from the Leader of the Government. Transparency is about being informed before the election date.

The Hon. Trevor Khan: Point of order: Two members of the Opposition are again badgering the speaker at the lectern. They should be called to order and not allowed to interject constantly.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I uphold the point of order. I remind members that interjections are disorderly at all times.

The Hon. JOHN AJAKA: The third area is less influence from donations. This is achieved by reducing the caps on political donations to what applied at the 2011 election, from $5,700 to $5,000 for a political party and from $2,400 to $2,000 for candidates. The bill reduces spending caps on electoral communication to what applied at the 2011 election and spending caps for registered third party campaigners to $250,000 from $1,166,600 and to $125,000 from $583,300 for non-registered third parties. Third party campaigners will be still be able to expend $250,000.

The final area is more public funding. This bill provides for more public funding and replaces existing arrangements for public funding with a scheme similar to the methods used nationally and in Queensland and South Australia. It makes the system fairer for all parties and rewards performance rather than spending, calculating the level of public funding with a dollar-per-vote model. Importantly, payments will be made only up to the applicable spending cap and only after spending is proven and audited. This is a good and a fair bill, and it is required. As the Premier stated:

> The bill contains a package of reforms in response to concerns about election funding in New South Wales that are to be implemented in advance of the 2015 State election.

This is what the New South Wales public expect, and this Government is delivering.

[*Deputy-President (The Hon. Natasha Maclaren-Jones) left the chair at 6.00 p.m. The House resumed at 8.15 p.m.*]

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

TEACHER ACCREDITATION AMENDMENT BILL 2014

RURAL FIRES AMENDMENT BILL 2014

STATE REVENUE LEGISLATION AMENDMENT (ELECTRONIC TRANSACTIONS) BILL 2014

Bills received from the Legislative Assembly.

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

Motion by the Hon. Duncan Gay agreed to:

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

Bills read a first time and ordered to be printed.

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

ORANGE PALLIATIVE CARE

Personal Explanation

The Hon. WALT SECORD, by leave: I wish to make a personal explanation. Earlier today during question time I was misrepresented by the Minister for Ageing in relation to a question without notice I asked about palliative care in Orange in the State's Central West. I asked the question based on representations from Central West communities, and in particular Orange city councillor Glenn Taylor and other concerned residents. Despite the Minister's claims, I was simply standing up for the community. These are genuine and heartfelt concerns expressed by the Central West community. I completely reject his unfounded assertion that—

Leave withdrawn.

HEALTH SERVICES AMENDMENT (AMBULANCE FEES) BILL 2014

Second Reading

Debate resumed from an earlier hour.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [8.18 p.m.], on behalf of the Hon. John Ajaka, in reply: I thank all members for their contributions to debate on the Health Services Amendment (Ambulance Fees) Bill 2014. I reiterate that this bill does not introduce any new fees or charges for New South Wales ambulance services; its purpose is simply to allow for efficient recovery of existing debts. First, I wish to correct a number of incorrect statements made in the course of today's debate. Dr John Kaye suggested that the debts written off by the Ambulance Service of NSW each financial year were cumulative.

Dr John Kaye: I did.

The Hon. MELINDA PAVEY: You did; I acknowledge your interjection. Dr John Kaye, you referred to the 2008-09 financial year write-off of approximately $21 million and said that the write-off for the 2011-12 financial year was approximately $26 million.

Dr John Kaye: That is correct.

The Hon. MELINDA PAVEY: I acknowledge your interjection. Dr John Kaye also suggested that the debt write-off increased by only $5 million over that three-year period. As a result, he specifically invited me to address why this legislation is necessary when in his opinion the level of debt is so low. Unfortunately, his understanding is incorrect. The $21 million debt written off in 2008-09 is for that financial year alone.

Dr John Kaye: Ah!

The Hon. MELINDA PAVEY: I acknowledge that interjection.

The Hon. Trevor Khan: Point of order: I have no idea what is happening.

The Hon. Adam Searle: Nor do your colleagues.

The Hon. Trevor Khan: A point of order is being taken. The Parliamentary Secretary is entitled to speak without being interrupted by the gaggle on the other side of the Chamber. Mr Deputy-President, I ask that you call them to order.

The Hon. Lynda Voltz: To the point of order: It would also be helpful if the Parliamentary Secretary were to address her comments through the Chair rather than to members opposite to elicit responses from them.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! I uphold the point of order. The Parliamentary Secretary has been addressing members opposite. All comments should be addressed through the Chair. I ask that the Parliamentary Secretary be heard in silence.

The Hon. MELINDA PAVEY: As I was saying, as a result Dr John Kaye has specifically invited me to address why this legislation is necessary when in his opinion the level of debt is so low. Unfortunately, his understanding is wrong. The $21 million in debt written off for the 2008-09 financial year is for that period alone, and an additional $26 million has been written off for the 2011-12 financial year. The total debt owed to the Ambulance Service of NSW for the 2008-09 and 2011-12 financial years is $47 million and similar amounts were written off for other financial years. Consequently, the total debt written off over the past five years is more than $100 million. I am sure the Hon. Walt Secord would agree that that is a very significant amount of money, and it comes straight out of the NSW Health budget.

The Hon. Dr Peter Phelps: I take that as a yes.

The Hon. Walt Secord: No.

The Hon. MELINDA PAVEY: Is the Hon. Walt Secord saying that $100 million is not a significant amount?

The Hon. Walt Secord: Point of order: The Parliamentary Secretary is misleading the House. In fact, I make it clear that she is quoting different figures from those quoted by the Minister in the other Chamber.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! There is no point of order. Members will address their remarks through the Chair.

The Hon. MELINDA PAVEY: My point is that the Hon. Walt Secord claimed that $100 million is not a significant amount of money. I think most people in New South Wales would argue that $100 million is a significant amount of money.

The Hon. Walt Secord: Point of order: I am becoming very well acquainted with the standing orders, and I am being misrepresented.

The Hon. MELINDA PAVEY: No, you are not.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! The Hon. Melinda Pavey is entitled to put her views. If the member is being misrepresented, that is a matter for a later time because I do not have the information to hand to check. The Hon. Melinda Pavey has the call.

The Hon. MELINDA PAVEY: I do not think anyone in this Chamber would argue that $100 million is not a significant amount of money.

The Hon. Dr Peter Phelps: The Hon. Walt Secord would. He just did.

The Hon. MELINDA PAVEY: As the Hon. Dr Peter Phelps points out, you said that it is not a significant amount of money. And that is what I was responding to in terms of your interjection. I, along with the people of New South Wales, would argue that this is a very significant amount of money. It comes straight out of the NSW Health budget. This money belongs to our emergency services, which is why the New South Wales Government is determined to recover this as efficiently, effectively and fairly as possible. I also note Mr Walt Secord's earlier comments that the average debt owed by individuals is less than—

The Hon. Greg Donnelly: He is the Hon. Walt Secord.

The Hon. MELINDA PAVEY: I acknowledge that interjection from the Hon. Greg Donnelly. I also note the Hon. Walt Secord's earlier comments that the average debt owed by individuals is less than $400. The Hon. Walt Secord stated that, based on this relatively small amount per individual, there is no extraordinary budget impact. How wrong you are.

Mr Jeremy Buckingham: Point of order: The Hon. Melinda Pavey continues to refer to members as "you". She has also referred to "your" and "youse"—I think she used the term "youse". She is clearly flouting the previous ruling by the Chair by not directing her comments through the Chair. I ask that she be directed to do so.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! Members will refer to other members by their correct titles.

The Hon. MELINDA PAVEY: I also note the Hon. Walt Secord has stated that, based on this relatively small impact per individual, there is no extraordinary budget impact. I would argue that there is a significant budget impact when we are talking about $100 million. The New South Wales Government considers a budget impact of more than $100 million in just five years to be significant. I would argue that this is the difference between those opposite and us. We are concerned about the proper expenditure of taxpayers' money, which should be at the forefront of all members' minds.

The Hon. Walt Secord then asserted that outstanding ambulance bills are from those individuals who cannot afford to pay rather than those who are unwilling to pay. As explained previously, the Ambulance Service of NSW already has a hardship policy in place to support the waiver of debts on the basis of financial or other personal hardship. It is just wrong of him to suggest otherwise. It is unfair and it is just not right. This policy is available online and is administered by the Ambulance Service of NSW. Every month the Ambulance Service receives requests for the waiver of payment from those experiencing hardship.

The Hon. Walt Secord assumes that when ambulance bills are underpaid it is because of financial hardship. This is simply not true. Individuals who cannot afford to pay can and do obtain waivers from the Ambulance Service of NSW. The system is designed to allow this, and it will not change under the bill. In fact, the current hardship policy will be strengthened by the provisions in the bill. It is a shame that the Hon. Walt Secord has not taken notice of this as the shadow Minister for Health—unlike the previous shadow Minister for Health in the Robertson shadow Cabinet, who actually had some common sense and some decency. We face challenges in providing health services to as many people as possible, and this is not being considered by the Hon. Walt Secord.

Dr John Kaye: Are you talking about Dr McDonald?

The Hon. MELINDA PAVEY: Yes, I am. The payment rules may include additional grounds of exemption from payment to those contained in the bill and may also set out grounds for an entitlement to apply for the waiver, deferral or reduction of payment. The Ambulance Service of NSW has advised that it will conduct a review of the current hardship policy to ensure the current protections apply fully to the proposed payment rules. The payment rules will include provision for financial and other hardship, as is the case under the current hardship policy. There will also be consultation with affected stakeholders.

Opposition members made a number of statements about the potential impact of the bill on the working poor. As I have noted, individuals who have difficulty paying an ambulance fee can use the current hardship policy to seek a waiver of payment. The bill will further entrench these rights under the proposed payment rules, which are required to be publicly gazetted. I reiterate for the benefit of the Hon. Walt Secord: People's rights will be further entrenched under these changes. However, the bill will also give a range of additional rights that currently are not available. I remind the House that at present individuals from whom the Ambulance Service of NSW seeks to recover fees have absolutely no statutory review rights in relation to that process. Whilst the Ambulance Service has an internal review process in place, it is administrative only.

The bill will provide, for the first time, a statutory right of review of an ambulance fee debt by the Secretary of NSW Health and protect individuals from ongoing enforcement action while the review is being undertaken. It also prescribes a minimum time frame of 42 days within which the secretary must conduct the

review. Finally, it provides the secretary with a range of options in relation to that outcome, so the system will be fairer. During the debate the Hon. Paul Green asked a reasonable question about what options may be available to the Ambulance Service of NSW prior to action being taken—

The Hon. Lynda Voltz: They don't have many options if the ambulance takes them away to die in hospital.

The Hon. Dr Peter Phelps: Point of order: The level of conversation from the Opposition and the crossbenches is so great that I am finding it difficult to hear what the Parliamentary Secretary has to say on this important matter. I ask the Deputy-President to remind those members that speakers should be heard in silence.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! I have already ruled that members with the call will be heard in silence. I ask all members to be considerate to the Parliamentary Secretary.

The Hon. MELINDA PAVEY: As I was saying, the Hon Paul Green asked what options may be available to the Ambulance Service of NSW prior to action being taken to refer a debt to the Office of State Revenue for fee recovery. In particular, the Hon. Paul Green asked whether this may include the option of payment plans agreed to by an individual and the Ambulance Service of NSW. I am pleased to advise that this bill is specifically intended to facilitate such arrangements. I refer members to proposed section 67T which provides that the health secretary may change the arrangements for:

(a) reducing the amount payable, or

(b) extending the time to pay, or

(c) permitting the fee to be paid by instalments or reducing instalments.

If a debt remains unpaid it is referred to the commissioner for fee recovery and there are further and additional rights of review. The Office of State Revenue will, as part of its standard operating procedures, engage with individuals to enter into agreed payment plans where appropriate. I remind the House that the Office of State Revenue has a well-established record of managing the recovery of moneys owing to the State Government. It has policies and processes for engaging directly with affected individuals and working actively to explore payment options in a flexible and fair way. If this process does not result in a satisfactory outcome individuals have a right of review to the Hardship Review Board. The Hardship Review Board is separate to and independent of both the Ambulance Service of NSW and the Commissioner of Fines Administration.

