LEGISLATIVE ASSEMBLY

Tuesday 26 March 2013

The Speaker (The Hon. Shelley Elizabeth Hancock) took the chair at 10.00 a.m.

The Speaker read the Prayer and acknowledgement of country.

INTOXICATED PERSONS (SOBERING UP CENTRES TRIAL) BILL 2013

Bill received from the Legislative Council, introduced and read a first time.

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

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

RACING LEGISLATION AMENDMENT BILL 2013

Second Reading

Debate resumed from 25 March 2013.

Mr JOHN FLOWERS (Rockdale) [10.05 a.m.]: It is with pleasure that I participate in debate on the Racing Legislation Amendment Bill 2013. I support the Government's introduction of this bill, which will amend the Thoroughbred Racing Act 1996 and the Totalizator Act 1997. The objects of the bill are:

> to provide that Racing NSW may impose sanctions on a registered race club for a breach of conditions of the club's registration that are consistent with sanctions that may be imposed for failure to comply with directions or minimum standards for the conduct of races and race meetings, and
>
> to allow licensed bookmakers to offer totalizator odds on bets taken at a licensed racecourse (whether or not the other party to the bet is also at the racecourse).

The bill seeks to preserve the diversity in the wagering industry by ensuring the viability of licensed bookmakers in New South Wales. The bill also provides Racing NSW with additional tools to manage the conduct of race clubs. Following requests from Racing NSW and the New South Wales Bookmakers Co-operative, the bill will remove the prohibition on New South Wales licensed bookmakers who offer totalisator odds betting and will enable the tradition of a bookmaker fielding at a racecourse to continue. At one stage in our history bookmakers accounted for a major proportion of wagering turnover in this State. In the early 1980s there were approximately 1,000 licensed bookmakers in New South Wales and they accounted for a significant amount of the total wagering turnover by New South Wales punters.

A day at the races was not complete without the hustle and bustle of the betting ring, and a chance for a punter to beat the bookies. Times have changed, and currently there are approximately only 20 New South Wales bookmakers standing. At their peak in the middle of last century there would have been more than that on any Saturday at Randwick or Rosehill. In part that is due to the pressure of other options on which punters may spend their leisure dollar—other forms of entertainment and a myriad of wagering and gambling platforms that exist in today's world. New South Wales based punters already have access to many large interstate wagering operators who offer totalisator odds betting. Allowing oncourse licensed bookmakers to offer totalisator odds will provide little more than what is already available to New South Wales punters from wagering operators in other jurisdictions through the internet or mobile phones.

Totalisator wagering on racing events through the New South Wales totalisator system and fixed odds betting through the TAB amounts to a turnover of approximately $4.96 billion a year. For New South Wales

licensed bookmakers turnover is approximately $220 million a year. Therefore, bookmakers make up only about 4 per cent of the total invested with New South Wales wagering operators. Historically, bookmakers had a monopoly on all fixed odds betting in this State. Currently, bookmakers are faced with major competition, including interstate corporate bookmakers, the Tasmanian-based betting exchange Betfair, interstate oncourse bookmakers and TAB Limited itself.

The proposed lifting of the prohibition on tote odds betting by oncourse New South Wales bookmakers is a modest reform that will enable our bookies to compete on a more equal footing with their many competitors. The Totalizator Act 1997 currently prohibits a person from offering to bet on an event or contingency where the payout on the winning bet is based on the dividend declared by a totalisator for that event or contingency. This places New South Wales licensed bookmakers at a disadvantage to their competitors in other jurisdictions who are permitted to offer bets based on totalisator odds. This includes offering a slightly higher dividend than the TAB or guaranteeing the best dividend of the three Australian TAB pools.

The proposed amendment, which has the support of the three controlling bodies of racing—Racing NSW, Greyhound Racing NSW, and Harness Racing NSW—will allow New South Wales bookmakers to offer bets based on totalisator odds while fielding at a licensed racecourse. The contemporary view is that totalisator odds betting is a form of price matching and therefore not acceptable in a competitive national market. This reform will allow New South Wales bookmakers to operate on a more level footing with their interstate counterparts. This measure, however, will not weaken the regulatory controls over licensed bookmaker operations, and the prohibition on totalisator odds betting by unlicensed people is retained as a deterrent to offcourse SP bookmaking activities.

The proposed amendment to the Thoroughbred Racing Act 1996 is a practical reform directed at achieving consistency with the existing powers of Racing NSW in respect of a race club's failure to comply with directions in relation to minimum standards of operation. At present Racing NSW does not have the same powers when dealing with a race club for a breach of its conditions of registration and the only option available in such circumstances is to cancel the club's registration. This effectively prevents the club from conducting racing and, in most cases, this would not be the most desirable outcome. The proposed amendment will provide Racing NSW with additional tools to effectively manage the conduct of race clubs and ensure the continued viability and development of the industry throughout the State.

The controlling body for thoroughbred racing in this State—Racing NSW—could never be described as reticent when it comes to issues regarding the viability of the New South Wales racing industry. The evidence of this is apparent from the lengthy legal battle that Racing NSW and this State engaged in to defend the racing industry's right to earn an income from wagering operators who use New South Wales race fields as a wagering platform. In March 2012 the High Court vindicated the stance taken by New South Wales and now all three codes of racing have an additional revenue stream. It is not without note that all other States and Territories have introduced their own version of the New South Wales race fields scheme. The second reform contained in the bill is a practical matter that will assist Racing NSW in its ongoing supervision and development of thoroughbred racing in this State.

In summing up, the Racing Legislation Amendment Bill 2013 makes two important changes to racing and wagering legislation that will assist in, firstly, ensuring the viability of New South Wales licensed bookmakers and their ongoing contribution to the State's racing industry and economy, and, secondly, providing the controlling body over thoroughbred racing in this State—Racing NSW—with additional tools to effectively manage the conduct of race clubs and ensure the continuing viability and future development of the industry throughout the State.

Mr TIM OWEN (Newcastle) [10.15 a.m.]: It is with pleasure that I take the opportunity that has been given to me to speak to this bill, which is aimed at supporting the ongoing viability of the State's thoroughbred, harness and greyhound racing industries. The Racing Legislation Amendment Bill 2013 will ensure the ongoing viability of the racing industry in this State. The proposed legislation will make two important changes to racing and wagering legislation. Firstly, it will allow New South Wales licensed bookmakers to offer bets based on the declared totalisator dividend and, secondly, it will provide Racing NSW with the power to impose a wider range of sanctions on race clubs for breaches of conditions of their registration. These are two very pragmatic and useful changes in the legislation.

At one time in our history bookmakers accounted for a major proportion of wagering turnover in this State. In fact in the early 1980s there were around 1,000 licensed bookmakers in New South Wales and those

bookmakers accounted for a significant amount of the total wagering turnover of New South Wales punters. A day at the races was not complete without the hustle and bustle of the betting ring and the chance for a punter to "beat the bookies". However, times have certainly changed, and today there are only about 200 New South Wales licensed bookmakers standing. Today allowing licensed bookmakers to offer bets on the declared totalisator dividend, known as "tote odds" betting, remains prohibited in New South Wales. This practice by bookmakers in other jurisdictions, including the Northern Territory, Victoria, Queensland and South Australia is permitted. It has been reported that at least 25 per cent of the annual turnover of approximately $3.5 billion wagered on thoroughbred racing with interstate corporate bookmakers is sourced from New South Wales punters. The majority of that turnover is based on tote odds betting.

I note that the bill has come as a result of requests made by Racing NSW and the New South Wales Bookmakers Co-operative respectively. All three controlling bodies of racing—Racing NSW, Harness Racing NSW and Greyhound Racing New South Wales—support this very practical and pragmatic change. The proposal was also recommended by the Australasian Racing Ministers Conference last year. The deregulation of tote odds does not weaken the regulatory controls over bookmaker operations, and licensed bookmakers will still be subject to the current level of scrutiny by racing authorities and the Government.

The bill also amends the Thoroughbred Racing Act 1996 to provide Racing NSW with the power to impose a wider range of sanctions on race clubs for breaches of conditions of their registration. Conditions of registration include such things as compliance with Federal and State laws relating to racing and wagering, liquor licensing and workplace safety. They also include breaches of a race club's non-profit status or a race club's failure to abide by the terms of its constitution and articles of association. Currently, in an instance where the club is found guilty of such breaches, Racing NSW can deregister the race club. This means that the race club can no longer legally conduct race meetings. This kind of action would have a great impact in a regional area like Newcastle.

By way of background, horseracing has a long history in Newcastle. Sports-loving workers, accustomed to the horse as their main means of transport, were quick to support competition between thoroughbred gallopers when organised racing began in 1848. Within a short period numerous racecourses in various forms of disrepair had mushroomed throughout the area. The first race meeting was held in 1848 on a track cleared through bush and scrub in an area known as Wallaby Flat, which took in most of Hamilton, a portion of Broadmeadow and some of Merewether. The starting point of the races was at the city's first smelting works, located on the site known as Beaumont Park, the junction of the Sydney rail line, not far from the Nine Ways. Broadmeadow was the finishing point. Therefore it is fair to say that parts of the Broadmeadow course have known the hoof-beats of fleet horses since the 1840s.

The future of Newcastle was made secure when the first meeting of racegoers and enthusiasts of the sport of kings met to form the Newcastle Jockey Club in 1901. I am proud to say that since then the Newcastle Jockey Club has become one of the leading and most progressive racing clubs in Australia and rightly earned its place in the thoroughbred racing scene. With its close proximity to the rich breeding areas of the Hunter Valley, the club has also developed one of the State's major training centres with many champions of the past and present commencing their racing careers at what has now become known as Beautiful Broadmeadow. Considering Newcastle Jockey Club's history and its prominent reputation, I was particularly pleased when the Minister for Tourism, Major Events, Hospitality and Racing made an announcement in September last year that Newcastle's Broadmeadow Racecourse will be significantly upgraded, including the creation of a second turf racing surface.

The project, valued at more than $11 million, will be funded from race fields fees following Racing NSW's successful defence of legal challenges in the High Court. The upgrade would be done in such a way as to enable racing to continue uninterrupted at Newcastle. Stage 1 of the project will be to redevelop the B grass into a second racing surface inside the existing course proper, 20 metres in width, with the capacity to conduct racing for fields of up to 14 starters. The size and geometry of the track will be similar to the Kensington race track inside the course proper at Royal Randwick Racecourse. The track will also use the best available turf technology to deliver similar benefits to synthetic tracks during adverse weather conditions. When completed, Newcastle will boast outstanding racing surfaces and enhanced capacity to conduct barrier trials and racehorse training.

Once the inside track is suitable for racing stage 2 will see the course proper undergo a major renovation to correct existing negative cambering, to improve the track's profile, crossings and drainage. The track will also boast the best available turf technology to handle varied weather conditions. This multimillion

dollar upgrade was a vote of confidence in the importance of Newcastle racing and would be an economic boon to the town. I can assure all members that it certainly will be. This will have an enormous economic knock-on effect for the people of Newcastle. The upgrade itself will employ workers and then trainers, jockeys, stable hands, bar staff and caterers, and many more will benefit in the Hunter region.

According to the Chairman of Newcastle Jockey Club, Geoff Barnett, "Racing NSW's funding for the Broadmeadow track upgrade is the best news that NJC could receive." Geoff noted that Newcastle Jockey Club will again have racing at the highest standard in the Newcastle region. In acknowledging the importance of Newcastle to racing, Chief Executive of Racing NSW, Peter V'landys, said, "Newcastle is the second-largest city in New South Wales and vital to the New South Wales racing industry from a racing and training perspective." Newcastle Jockey Club has without doubt been given a unique opportunity to become the leading provincial racing and training centre in the country.

With the proposed amendments in this bill, Racing NSW will have a better range of options to assist in its supervision of race clubs, such as Newcastle Jockey Club. Under these changes, if a race club breaches its conditions of registration Racing NSW may publicly reprimand the club, impose a civil penalty of up to $5,500 for a first offence and up to $11,000 for subsequent offences or suspend or cancel the race club's registration in serious cases. These options are far more appropriate than simply cancelling the registration of a race club and are consistent with Racing NSW's existing powers when dealing with a race club for failure to comply with the minimum standards of operation. This practical reform will assist Racing NSW to maintain the highest standards of operation and integrity that are expected of the nation's premier thoroughbred racing industry. I congratulate this good Minister on introducing this practical legislation. I commend the bill to the House.

Mr ANDREW ROHAN (Smithfield) [10.24 a.m.]: I speak today in support of the Racing Legislation Amendment Bill 2013. The Coalition understands that racing is more than just a sport; it is an industry that generates billions of dollars for the New South Wales economy. The amendments proposed in this bill will make two important changes to racing and wagering legislation. The first important change will ensure the viability of New South Wales licensed bookmakers and their ongoing contribution to the State's racing industry and economy; and the second will provide the controlling body over thoroughbred racing in this State, Racing NSW, with additional powers to effectively manage the conduct of race clubs and ensure the continuing viability and future development of the industry throughout the State. Reports from Racing NSW, the peak representative body for thoroughbred and greyhound racing in New South Wales, estimate economic benefits of over $3.5 billion in annual revenue and contributions to the creation and maintenance of about 50,000 jobs in New South Wales.

The racing industry is very big bucks, and that is precisely why the implementation of sanctions and punishments for racing clubs that violate the conditions of their registration, as outlined in schedule 1 to this bill, are necessary to keep the industry fair and profitable. As it currently stands, the only course of action to deal with a club that fails to meet its registration conditions is to deregister it. There are very few instances in the law where there is a one-strike system. It does not happen in most cases of corporate law. It does not happen in most cases of civil law. So why then has it been allowed to continue in the racing industry? The answer is the difference between good and functional governments and governments that are barely held together by the interests of a few power-brokers. I will let the members in the Chamber decide which side is which. But I digress.

The point is that it is not feasible in the majority of situations to deregister clubs on their first instance of violating registration conditions. Conditions of registration typically include requirements such as ensuring the club's constitution is abided by, compliance with regulations, maintaining the club's not-for-profit status, adherence to the club's articles of association, and following State and Federal laws regarding racing, gambling, liquor, safety, and association. We are all involved in organisations and associations. Every one of us in this House should understand that sometimes things do not go to plan and organisations do not follow the rules to the letter. Whether it is due to a mistake or malicious intent, the first and only course of action should not be to deregister the club, rendering it unable to hold meetings and therefore unable to address the issues that caused its breach. It is common sense in its rawest form.

Under this bill Racing NSW will be given a wide array of penalties that can be imposed, including but not limited to penalties of up to $5,500 for a first offence, $11,000 for subsequent offences, or suspension of the club, as well as the current ability to deregister the club. This common-sense reform should be supported by all members of this House. Schedule 2 of this reform amends the Totalizator Act to allow licensed bookmakers to

offer bets on declared totaliser dividends, commonly referred to as tote odds in the betting scene. Recent history has seen the decline in the number of bookmakers in New South Wales and Australia. Today there is only a quarter of the 1,000 bookmakers who were operating in New South Wales in the 1980s. A number of contributing factors account for this, primarily the large rise in accessibility brought about by the exponentially increasing development of technology. Nowadays, people do not have to move their feet or even leave their couch to place a bet. The convenience of mobile devices such as tablets, smartphones and laptops enables people to place bets using online services. These services are hosted by national companies, not bound by State borders and boundaries.

Apart from online services, punters can bet on tote odds at any TAB, which makes 3.5 times the return from the tote odds than the total combined income of all bookmakers in New South Wales in a single year. But say an individual wanted to place a bet somewhere else. They could always easily place a bet with interstate bookmakers. Victoria, Queensland, South Australia and the Northern Territory allow bookmakers to place bets on tote odds. New South Wales residents, potential clients, are also allowed to place bets with interstate bookmakers. If our constituents can place bets in the digital realm in almost any form possible and can place bets with TAB Limited and with interstate bookmakers, why should they not be able to place bets with New South Wales bookmakers? There is no valid logical reason why they should not. Once again, this bill is a common-sense reform.

The regulation of betting on tote odds by bookmakers does not weaken control and regulation of bookmakers or the New South Wales betting industry. Licensed bookmakers will still be regulated and governed by the Government and racing authorities. Furthermore, this bill will help bookmakers to survive. Bookmakers are businesses just like any other business and they deserve as much chance as any other business to succeed and expand without regulation and red tape getting in their way, especially when they are not in the way of their competitors. Betting on tote odds through bookies will be restricted to the racecourse. This will encourage punters to come to the course and enjoy the sensation of being at the event. These punters will then spend money on food, snacks and drinks, supporting the other businesses and industries associated with the betting and racing industry.

An illustration is the Carnival of Cups racing event series hosted by, amongst various avenues, Fairfield Paceway, which last did so on 11 June last year. Harness Racing NSW initiated the Carnival of Cups racing event series in 2006 to increase participation in and promotion of harness racing across New South Wales. In 2007 the Carnival of Cups series was established with eight TAB and non-TAB clubs participating. For the 2012-13 season the series has grown to include 27 clubs, with over $1.6 million being invested in prize money by Harness Racing NSW, clubs and sport sponsors across the series. The Carnival of Cups has quickly established itself as a community event across New South Wales, with each meeting promoting local business and providing plenty of family and trackside entertainment. It is of special importance to the people of my electorate as Fairfield Paceway will be the venue for the final event of this year's Carnival of Cups, on 10 June. I pay tribute to the outgoing chief executive of Fairfield Harness Racing Club, Terry Bootle, who it was announced recently has taken the reins of Bankstown Paceway as its new chief executive officer.

This reform will have a wide range of positive economic effects for a few industries, just like most reforms. I urge members opposite to open their ears to something that I think they should hear: Businesses and industries do not exist in a bubble. Everything is connected to everything. Each industry affects others. Supporting the bookies and the racing industry will have a positive effect on the hospitality industry associated with the racing industry. The bill has the support of the three largest racing representative bodies—Racing NSW, Harness Racing New South Wales and Greyhound Racing NSW. As I have said but cannot repeat enough, these are common-sense reforms that should have positive effects on many industries. I commend the Hon. George Souris, Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts, for the timely introduction of this common-sense bill to the House. I commend the bill to the House.

Mr JOHN BARILARO (Monaro) [10.34 a.m.]: It gives me great pleasure to support the Racing Legislation Amendment Bill 2013. As a member of The Nationals and representing regional and country areas in this place, I can say there is no greater day on the social calendar than the local cup day or race meeting that brings communities together, whether in Cooma, Queanbeyan, Bombala or Adaminaby. The town comes together whenever we have a race day. Queanbeyan Racing Club is the biggest of the clubs in the electorate of Monaro and there are some fantastic race days, including the cup days around Christmas and in October each year. Queanbeyan Racing Club has been around for a long time and, like a lot of country clubs, it has ageing infrastructure. At the same time it has local support and employs a lot of people in the community. Without the race club it would be pretty tough for the local horse industry to get entry into the Australian Capital Territory, which is just on the doorstep.

There is nothing better than a great day at the races: It brings so many people together. Adaminaby is isolated and the surrounding area has many farmers who work every day on their farms. There are wives, families and kids who are isolated from the community and it takes social events such as a cup day to bring the town together. It is an opportunity to dress up, pack a picnic lunch and get together and go to the races. There is no greater day than going to the race meetings in regional areas. For those who follow the racing calendar, some of the regional races such as the Bombala Cup, which is around Melbourne Cup time, are a great day out. It allows people from Bombala and a wide region from the coast and through the Snowy Mountains to head to Bombala for a fantastic race day. It attracts some very good trainers and some great horses.

We need to make sure that that experience at the race club, be it in the country or the city, continues to be one that is enjoyed by all, not just by those who follow the racing circuit and like to have a punt but by those who look for a social outing. At the moment racing has Black Caviar, whom I congratulate on another great win last Friday. A horse like Black Caviar really brings excitement and causes a lot of people to do something they would not normally do: go to the races. It is like having a superstar football player or a great racing car driver in town. Black Caviar is bringing a lot of people who normally do not go to the races to the track to experience how fantastic a race day carnival can be.

The Racing Legislation Amendment Bill 2013 makes two changes to racing and wagering legislation that it is hoped will aid the viability of licensed bookmakers and their contribution to the State's racing industry. The first change provides Racing NSW, the controlling body of thoroughbred racing in this State, with the means to impose heavier sanctions on race clubs for registration breaches. The second allows bookmakers at gallops, harness or greyhound races around the State to offer bets in line with odds provided by a totalisator. Presently the Totalizator Act 1997 stops a bookmaker from offering bets based on the dividends declared by a totalisator, which is known widely as tote odds betting. Bookmakers in Victoria, Queensland, South Australia and the Northern Territory have been allowed to do it. This bill will place New South Wales bookies on a level footing with their interstate counterparts.

There is no doubt that bookmakers create a unique atmosphere and vibrancy at racetracks across the State, particularly in country areas. You cannot beat the spectacle and the thrill of race day betting with a bookie. Anyone who goes to a race day and hunts down the best price, going from bookie to bookie and watching the price flutter just before the race kicks off, will experience the excitement. That is something I have enjoyed over time. I admit that I do not mind having a bet every so often. I have been lucky enough to own a racehorse. My little "Black Caviar" paid very little to me and a couple of friends but ended up winning a reasonable amount of money and we then on-sold it. Maybe it was a one-off and maybe I should never own a racehorse again. We know how important it is to have that atmosphere at the racetrack.

The bill will give on-course bookmakers the ability to retain their regular clients, who expect to be able to access the same betting products offered by interstate operators, including corporate bookmakers. It will keep bookies viable in a very competitive national wagering market, especially in this day and age when punters can go online with the different agencies, which makes it much tougher for the bookie on track. Who knows what will be the future for bookies on track. In the meantime, we need to make sure that we continue to support them as best we can. On-course bookmakers are an integral part of attracting people to race meetings and must be supported.

The bill also amends the Thoroughbred Racing Act 1996 to give Racing NSW the power to impose a wider range of sanctions on race clubs for breaches relating to racing and wagering, liquor licensing and workplace safety, and breaches of a club's non-profit status. This move will give consistency to Racing NSW existing powers in respect of a race club's failure to comply with directions in relation to minimum standards for an array of matters. At present Racing NSW does not have the same powers when dealing with a race club for a breach of its conditions of registration. Under the new rules a race club could face action ranging from being admonished or fined up to $11,000 through to cancellation of its registration in serious cases. The proposed amendment gives Racing NSW more powers to ensure that the standards of racing are maintained now and into the future.

The Queanbeyan Race Club was the home track for a particular trainer and horse. For those following the racing circuit, of course, Black Caviar is currently in the spotlight, but at little Queanbeyan was a horse called Takeover Target, which won in excess of $6 million. We all wish we had a piece of Takeover Target. Takeover Target was bought by local taxi driver, Joe Janiak, and his son Ben for $1,250 plus goods and services tax. The gelding had a lot of leg and knee problems that stopped it from racing for about 30 months. Horseracing was Joe's hobby and he decided to take care of this little horse, which went on to win some major

races in Queanbeyan and across Australia as well as in the United Kingdom, Japan and Singapore. Takeover Target put on the map Queanbeyan race club and other country race clubs, which offer the opportunity to pick up a horse quite cheaply—$1,250—and reap benefits in excess of $6 million without spending hundreds of thousands or millions of dollars buying thoroughbreds.

Takeover Target's achievements were not just about the horse, its owners and trainer; they turned the spotlight on the Queanbeyan Race Club, known as Qracing, and on other country and regional areas. We have opportunity and great trainers who invest a lot of time and create jobs in the racing industry in the regions. Takeover Target is one horse from Queanbeyan that reached the milestones that not many others do. In the early days Queanbeyan also boasted a horse called Strawberry Road, and more recently Diamond to Pegasus, trained by Tony Sergi, out of a horse that is a half-sister to Karuta Queen. On Canberra Cup Black Opal Stakes Day a few weeks ago Diamond to Pegasus, at $60 odds, was a dead-heat winner in one of the races—a fantastic result for a Queanbeyan trainer and the club.

We can always talk about the big races in Sydney, Melbourne, Queensland, across the State and around the world, but country and regional race clubs are just as important. I want to see continued investment in the regions to empower their race carnivals. They provide a day out for local communities. The bill is about empowering bookies, changing the atmosphere and making sure we do not lose the unique presence of bookies on race days, especially on carnival and cup days in regions such as Monaro and in places such as Bombala, Queanbeyan, Cooma and Adaminaby. I commend the bill to the House.

Mr DARREN WEBBER (Wyong) [10.44 a.m.]: I support the Racing Legislation Amendment Bill 2013. I acknowledge the hardworking Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts. He throws himself at the task. A record number of events is happening in New South Wales currently, and this legislation is testament to his hard work and how much he cares about the racing industry. To an electorate such as Wyong the racing industry is very important. Racing has been in the Wyong electorate for 130 years and this year the Wyong racecourse celebrated its centenary. The racecourse was built in January 1913 and the current grandstand was built in 1991, at a cost of $6 million. It is a fine piece of infrastructure with catering facilities in which I am known to hold the odd Liberal function.

My current newsletter mentions the 100-year celebration of the racecourse and its chief executive officer, Tony Drew—who is a fine man. The racecourse is an important part of Wyong territory as the township is built around it and the rail line. Going to the racecourse was part of my growing up when my old man would take me to see the bookies and tell me, "You get better odds, Darren, from the bookies than you do from the online TAB machines. It is an important part of the day." Indeed that is so. Last year the Wyong racecourse also was graced with the presence of the Melbourne Cup, which I have spoken about previously. I was extremely privileged to don the white gloves and hold the cup. It was a very proud moment for me. As I said in my earlier speech, I am a little too tall and certainly too heavy to be a jockey so holding the Melbourne Cup as a member of Parliament was the closest I will ever get to it.

I return to the bill before the House. Although some members may say it is a small bill, it introduces two reforms to assist in ensuring the ongoing viability of the racing industry in this State, specifically when we talk about bookies. This reform will enable the tradition of bookmakers at the front of Wyong racecourse and, indeed, all regional racecourses across New South Wales to continue. At one time in our history bookmakers accounted for a major proportion of wagering turnover in this State. The early 1980s was a good period—the era when I was born—when New South Wales had around 1,000 licensed bookmakers, who accounted for a significant amount of total wagering turnover by New South Wales punters.

A day at the races was not complete without the hustle and bustle of the betting ring and the chance for a punter to beat the bookies. I must confess that I usually lose. My old man is not much better with his punting, but it is all part of the fun. It is great going to race meetings with members of my constituency and losing money to the bookies. However, the odd punter does come out in front. Times have changed and today only about 200 New South Wales licensed bookmakers stand in betting rings. At their peak in the middle of the last century there would have been far more on any Saturday at Randwick or Rosehill Gardens and, I dare say, also at Wyong racecourse on a big day. The decrease in licensed bookmaker numbers is partly due to the pressures of other options for punters to spend their leisure dollars on—other forms of entertainment and the myriad wagering and gambling platforms in today's world. We are currently talking about introducing legislation to try to restrict television marketing.

It is despicable to watch Friday night football and even in this early part of the season football on Thursday night while being bombarded with advertisements for betting odds. That is fine for those interested,

but we must keep in mind that a G-rated audience watches the football. There is nothing wrong with betting on football, but there is no need for it to be forced down our throats. Indeed, bookies also face this challenge because, although people go to the races and place bets on horses, others remain at home and watch the races on Sky Racing, Foxtel or free-to-air television, and it is more convenient for them to use an iPad, iPhone, computer or, as was the original method, the telephone to place a bet. Those mediums remove the face-to-face contact with bookies and the fun of negotiating for better odds.

The new generations—generation X, as my generation is referred to, and generation Y—certainly are fine-tuned to internet technologies. Often it is easier to have a conversation via the internet or SMS technology rather than face to face, which is why generation Y is losing communication skills. We do not want that to enter the betting arena; we want people to be confident to have face-to-face conversations and to be confident to put on a bet with a bookie at their local regional racecourse. The controlling body for thoroughbred racing in New South Wales, Racing NSW, could never be described as reticent when it comes to issues regarding the viability of the New South Wales racing industry. The evidence is in the lengthy battle that Racing NSW engaged in to defend the racing industry's right to earn an income from operators who use New South Wales race fields as a wagering platform.