It was acknowledged by the member for Balmain in the other place that the new debt collection process proposed by the bill will release people from a court system. This is an important fact as the bill introduces a non-court process which is beneficial for citizens. The Government agrees with this point: it is faster, it is cheaper and therefore it is better value for the people of New South Wales. This bill will provide a more effective means of recovering debt from approximately 7 per cent of ambulance users who do not pay. This bill aims to ensure that those with financial capacity—

Dr John Kaye: Point of order: I am having great difficulty hearing this important contribution because the Hon. Trevor Khan and the Hon. Niall Blair are talking very loudly to the Government Whip.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! I am having difficulty hearing the member. However, I was talking to the Hon. Lynda Voltz.

The Hon. MELINDA PAVEY: I thank Dr John Kaye for raising that point of order.

Dr John Kaye: Without a sense of irony.

The Hon. MELINDA PAVEY: Without a sense of irony. This bill aims to ensure that those with the financial capacity to pay do pay, rather than passing this debt on to the taxpayer. The bill transfers the debt collection process for a government service from the private sector to a government agency, which has a well-established record of recovering moneys owing to government. Transferring the debt to the Office of State Revenue will reduce the amount of debt written off each year by the Ambulance Service of NSW. This is good for patients, for the Ambulance Service of NSW and for the taxpayer. I implore all members to support this bill in order to support the Ambulance Service of NSW to provide our life-saving and emergency responses. I commend the bill to the House.

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

The House divided.

Ayes, 20

Mr Ajaka	Miss Gardiner	Mrs Mitchell
Mr Blair	Mr Gay	Reverend Nile
Mr Borsak	Mr Green	Mrs Pavey
Mr Brown	Mr Khan	Mr Pearce
Mr Clarke	Mr Lynn	*Tellers,*
Ms Cusack	Mr MacDonald	Mr Colless
Mr Gallacher	Mrs Maclaren-Jones	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	*Tellers,*
Mr Foley	Mr Veitch	Mr Moselmane
Dr Kaye	Ms Westwood	Ms Voltz

Pair

Ms Ficarra	Ms Fazio

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

The CHAIR (The Hon. Jennifer Gardiner): With the leave of the Committee I will deal with the bill as a whole. There being no objection, I shall proceed.

Dr JOHN KAYE [8.42 p.m.]: I move The Greens amendment No. 1 on sheet C2014-099:

No. 1 **Payment rules disallowable**

Page 5, schedule 1 [4], proposed section 67O. Insert after line 4:

(4) Sections 40 (Notice of statutory rules to be tabled) and 41 (Disallowance of statutory rules) of the *Interpretation Act 1987* apply to an order under this section in the same way as those sections apply to statutory rules.

New section 67O seeks to insert into the Health Services Act a set of payment rules that the Secretary of the Ministry of Health may publish in the *Government Gazette*. They will not therefore be disallowable instruments.

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

Dr JOHN KAYE: The payment rules are significant. In relation to ambulance fees they provide for things such as exemptions, waivers or reductions, extensions of time to pay and payment by instalments. They also include a capacity to review fees and any other matters permitted by the Act, which is quite substantial. If we are to have this legislation I welcome the fact that there will be payment rules to codify important matters. They will be published in the gazette and be made available to ambulance users so that they can understand what will happen if they cannot pay their fees. Our concern is that the rules are not disallowable instruments. They will be published in the gazette and be an instrument of the health secretary.

Our amendment will insert subsection 4 into new section 67O to make the instruments disallowable. They will have to be published in the gazette and within a prescribed time a member of either Chamber can move a disallowance motion to give that Chamber an opportunity to debate and possibly amend or remove parts of those rules. That facility is important in order to give the Parliament and the public some control over the rules. Rather than making them instruments of the health secretary they will become instruments of the Parliament. Because there are grave concerns about this legislation it is appropriate that this Chamber and the Legislative Assembly have some say over the rules. I note that my concerns about this legislation were borne out by the Minister for Health in her second reading speech when she said:

> … cumulatively the unpaid debt is substantial. In the 2011-12 financial year alone it amounted to approximately $26 million in debt. This represented an increase from $21 million in 2008-09, and $22 million in 2009-10.

I repeat the point I made during my contribution to the second reading debate that there is not a large cumulative debt. It is only of the order of $26 million and subtracting one cumulative debt from the other shows that the cumulative debt has only increased by $5 million in a six-year period. I reiterate that there is no great urgency about this legislation. I also reiterate that there are grave dangers for low-income individuals because the threshold to go to the State Debt Recovery Office is much lower than the threshold to take an individual to court. For that reason we feel that the payment rules should be disallowable instruments. I commend the amendment to the Committee.

The Hon. WALT SECORD [8.47 p.m.]: Labor will support The Greens amendment to make the payment rules disallowable by the Parliament. It is a sensible amendment. Furthermore, it is in tune with the aims and expressions of the Legislative Council as the State's Chamber of review. We are here to scrutinise and limit the excesses of Executive Government. We all know that this bill is excessive. Therefore it is appropriate that the payment rules under which the State Debt Recovery Office operates in relation to ambulance fee collection should be disallowable by the Parliament of New South Wales.

Labor believes that the final say on whether the payment rules are fair and reasonable should be with the Parliament rather than the Secretary of the Ministry of Health. We do not know the criteria of the payment rules. If they were a disallowable regulation we would know exactly what the hardship provisions would be. In his contribution to the second reading debate the Hon. Paul Green expressed concerns about the enforcement of the hardship provisions. I understand his sincerity and concern in this area. The Government did not detail the hardship provisions or how they would work; the Government just said, "Trust us." I agree with Dr John Kaye that the rules should be subject to public scrutiny.

Labor opposes this bill but if it passes Labor members would like Dr John Kaye's amendment to be included as a protection and safeguard for the community. I remind members that the fees we are talking about are modest. They are less than $400. The payment rules and the so-called patient hardship policy rules must be flexible and transparent and take into account that the Government is trying to collect only modest amounts. In conclusion I reiterate that Labor will support this amendment.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [8.49 p.m.]: I thank Dr John Kaye for his amendment and for his genuineness in that amendment. Dr John Kaye came to the crossbench briefing I was at and raised these issues, and I will address those issues well in the next few minutes. In contrast, the Hon. Walt Secord, who is the shadow Minister for Health, was not at that meeting.

The Hon. Walt Secord: Point of order: For the information of members, the briefing took place before I was appointed shadow Minister. Therefore, it would have been impossible for me to attend.

The CHAIR (The Hon. Jennifer Gardiner): Order! That is not a point of order.

The Hon. MELINDA PAVEY: My point is that Dr John Kaye has moved an amendment and expressed his concerns before the Committee. The Government does not support his amendment and I will reiterate why. However, I accept the genuineness of Dr John Kaye in moving this amendment. I also acknowledge that his Greens colleague in the lower House, Jamie Parker, supported the intent of the legislation, which was to be fair and to ensure that we collect money from those who can afford to pay this fee.

I acknowledge the argument of the Hon. Walt Secord that it is only $400. However, when one adds up a lot of amounts of $400 over five years it adds up to $100 million. I point out that that attitude is probably why

we inherited a State economy that was in the position it was in. A government has to ensure that it manages its money well and a lot of outstanding $400 bills adds up to $100 million over five years. That is why this legislation is necessary and why I will address Dr John Kaye's amendment.

On balance, the Government's view is that it should remain and that it is unnecessary and inappropriate for payment rules made under section 67O to be a disallowable instrument having regard to the nature of the powers conferred by the payment rules. The payment rules are designed to allow the detailed exemptions for hardship currently set out in Ambulance Service policy to be issued in a more formal and transparent instrument published in the *Government Gazette*. They also allow the Health Secretary to establish additional grounds of hardship, should that be warranted.

If the amendment proceeded and the rules were disallowed, these current protective measures would be removed, potentially placing vulnerable groups at a greater financial risk—a position that would be contrary to the intended fair application of the recovery regime. There is therefore the risk that a threat of disallowance could be used to require additional broad or impractical exemptions or additional administrative requirements that ultimately substantially reduce the funds recoverable without any real improvement in the hardship regime. The Government has been firm in its commitment to improve the hardship regime with greater protocols and greater instruments and it has committed in this legislation to do so. For those reasons the Government will not be supporting The Greens amendment.

The Hon. WALT SECORD [8.52 p.m.]: I will clarify a number of points raised by the Parliamentary Secretary. I still maintain that the bills are modest. The Minister's figures show that, in fact, 93 per cent of people pay their bills, leaving 7 per cent who do not. Of that 7 per cent, 4 per cent, upon receiving a reminder, pay the bill, leaving 3 per cent. The 3 per cent of bills outstanding represent people who are genuinely unable, rather than unwilling, to pay.

Dr JOHN KAYE [8.53 p.m.]: I do not think we will be able to do it tonight, but we have to get to the bottom of this $100 million. In her second reading speech in the Legislative Assembly the Minister for Health said very clearly that the cumulative debt in 2011-12 amounted to approximately $26 million. The Parliamentary Secretary says it is more like $100 million.

The Hon. Melinda Pavey: Over five years.

Dr JOHN KAYE: Cumulative debt is cumulative debt; that is the amount of debt that accumulated by 2011-12 and at that point in time the debt was only $26 million. I do not think we can do this tonight and I think we will have to agree to disagree on this. However, at some stage we need to get to the bottom of the figures that the Parliamentary Secretary has used in this House and the—

The Hon. Dr Peter Phelps: I'm pretty sure the department would have a better idea of the figures than you would.

Dr JOHN KAYE: I acknowledge the interjection. The problem is that all I can go on is what the Minister said in her second reading speech:

> However, cumulatively the unpaid debt is substantial. In the 2011-12 financial year alone it amounted to approximately $26 million in debt.

That is very different to $100 million in debt. I have some concern that cumulative figures have been doubly accumulated to get the $100 million. Mr Jeremy Buckingham has pointed out to me that that would require 250,000 cases of $400 debts, which does not seem to be congruent with the rest of the data provided in the Minister's second reading speech.

Leaving that aside, the Parliamentary Secretary expresses concern that possibly the Legislative Council will totally disallow the payment rules and the consequence of that would be that there would be no payment rules and we would be worse off than we were before. I think the Parliamentary Secretary should have some faith in the Legislative Council that it would not suddenly go berserk and remove all the payment rules just for the sake of doing so. It would probably be selective and, as it can do under the Interpretation Act 1987, it can selectively remove parts of those rules or it can use its capacity to do so to negotiate with the Minister and, through the Minister, with the Health Secretary in order to make changes to those rules.

I will continue to assert that the current regime is quite harsh on low-income earners—or, as the Minister put it, the working poor. I am referring to people who have a job and do not have access to a healthcare

card. However, they find that the imposition of a $400 ambulance fee drives them to the point where they cannot pay. Giving the Parliament some capacity to examine those rules and to enter into negotiation with the Minister via a disallowance motion is a way to ensure not only some degree of fairness but also some degree of sensitivity in those situations when many working families find themselves on the edge. An accident involving a child or an unexpected sudden illness of a parent can drive a family that is operating right on the edge of financial viability beyond financial viability, and suddenly they get hit with an ambulance fee—for example, $400—and they simply cannot pay it.

I suspect that there are reasons why the Health Secretary might be able to sort these matters out and possibly get some kind of reasonable payment rules. I am not convinced that is the case, but at least what we are proposing in our amendment is that the House gets some chance to have a say over those payment rules to ensure that we are looking after low-income earners who do not qualify for a dispensation from fees. The Health Secretary—and this is no reflection on the current incumbent in that position, her predecessors or those who come after her—is doing a number of things. On the one hand the Health Secretary is managing the health system and has a focus on health outcomes for the people of New South Wales, but she is also managing a budget of $19.9 billion.

The Hon. Melinda Pavey: Including record capital expenditure.