In March last year the High Court vindicated the stance taken by New South Wales and now all three codes of racing have an additional revenue stream. It noted that all other States and Territories have introduced their own version of the New South Wales race fields scheme. During our first two years of governance we have quite often found that our hardworking Ministers are introducing legislation that other States have had for some time. I am informed that Racing NSW is of the view that there would be a negligible effect on totalisator turnover should the current restriction on tote odds betting be lifted. However, there is a significant benefit to racing to support on-course bookmakers, adding to the colour and spectacle of the race day.

Total wagering on racing events through the New South Wales totalisator system and fixed odds betting by the TAB is around $4,960 million per annum. Turnover with New South Wales licensed bookmakers is approximately $220 million a year. Therefore, bookmakers make up only 4 per cent of the total invested with New South Wales wagering operators. Historically, bookmakers had a monopoly on all fixed odds betting in this State. Today they are faced with major competition, other than the internet forums, from interstate corporate bookmakers who operate in a deregulated environment and have unlimited access to New South Wales clients; the Tasmanian-based betting exchange, Betfair; interstate on-course bookmakers who offer tote odds betting; and TAB Limited, which operates a fixed odds service on racing and accounts for 3½ times more turnover per year than the total turnover of New South Wales licensed bookmakers.

The proposed lifting of the prohibition on tote odds betting by on-course New South Wales bookmakers is a modest reform that will enable our bookies to compete on a more equal footing with their many competitors. The practice of tote odds betting will be restricted to the racecourse. It is hoped it will provide the satchel swingers with a well-needed boost and attract patrons to a race meeting to experience the colour and excitement. The second reform contained in the bill is a practical matter that will assist Racing NSW in its ongoing supervision and development of thoroughbred racing in this State. I support the legislation. I thank and pay tribute to the hardworking Minister for introducing this and for supporting the bookmakers, who are an important factor in the racing industry. We need to support them to have a fair system that is equitable for us all. Everyone can then go to a racecourse such as the Wyong Racecourse, which I highly recommend to all constituents, and have a great day out. I commend the bill to the House.

Mr GARETH WARD (Kiama) [10.52 a.m.]: It gives me great pleasure to support this legislation. I note the presence of the Minister, its author, in the House today. I thank the Minister for being so diligent in his support for the racing industry and for doing all that he can to ensure New South Wales has a great race industry. I also acknowledge the Minister's attendance—as opposed to the attendance of the member for Parramatta—at Kembla Grange's 100th year anniversary last weekend. I appreciate his support of Kembla Grange and commend him for attending that event.

Racing in my part of the world is something that is extremely popular with local residents. The Melbourne Cup also travelled through our community last year. I joined with the Shoalhaven race club as well as the then mayor, Paul Green—who is now a member of the other place—to hold the Melbourne Cup with white gloves and celebrate the Shoalhaven's racing history. Members of the House would be aware that the inaugural winner of the Melbourne Cup, Archer, came from our community. Archer was a successful horse and had a colourful history. Archer won the inaugural two-mile Melbourne Cup event held in Flemington on 7 November 1861. Three of the 17 starters fell during the race: two of them died. Two jockeys sustained broken

bones, one horse bolted off the course, but the others continued in the race. This was a monumental event for Archer. The Shoalhaven has a love for racing and its racehorses. Mark Radium Park in Berry is named after a famous pony and we are very pleased to have that history in our community.

The Racing Legislation Amendment Bill 2013 makes critical changes to racing and wagering legislation that will assist in two ways: first, ensuring the viability of the New South Wales licensed bookmakers and their ongoing contribution to the State's racing industry and the State's economy; and, secondly, providing the controlling body over thoroughbred racing in this State, Racing NSW, with the tools it needs to effectively manage the conduct of race clubs and ensure the continuing viability and future development of the industry throughout New South Wales. At present the Totalizator Act 1997 prohibits a person from offering a bet on any event or contingency where the payment on the winning bet is based on the dividend declared by a totalisator for the event or contingency. This practice, known as tote odds betting, involves a bookmaker offering odds on a winning bet based on the dividend declared by the totalisator, such as that offered by the TAB. This may include offering a slightly higher dividend than the TAB or guaranteeing the best dividend on Australian TAB pools.

While the practice is prohibited in New South Wales, the legislation's lack of extraterritorial operation has been exploited for many years by corporate bookmakers licensed in other States. They have a large New South Wales client base and conduct tote odds betting on a significant scale. Tote odds betting has become widespread amongst bookmakers licensed in other States, to the point that it is now a permitted practice in Victoria, the Northern Territory and South Australia. In effect, the contemporary view is that tote odds betting is a form of price matching and, therefore, acceptable in a competitive national market. New South Wales licensed bookmakers are extraordinarily disadvantaged competitively in comparison with their interstate counterparts.

The NSW Bookmakers Co-operative has requested that the State Government remove the prohibitions on this practice to help members achieve "competitive neutrality" with operational conditions and wagering products that are available to their competitors. The three controlling bodies of Racing—Racing NSW, Harness Racing NSW and Greyhound Racing NSW—have given their full support for the Minister's work regarding this legislation. Further, the proposal to lift the prohibition on tote odds betting was recommended at the Australasian Racing Ministers Conference last year. The recommendation was supported by all Ministers. New South Wales and Tasmania were the only jurisdictions to have this prohibition in place at the time, and I commend the Minister for this.

The bill will add a clause to section 88 of the Totalizator Act 1997 to provide that a person is not guilty of the offence of tote odds betting if he or she is a New South Wales licensed bookmaker and is present at a licensed racecourse when such a bet is offered, whether face to face with a punter or by authorised telephone or electronic means. This measure will not weaken the regulatory controls over bookmaker operations and New South Wales licensed bookmakers will still be subject to the current level of scrutiny by racing authorities, as I mentioned earlier. Moreover, the prohibition on tote odds betting by unlicensed people is retained as a deterrent to off-course—otherwise known as SP—bookmaking activities.

The second purpose of the bill is to amend the Thoroughbred Racing Act 1996 to provide Racing NSW with the power to impose a wider range of sanctions on race clubs which intentionally do not comply with the conditions of registration. This is a reform which is directed at achieving greater consistency with Racing NSW's existing powers in respect of a race club's failure to comply with directions in relation to minimum standards for a number of matters. The minimum standards include the manner in which race meetings are conducted, the financial governance of a race club—an important issue and I am pleased that the Minister has addressed it—and the level of facilities and amenities at racecourses. If a race club fails to follow certain directions made by Racing NSW in regard to minimum standards the controlling body may publicly admonish the race club, impose a civil penalty of 50 penalty units and up to 100 penalty units for further breaches, or suspend or cancel the race club's registration.

At present, Racing NSW does not have the powers it needs to deal with race clubs for a breach of its conditions of regulation. I also acknowledge at this point a number of people from my area who make a great contribution to racing. Of course the Shoalhaven City Turf Club is a great club; and I enjoy all the events that occur at the club. I acknowledge its chairman, Mick Martin; its vice-chairmen Michael Locke and Ian Whitby; and its board members, Ken Rankin, Graham Neale, Dave Durant, Peter Zdjelar, Bob Young and Wayne Pasterfield, as well as all those involved with the club. I refer particularly to Lynn Locke, who always thinks outside the square.

But the race club is not just a great venue for those who enjoy a punt; it is also a great family venue. I know that the club tries to involve families, such as by taking up the Shoalhaven City Council's offer to

provide fireworks at that site on New Year's Eve. Lynn and the club get heavily involved in ensuring that the club promotes that event very well. I commend also the deputy mayor, John Wells, for his support for the club and for all that he did not just as Director of City Services and Operations at Shoalhaven City Council but also as a board member.

For those who love coming to the most beautiful part of the world, the South Coast, I advise the House that the Greenwell Point Cup is on Sunday 31 March. I can see that the member for Tweed is not quite 100 per cent for the Tweed; it seems he is 100 per cent for the South Coast. I look forward to him coming down for that meeting. I know that the member for Tweed will be interested in this one: Girls Day Out is on Sunday 26 May; and I would encourage the member for Tweed to come along, as I would all members who would like to enjoy that event. I am pleased that the Minister has introduced this legislation. He is clearly committed to governance changes in the industry that will make it stronger.

The Minister's tenure in this portfolio has made the industry stronger. There is no doubt that his commitment to the racing industry is unequivocal, as can be seen through this piece of legislation. This is not just a necessary regulation; it is an intelligent piece of legislation that has been the subject of consultation with the industry and has been supported by stakeholders as well as many others across the industry. I commend the bill to the House, and I commend the Minister for his diligence and his hard work. I also commend his hardworking office staff. The Minister has excellent staff in his office and they have always been keen to assist whenever I have had an issue. I thank the Minister and his office for their support and for their assistance of the racing industry. I am sure this wonderful piece of legislation will enjoy unanimity across the political divide in this Chamber.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [11.01 a.m.]: I contribute to the debate on the Racing Legislation Amendment Bill 2013. The Government proposes by this bill to amend the Thoroughbred Racing Act 1996 and the Totalizator Act 1997 to provide Racing NSW with the power to impose a wider range of sanctions on race clubs for failing to comply with a condition of regulation, and to allow New South Wales licensed bookmakers to offer totalisator odds in certain circumstances. The bill arises from requests made by Racing NSW and the New South Wales Bookmakers Co-operative. That is one of the many great things about the bill. The Minister—as I will touch on further into my address—is always willing to talk to key stakeholders and take their ideas forward in an open and transparent fashion. That fine attribute of the racing Minister, the Hon. George Souris, is reflected in the introduction of this bill.

The proposed amendment of the Thoroughbred Racing Act 1996 is a practical reform directed at achieving consistency with Racing NSW's existing powers as they relate to a race club's failure to comply with directions in relation to minimum standards of operation. At present Racing NSW does not have the same powers when dealing with a race club for a breach of its conditions of registration, and the only option available in such circumstances is to cancel the club's registration. This effectively prevents the club from conducting racing, and in most cases this would not be the most desirable outcome. When it comes to this industry, I am of a like mind with the many members of this House who have spoken in the debate on this bill. I note that 16 or 17 members have spoken on it so far; that is a good indication of their respect not only for the Minister and his staff but also for racing across this great State.

I, like many in this House, come from a regional area. We in the Tweed are quite fortunate to have in the adjacent electorate of Lismore the Tweed River Jockey Club. I have attended a number of meetings at that club. I am sure, Madam Acting-Speaker, you have been to country races. It is a great day, and the meeting is well run. People have a chance to dress up and contribute to the social wellbeing of these smaller communities. It gives people a chance to communicate and talk. There are always what I might describe as colourful characters at country race meetings. The Tweed Valley Jockey Club is very well respected; it has been operating for more than 100 years. Bernie Quinn, the current chairman of the board of the club, makes a great contribution not only to the sport of racing but also to the social aspect of the community. Many people in my area look forward to racing events.

One thing that I do not think has been mentioned is that country race meetings have become a centre for raising funds. Whether it is for someone suffering cancer, for a local school, or for those who have suffered from the disasters of fires and floods, we always seem to have a charity race day in support of those causes. That is a clear demonstration of the respect that the racing industry has for the wider community, while recognising how much it depends on the wider community. We are fortunate in the great electorate of the Tweed to have just over the border a little horseracing event conducted each year called the Magic Millions. Many people of the Tweed are employed in that segment of the racing industry, and many of the horses involved come from within the Tweed, which is a great concept.

The way the Minister is conducting this legislation, and his ongoing involvement in the industry, demonstrate his hands-on approach to the industry. As I have said, country races, particularly in regional areas, are extremely important. I have on many occasions had the pleasure of dealing with the Minister's highly professional staff in the Racing portfolio. The Minister himself is very approachable. But, most importantly, the Minister has a deep understanding of and concern for the industry, and he takes his responsibilities as the racing Minister extremely seriously.

The Totalizator Act 1997 currently prohibits a person from offering to bet on an event or contingency where the payout on the winning bet is based on the dividend declared by a totalisator for that event or contingency. This places New South Wales licensed bookmakers at a disadvantage to their competitors in other jurisdictions who are permitted to offer bets based on totalisator odds. This often includes slightly higher dividends than those of the TAB or guaranteeing the best dividend of the three Australian TAB pools. The proposed amendment, which I believe has the strong support of the three controlling bodies of racing—Racing NSW, Greyhound Racing NSW and Harness Racing New South Wales—will allow New South Wales bookmakers to offer bets based on totalisator odds while fielding at a licensed racecourse.

This industry deserves our support. I recognise that the Golden Slipper is not far off, and that a significant amount of money has been invested in that event. Part of the atmosphere and excitement of racing is going to the races and seeing the bookies there. I always encourage responsible gaming, coming from the club industry as I have, so I am pleased to see so many people from all walks of life having $2 each way on one horse and $3 each way on another horse, and so on which adds to the colour and fabric of racing. I am pleased that the Minister and his office have addressed that issue.

In recent times I have become concerned about the proliferation of online betting. I do not think we can now attend a sporting event without seeing some form of advertising supporting that form of betting. This bill looks after the little people involved in the industry. It also looks after the bigger players in the industry, as well as the many possible spins-offs from Racing NSW and the other track events held around the State, particularly in country and regional areas. I commend the Minister and his staff and I look forward to working with the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts. His vision, foresight and commitment to his portfolio are second to none. Without further ado, I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [11.09 a.m.]: It is wonderful to speak to the Racing Legislation Amendment Bill 2013. I always take the time to say how wonderful the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts is and what a great job he does, and the bill that we have before us today is an example of that.

Mrs Barbara Perry: How many tickets have you given him?

Mr CHRIS PATTERSON: I have never been to a free race day, Barbara, not at all. It is not about that; it is about acknowledging good work. When speaking about racing, I must start by acknowledging the greatest horse in Australian history, Phar Lap. I take members back to the 1929 derby and the 1930 Melbourne Cup. Phar Lap is the Don Bradman of Australian racing, with a 99.94 per cent average success rate. It is wonderful that we have such a great horse as part of our racing history. I then move on to the great Tulloch. If Phar Lap is the Don Bradman of racing then Tulloch is the Sachin Tendulkar of Australian racing. Tulloch won the Caulfield Cup and the derby in 1957 and he would have been one of the greatest horses in racing except for injuries.

The practical reform of the Thoroughbred Racing Act 1996 is necessary to enable consistency with Racing NSW's existing powers in respect of race clubs failing to comply with directions in relation to minimum standards of operations. The year 1996 was a great time for racing. In 1996 the great Bart Cummings trained Saintly to win the Melbourne Cup, with Darren Beadman in the saddle. That year Octagonal edged out a tremendous field in the derby by beating Saintly, Filante and Nothin' Leica Dane. It was a classic derby in Australian racing history. The Golden Slipper that year was won by the Freedman-trained Merlene, named after the great sprinter Merlene Ottey, Queen of the track.

I will now return to the bill. Currently the only option available to Racing NSW when dealing with a race club for a breach of its conditions of registration is to cancel the club's registration. The proposed amendment will give Racing NSW the tools to effectively manage the conduct of race clubs and ensure the continued viability and development of the industry throughout the State. My electorate of Camden has a colourful history in racing and the equine industry. The 1887 Melbourne Cup winner, Chester, is buried on a

property at Kirkham, just down the road from where I live. He was ridden by jockey P. Pigott, trained by Etienne de Mestre and owned by the Hon. James White, a former member of the New South Wales Legislative Assembly and New South Wales Legislative Council. The historical home Camelot at Kirkham was built using the winnings from Chester's Melbourne Cup run. Camelot was featured in the opening scene of the great movie *Australia*, starring Nicole Kidman and Hugh Jackman.

Just the other night I was watching television—in my limited window of opportunity to do so—and I saw an advertisement for a new Australian show on Channel Seven called A *Place to Call Home*. The show uses Camelot homestead and its grounds as a backdrop. Camden also has a bicentennial equestrian park. John Macarthur granted the land to the people in 1805 and in 1882 his daughter donated the land to the Crown. Ownership was eventually transferred to Camden Council in 1994. Through the Bicentennial Equestrian Park 355 Management Committee, the park has grown to be one of the most sought-after equine facilities. Events conducted on the site include campdrafting, cross country, dressage, eventing, polo cross, pony club, rodeo, show jumping and recreational riding. Each weekend the park hosts more than 1,000 people competing in various horse events. The competitors are able to camp on the site. The New South Wales Mounted Police Unit trains on the grounds and we are proud to say Olympian Shane Rose also conducts events at the park.

Mr Greg Piper: Point of order: The member for Camden would be disappointed if I did not raise the issue that the Government has obviously run out of things to talk about on this bill. My point of order is relevance.

ACTING-SPEAKER (Ms Sonia Hornery): Order! I note that substance is important in these debates.

Mr CHRIS PATTERSON: I am an extremely proud advocate of Camden and all that occurs in Camden. The Totalizer Act 1997 will be amended to take away the disadvantage currently experienced by New South Wales licensed bookmakers and enable them to offer a slightly higher dividend than the TAB or guarantee the best dividend of the three Australian TAB pools. Another great year in Australian racing was 1997. That year Might and Power edged out Doriemus to win the Melbourne Cup. Doriemus was the 1995 winner of the Melbourne Cup. In 1997 Might and Power also won the Caulfield Cup by a record margin, becoming the tenth horse to win the Melbourne Cup and the Caulfield Cup in the same year. In 1995 Dane Ripper won the W. S. Cox Plate, Ebony Grove took out the Australian Jockey Club Derby and Guineas won the Golden Slipper. That race was heartbreaking.

On that day I was at Rosehill and I had backed Encounter. Encounter was winning with 50 yards to the finish when he pulled to the left and Guineas came up the inside. I lost everything and I went home after that race. With the support of the three controlling bodies, Racing NSW, Greyhound Racing NSW and Harness Racing New South Wales, bookmakers in New South Wales will be able to offer bets based on totalisator odds while fielding at a licensed racecourse. It will give bookmakers a more level footing with their interstate counterparts. This is evidence that our Government is listening to the people in New South Wales. I was going to commend the Minister at this stage; however, that is how I started.

Mr George Souris: I think you have done that amply.

Mr CHRIS PATTERSON: I should start and finish in that manner, so I again say what a wonderful Minister he is. This legislation introduces practical reform that will assist Racing NSW to maintain the high standards of operation and integrity that are expected of the nation's premier thoroughbred racing industry. This is a wonderful bill and it will bring racing into line with 2013 standards. I previously mentioned Phar Lap and Tulloch. I could not conclude without mentioning Kingston Town. Kingston Town won three Cox Plates: in 1980, 1981 and 1982. All members would remember the 1982 race and the famous call at the 1,000 metre mark, "Kingston Town cannot win". Kingston Town made a mockery of the race caller, and the mighty black gelding galloped to victory. I refer to some other great racehorses. In 1986 two wonderful champions emerged: Bonecrusher and Our Waverley Star.

Mr John Williams: Bonecrusher by a nose.

Mr CHRIS PATTERSON: Bonecrusher by a nose in the Cox Plate. I know that the Whip favoured that huge horse Northerly. Northerly won the Australia Cup in 2001 and 2003 and the Cox Plate in 2001 and 2002. How could we forget the greatest distance runner mare in Australian history, Makybe Diva? She won three Melbourne cups in a row: in 2003, 2004 and 2005. I mention another great mare, Let's Elope, which won

the Caulfield and Melbourne Cup double in 1991. I am pleased to be able to speak about this great legislation and some great moments in Australian horseracing history, and I thank the House for allowing me to do so. I commend the bill to the House.

ACTING-SPEAKER (Ms Sonia Hornery): Thank you for the insightful history of horseracing in Australia. I am sure you will be racing to *Hansard* to see the proof of your substantial argument.

Mr GEORGE SOURIS (Upper Hunter—Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts) [11.19 a.m.], in reply: I thank the 18 members of this House who spoke in debate on the Racing Legislation Amendment Bill 2013. First, I thank the member for Liverpool, who led for the Opposition on behalf of the shadow Minister in another place, and I thank the Opposition for its support for this bill. I also thank the members who represent the electorates of Hawkesbury, Penrith, Parramatta, Tamworth, Gosford, Bathurst, Myall Lakes, Clarence, Drummoyne, Rockdale, Newcastle, Smithfield, Monaro, Wyong, South Coast, Tweed and Camden. I very much value their contributions and I thank them for their comments.

As the member for Tweed pointed out, such a long list of speakers on a piece of racing legislation is indicative of the support that members give to the racing industry generally and in their specific electorates. New South Wales has some 200 racecourses, the majority of which are located in regional and rural areas. The provincial and country racetracks are represented by the members who spoke so passionately of their support for the racing industry. The racing industry generates significant employment throughout the State and provides an important social and recreational outlet to regional and rural communities. Members spoke eloquently about the standing given to local cup race meetings within their communities, while others highlighted the fact that racing is an intricate part of Australian culture. Members also pointed out the economic importance of the racing industry to the State and to the livelihood of thousands of people. Around 50,000 employees are involved in the racing industry in this State.

The Government is committed to protecting the interests of those reliant upon the racing industry, and the provisions contained in the bill are aimed at ensuring the continued viability and future development of the industry. The provision of powers to Racing NSW to impose wider sanctions on thoroughbred race clubs for failing to comply with a condition of registration will provide the controlling body with additional tools to ensure that the State's thoroughbred racing industry remains at the forefront in standards of governance. Allowing New South Wales licensed bookmakers to offer totalisator odds betting places them on a more level footing with their counterparts in other jurisdictions. It will encourage bookmakers to remain in business and to continue to make a valuable contribution to the viability of race meetings across the State both directly through the provision of funding and indirectly through promoting racing and generating interest in the sport.

The relaxation of the restriction on totalisator odds betting will assist in ensuring the viability of New South Wales licensed bookmakers and will promote parity with interstate bookmakers without weakening the regulatory controls over bookmakers' operations. Many members referred to the colour, movement and character of racecourses and race meetings, and bookmakers certainly provide a unique flavour and character to Australian racing. I acknowledge that as we embark upon the autumn racing carnival, it is a very important and busy time of year for the New South Wales racing industry when excellence is celebrated in both racing on the track and fashions around the track. The Group 3 Newcastle Newmarket was the premier race at Newcastle races the week before last. I acknowledge the support of the member for Newcastle for racing in Newcastle.

The Illawarra Turf Club held its annual Sensational Sunday meeting featuring the Keith F. Nolan Classic last weekend. The club's chair, Mr Peter De Vries, and his committee are to be congratulated on a wonderful day. I enjoyed myself, as did the Minister for the Illawarra, Mr Greg Pearce, and the member for Penrith, although his horse remains a rising star. The member for Wyong referred to Wyong's upcoming centenary this year. Last Friday the Premier and I were privileged to inspect the new grandstand and theatre of the horse complex at Royal Randwick Racecourse. I commend the chairman of the Australian Turf Club, John Cornish, and the chief executive, Darren Pearce. I also commend the chairman of Racing NSW, John Messara, and the chief executive, Peter V'landys, whom I have asked specifically to act as the Government's invigilator for the financial acquittal of the $150 million capital investment in the new developments at Royal Randwick Racecourse.

This coming Saturday is the second of six consecutive Saturdays of the Sydney autumn racing carnival featuring the Golden Slipper on 6 April, Derby Day on 13 April and Doncaster Day on 20 April. I am delighted to hear that trainer Peter Moody has confirmed that Black Caviar will be making an appearance at Derby Day on 13 April at Royal Randwick. It will be fitting for the opening day of the new Royal Randwick redevelopment.

I was delighted to see Peter Moody on Sunday at Kembla Grange Racecourse, representing Sheik Mohammed of Dubai, who had two winners, including in the Keith F. Nolan Classic. Needless to say, I certainly wish Black Caviar all the very best in the Group 1 T. J. Smith Stakes on 13 April.

Harness racing has recently concluded the Inter Dominion championship series with Im Themightyquinn winning the grand final at Menangle Park. It was a wonderful day at a premier track, and many thanks and all due credit go to Rex Horne, the chairman of the New South Wales Harness Racing Club, and Graeme Campbell, the chairman of Harness Racing New South Wales, for their vision and management of the series. The good work continues with the Miracle Mile to be run on 28 April 2013. The Golden Easter Egg Carnival is at the home of greyhound racing at Wentworth Park with heats and semifinals on 16 and 23 March and $250,000 to the winner of the final on Easter Saturday 30 March.

In conclusion, I thank my staff, Frank Marzic and Jinesh Patel, and the Office of Liquor, Gaming and Racing staff member Greg Semmler for their assistance in the preparation of the Cabinet minute and the bill which, ultimately, concludes this chapter of the legislation through the lower House of New South Wales. From here it will progress to the upper House and very shortly its provisions will be evident and visible on every racetrack 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.

Third Reading

Motion by Mr George Souris agreed to:

That this bill be now read a third time.

Bill read a third time and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

LAW ENFORCEMENT (CONTROLLED OPERATIONS) AMENDMENT BILL 2012

Second Reading

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [11.28 a.m.], on behalf of Mr Greg Smith: I move:

That this bill be now read a second time.

I take pride in delivering the second reading speech on the Law Enforcement (Controlled Operations) Amendment Bill 2012 on behalf of the Government and the Minister for Police and Emergency Services, the Hon. Michael Gallacher. The bill will amend the Law Enforcement (Controlled Operations) Act 1997 and the Surveillance Devices Act 2007, and make consequential amendments to the Law Enforcement (Controlled Operations) Regulation 2012. Section 3 of the Law Enforcement (Controlled Operations) Act 1997 defines a controlled operation as an operation conducted for the purposes of:

(a) obtaining evidence of criminal activity or corrupt conduct, or

(b) arresting any person involved in criminal activity or corrupt conduct, or

(c) frustrating criminal activity or corrupt conduct, or

(d) carrying out an activity that is reasonably necessary to facilitate the achievement of any purpose referred to in paragraph (a), (b) or (c),

being an operation that involves, or may involve, a controlled activity.

A controlled activity is any activity that would be unlawful in the absence of authorisation under the Act. This may include, for example, purchasing illicit drugs or firearms. Other examples of controlled operations include conversations and negotiations regarding the purchase of stolen goods, the purchase of stolen goods,

conversations and negotiations regarding the purchase of firearms and ammunition, the purchase of prohibited firearms and ammunition, the entering of enclosed lands, a conspiracy to murder, and the operation of a surveillance device. Controlled operations are typically conducted by undercover operatives—that is, police or other law enforcement officials acting under an assumed identity. However, in some circumstances civilians may participate in controlled operations as agents of the authorising law enforcement agency.

The Act sets out strict rules for the conduct of controlled operations and for the participation of civilians in controlled operations. Only those law enforcement agencies specified within the Act can authorise and conduct controlled operations. Those agencies are: the NSW Police Force, the Independent Commission Against Corruption, the New South Wales Crime Commission, the Police Integrity Commission, the Australian Federal Police, the Australian Crime Commission, and the Australian Customs Service. Only the chief executive officer of a law enforcement agency, or a delegate, may authorise controlled operations. In the case of the NSW Police Force, the Act permits the Commissioner of Police to delegate his functions to officers of the rank of deputy commissioner, assistant commissioner and two named superintendents. In practice, these superintendents have been chief superintendents.

There are well-defined limitations on the type of conduct that can be authorised for the purpose of a controlled operation. A controlled operation authority cannot be granted in relation to conduct that involves inducing or encouraging any person to engage in criminal activity or corrupt conduct of a kind that the other person would not reasonably be expected to engage in unless so induced or encouraged, is likely to seriously endanger the health or safety of any participant or any other person or result in serious loss or damage to property, or involves the commission of a sexual offence against any person. A civilian may only participate in a controlled operation where it is wholly impractical for a law enforcement participant to take part in that aspect of the operation. Further, a civilian participant must not be authorised to engage in a controlled activity unless it is wholly impractical for the civilian to participate in that aspect of the operation without engaging in that activity.

The Act also provides the NSW Ombudsman with broad powers to oversee the conduct of controlled operations. Law enforcement agencies must notify the Ombudsman whenever an authority to conduct a controlled operation is granted or varied and when a report on the conduct of an operation is received. The Act provides that the Ombudsman may inspect the records of the agency at any time. The Ombudsman must also require the chief executive officer of a law enforcement agency to furnish any additional information about a controlled operation that is necessary for the Ombudsman's proper consideration of the matter. The Ombudsman must also inspect the records of a law enforcement agency at least once every 12 months and provide an annual report to Parliament on the Ombudsman's work and activities under the Act.