Dr JOHN KAYE: Indeed, the Parliamentary Secretary asserts there is massive capital expenditure, which is nice for them. But in the end the Health Secretary is responsible for bringing that process in on budget. That is one very powerful influence over what the Health Secretary does. On the other hand, we want the Health Secretary to be mindful of the impacts of these payment rules on people who are struggling to pay. There is inherent tension between those two objectives and the Legislative Council is here to help. The Greens amendment has been moved so that the Legislative Council can ensure that the NSW Health secretary strikes the right balance and can ensure that people with genuine cases of hardship are able to pay by instalments; have the fee exempted, waived or reduced; or be given an extension of time within which to pay. To that extent I commend the amendment to the Committee.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [8.59 p.m.]: Dr John Kaye and I may agree to disagree. For the information of Dr John Kaye, the Minister for Health was referring to the cumulative debt for one year only and I was referring to the debt over five years, which adds up to $100 million. As I have reiterated, the provisions of the bill will strengthen the hardship policy. I hear what Dr John Kaye said about people who are living on the edge financially. It is not at all this Government's intention to push people on the edge over the edge. This bill strengthens the ability of those people either to be forgiven for the debt or to be given a longer term within which to pay. The problem faced by NSW Health and the Ambulance Service of New South Wales is that some websites highlight that it is not affordable for the New South Wales Government to collect some debts under the current regime.

The Government is trying to establish a fairer system to ensure that the hardship policy is clearer and fairer for people who are experiencing financial difficulty so that we do not have a cumulative debt of $100 million that has to be written off. The new system will mean that the Government can bill people who can afford to pay. That does not include pensioners or people with disabilities, who do not have to pay ambulance fees. The new system will apply to people who may go to a website and decide that they do not have to pay their ambulance bill because the Ambulance Service will not come after them. The Government is simply improving the system to ensure that we have better financial management that will result in people who can afford to pay paying for ambulance services, instead of them going to a website and rorting the system.

Question—That The Greens amendment No. 1 [C2014-099] be agreed to—put.

The Committee divided.

Ayes, 18

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

Noes, 21

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

Pair

Ms Fazio Ms Ficarra

Question resolved in the negative.

The Greens amendment No. 1 [C2014-099] negatived.

Title agreed to.

Question—That this bill as read be agreed to—put and resolved in the affirmative.

Bill as read agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. Melinda Pavey, on behalf of the Hon. John Ajaka, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Melinda Pavey, 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 2 to 6 postponed on motion by the Hon. David Clarke and set down as an order of the day for a later hour.

CRIMES (HIGH RISK OFFENDERS) AMENDMENT BILL 2014

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [9.12 p.m.], on behalf of Mr John Ajaka: I move:

That this bill be now read a second time.

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

Leave granted.

The Government is pleased to introduce the Crimes (High Risk Offenders) Amendment bill 2014.

The purpose of this bill is to amend the Crimes (High Risk Offenders) Act 2006 to enhance community safety through improved supervision and monitoring of high risk sex and violent offenders.

The Crimes (High Risk Offenders) Act 2006 aims to protect the community from that small group of serious offenders who resist rehabilitation during their term of custody. This Government is committed to ensuring the community is protected from the high risk of reoffending posed by such individuals.

This bill implements a number of proposals which will strengthen the review and management of high-risk offenders. It supports the Government's targeted approach to managing the risk posed by high-risk offenders and gives agencies the tools to respond quickly to any change in circumstances that make risk imminent.

A key feature of this bill is the establishment of a High Risk Offenders Assessment Committee comprising members from justice, law enforcement and relevant human service agencies. The committee will be responsible for the ongoing review, assessment and management of high-risk offenders. In addition, the amendments proposed will require those agencies to cooperate and share relevant information with the committee and each other, to better support and manage offenders.

The bill also provides for the Supreme Court to make, on an ex parte basis, an emergency detention order where a supervised high-risk offender, because of altered circumstances, cannot be adequately supervised in the community and consequently poses an imminent risk of committing a serious offence.

The introduction of such orders is an additional and necessary tool to help manage offenders being supervised in the community. It will cover situations where a supervised offender's circumstances change suddenly but where there has not necessarily been a breach of the supervision order. If there is a breach then action may instead be taken on that and this bill will increase the penalty for a breach from a maximum of two years imprisonment to five years imprisonment.

This new emergency detention order will ensure that the offender can be kept safely in custody while the problem created by the change of circumstances is sorted out. In some cases, that may be finding the offender a new place to live and they will be released as soon as accommodation is secured. In other cases, it may be that the situation cannot be addressed but the order will give the State time to turn to existing powers under the Act.

Safeguards are incorporated into the new emergency detention order provisions, which recognise the extraordinary nature of such orders and ensure that they are used appropriately as a last-resort measure.

I now turn to the main detail of the bill.

Schedule 1 items [3] and [4] amend section 1 DC of the Crimes (High Risk Offenders) Act 2006 to clarify that an interim supervision order will be suspended when a high-risk offender is in lawful custody. Any time spent in lawful custody—for example, where the offender is sentenced for a fresh matter—will not count towards the three-month limit for interim supervision orders. This amendment brings the operation of interim supervision orders in line with extended supervision orders.

Schedule 1 item [5] of the bill supplements the existing list of conditions that may be imposed under section 11 of the Crimes (High Risk Offenders) Act 2006 on a high-risk offender subject to a supervision order.

The conditions set out in section 11 are not exhaustive but provide guidance to the court as to the types of conditions that may be appropriate in particular circumstances. The additional conditions in this bill relate to internet access and use and the employment and financial affairs of an offender. A condition may also be imposed requiring an offender to report to police and advise them of the supervision order and his or her residential address.

Further, as the operation of the Child Protection (Offenders Registration) Act 2000 is suspended when an offender is subject to a supervision order, any obligations that could be imposed on an offender under that Act may be imposed as a condition of a supervision order.

Schedule 1 item [6] of the bill increases the maximum penalty for failing to comply with a requirement of a supervision order from 100 penalty units and/or two years imprisonment to 500 penalty units and/or five years imprisonment. The breach will be an indictable offence that can be dealt with summarily, unless the prosecution elects to deal with the offence on indictment in the District Court.

Schedule 1 items [7] and [8] are consequential amendments, reflecting that people subject to applications for continuing detention orders may be detained under emergency detention orders.

Proposed section 18CA of the bill provides that the State may apply to the Supreme Court for an emergency detention order when short-term detention of a supervised high risk offender is urgently required. The application may be heard in the absence of the offender.

An emergency detention order may be necessary where a high risk offender being supervised in the community can no longer be provided with adequate supervision because of a change in their circumstances. Where the court determines that the altered circumstances mean the offender cannot be provided with adequate supervision and poses an imminent risk of committing a serious offence, it may make an emergency detention order under proposed section 18CB.

There are a number of important safeguards of an offender's rights. First, orders can only be sought by the Attorney General and, second, applications must be accompanied by an affidavit of the Commissioner of Corrective Services, or an Assistant Commissioner. Proposed section 18CC sets out the matters to be addressed in the affidavit supporting the application.

Third, section 18CD provides that the term of an emergency detention order is not to be longer than reasonably necessary to enable action to be taken to provide the offender with adequate supervision. In any event, an emergency detention order cannot exceed 120 hours from the time it is made. The court may specify that the order end at an earlier time. This means the offender can be released back into the community early if the changed circumstances have been addressed.

These time limits ensure that the offender's loss of liberty will be for the shortest period possible before they are either released back into the community on the original supervision order or given an opportunity to appear before the court to be heard in response to either an application for an interim detention order or breach proceedings. The State may also choose to bring an application for variation of the original supervision order.

Schedule 1 item [10] provides that on making an emergency detention order any extended supervision order or interim supervision order is suspended and ceases to have effect until the emergency detention order expires.

Schedule 1 items [11], [12], [13] and [14] of the bill extend the existing procedural provisions in the Act to emergency detention orders. These relate to the variation or revocation of an order, the issuing of a warrant committing an offender subject to an order to a correctional facility, and the right of appeal against the making of an order.

Proposed Part 4A of the bill sets up the statutory framework for the establishment of a High Risk Offenders Assessment Committee, to be chaired by the Commissioner of Corrective Services and to include members from relevant Government agencies. The relevant agencies are listed in proposed section 24AA. Other government agencies, relevant organisations and independent experts may also be appointed to the committee to assist with the management of risk and supervision in the community of high risk offenders. Subcommittees can be formed, as provided for in proposed section 24AD, to exercise specific functions of the committee.

The committee is to furnish reports and information to the Minister of Corrective Services as to the general exercise of its functions and any specific matter if required, as set out in proposed section 24AE.

Proposed Section 24AC sets out the functions of the committee, which include to review and assess high risk offenders and to make recommendations in relation to appropriate action by the State.

Importantly, the committee will facilitate interagency cooperation, coordination and information sharing to support ongoing oversight of the management of supervised high risk offenders. It will also develop best practice standards and guidelines for the exercise by relevant agencies of their high risk offender functions and identify any gaps in resourcing, service provision and training. These new provisions recognise the critical role that a range of agencies have in managing the risk posed by this small cohort of offenders and the need for these partnerships to continue for the period that high risk offenders are under State supervision.

Proposed section 24AF provides that relevant agencies must cooperate in relation to their risk assessment and management functions. This duty extends to the disclosure of relevant information, the provision of reasonable assistance and support and generally in relation to the exercise of the functions of the committee. Cooperation can include developing multi-agency management plans and joint programs to assist and support high risk offenders under supervision.

These provisions draw on elements of the Multi Agency Public Protection Arrangements [MAPPA] which have been operating successfully in the United Kingdom since 2000. To facilitate the sharing and exchanging of relevant information, two or more agencies can enter into agreements known as cooperative protocols, as provided for in proposed section 24AG.

Item [17] of the bill contains saving and transitional provisions related to the commencement of the bill. The bill will commence on proclamation.

Ensuring community safety is of paramount concern to this Government. This bill reflects that the State is best placed to ensure that high risk offenders are appropriately assessed and managed both in custody and in the community.

I commend the bill to the House.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [9.13 p.m.]: I lead for the Opposition on the Crimes (High Risk Offenders) Amendment Bill. The Opposition does not oppose the bill, which has as its object to amend the regime dealing with the supervision of high-risk sex offenders and high-risk violent offenders. The regime was originally established by the Labor Government and established by the Crimes (Serious Sex Offenders) Act. It was expanded last year by this Government in the Crimes (Serious Sex Offenders) Amendment Bill to include high-risk violent offenders. The amendment also logically renamed the Act so that it became the Crimes (High Risk Offenders) Act.

The amendments proposed in the bill include the power for the Supreme Court to make ex parte emergency detention orders against offenders who cannot be provided with adequate supervision because of altered circumstances; to clarify whether an order is suspended if an offender is in lawful custody; to add items to the non-exhaustive list of conditions that can be imposed on an extended supervision order; to increase the penalties for failing to comply with an order; to establish the High Risk Offenders Assessment Committee; and to require the cooperation of agencies. There are two aspects to the bill. The first is the establishment of a High Risk Offenders Assessment Committee and the second is the introduction of ex parte emergency orders.

A new part 4A in the principal Act establishes the High Risk Offenders Assessment Committee. The relevant agencies for this part are Corrective Services, the Department of Family and Community Services, the

Justice Health and Forensic Mental Health Network, the Department of Justice, the NSW Police Force and the Ministry of Health. Other agencies can be included by regulation. The High Risk Offenders Assessment Committee will consist of representatives of Corrective Services, the Department of Family and Community Services, Housing NSW, Ageing, Disability and Home Care, the Justice Health and Forensic Mental Health Network, the Department of Justice, the NSW Police Force and the Department of Health, plus others appointed by the Minister. The functions of the committee are set out in proposed section 24AC.

The committee will be responsible for the ongoing review, assessment and management of high-risk offenders. It will also make recommendations as to actions to be taken by the State under the legislation. Proposed section 24AE sets out the obligation of the committee to keep the Minister advised of its operations and to provide advice about a specific matter if asked by the Minister. There are also a number of provisions compelling cooperation between agencies and provisions for cooperative protocols. One assumes that the inclusion of these provisions is an indication of a current lack of cooperation, which is most regrettable. The bill's new division 3A in part 3 of the Act sets out the new regime of emergency detention orders. These may be applied for in the Supreme Court and, if successful, a person will be detained.