The Law Enforcement (Controlled Operations) Amendment Bill 2012 implements recommendations of the recently tabled "Report on the Review of the Law Enforcement (Controlled Operations) Act 1997". The review found that overwhelmingly the Act was operating well and achieving its objectives. To that end, the review did not recommend any major alterations to the framework already in place for controlled operations. The review made only two recommendations, both of which aim to streamline the controlled operations process, and assist law enforcement agencies and the courts to reduce red tape without compromising accountability. That is a salient point.

The first recommendation was that the law enforcement agencies be permitted to nominate a secondary law enforcement officer. The Act currently requires law enforcement agencies to nominate only a principal law enforcement officer within the application to conduct a controlled operation. The first recommendation was that law enforcement agencies be permitted to nominate a secondary law enforcement officer. Presently an application to conduct a controlled operation must nominate a principal law enforcement officer. The principal law enforcement officer is the officer who will conduct and have responsibility for the controlled operation. That responsibility also extends to other duties, such as reporting on the conduct of the operation, once the operation has been conducted.

The review received a submission from a law enforcement agency that one of the reasons for requiring amendments to authorities was that the principal law enforcement officer was unavailable at the time when a controlled operation was to be conducted. That may have been as a result of illness or conflicting duties. To reduce the likelihood that controlled operation authorities will need to be varied the bill amends the Act to allow law enforcement agencies to nominate a secondary law enforcement officer. The secondary law enforcement officer must be nominated when an application for an authority to conduct a controlled operation is made and will assume the responsibilities of the principal law enforcement officer when the principal law enforcement officer is unavailable.

The bill amends the Surveillance Devices Act 2007 to permit civilian participants in authorised controlled operations to wear surveillance devices to record a conversation that they are party to without seeking a surveillance device warrant. Currently section 7 (4) of the Surveillance Devices Act 2007 permits law enforcement officers who are participating in an approved controlled operation and operating under an assumed name or identity—that is, they are undercover—to wear surveillance devices to record a conversation that they are party to without seeking a surveillance device warrant. However, no similar exemption is provided for civilian participants in a controlled operation. Section 7 (3) (a) of the Law Enforcement (Controlled Operations) Act 1997 states:

> A civilian participant:
>
> (a) must not be authorised to participate in any aspect of a controlled operation unless the chief executive officer is satisfied that it is wholly impracticable for a law enforcement participant to participate in that aspect of the operation …

Therefore a civilian participant is permitted to be involved in a controlled operation only in the place of a law enforcement officer. It should be noted that the exemption provided for in the Surveillance Devices Act applies only to law enforcement officers who are acting under cover. A law enforcement officer acting under cover is comparable to a civilian participant who, although not operating under an assumed identity, is acting covertly on behalf of a law enforcement agency. This exemption will save the police and the courts time in preparing and giving consideration to surveillance device warrants, and also will be in line with the policy objectives of the Act. The use of surveillance devices by civilian participants will still be subject to the safeguards provided within the Law Enforcement (Controlled Operations) Act 1997. The intended use of the device would be included in the operational plan and would be a matter that the chief executive officer or delegate of the relevant law enforcement agency must consider when deciding whether or not to authorise the controlled operation.

The bill also makes consequential amendments to the Law Enforcement (Controlled Operations) Regulation 2012. Those consequential amendments provide for the secondary law enforcement officer within the code of conduct, forms and other written notices. The amendments within the bill will assist law enforcement agencies in the conduct of controlled operations and reduce red tape. This is an important amending bill. Unlawful acts are occurring on our streets. It is very commendable to provide the police with more powers, with correct safeguards in place, and to reduce red tape. I commend the Minister for Police and Emergency Services for his foresight in introducing the bill. I commend the bill to the House.

Mr PAUL LYNCH (Liverpool) [11.42 a.m.]: On behalf of the shadow Minister, the member for Toongabbie, who has been granted leave this morning I lead for the Opposition in debate on the Law Enforcement (Controlled Operations) Amendment Bill 2012, which has as its objects:

> to amend the Law Enforcement (Controlled Operations) Act 1997 to provide for a secondary law enforcement officer to exercise the functions of a principal law enforcement officer in authorised controlled operations whenever the principal law enforcement officer is unavailable, and
>
> to amend the Surveillance Devices Act 2007 to permit the use of listening devices by authorised civilian participants in authorised controlled operations that include civilian participants.

I note that the bill also makes consequential amendments to the Law Enforcement (Controlled Operations) Regulation 2012. The bill flows directly from a review that was completed in August 2011 and recommendations in the "Report on the Review of the Law Enforcement (Controlled Operations) Act 1997" tabled in Parliament in November 2012. Controlled operations are operations that otherwise would be illegal and are carried out for the purposes of law enforcement. I suspect controlled operations were carried out for a number of decades until a High Court decision approximately 15 years ago. Following that decision, this Parliament implemented the Law Enforcement (Controlled Operations) Act 1997, which is important legislation.

The Act provides that actions that otherwise would be illegal, are deemed to be legal and provides an indemnity for law enforcement officers against prosecution or proceedings that might arise from illegal behaviour but for the legislation. The point of the High Court decision is that it made absolutely clear that the evidence obtained by controlled operations is admissible in proceedings and it imposed a regime of accountability. Because of the importance of the Act, it is also important for it to be reviewed regularly and for appropriate amendments to be made to affect its efficiency and effective use. I do not think anyone could seriously pretend that the bill purports to effect major amendments. However, they are nonetheless important and significant because they add to the current legislative regime. For reasons I have already mentioned, it is an important regime.

The first of the two amendments is a matter of practicality. Obviously there will be occasions when persons referred to as the principal law officer will not be available for reasons of illness, leave, involvement in other operations, or court appearances. Granted that some controlled operations may continue over a significant period, it makes sense for the legislation to provide a fall-back position in case the principal law officer is not available. That strikes me as adding an element of common sense. One can well understand why the review proposed that amendment.

The second amendment is intended to provide an easier and more efficient manner for something that already happens to continue to happen. The evil that the amendment is designed to address is some extra steps in relation to obtaining warrants. While one should be careful not to muck around too much with those types of provisions because they are an important transparency element and safeguard, it seems to me that this amendment makes a bit of sense. It appears to be designed to allow something that happens now to happen with slightly greater ease in the future. On the basis of the reasons I have outlined, the Opposition supports the bill.

Mr STEPHEN BROMHEAD (Myall Lakes) [11.46 a.m.]: I support the Law Enforcement (Controlled Operations) Amendment Bill 2012 that gives effect to recommendations made in the "Report on the Review of the Law Enforcement (Controlled Operations) Act 1997", which was prepared by the Ministry for Police and Emergency Services. The review considered practical difficulties with the execution of covert search warrant operations in certain circumstances. Two recommendations were made that have been identified as the two main purposes of this bill. The objects of the bill are to amend the Law Enforcement (Controlled Operations) Act 1997 to provide for a secondary law enforcement officer to exercise the functions of a principal law enforcement officer in authorised controlled operations whenever the principal law enforcement officer is unavailable, and to amend the Surveillance Devices Act 2007 to permit the use of listening devices by authorised civilian participants in authorised controlled operations that include civilian participants.

A controlled operation is an authorised, monitored law enforcement operation that involves what might otherwise be unlawful activity—for example, the purchase of illegal drugs. The review found that law enforcement agencies were overwhelmingly happy with the way the Act is operating, that law enforcement agencies are complying with their responsibilities, and that the Act is continuing to achieve its objectives. Given that the Act was found to be operating well, the review made only two recommendations. Both recommendations aim to streamline the conduct of controlled operations and cut red tape. The bill implements the review's recommendations. The review found that approximately a third of all controlled operations' authorisations require variation. By allowing law enforcement agencies to nominate a secondary law enforcement officer the number of variations required will be reduced and time will be saved for the agency as well as the courts.

The bill amends the Law Enforcement (Controlled Operations) Act 1997 to provide for the nomination of the secondary law enforcement officer whose role will be to perform the duties of the principal law enforcement officer when the principal law enforcement officer is unavailable. It was pleasing that the member for Liverpool paid tribute to the Government for incorporating the recommendations in legislation. He said the amendments are straightforward, practical and common sense. However, he omitted to mention that Labor did not update the legislation, despite the legislation having been passed in 1997. That is 15 years in which the former Labor Government could have amended the legislation, but it did not do it.

The review noted that a civilian participant—a member of the public assisting law enforcement in a controlled operation—can only participate in a controlled operation where it is wholly impractical for a law enforcement officer to do so. Law enforcement officers acting under an assumed name or identity are not required to obtain warrants to wear surveillance devices for a controlled operation. As a civilian participant is acting in the place of a law enforcement officer, the review recommended that surveillance device warrants no longer be required for civilian participants in authorised controlled operations. The bill amends the Surveillance Devices Act 2007 to permit authorised civilian participants in authorised controlled operations to wear surveillance devices when participating in an authorised controlled operation without the need to obtain a surveillance device warrant.

The review report noted that a comparison can be drawn between a civilian participant in a controlled operation and an undercover operative. Both participants are acting covertly on behalf of a law enforcement agency. In the case of a civilian participant it is his or her real identity that provides the cover, whereas, in the case of a law enforcement officer, his or her cover must be an assumed name or identity. These people are risking their safety—perhaps even their lives—to help law enforcement. There may also be investigations where civilian participants are issued an assumed name or identity. This will always be carried out in accordance with the provisions of the Law Enforcement and National Security (Assumed Identities) Act 2010.

When conducting the review of the Act, the Ministry for Police and Emergency Services sought advice from key stakeholders, including law enforcement agencies within New South Wales. The amendments proposed in this bill will not only make it easier for law enforcement agencies to conduct controlled operations because the amendments cut red tape, but agencies will not need to make as many applications to controlled operations authorities and will not need to spend much time in court applying for surveillance device warrants. The amendments proposed in the bill are about increasing efficiency of controlled operations without compromising accountability. Removing the requirement to obtain surveillance device warrants for civilian participants will save police and court time.

Controlled operations have never been a means for carrying out corrupt activities. Controlled operations are subject to a high degree of oversight from beginning to end. All aspects of controlled operations must be approved by chief executive officers or delegates, have strict reporting requirements and are subject to review by the New South Wales Ombudsman's Office. The Surveillance Devices Act also requires that the controlled operation participant wearing the surveillance device must be a party to the conversation. Controlled operations legislation is working. It is achieving its objectives. Police and law enforcement agencies continue to use the legislation to great effect to arrest criminals, to prevent murders and to take firearms and dangerous drugs off the streets.

It is not uncommon for the NSW Police Force to use civilian participants in controlled operations. In undercover operations civilian participants are commonly deployed prior to police operatives. Police have been unable to retrieve details of the number of surveillance device warrants issued in relation to civilian participants in controlled operations. The information is not easy to retrieve as it is in hard copy only and would involve checking and then crosschecking each record. However, in August last year police were able to advise that the NSW Police Force Covert Operations Unit had already processed 558 surveillance device warrants for that portion of the calendar year.

To provide a rough idea of the number of surveillance device warrants issued in respect of civilian participants, one available reference is the NSW Ombudsman's Office figures on civilian participants involved in controlled operations. In 2008-09 there were 213 civilian participants, in 2009-10 there were 233, in 2010-11 there were 227, and in 2011-12 there were 187. We know that controlled operations have been in use to fight crime and organised crime in south-west Sydney in relation to organised crime gangs, bikies, and also drive-by shootings, most of which involved bikie gangs or associates of bikie gangs. In the past 12 months more than 1,100 charges have been laid and more than 600 arrests have been made in relation to drive-by shootings and organised crime gangs, sometimes known as bikie gangs.

This bill is another piece of legislation in that suite of legislation that has already been introduced to toughen up gun laws, consorting laws, gang laws and tattoo parlour laws. A number of Acts target bikie gangs and associates of bikie gangs involved in drug supply and shootings. Over time we will see more and more of these criminals brought to justice. The Legislation Review Committee looked at this legislation and discussed its possible trespass on personal rights but, in the end, it considered there was no trespass on personal rights and liberties because the bill removes red tape; it does not extend the powers. I commend the bill to the House.

Mr MARK SPEAKMAN (Cronulla) [11.56 a.m.]: I support the Law Enforcement (Controlled Operations) Amendment Bill 2012. The bill contains two primary sets of amendments. The first set of amendments will involve amending the Law Enforcement (Controlled Operations) Act 1997 to provide for a secondary law enforcement officer to exercise the functions of a principal law enforcement officer in authorised control operations whenever the principal law enforcement officer is unavailable. The second set of amendments relates to the Surveillance Devices Act 2007 to allow the use of listening devices by authorised civilian participants in authorised control operations that include civilian participants.

The bill follows the recommendations of the recent "Report on the Review of the Law Enforcement (Controlled Operations) Act 1997". The outcome of that review was a finding that the Act is operating well and achieving its objectives. For present purposes, a controlled operation is an operation conducted to obtain evidence or to frustrate criminal activity or corrupt conduct that may involve activity that that would otherwise be unlawful. These controlled operations provide law enforcement agencies with an investigative tool to investigate serious crime, particularly organised crime and drug trafficking. The report of the review I referred to made two recommendations to streamline the controlled operations process and to reduce red tape. The first of those recommendations was that in the case of controlled operations, as I described them, law enforcement agencies can nominate a secondary law enforcement officer.

At the moment, an application to conduct a controlled operation has to nominate a principal law enforcement officer. He or she is the person who will conduct and have responsibility for the controlled operation. That responsibility extends to other duties such as reporting on the conduct of the operation once the operation has concluded. There has been a suggestion that there is need for amendment because from time to time the principal law enforcement officer is unavailable when a controlled operation is to be conducted. That could be because of illness or conflicting duties. The bill proposes to amend the Act to allow law enforcement agencies to nominate a secondary law enforcement officer. He or she has to be nominated when an application for authority to conduct a controlled operation is made and he or she will assume the responsibilities of the principal law enforcement officer when that person is unavailable.

The second set of amendments is to the Surveillance Devices Act 2007. Civilian participants will be permitted in authorised controlled operations to wear surveillance devices to record a conversation to which they are party without seeking a surveillance device warrant. That use of surveillance devices by civilian participants will continue to be subject to the Law Enforcement Controlled Operations Act and its safeguards. The intended use of the device will be included in the operation plan and will be a matter for consideration by the chief executive officer of the relevant law enforcement agency when deciding whether to authorise a controlled operation. I support the bill: it is a measured response and part of the suite of reforms and initiatives the O'Farrell Government has brought in to fight organised crime. The bill is an appropriate balance between criminal investigation and civil liberties. I commend the bill to the House.

Mr TONY ISSA (Granville) [12.01 p.m.]: I support the Law Enforcement (Controlled Operations) Amendment Bill 2012 and congratulate the police Minister in the other place on his diligent work in bringing this to the attention of the Parliament. I note that the bill has the support of the Opposition and minor parties in the Legislative Council. The bill results from a comprehensive review undertaken by the office of the Minister for Police and Emergency Services. The review recommended cutting red tape in order to improve the efficiency of controlled operations legislation. It was found that the 1997 legislation was still working well. The review was necessary as in dealing with organised crime the existing law, while working well, had become clumsy. The data showed that approximately one-third of all operations conducted required variation. To vary an authorisation a form must be prepared and approved by the chief executive officer unless circumstances are urgent.

Once the variation is approved the Ombudsman must be formally notified of the variation using another form within the regulations. This clearly involved a lot of paperwork. It contributed to delays in operations and compromised investigations. These delays have led to cancelling the use of specialised resources such as surveillance or telephone intercepts, which become costly for the taxpayer and lead to underutilised resources. This meant that previous investigations may have been wasted and that law enforcement officers may be exposed and even placed in danger. The bill will amend the Act to allow law enforcement agencies to nominate a secondary law enforcement officer to carry on the investigations. In such instances the secondary law officer will become the responsible officer for the controlled operation when the previously nominated officer is unavailable.

Organised crime has become very sophisticated and has access to equipment that is not widely available to the entire community. The aims of the bill are many but probably the most significant is that it gives law enforcement agencies the power to investigate serious crimes, particularly those associated with drug trafficking. As all members would be aware, drug trafficking is rife in Sydney and has links to organised crime. Every day there are drive-by shootings and other violence on our streets. My area particularly has been subjected to many drive-by shootings. I thank the Minister for Police for visiting my area as it made a big difference: the community felt safer after his visit. These crimes are rife because there is no set means of enforcement. This bill aims to address that issue. It will authorise the chief executive officer or a senior delegate of relevant agencies to authorise controlled operations.

Those agencies include the NSW Police Force, the Independent Commission Against Corruption, the New South Wales Crime Commission and the Police Integrity Commission. Under this legislation other agencies—including the Australian Federal Police, the Australian Crime Commission and the Australian Customs Service—may become involved. One important aspect of the legislation and one that I note received a degree of debate in the upper House was the amendment to the Surveillance Devices Act 2007. Under this amendment civilian participants may take part in operations involving surveillance via a listening device without the obtaining of a warrant for the use of that device. The Minister responded by assuring the Parliament that civilians would take part in surveillance operations at the discretion of the chief executive officer of the agency involved.

This means that the chief executive officer would need to be convinced that the nominated person had the skills to be involved in a particular operation. It also means that the nominated person would be permitted to act in the surveillance operation if it was determined that it is not feasible for a law enforcement officer to do so. However, the Minister pointed out that if it were possible for a police officer to be used in the operation instead of a civilian the police officer would be used. The bill also stipulates that the person must be actively involved or actively prepared to become involved in the controlled operation. The Minister also said:

> Given the highly focused approach of many organisations that law enforcement officers wish to target, whether it involves armed robbery, drugs or other criminal offences, or indeed corruption, these organisations will not necessarily involve a person who is not known to them.

The law enforcement officer responsible for the controlled operation must also provide to the chief executive officer a report on the operation within two months. Further protections are in place for civilian operatives. They are named either by an assumed name or a code name if they wish. Civilians have the opportunity to play an active role in these surveillance operations and to have their identity protected. I am confident that these amendments will contribute to more streamlined controlled operations, which will result in further arrests for crimes such as drug trafficking and firearms offences. I once again congratulate the Minister on the timely introduction of this legislation. I commend the bill to the House.

Mr RICHARD AMERY (Mount Druitt) [12.07 p.m.]: I make a brief contribution to the Law Enforcement (Controlled Operations) Amendment Bill 2013. I and the Opposition certainly support the bill. Nothing in the provisions of the bill causes concern to the Opposition. The bill contains tidying up measures or, as has been said a few times, clarification by removing some red tape in the operation of the original legislation, which passed through this Parliament in 1997. The bill's two amendments result from a review of the original legislation. I am not aware of the circumstances brought to the review or to the Minister requiring these two provisions to be implemented, but after reading them one certainly can assume their necessity. The first object of the bill, to amend the Act to allow for a secondary law enforcement officer to exercise the functions of a principal officer, is fairly self-explanatory. A person who is the designated senior officer, the person in control of an operation, for some reason may be unavailable to continue the operation. Under the Act at present that person must continue the operation.

I would think that it would be of concern to anybody that a defence lawyer was able to find some legal loophole that risked the evidence being put before the court because a situation occurred where an operation was carried out, for example, by the second in charge of the operation. In effect, what the bill is saying is that an officer appointed, or the officer who is genuinely second in charge of the operation, can act in the role of the senior person or the original authorised person. It is a fairly practical bill and we can all support it. There would be many occasions in police and military operations, or in many other fields, where the person who is in charge of a matter or a case may not be available to carry out his or her duties and those duties are then delegated to another person. The review occurred because the Law Enforcement (Controlled Operations) Act 1997 was restrictive and there needed to be flexibility within the legislation to allow somebody else to carry on an operation. Operations are often protracted and expensive and placing them at risk because of the unavailability of the person named in the original plan is not logical.

The second part of the bill deals with issues in the Surveillance Devices Act 2007. The bill will permit the use of listening devices by authorised civilian participants in authorised controlled operations. This was another discrepancy in the legislation: only a police officer was allowed to carry out the mechanical side of listening device procedures. We can speculate about why this provision in the bill is needed. There are many people with expertise in electronics and the listening device area who may not be members of a State or Federal police force or other law enforcement agency but their expertise is needed. The review found that it is a discrepancy in the existing legislation that the abilities of such a person cannot be used. The bill will tidy up any misunderstanding within the existing legislation and allow the officer-in-charge of such an operation to enlist the support of an expert or a person experienced in the use of listening devices to assist in the gathering of the evidence for trial, and hopefully conviction. These two matters are not of themselves overwhelming.

There are some people who are troubled by the bill from a civil liberties point of view and that a civilian will use listening devices. But the Minister has already clarified that any civilians will be operating under the authority of the law enforcement officer, whether that officer is from a Federal, State or other agency involved in the operation. The existing Act and this bill are not designed to pick someone off the side of the street and arrest them; the legislation is designed to assist in gathering evidence over a long period and, hopefully, without the knowledge of the target. It is important to continually look at the legislation to make sure that the gathering of evidence by the police and various authorities is not in any way hindered by legislation.

Importantly, this bill will remove any loopholes or technicalities from the legislation such as those outlined in the overview of the bill. Defence lawyers will no longer be able to abuse those loopholes to get their clients off. Overall, the Parliament and the Opposition commend the Government for tidying up those two procedures in the legislation. I support the bill.

Mr JOHN SIDOTI (Drummoyne) [12.14 p.m.]: I will speak in support of this bill which I note has received broad-based support from both sides of the House. The Law Enforcement (Controlled Operations) Act 1997, which this bill amends in two operational aspects, is an important tool used by law enforcement agencies in New South Wales to expose and prevent serious criminal activities in our State, often at significant personal risk to the officers who undertake these operations. Before discussing the amendments before the House I take the opportunity to thank the officers of these agencies for their dedication to duty and their efforts on behalf of all law abiding citizens of New South Wales. The Government is fully committed to taking the necessary and appropriate steps to ensure our law enforcement agencies and their officers have the support and tools they need to do their job efficiently and successfully, making New South Wales a safer place for all of us.

As the House is aware, the Law Enforcement (Controlled Operations) Act 1997 deals with serious law enforcement operations. The controlled operations it covers are essentially undercover operations where the authorised participants have prior authority under the Act to technically break the law in order to investigate and deter crime and corrupt conduct. The Ombudsman's annual report for 2012, issued in December last year, clearly demonstrates the types of operations and crimes this legislation has been used for: the supply and sale of prohibited drugs, armed robberies, the procurement of firearms, money laundering, fraud, murder and conspiracies to commit such crimes. Of these operations the overwhelming majority, 74 per cent, were, not surprisingly, drug related and 57 per cent resulted in arrests and charges being laid. The extensive organisation and sophistication of many criminal operations—which often comprise many links in the chain to minimise detection—mean that those responsible within those organisations are unlikely to be discovered and brought to justice by conventional, standard law enforcement methods and investigation structures. The Ombudsman's report states that:

> ... often, only by infiltrating these criminal or corrupt enterprises is it possible to gather the necessary evidence to arrest and prosecute the offenders.
>
> ...
>
> A drug trafficking enterprise, for example, will usually involve a law enforcement officer negotiating for the supply of drugs.

The report also recognises that due to the consensual and private nature of the communications surrounding these activities it is often necessary to permit the use of listening devices to obtain the evidence required to prosecute the offenders. Given the requirements of the Act, I suspect that the controlled operations undertaken by our law enforcement agencies are well considered and highly organised. I also assume that any such operation takes a great deal of time and effort to put operatives and resources into place and that these operations can often run for extended periods. In light of those operational requirements the amendments now before the House are highly practical and necessary to further assist our law enforcement agencies and their officers to more easily do their jobs and successfully complete such operations. Importantly, the bill will reduce the likelihood that an undercover operation will be compromised or discredited.

The first set of amendments proposed under this bill essentially provide that a law enforcement agency be permitted to nominate a secondary law enforcement officer in the original application for a controlled operation order. Presently under the Act this is not possible and second, and perhaps even subsequent, applications may need to be made. This takes the time and resources of both the agency involved, which should be spent in the field, and the court system. The bill creates new definitions of a primary law enforcement officer and a secondary law enforcement officer and allows a secondary law enforcement officer to exercise a primary officer's function when the primary officer is not available.

As I have already discussed, given the nature and extent of controlled operations and the time and resources these operations require, this amendment is practical and logical. Essentially it means that if a primary officer is unavailable due to other operational duties, court commitments, illness or a family emergency the operation being undertaken does not need to be compromised or delayed. The second set of amendments also go to the issue of operational efficiency providing that the Surveillance Devices Act 2007 be amended to permit the use of listening devices by already authorised civilian participants in an authorised controlled operation without the need to make an additional, separate application for a warrant. This practical step will improve the efficiency and reduce the pressure of time constraints in these operations.

I note that concerns have been expressed by other members of the House about this second set of amendments and the degree of supervision and control over civilian participants. I do not share their concerns. These amendments increase the efficiency of a controlled operation without compromising accountability and do not change the safeguards already in place under the Act. These safeguards include: the requirement of chief executive officer or nominated delegate approval of a controlled operation; the requirement that there are reasonable grounds to suspect that criminal or corrupt conduct is occurring or about to occur before an operation can be approved; the requirement that the nature and extent of that conduct or the activity in question is sufficient to justify a controlled operation of the type proposed; and the requirement that the operation not involve conduct that is likely to seriously endanger the health or safety of any participant, or other person, or result in serious loss or damage to property.

Also, the Act incorporates three tiers of accountability on agencies that carry out controlled operations that are not amended by this bill. The first level is internal to the agency undertaking the operation. Apart from the rigorous requirements for successful applications and the decision-making process undertaken by the responsible chief executive officer to which I have already referred, the Act also requires that within two months after completing an authorised operation the principal law enforcement officer for the operation must give a report of that operation to the chief executive officer of the organisation responsible for scrutiny. The second level of accountability is external. The Act requires the Ombudsman to act in the role of independent monitoring and inspection agency of controlled operations.

For example, the Ombudsman must be notified of all grants of an authority and variations to an authority within 21 days, as well as all occasions on which the chief executive officer receives a report on a controlled operation. Finally, there is accountability for these operations in this Parliament, which reviews the Ombudsman's annual report on the activities conducted under the Act and the Ombudsman's monitoring and inspections in relation to those matters over the preceding 12 months. In this regard it is worth noting that in the period covered by the Ombudsman's most recent report some 279 authorities were issued for controlled operations, involving approximately 8,865 law enforcement officers and 187 civilian participants, and that overall the Ombudsman concluded:

> The law enforcement agencies are generally compliant with the requirements of the Act and most incidents of non-compliance we identify tend to be minor administrative errors or oversights which are readily rectified and cause no apparent detrimental consequences for any parties.

Given the nature and scope of these operations, the resources they require and the very difficult situations our law enforcement officers have to navigate in this area of criminal activity, I believe this is an outstanding tribute to the conduct of the controlled operations undertaken pursuant to the Act to date and demonstrates that there is appropriate and significant regulation of controlled operations under the Act. The amendments in this bill, as I have outlined, are reasonable and measured and will increase the efficiency of controlled operations under the Act and will support and assist in our law enforcement agencies' fight against crime in New South Wales. For these reasons I commend the bill to the House.

Mr GLENN BROOKES (East Hills) [12.24 p.m.]: The objects of the Law Enforcement (Controlled Operations) Amendment Bill 2012 are rather straightforward. They will provide law enforcement agencies with the right tools to investigate serious crime, organised crime and drug trafficking. A controlled operation, in layman's terms, is a sting or undercover operation. The law or Act currently allows for one senior officer to be in charge of a controlled operation. This presents a problem when the officer in charge is needed but for whatever reason is not available.

To avoid this from happening the O'Farrell Government is simply amending the Act to allow a deputy to step up to the mark when the senior officer is not available. The second-in-charge would have the authority to make a decision without going through all the red tape that currently exists. This will help our boys and girls in blue to carry out dangerous operations much more smoothly. It will provide assurance to our hardworking police force that someone will always be there to make the important decisions when they are going undercover to protect our community.

The second part of the amendment, again in layman's terms, would allow civilians that take part in these sting operations to wear recording devices. The Act currently allows the police to wear these devices but does not allow members of the public to do so when they are taking part in the operation. This form of participation by civilians would adhere to all the safeguards that are currently in place. Every measure of care would be taken to ensure a seamless operation. Put simply, we are finally arming our police officers with the right tools, checks and balances to perform their duties in these operations. Their hard work would then be acknowledged and accepted in our courts.