The person must already be the subject of an extended supervision order or an interim supervision order. The basis for making the order is set out in proposed section 18CA: that the person concerned "because of altered circumstances, cannot be provided with adequate supervision under the extended supervision order or interim supervision order". Proposed subsection (2) of section 18CA makes it clear that these orders can be granted ex parte—that is, the application and the order can be made in the absence of the person concerned. As well as altered circumstances, the Supreme Court must believe that without adequate supervision the offender poses an imminent risk of committing a serious offence.

The risk to be met is if the matters alleged in support of the application were proved it would establish that adequate supervision could not be provided and the offender posed an imminent risk of committing a serious offence. Only one emergency detention order can be made in respect of the same occasion of altered circumstances so it cannot be repeated, but in our view the bar is quite low. It is done ex parte with no-one to argue against the State's application and the court must assume the accuracy of the things alleged by the State. The application must be supported by an affidavit from a senior Corrective Services officer.

Proposed section 18CD provides that an emergency detention order can have effect for no longer than is reasonably necessary but in any event for no longer than 120 hours from when it commenced. An avenue of appeal lies with the Court of Appeal, although as orders can last for only 120 hours there is an issue about the practicability of that appeal mechanism. Another feature of the regime is that the application is not based upon a breach of the existing supervision order. Of course, a breach can trigger a whole range of other consequences already and this mechanism is not necessary for that case. That raises the question of what exactly "altered circumstances" may mean. There is no assistance in the bill as to the meaning of that term or in the second reading speech of the Attorney in the other place or, I apprehend, in the Parliamentary Secretary's second reading speech in this place.

The applications can, of course, only be made in relation to people on an extended supervision order or an interim supervision order. To give a sense of scale, I should indicate that following an answer to a supplementary question on notice at an estimates hearing the Attorney and Minister for Justice indicated that as at 1 September 2014 in this State there were 36 offenders in the community subject to an extended supervision order; 35 were sex offenders and one was a violent offender. I add that no-one was subject to a continuing detention order. Under the previous Attorney there were 21 applications in 3½ years. Under this Attorney there have been nine applications in four months. When amendments were debated in February of last year the shadow Attorney in the other place said that the extended supervision order scheme is a significant step away from the traditional rule of law where liberty is prescribed or removed following a conviction and punishment.

Normally it does not include preventative detention or internment and certainly not on ex parte applications. One potentially troubling aspect of the scheme is the difficulty of being able to accurately predict an offender's future conduct. That may well be behind the fact that no-one is subject to a continuing detention order and only one high-risk violent offender is subject to an extended supervision order at present. Consequently, we wonder about the urgency claimed by the Government for last year's amendments and whether those assertions were, strictly speaking, accurate. Having said that, we look forward to the statutory review of the Act, which we assume will include a review of the provisions in this amending legislation. The Opposition does do not oppose the Crimes (High Risk Offenders) Amendment Bill 2014.

Mr DAVID SHOEBRIDGE [9.29 p.m.]: I speak on behalf of The Greens and indicate that we do not oppose the Crimes (High Risk Offenders) Amendment Bill 2014, which has been introduced by the Government. I will deal briefly with the substance of the bill. Schedule 1 item [15] creates a new committee known as the High Risk Offenders Assessment Committee. The task of that committee will be to review the risk assessment of sex offenders and violent offenders for the purposes of making any necessary required changes in the future, including to legislation. The committee is to include representatives of Corrective Services NSW, the Department of Family and Community Services, Housing NSW, the Department of Justice, the NSW Police Force, the NSW Ministry of Health and such others as are determined relevant by the Attorney General.

The committee is tasked with monitoring and providing oversight of agencies, the exercise of high-risk offender functions and information sharing, the development of best practice guidelines and identifying gaps in training and resourcing. The committee must report to the Minister about its general operations and reply to specific information requests. Proposed new section 24AF under this schedule creates a duty for agencies to operate with other relevant agencies, including through the development of multi-agency management plans. This part of the bill sets up an apparatus and structure designed to oversight and—at least in the eyes of the Government—improve this legislation as it goes forward.

The substantive new powers in the bill are created through schedule 1 item [9], which proposes a power for the Supreme Court to make an emergency detention order in relation to high-risk offenders who are subject to supervision orders when, because of altered circumstances, they cannot be adequately supervised. I note the contribution by the Hon. Adam Searle about the very small numbers. I do not think the number could be smaller, without it being zero.

The Hon. Adam Searle: It is a pretty small number.

Mr DAVID SHOEBRIDGE: The supervision order is suspended for any period the offender is in lawful custody. These are discretionary ongoing detention powers that can be applied to offenders once they have completed their sentence and done their time in jail. The Greens are always deeply concerned about those kinds of powers being available to provide for the ongoing detention of offenders who have completed their lawful custodial sentence. Our criminal justice system is meant to have finality and certainty. It is called a correctional services system, where jail is meant to be not only a punishment but also a system that provides correctional services. Therefore, at the end of an offender's detention not only have they been detained and penalised but efforts of a rehabilitative nature have been made.

Anyone who takes an honest view of the New South Wales prison system would recognise that prisons are far more likely to be a tertiary training ground for criminals than a place for the provision of a genuine rehabilitation program. That being said, it is an essential part of our criminal justice system that having served one's sentence and finished the lawful punishment one should not be the subject of continuing executive and administrative oversight. Under the bill, detention can last for a period of 120 hours. Somebody who is a high-risk offender and subject to a supervision order can end up back in jail for a period up to 120 hours. We questioned the Government in a briefing about the circumstances in which it is proposed that those emergency detention orders will be used, as the circumstances are not contained in the bill.

We were told that the powers would be used in a situation where a high-risk offender under a supervision order is subject to a curfew in their home and their home is equipped with monitoring equipment to ensure that the curfew is complied with. If their home were to burn down and there was no readily available alternative accommodation that could cater for the proposed protection of curfew and the supervision orders, then in those extreme individual circumstances there may be immediate application of the orders and detention for up to 120 hours in order to allow for alternative arrangements to be made.

Given that extremely narrow compass and given that only one order can be made for any alleged change of circumstances, The Greens will not be opposing this legislation. However, we are aware that those kinds of administrative detention powers are open to abuse. We will be closely scrutinising any instances in which the power is used. This is another case where ex parte applications are made in the Supreme Court. I note that the Hon. Adam Searle made mention of it in his contribution. The court is placed in a position where it has to accept the police or the executive's case because there is no-one present to contradict it, to test the evidence or to put up alternative hypotheses.

Our legal system is not designed to be inquisitorial. Our judges are not trained to be inquisitorial but to be impartial arbiters of a dispute between equal parties. We have seen already notorious instances where the

ex parte application process has led to substantial questions as to the integrity of the outcomes. The Ombudsman is close to finishing a secret report in relation to a series of ex parte orders that were granted between 2000 and 2001 providing for hundreds of warrants, effectively individual warrants, to tap the phones of lawyers, journalists and police officers. It would be clear to any impartial observer that the ex parte process is subject to abuse. No-one is present to contradict the executive when it presents voluminous statements or to cross-examine the authors of the affidavits.

It is also clear that a judge in the common law system does not have the training or, in many cases, the skills or capacity to adequately test ex parte applications that come before the court. This bill proposes another set of ex parte applications for emergency detention orders. If these kinds of arrangements are to remain on the statute books in the medium to long term in New South Wales—and it is likely they will—a public interest security monitor must be appointed. The monitor must have genuine independent statutory powers and adequate funding in order to be the necessary contradictor in ex parte cases. A monitor will be needed to test the evidence, to cross-examine deponents of applications and to inject integrity into the system. Indeed, that necessary office is required not only for these kinds of ex parte security-related applications but also for the raft of terrorism-related laws where warrant and detention applications are also made on an ex parte basis.

To return to the substance of the bill, I note that emergency detention orders must be applied for by the Attorney General, and the court must be satisfied that because of altered circumstances the offender cannot be adequately supervised and without such supervision poses an imminent risk of committing a serious offence. As I said earlier, such an order can only be in place for a maximum of 120 hours, and can only have effect as long as is reasonably necessary to enable action under the Act, and only one order can be made for any one change of circumstance. Schedule 1 [6] to the bill increases the penalties for failure to comply with supervision orders dramatically from a maximum of 100 penalty units and/or two years imprisonment to a maximum of 500 penalty units and/or five years imprisonment. Schedule 1 [16] provides that the offence of failing to comply with a supervision order is an indictable offence triable summarily unless the prosecutor elects otherwise, which of course would naturally flow from the increased penalties.

Schedule 1 [5] allows some additional conditions to be added to the non-exhaustive list of conditions that can be imposed as part of an extended supervision order. They include requiring a person to report to the police, to provide information about association with children and to comply with requirements regarding internet access. I said earlier that The Greens do not oppose these amendments that seek, at least in the Government's eyes, to improve the operation of supervision orders for high-risk offenders in New South Wales. The creation of a High Risk Offenders Assessment Committee is potentially a useful step for encouraging collaboration and the sharing of information within the Government. The potential for this collaboration to provide an improved evidence-based monitoring approach is one of the reasons why The Greens do not oppose this bill.

We note regarding emergency detention orders that the bar is set, on one view of it, at a reasonably high level although I note again that this bar will most likely be passed in an ex parte hearing where a person who will be most affected is unlikely to be able to get a hearing. Depriving any person of their liberty is not something that should be done lightly—

The Hon. Dr Peter Phelps: Hear, hear!

Mr DAVID SHOEBRIDGE: —apart from the Government Whip—and in this case, the time limit of 120 hours which cannot be extended is, as I understand it, crafted to be the minimum possible time to allow for the practical arrangements that are proposed to be put in place. As I read the legislation, if those practical arrangements can be put in place in less than 120 hours then there will be an obligation to release the offender notwithstanding that a maximum period of detention may be allowed. Perhaps the Parliamentary Secretary could clarify that in his speech in reply. When that is coupled with the fact that only one of these orders can be obtained in relation to any particular change in circumstance it does make it a very limited bill.

The increase in penalties for failure to comply with supervision orders is a matter of some comment. We note that serious breaches would tend themselves to be offences that may well individually attract substantial criminal penalties. Nevertheless, given the nature of the supervision orders, and the high-risk offenders to whom it is proposed to apply, the proposed penalties would not appear to be out of line with similar penalties for similar offences in other bills. It is with those very real concerns, but noting the limitations of this bill, that The Greens will not be opposing it.

Reverend the Hon. FRED NILE [9.34 p.m.]: The Christian Democratic Party supports the Crimes (High Risk Offenders) Amendment Bill 2014. This bill amends the Crimes (High Risk Offenders) Act 2006 in relation to the supervision and detention of high-risk sex offenders and high-risk violent offenders, two categories that cause great concern in the community. In a number of cases after these individuals have completed their prison sentence and are to be released there has been community outrage because of the risk they will reoffend by committing a high-risk sex attack or some other high-risk violent attack against innocent persons. The Christian Democratic Party strongly supports this legislation. This bill will amend the Crimes (High Risk Offenders) Act 2006 to enhance community safety through improved supervision and monitoring of high-risk sex and violent offenders.

The Crimes (High Risk Offenders) Act 2006 aims to protect the community from that small group of serious offenders who resist rehabilitation during their term of custody. The Christian Democratic Party supports the objective of this bill to ensure the community is protected from the high-risk of reoffending posed by such individuals. This bill implements a number of proposals that will strengthen the review and management of high-risk offenders. The Christian Democratic Party also supports this targeted approach to managing the high risk posed by high-risk offenders which gives agencies the tools to respond quickly to any change in circumstances that make risk imminent.

A key feature of this bill is the establishment of a High Risk Offenders Assessment Committee comprising members from Justice, law enforcement and relevant human service agencies. This committee will be responsible for the ongoing review, assessment and management of high-risk offenders. In addition, the bill will require those agencies to cooperate and share relevant information with the committee and each other to better support and manage offenders. The bill also provides for the Supreme Court to make an emergency detention order on an ex parte basis where a supervised high-risk offender cannot be adequately supervised in the community because of altered circumstances and consequently poses an imminent risk of committing a serious offence.