Why do we not stop to think about the rights of the communities and neighbourhoods that these criminals have no regard for? We should be concerned for our boys and girls in blue as well as the civilians involved in these undercover operations. Any good government would ensure that every effort is made to put an airtight case forward to the courts for the best possible chance of a conviction. Too often criminals escape conviction because of our inability to use police evidence obtained in this way. We see it all the time, on television and in the movies, and we hear about it on radio, yet in New South Wales police are not able to have a civilian wear a wire. I was very surprised to learn that there is no such controlled mechanism to help our officers, and that too often criminals walk free.

The law-abiding citizens of New South Wales would expect this legislation to be implemented—I am certain the majority of people think it already exists. In passing this legislation we, the Government of New South Wales, would simply be representing the wants and needs of our constituents. This bill will give the police the ability to get criminals behind bars quicker than they can at present, with better evidence. It is simple, practical and good common sense. With those comments, I commend the bill to the House.

Mr KEVIN CONOLLY (Riverstone) [12.28 p.m.]: I will make a brief contribution to the debate on the Law Enforcement (Controlled Operations) Amendment Bill 2012. This bill is one of a number of pieces of legislation that the Government has introduced over the past two years to rebalance the scales in order to assist police in their tasks, right across the board, to make our community safer for all of us; and to give police the powers that they need in an array of situations to do their job on our behalf. We know that they have a dangerous and difficult job. We have legislated move-on powers, we have replaced legislation to clarify police rights in relation to face coverings, we have given a qualified right to silence to rebalance the scales between justice and the rights of an accused person, we have amended the way court cost levies are applied and we have brought in legislation in relation to the tattoo parlour industry to try to prevent bikie gangs getting a foothold in that area.

This legislation is one of many things that the Government has been doing and will continue to do to ensure that wherever police need the assistance of the Government, wherever the community will benefit by police having additional powers, refined powers or clarified powers, the Government stands willing to support police in their task. This is one of many instances where a small, tangible but very important step is being taken to ensure that police are assisted in performing that very difficult task for the community. As other members have noted, this bill makes two changes. The first change relates to the nomination of an officer responsible for a particular controlled operation and the ability for a second officer to be named so that the operation can continue in the absence of the first officer. The second change relates to the use of a civilian participant when equipment is used to record conversations in circumstances where the best person to undertake that role is not necessarily a police officer. A civilian participant may be authorised to undertake that task so that the operation can continue.

These are important measures because they allow the police to be more effective in catching criminals in the act and so prevent them continuing to wreak havoc on our community. The original Act, which has been in place since 1997, gave police broad powers to undertake controlled operations. A review of that Act has recommended these two changes to redefine those powers so that the success of those controlled operations can be further enhanced. There are significant safeguards in place around the use of these powers, and so there should be. When we are talking about undercover operations, acting in secret, the community has the right to expect that there will be oversight and control of those operations in a way that gives the community an assurance that police powers will not be abused, and that is part of the balance.

The Act retains the safeguards already in place. One safeguard is that the chief executive officer of the organisation or the delegate has to give approval for a controlled operation. In the NSW Police Force that means the commissioner, deputy commissioners, assistant commissioners or one of two nominated superintendents, who, in practice, tend to be chief superintendents. They are very senior officers, and that is an appropriate safeguard. Other safeguards are that there have to be reasonable grounds to suspect that criminal activity or corrupt conduct has been, is being or is about to be conducted in relation to matters within the administrative responsibility of the agency; the nature and extent of the suspected criminal activity or corrupt conduct must be such as to justify the conduct of a controlled operation; and the nature and extent of the proposed controlled activities must be appropriate to the suspected criminal activity or corrupt conduct. It is a test of proportionality that is appropriate and relevant and provides assurance to the community.

Additionally, the proposed controlled activities must be capable of being accounted for in sufficient detail to enable the Act's reporting requirements to be fully complied with. No person will be induced or

encouraged to engage in criminal activity or corrupt conduct of a kind that the other person could not reasonably be expected to engage in unless so induced or encouraged. It is a requirement that the operation will not involve conduct that is likely to seriously endanger the health or safety of any participant, or any other person, or will result in serious loss or damage to property. The operation will not involve the commission of a sexual offence against any person. Those requirements have to be met before approval can be given for a controlled operation to be undertaken.

Once the operation has occurred there is a raft of accountability measures that have to be met and reporting requirements and oversight by the Ombudsman to ensure that those tests have been met and that the operation has been conducted properly. In this way the community can be assured that those powers have been used appropriately. That suite of controls and oversight responsibility is appropriate to the task. The amendments contained in this bill enhance the capacity of the police and other approved agencies to undertake these operations on behalf of the community, the people of New South Wales, who rely on them for our safety and to make our community free from crime. I commend the amendments to the House as another sensible, positive step being undertaken by the Attorney General.

Mr KEVIN ANDERSON (Tamworth) [12.35 p.m.]: I speak in support of the Law Enforcement (Controlled Operations) Amendment Bill 2012. The objects of the bill are to amend the Law Enforcement (Controlled Operations) Act 1997 to provide for a secondary law enforcement officer to exercise the functions of a principal law enforcement officer in authorised controlled operations wherever the principal law enforcement officer is unavailable—I will expand on that a little later—and to amend the Surveillance Devices Act 2007 to permit the use of listening devices by authorised civilian participants in authorised controlled operations that include civilian participants. The bill also makes consequential amendments to the Law Enforcement (Controlled Operations) Regulation 2012.

A controlled operation is an authorised monitored law enforcement operation that involves what might otherwise be unlawful activity—for example, the purchase of illegal drugs by someone who has gone undercover to break a cycle of crime. The bill implements the recommendations of the report on the review of the Law Enforcement (Controlled Operations) Act 1997. The review found that law enforcement agencies were overwhelmingly happy with the way the Act was operating. The review also found that law enforcement agencies were complying with their responsibilities under the Act and that the Act was continuing to achieve its objectives. Given the Act was found to be operating well, the review made only two recommendations, and both recommendations aimed to streamline the conduct of controlled operations and to cut red tape.

Cutting red tape and making it easier for our law enforcement operators to do their job effectively, swiftly and efficiently is a common-sense and whole-of-government approach that this Government has been implementing in many areas since it was elected two years ago. The recommendations to streamline the controlled operations and to cut red tape have been welcomed wholeheartedly right across law enforcement agencies. The bill implements the recommendations of the review as follows. The review found that approximately a third of all controlled operations authorisations required variation, and that allowing law enforcement agencies to nominate a secondary law enforcement officer would reduce the amount of variations required and save time. That is another illustration of a common-sense approach.

In many instances when law enforcement agencies must act swiftly on the evidence presented to catch criminals in the act, red tape needs to be cut to allow them to get on with their job of enforcing the law. Law enforcement agencies very much appreciate the Government, the Attorney General, the Minister for Police and Emergency Services and the Premier allowing them to do their job swiftly and efficiently without having to worry about a ream of red tape. Nominating a secondary law enforcement officer means that when an officer in charge of an operation is unavailable for whatever reason a secondary law enforcement officer will be authorised to take control of that controlled operation and continue on the path of busting an illegal operation.

When the officer in charge of an operation is unavailable for any reason the secondary law enforcement officer will be able to assume authority and control of the controlled operation and continue down the path of busting the illegal operation. The review noted that a civilian participant—a member of the public—assisting law enforcement in a controlled operation can participate in a controlled operation only where it is wholly impractical for a law enforcement officer to do so. The community often contributes to law enforcement by dialling 000 or calling Crime Stoppers to deliver vital information which assists the police to break illegal drug rackets or other crime rings. We rely on assistance from members of the public. Crime Stoppers and similar organisations give law enforcement officers a second set of eyes and ears out in the community.

Recently in the Tamworth electorate a major drug bust took place during which stolen goods and firearms were seized. That operation came off the back of a tip given to police by a community member which caused a subsequent lengthy surveillance operation to be put in place. The community member noticed that something was not quite right at a property, with extra cars and people coming in at night. Undesirables seemed to be hanging around at all hours of the night and the house appeared suspicious because it had closed curtains and looked like a fortress. The community member who thought something was not quite right called the police and the information was acted upon. Surveillance was set up and at the appropriate time the police conducted a controlled operation at the property. They arrested and charged the people who were conducting illegal activity at that house and seized stolen goods, cash and guns. That demonstrates how the involvement of civilian participants at all levels can assist our police.

Law enforcement officers acting under an assumed name or identity are not required to obtain warrants to wear surveillance devices for a controlled operation. As a civilian participant is acting in the place of a law enforcement officer, the review recommended that surveillance device warrants no longer be required for civilian participants in authorised controlled operations. It is a critical point that surveillance device warrants will no longer be required when a civilian participant acts in the place of a law enforcement officer during an authorised controlled operation. Again, that assists our law enforcement officers to efficiently and swiftly get on with the job of doing what they do best.

Accordingly, the bill amends the Surveillance Devices Act 2007 to permit authorised civilian participants in authorised controlled operations to wear surveillance devices when participating in the operation without the need to obtain a surveillance device warrant. That is another common-sense approach to ensure that our law enforcement teams have the cooperation of this Government to do what they need to do. Over the past two years a number of measures have been introduced to assist our police to do their job. Those measures include move-on notices, arrests, ammunition control and a number of other actions.

The Law Enforcement (Controlled Operations) Amendment Bill 2012 is a common-sense approach by this Government to streamline the conduct of controlled operations, cut red tape and allow our police to do what they do best—bust illegal operations and get in and around in a safe and controlled manner to drive down crime and keep our community safe. At the end of the day this is about keeping our community safe. Police must be given the tools and resources they need to fight crime and eradicate antisocial behaviour and alcohol-related violence as much as possible. The common-sense approaches to conducting controlled operations and cutting red tape that are contained in the bill will go a long way to achieving those goals. I commend the bill to the House.

Mr JOHN FLOWERS (Rockdale) [12.45 p.m.]: I support the Law Enforcement (Controlled Operations) Amendment Bill 2012 and congratulate the Minister for Police and Emergency Services, the Hon. Michael Gallacher, on his continued effort to support police and the people of New South Wales. The object of the bill is to amend the Law Enforcement (Controlled Operations) Act 1997 to provide for a secondary law enforcement officer to exercise the functions of a principal law enforcement officer in authorised controlled operations whenever the principal law enforcement officer is unavailable. The bill also seeks to amend the Surveillance Devices Act 2007 to permit the use of listening devices by authorised civilian participants in authorised controlled operations that include civilian participants.

The bill gives effect to recommendations made in the recently tabled report entitled, "Review of the Law Enforcement (Controlled Operations) Act 1997", which was prepared by the Ministry for Police and Emergency Services. The review considered practical difficulties with the execution of covert search operations in certain circumstances. The review found that approximately one-third of all controlled operations authorisations required variation, and that allowing law enforcement agencies to nominate a secondary law enforcement officer would reduce the number of variations required and save time. The review found that law reform agencies were overwhelmingly happy with the way the Act was operating; the Act was continuing to achieve its objectives.

Because the Act was found to be operating successfully the review made only two recommendations, which aimed at streamlining the conduct of controlled operations and cutting red tape. The first recommendation was that law enforcement agencies be permitted to nominate a secondary law enforcement officer. The second recommendation was that civilian participants in authorised controlled operations may wear surveillance devices to record a conversation they are party to without seeking a surveillance device warrant. That will provide police with an effective means of obtaining vital evidence that may lead to a conviction and custodial sentence. The recommendations are aimed at saving time for enforcement agencies and the courts.

The bill increases the efficiency of controlled operations without compromising accountability. Allowing law enforcement agencies to nominate a secondary law enforcement officer will save time when a primary law enforcement officer is unavailable due to illness or other duties and reduce the likelihood that an undercover operation will be compromised or discredited. This will improve the efficiency of police investigations and the safety of law enforcement and civilian participants. The Act retains the safeguards already in place regarding controlled operations. These include that only the chief executive officer or one of the few nominated delegates of a law enforcement agency can approve a controlled operation. In relation to the NSW Police Force, this means the Commissioner of Police, the deputy commissioner, assistant commissioners, or one of two nominated superintendents, which in practice tend to be chief superintendents. Therefore, controlled operations would be approved only by very senior officers in a law enforcement agency.

Before approving a controlled operation, the approving officer must be satisfied that there are reasonable grounds to suspect that criminal activity or corrupt conduct has been, is being, or is about to be conducted in relation to matters within the administrative responsibility of the agency; that the nature and extent of the suspected criminal activity or corrupt conduct are such as to justify the conduct of a controlled operation; that the nature and extent of the proposed controlled activities are appropriate to the suspected criminal activity or corrupt conduct; that the proposed controlled activities will be capable of being accounted for in sufficient detail to enable the Act's reporting requirements to be fully complied with; that no person will be induced or encouraged to engage in criminal activity or corrupt conduct of a kind that the other person could not reasonably be expected to engage in unless so induced or encouraged; that the operation will not involve conduct that is likely to seriously endanger the health or safety of any participant or any other person, or result in serious loss or damage to property; and that the operation will not involve the commission of a sexual offence against any person.

Controlled operations are also subject to significant reporting requirements that require the law enforcement officer with primary responsibility for the operation to give a report on the operation to the chief executive officer within two months after completing an authorised operation. The regulations also contain a code of conduct that requires all officers at all times to act in good faith when preparing a report on the conduct of an operation. The reporting officer must also include all relevant information and ensure that information is not incorrect or misleading. If the officer becomes aware of new information, or changes are required to information already provided, the officer must provide that information to the chief executive officer as soon as is practicable.

In addition, the chief executive officer must notify the Ombudsmen in writing within 21 days of the grant of an authority to conduct a controlled operation, or of receiving a report on the conduct of an authorised operation, or of a variation to an authority. The regulations set out what must be included in each notice when an authority has been granted. Required information includes the date the authority was granted, how long the authority will remain in force, the suspected criminal or corrupt conduct being investigated, the nature of the controlled activities, and the number of law enforcement and civilian participants. Notices to the NSW Ombudsman on variations of authorities must include similar information.