It is an obligation of governments to protect the community to ensure it can live in peace and security and this bill will endeavour to do that in this particular area. The sharing of information will allow for greater efficiency. If a change in circumstance creates an imminent risk to the community that an offender will commit a serious offence, the bill provides for the Supreme Court to make an emergency detention order, allowing temporary detention of supervised high-risk offenders for up to 120 hours. The bill also increases the penalty for failing to comply with a supervision order from 100 penalty units and/or two years imprisonment to 500 penalty units and/or five years imprisonment. The Christian Democratic Party is pleased the Government has introduced this legislation and I am sure the community will sleep more peacefully at night because of it.

The Hon. DAVID CLARKE (Parliamentary Secretary) [9.37 p.m.], on behalf of the Hon. John Ajaka, in reply: I thank members for their contributions to the debate. Before concluding I will address some particular matters that have been raised in the debate. In relation to the introduction of emergency detention orders, this order is intended to allow for short-term detention where necessary in extraordinary cases. The altered circumstances which form the basis of the emergency detention order application will not necessarily amount to a breach of the supervision order. Rather, altered circumstances can cover a situation where a high-risk offender is being supervised in the community and through no fault of their own, a situation arises which means the offender poses an imminent risk of committing a serious offence. An example could be their accommodation flooding. In those circumstances short-term detention may be necessary to ensure community safety until suitable alternative accommodation can be found for the high-risk offender.

In response to a concern raised that the emergency detention order may be made on an ex parte basis, the bill contains a number of important safeguards. First, emergency detention orders can only be applied for by the Attorney General. Second, applications must be accompanied by a sworn affidavit of the Commissioner of Corrective Services or an Assistant Commissioner. Evidence must be given to the court as to why there are no other practicable and available means of ensuring community safety other than detention of the offender. Third, an emergency detention order can last only for at most 120 hours. It cannot be renewed on the same set of circumstances. Fourth, there is a right of appeal to the Supreme Court against granting of an emergency detention order. These safeguards ensure that the offender's loss of liberty will be for the shortest period possible before that person either returns to the community under supervision or is given an opportunity to appear before the court to be heard on any application brought by the State under the Crimes (High Risk Offenders) Act 2006.

This bill makes significant amendments to the Crimes (High Risk Offenders) Act to strengthen the procedures and options in place for the supervision and detention of high-risk sex offenders and high-risk

violent offenders. The reforms in this bill will ensure that the State has the necessary tools to assess and respond to the risk posed by this cohort of offenders and will improve monitoring and supervision of them in the community. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

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

CRIMES LEGISLATION AMENDMENT BILL 2014

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [9.41 p.m.], on behalf of the Hon. John Ajaka: I move:

That this bill be now read a second time.

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

Leave granted.

The Government is pleased to introduce the Crimes Legislation Amendment Bill 2014.

The purpose of the bill is to make miscellaneous amendments to criminal legislation, as part of the Government's regular legislative review and monitoring program. The bill amends a number of Acts to improve the efficiency and operation of the State's criminal laws.

I will now outline each of the amendments in turn.

Clause 1 of schedule 1 makes three amendments to the Crimes Act 1900.

Item [1] amends section 61HA of the Act to extend the statutory definition of consent to attempts to commit the offences specified. Section 61HA contains a statutory definition of consent for specified sexual assault offences. The definition requires a person to have reasonable grounds for their belief that another person consents to sexual intercourse with them.

Section 61 HA does not now apply to attempts to commit sexual assault offences. As a result, where attempts to commit those offences appear in the same indictment as the substantive offences, juries are given different directions as to the statutory and the common law definitions of consent. This anomaly was identified by the recent Statutory Review of the consent provisions in the Crimes Act and will be rectified by this amendment.

Item [2] of clause 1 also implements a recommendation of the Statutory Review of the consent provisions in the Crimes Act. Replacing the word "medical" with the word "health" in section 61HA (5) (c) ensures that the subsection applies to all health procedures, not just those carried out by medical practitioners.

Item [3] of clause 1 amends section 93FB of the Crimes Act to clarify and extend the existing offence of possessing a dangerous article in a public place to apply to flares or distress signals. This amendment was proposed by the NSW Police to address anti-social behaviour by some fans at sporting matches. The current definition of dangerous article may not capture night-time flares which do not emit smoke but instead burn with a very bright light capable of burning material and causing eye damage. The amendment will not affect the available defences where the flare is possessed for a lawful purpose or with a reasonable excuse.

Clause 1.2 of schedule 1 amends the Crimes (Domestic and Personal Violence) Act 2007 by introducing a regulation-making power to prescribe a form for applications for apprehended personal violence orders. Proceedings for apprehended domestic violence orders are not affected by this amendment.

This amendment implements a recommendation of the Interim Review of the Act which considered the issue of frivolous and vexatious APVOs. The new regulation-making power extends to allowing certain questions to be included on an APVO form to assist a Local Court Registrar in deciding whether or not to issue an APVO. Answers to the questions will help reveal whether or not the APVO is sought for legitimate reasons relating to fears held by the applicant. The APVO form may also contain a warning that penalties may apply for making a false statement and that the maximum penalty is 12 months imprisonment or 10 penalty units [under section 49A of the Act]. This will be a safeguard for those completing an application, and a deterrent against frivolous or vexatious applications.

Clause 1.3 of the bill inserts into the Crimes (Forensic Procedures) Act 2000 a retrospective savings provision clarifying that forensic procedures carried out by appropriately trained NSW Police Force officers were carried out by "appropriately qualified persons" as defined by the Act. This amendment corrects a technical oversight relating to the written authorisation issued to NSW Police Force officers on completion of training in forensic procedures. The retrospective validation is limited to procedures carried out before 24 December 2013, when the technical oversight was corrected, and only applies to procedures carried out after completion of a training course.

Items [1] and [2] of clause 1.4 to schedule 1 amend section 53A of the Crimes (Sentencing Procedure) Act 1999. That section allows a court to impose an aggregate sentence when sentencing an offender for more than one offence. The section requires that the court indicate and record the sentence that would otherwise have been imposed for each offence.

The proposed amendment clarifies that a *written* record is to be made of the discrete sentences that would have been imposed had the court not set an aggregate sentence. Clearly recording indicative sentences is important for compiling sentencing statistics and allowing victims of crime, the community and any appeal court to understand how the aggregate sentence was arrived at.

Clause 1.5 of schedule 1 amends Rule 86 of the Criminal Appeal Rules to update a cross-reference in that section to the Crimes (Sentencing Procedure) Act 1990 which deals with guideline judgments on the application of the Attorney General.

Clause 1.6 amends the Criminal Procedure Act 1986 (CPA). Items [1] and [2] clarify that section 190 allows the Local Court to convict an accused in his or her absence, both at the first return date and at any subsequent mention date. This amendment reflects existing Local Court practice, as well as the Supreme Court decision of *Hammond v The Director of Public Prosecutions*.

Item [3] of clause 1.6 requires the court to be satisfied that the accused person had reasonable notice of the first return or mention date before proceeding to conviction. This will safeguard against the conviction of defendants who may be genuinely unaware of the mention date. Annulment applications will still be available where an offender disputes an ex parte conviction.

Item [4] of clause 1.6 removes the requirement in section 282 of the Act that a court must obtain the consent of an accused to the summary disposal of the proceedings if a scientific examination certificate is tendered by the prosecution. This is redundant as the NSW Table offences scheme provides that questions of how an offence is dealt with are determined by the type of offence and not by the nature of evidence tendered.

Clause 1.7 amends the Drug Misuse and Trafficking Act to provide that section 25B offences are to be dealt with summarily. Section 25B makes it an offence to manufacture, produce, possess or supply a substance listed in schedule 9 of the Poisons List under section 8 of the Poisons and Therapeutic Goods Act 1966 (NSW). The level of criminality attaching to offences concerning schedule 9 substances reflects that concerning psychoactive drugs in part C of the Drug Misuse and Trafficking Act: both sets of offences carry a maximum penalty of two years imprisonment. Dealing with schedule 9 substances summarily will be consistent with offences relating to psychoactive substances.

The amendment will apply retrospectively to existing offences, including those that have already been committed to the District Court. Where an accused has not yet been arraigned on an indictment containing a section 258 offence, the District Court may remit the matter to the Local Court to be disposed of summarily, if the court considers it is in the interests of justice to do so.

Clause 1.8 of schedule 1 amends the Graffiti Control Act 2008 to extend the time within which a charge under the Act must be brought from six months to two years.

The primary objective of the Graffiti Control Act is to have all graffiti offences dealt with under one Act. Increasingly, offenders are recording graffiti offences using technology such as camera-enabled mobile phones. Records of offences may be discovered more than six months after they have been committed. Extending the time limit to two years will allow more of these offences to be charged under the Graffiti Control Act rather than as property damage under the Crimes Act. It will provide more graffiti offenders with an opportunity to participate in council clean-up schemes and graffiti education programs under the Act.

Clause 1.9 of schedule 1 introduces a new offence of unlawful re-entry on inclosed lands. The offence will apply to event venues, defined as that part of inclosed lands used for organised, ticketed events. The offence will apply where a person re-enters a certain venue following a direction (a "re-entry prohibition") to leave and not return.

The introduction of this offence responds to New South Wales Police concerns about people who repeatedly contravene directions to leave sporting and public entertainment venues. Some Acts and instruments allow higher penalties to be imposed for a repeat offence in respect of larger venues [for example the *Sydney Cricket and Sydney Football Stadium By-law 2009*]. These amendments are intended to apply an escalating penalty regime for repeat offenders in respect of other, similar, venues which may not have their own banning scheme, but who confront similar problems.

To apply, the re-entry prohibition must specify the organised sporting or public exhibition event the prohibition applies to, its duration and the reason for the prohibition. The prohibition can apply to just the organised event at the venue from which the person was directed to leave, or to any other event, venue or organised event for which the authority giving the prohibition is responsible. An example would be where a spectator is directed to leave a sporting event and not return to all matches of that sporting code for the duration of the season. The prohibition however can only apply to a ticketed event, and only while that event is taking place. It cannot apply to the whole venue. The re-entry prohibition can be in the form of a formal banning notice under existing legislation.

> The person must also be warned that it is an offence to contravene the prohibition. These requirements safeguard against the arbitrary or unfair issue of re-entry prohibitions, as does the inclusion of a defence of reasonable excuse.
>
> The offence will carry a maximum penalty of 10 penalty units. Proposed subsection (6) of section 4AA provides that a person cannot be found guilty of this offence as well as another Act or instrument in respect of that re-entry.
>
> Clause 1.10 of schedule 1 amends section 3 of the Telecommunications (Interception and Access) (New South Wales) Act 1987 to align the definition of "certifying officer" for the Police Integrity Commission, the Independent Commission against Corruption and the NSW Police Force with the corresponding definition in Commonwealth legislation.
>
> Clause 1.11 of schedule 1 amends section 26ZI of the Terrorism (Police Powers) Act 2002 to clarify that the obligation not to disclose information obtained while monitoring communications between a detained person and their lawyer, extends to lawyers from whom a monitor seeks advice about the status of the monitored information. It will be an offence for a lawyer to disclose such. The proposed maximum penalty of five years imprisonment reflects the penalties applying to disclosure of information by monitors under subsection 26ZI (6). This amendment implements recommendations of both the NSW Ombudsman and the 2012 Statutory Review of the Act completed by the former Department of Attorney General and Justice.
>
> I commend the bill to the House.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [9.42 p.m.]: I lead for the Opposition in debate on the Crimes Legislation Amendment Bill 2014. The Opposition does not oppose the bill. The bill contains a number of miscellaneous amendments to miscellaneous legislation that have no common theme uniting them, apart from the fact that they all relate to the State's criminal law. The Attorney General presents the bill as part of the Government's regular legislative review and monitoring program. The first amendment deals with the definition of "consent" in sexual assault offences. This was a matter of considerable controversy when the statutory definition was introduced a number of years ago. The amendment extends the statutory definition in section 61HA of the Crimes Act to apply to attempts to commit sexual assault offences. This was a recommendation from the statutory review of the consent provisions carried out by the then Department of Attorney General and Justice dated October 2013. The background to the introduction of this statutory definition is conveniently set out in an extract from the statutory review:

> The policy objective of the amendment was to give clear guidance as to what constitutes consent. It was to provide a more contemporary and appropriate definition of consent than that found in the common law. This was so particularly in the adoption of an objective fault test that requires a person to have reasonable grounds for their belief that another person consents to sexual intercourse with them. The test reflects the increased equality in today's sexual relationships, and the dialogue that should take place between individuals prior to sexual intercourse to reach a necessary mutuality of understanding in relation to consent. In this way, section 61HA represented a significant reform in the prosecution of sexual assault cases in New South Wales, adopting the reforming approaches in other common law jurisdictions such as the United Kingdom, Canada and New Zealand.

I note that in submissions to the review, the Law Society of New South Wales, Legal Aid NSW and the Public Defenders restated their opposition to the statutory consent provisions. The first recommendation of the review was to "amend the Act to include attempts to commit the offences to which section 61HA applies". This is said to flow from the Court of Criminal Appeal case *WO v Director of Public Prosecutions (NSW)* [2009] NSWCCA 275. The court held in that case that the statutory definition of "consent" did not apply to an offence of attempting to commit an offence of sexual assault but only applied to the substantive offences referred to in section 61HA (1). This was an issue particularly highlighted in the submission of the Judicial Commission of New South Wales to the statutory review. The trial court ruled that the statutory consent provisions did apply to the attempt offence. These matters were also raised by the Office of the Director of Public Prosecutions [ODPP]. The relevant section of the review arguing for the recommendation is as follows:

> The ODPP identified the issue of section 61HA not applying to attempts in the context of such offences appearing on the same indictment as substantive offences. This scenario requires the judge to give the jury two different definitions of consent: the statutory definition in relation to substantive sexual assault offences to which section 61HA applies and the common law definition in relation to attempts to commit those offences.
>
> The review concludes that the Act should be amended to provide for the statutory definition of consent in section 61HA to apply to attempts to commit the offences referred to in the section. This is because, as argued by the DPP, the Crown is required to establish a lack of consent when prosecuting an attempt to commit a sexual assault offence: a complainant in such circumstances should be allowed the same protections as the section affords complainants in prosecutions for the substantive offences to which it applies. It would also simplify the directions a judge is required to give to a jury in the circumstances highlighted in the ODPP's submission.

The second amendment in the bill also results from the recommendations of the statutory review into the consent provisions. The second recommendation reads as follows:

> Amend section 61HA (5) (c) to replace the word "medical" with the word "health" so that it applies to all health procedures, not just those carried out by medical practitioners.

The rationale for this was expressed by the statutory review to be as follows:

> NSW Health raised a concern about the specific wording of section 61HA (5) (c) that states a person does not consent to sexual intercourse if he or she is under a mistaken belief that it is for medical or hygienic purposes. Their submission proposes replacing the word "medical" with the word "health", so that it applied to all health procedures, not just those carried out by medical practitioners. Although the review is unaware of any issues arising at trial in relation to the use of the word "medical", nevertheless the proposed change is supported as it meets the aim of section 61HA's provisions to give clear guidance as to what constitutes consent, by setting clear parameters in its statutory definition.

The bill also amends section 93FB of the Crimes Act. This section deals with the possession of dangerous articles, other than firearms, in a public place. The amendment is to extend the prohibition of dangerous articles to include flares or distress signals. The Attorney General said this was a proposal from the NSW Police Force to capture within the section night-time flares that do not smoke but burn with a very bright light and are capable of burning material and causing eye damage. This is said to address their use at sporting events. This does not criminalise their use at sporting functions but their possession, and it is not altogether clear that this is not already caught by section 93 (1) (a) (i).

The Crimes (Domestic and Personal Violence) Act is amended by allowing regulations to make provision for forms for an application for an apprehended personal violence order. It seems that the application form allows more information and detail to be recorded than would normally be expected. There is also a warning about false claims. These are said to arise from a review of the Act dealing with the issue of frivolous and vexatious applications. That review does not justify the occasionally extreme fulminations that one hears about frivolous or vexatious applications. I particularly draw the attention of members to the research of the NSW Bureau of Crime Statistics and Research [BOCSAR] on this subject published in *Crime and Justice Bulletin* of May 2012 and the comments made by the shadow Attorney in the other place in October 2013.

An amendment to the Crimes (Forensic Procedures) Act gives retrospective validation to certain forensic procedures carried out before 24 December 2013. A police officer who carries out such a forensic procedure and who has completed a forensic procedure training course conducted by the NSW Police Force will be taken to be appropriately qualified to carry out that procedure.

The Attorney has described this as correcting a technical oversight. The Crimes (Sentencing Procedure) Act is amended so that when an aggregate sentence is imposed for a punishment of different offences by the court a written record is made of the discrete sentences that would have been imposed if there were no aggregate sentence. The Criminal Appeal Rules are amended by updating a reference. The Criminal Procedure Act is clarified so that the Local Court can hear and finally determine a matter in the absence of the accused on the first return date or any subsequent day if satisfied the accused had reasonable notice. Section 282 is amended to remove the requirement that a court must obtain the consent of an accused person to the summary disposal of proceedings if a scientific certificate is tendered in the proceedings by the prosecution.

The Drug Misuse and Trafficking Act is amended so that offences involving the manufacture, production, possession or supply of substances listed in schedule 9 of the Poisons Standard under the Commonwealth Therapeutic Goods Act are to be dealt with summarily. Substances represented to be a schedule 9 substance are taken to be such. Schedule 1.8 provides a two-year limitation period for commencing proceedings for offences under the Graffiti Control Act. This is an extension from the limit of six months. We are dealing with heady stuff here.

The Hon. Matthew Mason-Cox: I'm sure you're about to bring it to a close.

The Hon. ADAM SEARLE: But wait; there's more—just because you insist and particularly given the time of night.

The Hon. Dr Peter Phelps: Are you being paid in six-minute increments?

The Hon. ADAM SEARLE: No, barristers never charge that way, only solicitors.

The Hon. Trevor Khan: Yes, and I was good at it.

The Hon. ADAM SEARLE: I acknowledge that interjection. A statutory review of the Graffiti Control Act found that police largely refused to use it and proceeded under the Crimes Act instead, so one wonders what the practical consequences of this amendment will be—not much, I apprehend, but we can be

surprised. We will see. The Inclosed Lands Protection Act is amended to create a new offence of entering inclosed lands in contravention of a re-entry prohibition. The section establishes a regime for re-entry prohibitions to be issued by the responsible authority for an organised event. The Telecommunications (Interception and Access) (NSW) Act is amended to align the definition of "certifying officers" for the Police Integrity Commission, the Independent Commission Against Corruption and the NSW Police Force, with the corresponding definition in the Commonwealth legislation, a neat but no doubt overdue reform from the reformist zeal of those opposite.

The final amendment is to the Terrorism (Police Powers) Act and implements recommendations from the Ombudsman and a statutory review. It extends a prohibition on disclosing information to a person who is a lawyer from whom a monitor seeks advice and that information is obtained from monitored communication between a detained person and their lawyer; that is, the prohibition applies to the police officer's lawyer where the police officer is listening to a detained person and that person's lawyer. The police officer is already prohibited from disclosure. As I indicated at the outset, the Opposition does not oppose these measures.

Mr DAVID SHOEBRIDGE [9.52 p.m.]: I speak on behalf of The Greens in debate on the Crimes Legislation Amendment Bill 2014. This is another one of these compendium bills that makes a number of amendments to crimes legislation as part of the regular update of statutes in New South Wales. It is difficult to get overly excited about any individual amendment that the bill is proposing, and indeed as an aggregation it is not an exciting piece of legislation. Nevertheless, I will endeavour to traverse its substance.

Schedule 1.1 amends the Crimes Act, first, to update the definition of consent with respect to sexual assault offences to attempts to commit those offences, meaning that the new statutory definition requiring reasonable grounds to believe consent exists applies to attempt offences. That actually is a change of some substance and of all the amendments to the bill that actually is one that probably could have been worthy of its own stand-alone statutory amendment. It will, I hope, make it less difficult to prove those essential elements where the offence sought to be proved is an attempted sexual assault offence. There is also a proposed amendment to the definition of where consent is negated to include circumstances where the person is falsely given to believe it is for health reasons. That expands from the current situation where this only includes a belief that it is for medical reasons.

Schedule 1.1 [3] amends the Crimes Act to add flares, distress signals and similar items to the definition of possession of a dangerous article in a public place. It is considered that these may not be covered by existing items in the list, despite posing a potential risk to the community. Defences apply if the person had a lawful purpose or reasonable excuse to possess the item. I do not know what spate of distress signal offences or conduct this seeks to address. Nevertheless, it is not opposed as it seems consistent with the other items in the list.

Schedule 1.2 amends the Crimes (Domestic and Personal Violence) Act 2007 to create a regulation-making power for the form of application notices for apprehended violence orders [AVOs]. That is a fundamental reform of the New South Wales criminal justice system—a regulation-making power to allow for a form to be the approved form for AVOs. We are told that such a notice may include information about whether there is a commercial relationship between the parties, any debt owed by one party to the other, previous civil or criminal proceedings and a note that making false statements on the application is an offence. We are told that it is intended that this information would assist the Local Court Registrar in deciding whether the AVO is being sought for legitimate reasons and to avoid frivolous and vexatious applications wherever possible. I would hope that a regulation-making power and a new form would have such powers.

Schedule 1.3 amends the Crimes (Forensic Procedures) Act 2000 to retrospectively validate forensic procedures carried out by appropriately trained officers by deeming those having completed the required training as being appropriately qualified officers. I understand that without this amendment a good number of certificates potentially would be open to challenge. Those challenges would be of a technical and not substantive nature and therefore The Greens do not oppose this amendment. Schedule 1.4 makes an amendment to the Crimes (Sentencing Procedure) Act 1999, which will mean that where aggregate sentences are given, the court should make a record of the discrete sentences that would have been imposed had it not been for the aggregate sentence. I assume that is for the purpose of allowing the sentences to be recalibrated in the event that one or two of those individual sentences are successfully appealed without having to go back and review the entire sentencing decisions at first instance.

Schedule 1.6 amends the Criminal Procedure Act 1986 to make clarifications that the Local Court can hear and finally determine matters in a person's absence on the first return date or subsequent dates if satisfied

the person had reasonable notice of the first return date or mention date. We were told this is the practice already in the Local Court when we asked about that in the briefing and that it was simply to clarify the existing practice. I take that information in the briefing on good faith and indeed from very summary inquiries that we made that appears to be the case.

Schedule 1.7 makes a change to the Drug Misuse and Trafficking Act to specify that section 25B offences of manufacture of schedule 9 substances—defined on the Federal Poisons Standard as "Schedule 9 contains substances that should be available only for teaching, training, medical or scientific research including clinical trials conducted with the approval of Commonwealth and/or State and Territory health authorities" and including cannabis, coca leaf and THC—are to be dealt with summarily. This change will apply retrospectively. Schedule 1.8 extends the time within which a charge under the Graffiti Control Act 2008 can be brought from six months to two years.

The Greens had some initial substantial concern with this matter, but we are told that it is intended to cover instances where those who commit such offences record themselves doing so, are stupid enough to put it on social media and those recordings later come to light and are brought to the attention of the police. We were advised that in such cases the extension in the time limit will allow the offences to be considered under the Graffiti Control Act rather than as property damage under the Crimes Act. As I understand the matter, police who become aware of the offence more than six months after the offence was allegedly committed because of the statutory time limit under the Graffiti Control Act, which is a more appropriate measure to deal with those offences, are being dealt with routinely as property damage under the Crimes Act. That is not in the interests of the police or the potential rehabilitation of the offender. The Greens do not oppose that amendment.

Schedule 1.9 amends the Inclosed Lands Protection Act 1901 to create an offence of unlawful re-entry on inclosed lands, which will apply where a person re-enters an event venue despite a re-entry prohibition and it includes a penalty of 10 penalty units. That appears to be a rational power. Schedule 1.11 amends the Terrorism (Police Powers) Act 2002 to clarify that where a monitor seeks advice from a lawyer about communications between a detained person and their lawyer, the disclosure of this monitored information by the lawyer is an offence with a maximum penalty of five years imprisonment. The lawyer would already be compelled under his or her professional obligations to not disclose that matter. I do not understand the rationale for including an additional offence on the statute books. Nevertheless, including it as an offence is not contrary to principle given that it would be a breach of the lawyer's professional ethics to disclose such matters and given that it is potentially dealing with matters of significant security

The Greens do not oppose these kinds of compendium bills. They provide an opportunity to update and, where necessary, make clarifications, to crimes legislation. Our support of the bill does not include support for the continuation of the Government's wrong-headed approach to the Graffiti Control Act. That piece of legislation has been amended repeatedly by this Government and the former Government. On the face of it, it is comprehensively failing to do the task for which it was set, which is to be an effective measure for reducing graffiti. The repeated need for amendments to this scheme—this is the fourth time that Act has been amended by this Government—shows the scheme is poorly conceived, which has to be attributed to the hasty drafting of the Government's amendment. It should be recognised that the Graffiti Control Act has failed. We should be looking at far more creative, sensible and hopefully effective ways of controlling graffiti before another inevitable amendment in six months.

Reverend the Hon. FRED NILE [9.59 p.m.]: On behalf of the Christian Democratic Party I support the Crimes Legislation Amendment Bill 2014. The bill amends various crimes related to legislation as part of the Government's regular legislative review and monitoring program. Such a program is carried out by the government of the day. The amendments are not usually controversial otherwise they would not be included in the bill. They are mainly technical, minor or uncontroversial and are aimed at improving the administration of criminal legislation in New South Wales.

Pursuant to sessional orders business interrupted to permit a motion to adjourn the House if desired.

The House continued to sit.

Reverend the Hon. FRED NILE: I will refer to some of the important items in this bill. One extends the limitation period to prosecute graffiti offences from six months to two years. That is a positive move because

there is widespread concern in our community about graffiti on buildings, trains and other properties, including private properties. In the past it was mainly commercial buildings. Graffiti needs to be treated as a serious matter and I am pleased that the Government has extended the limitation period.

The bill also creates a new summary offence of aggravated trespass. The amendment to the Inclosed Lands Protection Act 1901 creates a new offence of entering inclosed lands in contravention of a re-entry prohibition. A re-entry prohibition is a direction by the responsible authority for an organised event, after a person has been directed to leave the organised event, that a person must not enter an event venue or venues during an organised event. The re-entry prohibition can apply just to the event venue and organised event the person was directed to leave or, instead or as well, to any other event venue or organised event for which the responsible authority giving the re-entry prohibition is the responsible authority. We see increasing numbers of cases where groups, usually young men, gatecrash organised activities in private homes or at sporting events and are ordered to leave. This will increase the penalties if they, after being ordered to leave, re-enter and will not leave that venue again. The re-entry prohibition is a positive move to ensure that people can enjoy sporting activities, twenty-first birthday parties and other activities.

The bill also creates an offence to possess a flare or distress signal in a public place without lawful authority or reasonable excuse. Again, we have seen some of our sporting events disrupted by someone throwing a flare onto a sports field. If they can be identified then this new offence allows them to be charged. The bill also confirms that the Local Court can convict an accused in their absence at the first return date, at any later mentioned date or at a date listed for hearing. The bill also enables offences relating to synthetic drugs under the Drugs Misuse and Trafficking Act 1985 to be dealt with summarily in the Local Court.

Finally, the bill clarifies that the obligation in the Terrorism (Police Powers) Act 2002 not to disclose information from monitored communication extends to lawyers from whom advice is sought by a person who monitored contact between a detained person and their lawyer. Sadly, we need to increase these obligations because of the seriousness of terrorism. Other speakers have said that lawyers would normally follow the ethics required by their profession. A range of persons can become lawyers in our society and there may be some lawyers who have sympathy for a terrorist or for terrorist acts. I believe it is important that this type of offence is clearly spelled out in the legislation as it is in this bill. The Christian Democratic Party is pleased to support the legislation before the House.

The Hon. DAVID CLARKE (Parliamentary Secretary) [10.09 p.m.], on behalf of the Hon. John Ajaka, in reply: I thank honourable members for their contributions to debate on the Crimes Legislation Amendment Bill 2014. The bill makes a number of important amendments to the criminal laws of this State. The amendments will ensure that criminal laws and procedures continue to be as effective as possible. The amendments will also support the effective administration of justice in New South Wales. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

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

ADJOURNMENT

The Hon. DAVID CLARKE (Parliamentary Secretary) [10.10 p.m.]: I move:

That this House do now adjourn.

REGIONAL HOME AND COMMUNITY CARE SERVICES

The Hon. STEVE WHAN [10.10 p.m.]: Over the past few weeks I have spoken to a large number of people in Cooma and many elderly people have raised concerns with me about the uncertainty surrounding privatisation of home care services in New South Wales. Recently the Government has advised many home care clients and employees that it is moving ahead with privatisation of these services and contracting out to the non-government sector. The services are important to people who rely on them. As most people in this place will know, they include services such as cleaning houses and personal services such as assistance with showering or personal hygiene. Clients want to develop a relationship with the person who comes into their home to offer personal and private services.

However, I am hearing from people in Cooma and in other parts of regional New South Wales that they are very uncertain about the future of home care services. This week the Minister answered a number of questions during question time but that has not alleviated the concerns that many people have expressed. The Government's advice on the website states:

> Home care will not move to the non-government sector until 2015 with the likely completion around the middle of 2015.

That is less than eight months away. At this stage, the people who work in the home care sector do not know what their future employment will be and those who receive the services do not know what changes, if any, will occur to the services they receive. The Government's advice further states:

> There is no immediate change to your services or to the home care staff that support you.

"No immediate change" are the key words. I am concerned about what I am hearing from people who receive the service and other providers of Home and Community Care [HACC] services in Cooma and Queanbeyan. As part of the transition to the National Disability Insurance Scheme [NDIS] the Government has taken the opportunity to get out of providing many of these services. We have seen many HACC services shift to non-government providers. In Queanbeyan HACC services in the dementia and aged care areas have moved from the health service and Queanbeyan council to non-government providers. In each case I have had complaints from service recipients, who say they are receiving a lesser service from the service providers.

I recently attended a meeting of dementia carers in Queanbeyan who highlighted their concerns about the transition that has occurred and lack of information about whom HACC services have been transferred to. They have not had direct contact with the new service providers. In the case of recipients of dementia care, clients are not able to have the person whom their loved one is used to continue to provide that service—and when caring for someone with serious dementia that can be a real problem. Dementia patients do not feel comfortable going out with somebody they have not had previous contact with. In some cases, men with dementia are uncomfortable going out with a female service provider. One person told me that they have rung and asked several times for their new service provider to be a male but have not received an answer.

In Cooma it seems that package-based services end on the dot as soon as the money runs out, whereas previously additional services were provided. For one client it means that two shopping trips a week have been reduced to one shopping trip a week at double the cost. That same client also worries about the home care services provided to his wife. The Government must provide more information than it is currently offering, and the local member needs to inform the people who receive these services. The member for Monaro issues lots of press releases in which he tells people about normal run-of-the-mill government grants—sometimes even announcing them three times—but there has not been a single press release about the transition of home care services or the tender that is taking place. It is just not good enough for these elderly people and those they look after to be treated in this way.

WORLD POPULATION

The Hon. ROBERT BORSAK [10.15 p.m.]: Recently when I was doing some reading I came across an article from 2007 that says it all about the extreme Greens and their vision of the world. At that time the world had a population of about 5.5 billion and the founder of Sea Shepherd, Paul Watson, wrote an article in which, among other things, he described mankind as a "virus". He claimed there was a need to "re-wild" the planet. Watson of course is infamous for his battles to save the whales—which are obviously much more important than humans. He is more concerned that mankind was harming Mother Earth. All of this was well before that other "earthian" Dr Bob Brown from Tasmania was making his prognostications about how to save

the planet. Mr Watson had some pretty firm ideas about what needed to be done immediately. He called for a world population of less than one billion—I do not know what he intended to do with the other five billion. Mr Watson has form in wanting to depopulate Earth. He wrote:

> I was once severely criticised for describing human beings as being the AIDS of the Earth. I make no apologies for that statement.

There have been "depopulation" promoters for years. In fact, Watson is only echoing Robert Malthus, the English political economist who claimed that mankind was overpopulating the earth—but he did that in the late 1700s. Watson has many suggestions about how we should fix the problem. He wants no human community to be larger than 20,000 people and to be separated from other communities by wilderness areas. He also wants vast areas where humans do not live at all, where other species are free to evolve without human interference. According to Mr Watson:

> Sea transportation should be by sail. Air transportation should be by solar powered blimps—but only when air transportation is really necessary … we need to stop flying, stop driving cars, and jetting around on marine recreational vehicles. The Mennonites survived without cars and so can the rest of us.

Essentially, The Greens' solution to the world is a return to primitive lifestyles—but only for those one billion people whom they apparently choose to make the transition. Is it any wonder that The Greens struggle for credibility on any level? In closing, I mention also some new research out of Sweden. For the first time researchers have shown how solar activity affected the last ice age 10,000 to 20,000 years ago. They found that the sun influences climate regardless of extremes in weather. Apparently modern-day solar activity is causing a 0.1 degree of warming in the 11-year cycle. That means the sun's variation influences the climate regardless of whether the climate is as extreme as it was during the ice age or as moderate as it is today. So perhaps Mr Watson might allow us to fly in aeroplanes for a little longer before he decides how to reduce the earth's population. With a little bit of luck Mr Watson might decide to eliminate himself first and foremost.

NAMBUCCA VALLEY DIALYSIS UNIT

The Hon. MELINDA PAVEY (Parliamentary Secretary) [10.18 p.m.]: Tonight I inform the House about an outstanding achievement in the electorate of Oxley—namely, the new Nambucca Valley Dialysis Unit. Innovative models of care can provide unique solutions to the delivery of health services in rural locations. The Hon. Steve Whan and I both recognise and agree that the delivery of renal dialysis to regional communities is incredibly important to electorates such as Cooma, where the official opening of the dialysis unit at the local hospital was held approximately four weeks ago. I supported that exciting development from day one and was very proud to see it delivered. I was equally proud to see such an innovative model of care delivered to the community of Nambucca Heads, which has a large Aboriginal population and is very important to the mid North Coast. The Mid North Coast Local Health District has partnered with Nambucca Healthcare Centre, a private company, to operate a local renal dialysis service within the specialist facility that is privately run at Nambucca Heads.

This is a brilliant solution and a brilliant idea that has been some time in the making. I acknowledge the work of Nambucca Health Care and its owners in developing this innovative model, which has been supported by the local community. Some amazing people in the community have got behind this idea. This innovative solution will provide answers to a longstanding problem. It has been achieved through a public-private partnership that will ensure that people from Nambucca Heads, Bowraville and Maxwell will no longer have to travel to Coffs Harbour, Port Macquarie or Kempsey for renal dialysis.

The local community was incredibly proactive, intelligent and articulate in its approach to this issue. It had the support of the local member, Andrew Stoner, who championed the concept from its very beginnings. I had several meetings on behalf of Andrew Stoner with local champions Neville Ledger and Jeanne Reid, who worked hard to ensure that the unit was established. As a passionate advocate of innovative care models, especially in managing renal dialysis, it was rewarding to see the $1.2 million centre begin operations in June with three chairs available for local residents and the capacity to expand. That potential to expand is an important issue. In the past, patients had to travel from Nambucca to Coffs Harbour, Kempsey or Port Macquarie for treatment three times a week or to have dialysis in their homes. Home-based care is the preferred model and we encourage it. However, where it is not possible, going to a nearby centre is the best option.

The facility will also provide away from home dialysis for those seeking a holiday in the Nambucca Valley. That service will be managed by Enable NSW. The new renal dialysis service will be staffed and operated by the amazing staff of the Mid North Coast Local Health District and will be located in the Nambucca Health Centre. This is a fantastic achievement and I congratulate everyone involved and those who have championed health services in the Nambucca region.

I recently had a significant meeting with Adrian Collins, the chief executive officer of the Leukaemia Foundation of Australia, and his New South Wales manager, Christine McMillan. The foundation is a quiet achiever in the health space. It is the peak body for blood cancer funding research and provides free services to support people with leukaemia, lymphoma, myeloma and related blood disorders. Blood cancer comes third as a cause of cancer deaths in Australia and 3,978 Australians died of it in 2011. I take this opportunity to highlight the fantastic work that the foundation does in New South Wales. Like the McGrath Foundation, the Leukaemia Foundation has 14 trained health professionals working in support services throughout the State, particularly in regional New South Wales, including Lismore, Coffs Harbour, Orange, Tamworth, Albury, Wollongong, Canberra, Newcastle and the Central Coast. Over the past financial year, the New South Wales support service team managed 1,835 new patient referrals, which is equivalent to 46 per cent of newly diagnosed patients in this State.

The foundation also commenced a patient transport program as a result of generous sponsorship from Bridgestone Tyre Centres, Holden and the Peter Brock Foundation. Dedicated trained volunteers have driven patients throughout regional and country New South Wales and the city to and from their medical, outpatient and other specialist appointments. The transport program services are a major boost and offer support to country people in particular. It is a fabulous service and I thank the Leukaemia Foundation for its efforts.

WORKERS COMPENSATION SCHEME

The Hon. PETER PRIMROSE [10.23 p.m.]: We now know that the New South Wales Liberal-Nationals' 2012 amendments to the State's workers compensation scheme were not only harsh but also unnecessary. Coalition members are still fond of saying that they had to take urgent action when they came to government because the scheme had a $4.1 billion black hole. We now know that that was a complete fabrication. WorkCover's actuary—PricewaterhouseCoopers, or PwC—gave detailed evidence to the recent Standing Committee on Law and Justice review of the WorkCover Authority. They also presented evidence to the Government's own statutory review by the Centre for International Economics. WorkCover's actuary has confirmed under oath that the 2011 prediction of a $4.1 billion deficit was based on projections of returns made at the lowest point of the global financial crisis.

In December 2011 WorkCover's investment division estimated a long-term average return on investments of 6.58 per cent per annum. The workers compensation scheme is a long-tail scheme so correctly predicting the likely returns on assets over future years is critical. This 6.58 per cent estimate was the basis of the Government's assertion that there was a $4.1 billion deficit when it introduced its 2012 legislation. But then in calendar year 2012 the actual investment return went up to 10 per cent. In calendar year 2013 it was 11.2 per cent. The global financial crisis was easing. The 2011 estimates were simply wrong.

That is why today, even after the 17.5 per cent reduction in premiums to employers, the scheme is over $1.3 billion in surplus. The Government is collecting around 20 per cent more in premiums than the scheme needs to pay the current package of benefits to injured workers. By June 2015 the assets will be in excess of premiums by 25 per cent. The miscalculations by Treasurer Baird in 2012 were simply incompetent. The lack of action today by Premier Baird to correct his errors is simply unconscionable. It is unfair to those who are forced to pay for this excess through unnecessarily high premiums and it is unfair to the injured workers and their families, who have had their benefits cut without any justification.

WorkCover's own actuary predicts that by 2019 WorkCover will hold 55 per cent more in assets than it needs to meet its liabilities. This will amount to a surplus of around $5 billion. That is money that should be used to return benefits to injured workers and their families. PricewaterhouseCoopers also found that, without any of the harsh 2012 changes, with the ending of the global financial crisis the so-called deficit would have fallen anyway to $2 billion in June 2014 and to just $500 million in June 2018. By 2021 it would have approached full funding. This means the scheme that the Liberals inherited in 2011 was solvent. They knew it back then just as they know it now. There was no enduring black hole—it was a total fabrication.

Mike Baird was Treasurer in 2012. His changes to the workers compensation scheme were a major cost-shifting exercise—away from the insurance agents of the scheme and employers and onto injured workers, their families and the Federal Government through Medicare and Tony Abbott's ever harsher social security system. The Baird Government has recently been shamed into returning a few benefits for some seriously injured workers, including the provision of hearing aids and prostheses and modifications to their homes and cars, but only until they reach retirement age. This extension applies only to those who made claims before 1 October 2012. I have not seen the legislation promised by the Minister to extend these benefits to all other injured workers. We have only a few weeks of parliamentary sittings left. The clock is ticking.

ANIMAL RIGHTS ACTIVISM

The Hon. ROBERT BROWN [10.27 p.m.]: Tonight I speak about efforts earlier this year by animal activists to unfairly and unjustly attack farmers. Strangely enough, they were joined by, of all things, a celebrity lifestyle coach and personal trainer. She penned an article saying we should all oppose legal moves to prevent animal activists from trespassing on and breaking into private property to expose alleged animal cruelty. This person curiously claims:

> … there's no hiding the fact that the animals plus money equation usually equals pain and suffering.

What an outrageous statement. She provides no facts and no evidence—simply an allegation. This is the sort of misrepresentation that farmers are facing with increasing regularity from these so-called animal liberationists. Nobody, particularly farmers and/or hunters, actively tolerates animal cruelty, lack of hygiene, product substitution or deception. Whilst every industry may have its bad apples, this does not reflect on the industry as a whole or on society as a whole. Fortunately, a person by the name of Mr Bill Farmer—I kid you not; that is his name—chose to respond. I will let his words tell the story. He described the issue as being about a law the Government was introducing to stop people from trespassing on farms and planting video cameras in pig and chook sheds to try to catch farmers mistreating their animals. Referring to the personal trainer, Mr Farmer said:

> I was pretty cranky about what you wrote because the people breaking into farms in the middle of the night have been terrifying farm families and also breaking biosecurity rules that prevent the animals getting diseases.

He then asked:

> What if the shoe was on the other foot and personal trainers and lifestyle coaches had to be above suspicion? The only way to make sure you always follow your own advice would be for surveillance cameras to be put in your home and for other cameras to follow you around and keep track of what you eat and drink and how much exercise you do and then for that video footage to be made available to all your customers.

Intuitively, Mr Farmer then pointed out:

> The motives of those who invade private homes in order to gather evidence can be judged by the fact that, rather than take information to the authorities, they prefer to act through the media, and often wait some time before doing so.

He went on to argue:

> The adage about being innocent until proven guilty holds no sway in these circumstances. There is no proof test with the media. The aim is to humiliate the victim with one sided, untested and provocative material and once that is done, such damage can never be undone—even if the accusations are proven to be false and unfounded.

I raise a personal example from when I was a member of General Purpose Standing Committee No. 5 looking at alleged maltreatment of koalas in Gunnedah—wasn't that a travesty of justice?

The Hon. Duncan Gay: That was deplorable.

The Hon. ROBERT BROWN: It was terrible. I think Mr Farmer has put a great case—just think about live cattle exports. In concluding he said:

> The rule of law says it is for the appropriate authorities to determine whether crimes, felonies or misdemeanours have been committed—not self-appointed vigilante activists committing trespass and trampling on the rights of people who might be completely innocent.

I say that if the New South Wales Government wants to bring in laws that such vigilantes, or lawbreakers, seem upset by, the sooner the better.

BATHURST CARERS LUNCH

The Hon. NATASHA MACLAREN-JONES [10.32 p.m.]: On Monday 13 October 2014 I attended the Bathurst Carers Lunch to honour the work of hundreds of carers from the Bathurst community. The lunch was the idea of a young student from St Stanislaus College, Keegan Bringolf. Keegan volunteered with the Disability Information Advocacy Service [DIAS] in Bathurst during the school summer holidays. DIAS provides an outreach service to Cowra, Dubbo, Mudgee, Orange and Parkes. DIAS works with people who have disability to empower them to make life choices for themselves. It provides services and support to families and other primary caregivers to carry out their roles. It also provides free advocacy training for people with disability to build self-expression, self-confidence, self-reliance, self-esteem and personal relationships.

Whilst volunteering with DIAS, Keegan asked about an annual event to thank the carers for their work. In talking to the staff he discovered that they were understaffed and were no longer able to run the annual event.

Keegan went home and discussed this issue with his parents. The following day he went back to DIAS and offered to run the event. DIAS agreed on the condition that Keegan would take full responsibility for organising the event, whilst it would assist with the treasurer's role.

Keegan worked closely with the careers adviser at St Stanislaus College, Helen Jones, who gave him advice along the way. After six months of work he pulled together a very successful thank you function for the Bathurst carers, showing his talent not only as an organiser but also as a community leader. Keegan worked with local businesses to donate gifts for the carers and with St Stanislaus College, the St Vincent de Paul Society and, in particular, with Mrs Ros King, who organised packages for the carers. A special note should also go to Farmgate on Keppel for donating the meat, the Country Women's Association ladies for catering, and students of MacKillop College, Bathurst and St Stanislaus College for their assistance. I acknowledge John Enright and Jack Mitchell of St Stanislaus College and Emily Behan of MacKillop College for their help in waiting on tables and general set-up for the lunch.

Throughout the lunch some of the girls of MacKillop College provided musical entertainment. I acknowledge Courtney Powell, Eliza Tucker, Laine Redden and Alyssa Ridding for their work. Other performances were given by Jack Ayoub of St Stanislaus College and local musician Lueth Ajak. Local aunty Gloria Rogers presented the Wiradjuri Warming. She said she called it a warming to country rather than a welcome to country because there was no dancing involved. It was fantastic to meet and talk with a number of the carers and hear their personal stories. One of the youngest carers was Anthony, who was aged 14. He and his father, Raymond, together care for their mother and wife. I also met a daughter who had been caring for her mother for the past 25 years to ensure that she could stay in her own home.

In our lifetimes most of us are likely to either provide care for a family member or friend or need to be cared for ourselves. The work that unpaid carers do is essential to the wellbeing of our society and economy. Unpaid care is critical to the sustainability of our health and community services systems. According to research conducted by Access Economics in 2010 and released in its report entitled "The economic value of informal care", it would cost more than $40 billion to replace the hours of care that unpaid carers provide in Australia.

It is important to unpaid carers that the care role is recognised by the community. However, research shows that carers have much lower levels of health and wellbeing than other demographic groups. Carers deserve access to the kind of support that enables them to take responsibility for their lives, including their caring duties and their health and wellbeing. This Government's vision for the more than 857,000 carers in New South Wales is that they are supported to participate fully in their social and economic lives. To do this the Government has implemented the NSW Carers Strategy, which is a five-year plan to improve the position of carers in this State.

The strategy will be implemented by government, non-government organisations and private businesses in new partnerships that are designed to deliver better services and support for carers. There are five key outcomes of the strategy. The first targets employment and education. It aims to give carers choices and opportunities to participate in paid work and give young carers the opportunity to complete school and transition to further education and employment. The second outcome is to improve carer health and wellbeing. The third is to provide greater information and create community awareness to ensure that carers are able to easily access information when they need it. The fourth outcome relates to carer engagement to ensure that carers are involved in decisions that affect them and the people they care for. The final key outcome is for there to be more evidence-based practice, which will ensure that care policy and practice is informed by quality evidence.

The NSW Carers Strategy is the result of an extensive collaboration with more than 2,500 people—mostly carers—who shared their ideas on how government agencies, business and community groups could work together to better support carers. The strategy contains practical approaches that we hope will make a real difference in carers' lives in not only the care they provide but also important areas such as employment, education, health and wellbeing. The NSW Carers Strategy builds on what the New South Wales Government is already doing to raise awareness and recognition of the challenges carers face and it complements reforms in other areas such as disability, mental health and ageing.

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

Motion agreed to.

The House adjourned at 10.37 p.m. until Thursday 16 October 2014 at 9.30 a.m.