The Ombudsman is also empowered to conduct inspections of internal records of law enforcement agencies. The Ombudsman is required to inspect each law enforcement agency at least once every 12 months, but may inspect an agency's records at any time. Officers of law enforcement agencies may not refuse to provide information or access, or to answer questions. The Ombudsman provides an annual report to Parliament on the outcome of inspections during each reporting year. All law enforcement agencies have demonstrated that they are capable of conducting controlled operations successfully, with integrity and according to the requirements of the law.

Permitting the nomination of secondary law enforcement officers increases the safety of undercover officers and other participants in controlled operations by ensuring that operations are not compromised when primary law enforcement officers are unavailable. Allowing civilian participants in approved controlled operations to wear surveillance devices without first obtaining a warrant will save police and court time with no compromise to accountability. The Government is showing its support for police and for driving down crime in this State by supporting the review's recommendations and introducing this bill to Parliament. I commend the bill to the House.

Mr ANDREW ROHAN (Smithfield) [12.55 p.m.]: I support the Law Enforcement (Controlled Operations) Amendment Bill 2012. The bill will implement the recommendation of the review process to amend the Law Enforcement (Controlled Operations) Act 1997 to increase efficiency of controlled operations and save

time for law enforcement agencies and courts, without compromising accountability. The introduction of this bill reaffirms the Government's absolute support for police and other law enforcement agencies in New South Wales. The bill will provide the law enforcement agencies with effective means by which to obtain vital evidence for the purpose of putting crooks behind bars more quickly and to make our streets and the community safer. The amendments are common sense and include two recommendations that will change the Act, firstly, by allowing law enforcement agencies to nominate a secondary law enforcement officer and, secondly, by permitting civilians to participate in authorised control operations that may include wearing surveillance devices to record a conversation to which they are party without seeking a surveillance warrant.

Allowing a secondary officer to act in the place of the primary law enforcement officer when the primary law enforcement officer is not available for any reason, such as illness or attending to other duties, will save time and may reduce the possibility of undercover operations being compromised. No doubt this will improve the efficiency of the investigation and enhance the safety of law enforcement officers and civilian participants alike. This amending bill will ensure that the safeguards of the controlled operations that already are in place are not eroded, but enforced. To ensure integrity and safety, controlled operations will be authorised only by senior officers in a law enforcement agency. In the NSW Police Force those senior officers include the Commissioner of Police, the deputy commissioner, assistant commissioners, or one of two nominated chief superintendents.

A number of measures of course should be considered before the commencement of a controlled operation. The officer approving a controlled operation must be completely satisfied that criminal or corrupt conduct is imminent and is of such a nature that would justify the conduct of a controlled operation. Other measures to be considered include accountability and full compliance with the requirements under the Act. The operation must not involve conduct that may endanger the health and safety of any participant or cause serious damage to property, and the operation must not involve the commission of a sexual offence against any person. To ensure that a controlled operation is subject to scrutiny, the officer in charge of a controlled operation must provide a report to the chief executive officer within two months of completing the authorised operation.

The code of conduct requires all officers who prepare a report at all times to act in good faith. An officer must ensure that the report includes all relevant information and that all the information is correct and not misleading. Any variations or new information should be reported as a soon as is practicable. Furthermore, the chief executive officer must notify the Ombudsman in writing within 21 days of authorising a controlled operation, as well as when receiving a report on the conduct of the operation or a variation. To ensure accountability, the report on a controlled operation must include details of the number of engaged law enforcement officers and civilians, completion time and must note whether any unlawful conduct was engaged in by any participant.

The bill also empowers the Ombudsman to conduct inspections of the records of law enforcement agencies at any time but at least once a year. Such powers include entry at any reasonable time to an agency after notifying the chief executive officer; free access to data and records; making copies of any records; seeking relevant information as seen necessary; and summoning any officer, including the chief executive officer, to attend and answer questions. Officers of law enforcement agencies should collaborate and assist by providing information, giving access or answering questions of the Ombudsman.

The Ombudsman reports annually on controlled operations, which includes inspections of all authorities, including any variation and any supporting documents. Each year the Ombudsman provides an annual report to Parliament, which includes reporting of outcomes of its inspections during that year. The level of scrutiny and regulatory control that is now available under the bill is quite significant. We all know that law enforcement agencies do their utmost to conduct successful controlled operations with integrity and according to the requirements of the law. This legislation will help to cut red tape, assist law enforcement agencies to work efficiently and will increase the safety of law enforcement agencies and civilians, and be accountable for scrutiny at the same time.

With the current spate of drive-by shootings and bikie gang activities in western Sydney, this bill is appropriately timed as it will aid the police and other law enforcement agencies in their duties and help them to conduct their efforts in counteracting organised crime and illegal activities more efficiently. I commend the work that police officers and other law enforcement agencies are doing in my electorate of Smithfield—which is part of the Fairfield local area command under Superintendent Peter Lennon—to keep our streets and our community safer for our families. I acknowledge the Minister for Police and Emergency Services, in the other place, for introducing the bill. I commend the bill to the House.

Ms MELANIE GIBBONS (Menai) [1.02 p.m.]: I support the Law Enforcement (Controlled Operations) Amendment Bill 2012. This bill is focused primarily on two recommendations from the review of the Act conducted in August 2011. To implement those recommendations the bill will amend the Law Enforcement (Controlled Operations) Act 1997 and the Surveillance Devices Act 2007, and will make consequential amendments to the Law Enforcement (Controlled Operations) Regulation 2012. These recommendations are: firstly, the ability to nominate a secondary law enforcement officer to carry out controlled operations; and, secondly, to amend the Surveillance Devices Act 2007 to enable civilian participants to wear listening devices during operations.

Controlled operations are a necessary an effective method of investigating serious crime, particularly organised crime and drug trafficking. To that end, it is incredibly important that only certain law enforcement officers are given the authority to participate in controlled operations. This Government takes this legislation seriously and has considered the two recommendations made by the review. Before I continue, it is important to clarify the term "controlled operations" for the House. Controlled operations are those conducted for the purpose of obtaining evidence of criminal activity or corrupt conduct. Better known as undercover operations, they are particularly focused on the purchase of illicit drugs or firearms or on conversations that may involve criminal activity. It is not uncommon for controlled operations to involve participation in illegal activity in order to achieve certain outcomes for the investigation.

The review stated that "a controlled activity is any activity that would, in the absence of an authorisation under the Act, be unlawful." As indicated earlier, many of these operations are conducted by undercover officers, or other law enforcement officials, acting under an assumed identity. It is not unreasonable to imagine that some of these operations would not be brief investigations. With extensive surveillance work and intelligence gathering, an operation could take weeks or even months. During that time the principal law enforcement officer could be required for other operations or be unavailable due to illness or leave entitlements. This bill seeks to address this issue as there is currently no measure to install a new officer to take charge of a controlled operation at short notice.

As mentioned earlier, the review recommended the establishment of the role of secondary law enforcement officer to assume this position. Currently, if an officer becomes unavailable the operation is halted until a suitable replacement can be found and authorised through the right channels. The review found that approximately a third of all controlled operations authorisations required variation. By installing a secondary law enforcement officer at the same time the authorisation is given for the controlled operation, there is always an authorised officer ready to lead the operation. When the principal law enforcement officer is unavailable, the secondary law enforcement officer would be able to perform the duties of the principal law enforcement officer without detriment or delay to the operation in progress. It is important to note that authorisation of the controlled operation and the nominated primary and secondary law enforcement officers can be made only by the chief executive officer, or a senior delegate, of the prescribed agencies.

Furthermore, controlled operations will still be subject to accountability measures to ensure that authorisations are granted only in accordance with statutory guidelines and those compliance requirements by the NSW Ombudsman. The Act also safeguards officers by providing an indemnity against departmental, criminal or civil prosecution for all controlled activities they undertake. The bill removes any doubt about the status of evidence obtained during controlled operations by ensuring that all affected evidence would be classified as legal and prima facie admissible. This amendment should help reduce the amount of variations required by cutting red tape and ultimately saving time.

I now move on to the second recommendation from the review, which is to amend the Surveillance Devices Act. In a number of surveillance operations the use of civilian participation is far more effective than an undercover law enforcement officer. It is not always possible to use a law enforcement officer in a controlled operation to get the necessary information or witness a certain activity. This is why, in some cases, a willing civilian participant may be used to contact the necessary people being monitored in order to avoid suspicion. I know that there has been some concern in the upper House that the involvement of civilian participants is not something to rely on, but in some investigations they are the only way to ensure that an operation is successful. As I said a moment ago, they are willing participants who are working with police or other law enforcement agencies to assist in their operation.

This second amendment will allow the civilian participant to use a surveillance or listening device without needing a warrant to do so. As a civilian participant is acting in the place of a law enforcement officer, the review recommended that surveillance device warrants no longer be required for civilian participants in

authorised controlled operations. This participant would be called upon only in circumstances where it is wholly impractical for a law enforcement officer to do so. If an officer is able to carry out the surveillance task, then the civilian participant will not be utilised. Currently, law enforcement officers acting under an assumed name or identity are not required to obtain warrants to wear surveillance devices for a controlled operation. This amendment will enable a smoother, easier operation of the legislation and allow controlled operations to proceed without experiencing delays to seek surveillance device warrants.

The review found the Act to be operating well and achieving its objectives. As with most legislation, it is subject to annual reporting to the Ombudsman to ensure that it continues to achieve its aims in the most efficient and practical way. The two amendments proposed in the bill are simply common sense and will allow controlled operations to be carried out without unnecessary delays when the principal law enforcement officer is unavailable to proceed with the investigation. A similar outcome is achieved by waiving the need for a surveillance device warrant for civilian participants. I commend the bill to the House.

Mr CHRIS SPENCE (The Entrance) [1.09 p.m.]: I support the Law Enforcement (Controlled Operations) Amendment Bill 2012. This bill seeks to amend the Law Enforcement (Controlled Operations) Act 1997 to enable a secondary law enforcement officer to act in the function of the principal law enforcement officer in circumstances when the principal law enforcement officer is unavailable during authorised controlled operations. The bill aims also to amend the Surveillance Devices Act 2007 to enable listening devices to be used in authorised controlled operations by civilian participants. In the explanatory note of the bill, the amendments in schedule 1 state:

> **Schedule 1 [3]** requires an application for authority to conduct a controlled operation to nominate a principal law enforcement officer and a secondary law enforcement officer for the proposed operation. A controlled operation is an operation conducted for the purpose of obtaining evidence of or frustrating criminal activity or corrupt conduct and that may involve an activity that would otherwise be unlawful.
>
> **Schedule 1 [4]** requires such an authority to identify the principal law enforcement officer and the secondary law enforcement officer for the operation. The principal law enforcement officer is to conduct, and to have responsibility for, the operation. The secondary law enforcement officer is to conduct, and to have responsibility for, the operation whenever the principal law enforcement officer is unavailable to do so.

The amendment to the Surveillance Devices Act 2007 states:

> **Schedule 3** amends the *Surveillance Devices Act 2007* to permit the use of a listening device to record or monitor a private conversation where a party to the conversation is a civilian participant in an authorised controlled operation and the listening device is being used by that participant or another participant in the operation.

The bill's amendments are in line with the recommendations of the review of the Law Enforcement (Controlled Operations) Act 1997 prepared by the Ministry of Police and Emergency Services. The Act requires that the Minister for Police and Emergency Services undertake a further review of the Act five years after its commencement. This report was subsequently tabled in this House. During the review submissions were sought from key stakeholders, from which it was evident that, largely, the Act is functioning as it should except for the amendments in this bill. At present, section 8 (2) (b) requires that the investigated agency nominate a law enforcement officer under whom the operation will be conducted and who will be known as the primary law enforcement officer. The review noted:

> It has been submitted to this review that there have been numerous situations, particularly during protracted targeted or geographical operations, where variations to an authority have been required due to a PLEO being unavailable at the time an operation was to be carried out.
>
> The reasons for an absence could be varied: other pressing operational commitments, leave, or court commitments. It has been suggested that consideration be given to allowing the nomination of a secondary law enforcement officer, who, in the absence of the PLEO, could assume the PLEO's duties.

The review said that when a new primary law enforcement officer needed to be nominated, the time and resources taken to vary the authority could have been saved by naming a secondary law enforcement officer in the first instance. It should be noted that a secondary law enforcement officer can be an officer of one of the agencies defined as law enforcement agencies in section 3 of the Act. Those agencies are the NSW Police Force, the Independent Commission Against Corruption, the New South Wales Crime Commission, the Police Integrity Commission, the Australian Federal Police, the Australian Crime Commission and the Australian Customs Service. This is a practical amendment that will save time, money and resources.

Currently, approximately one-third of operations have needed a variation so this amendment will reduce the unnecessary administrative burden on law enforcement agencies. The second primary objective of

this bill pertains to the Surveillance Devices Act 2007 and permits law enforcement officers, who are part of an approved controlled operation and operating undercover, to wear devices to record conversations of which they are part without requiring a further warrant under the Act. At present no such permission extends to any civilian participant. The review notes:

> … a comparison can be drawn between an undercover operative and a civilian participant who, although not operating under an assumed identity—are both acting covertly on behalf of a law enforcement agency.
>
> Providing such an exemption would save police and court time in preparing and giving consideration to surveillance device warrants …

Once again, this amendment seeks to save police precious time and resources, and create a more streamlined and practical approach to surveillance during controlled operations. Earlier the member for Mount Druitt raised possible concerns about how civilian participants would be properly oversighted under these changes. A number of oversight mechanisms are established already within the legislation to ensure the proper oversight of civilian participants. The chief executive officer or delegate will consider whether it is appropriate to permit a civilian participant to wear a surveillance device in a controlled operation. The chief executive officer will need to be satisfied that the person has the appropriate skills to participate in the operation, that it is wholly impractical for a law enforcement officer to participate in that aspect of the operation, and that it is wholly impractical for the civilian participant to participate in the controlled operation without engaging in the controlled activity.

Pursuant to sessional order debate interrupted and set down as an order of the day for a later hour.

COMMUNITY RECOGNITION STATEMENTS

The SPEAKER: Order! The House will now proceed with community recognition statements. I remind members that the call is at the discretion of the Chair. The purpose of this procedure is to give the maximum number of members an opportunity to make a community recognition statement. There is no list of members who wish to make a statement, and the giving of statements is not proportional. The call is not strictly a rotation between Government and non-government members, although if members from both sides wish to make a statement the call should alternate. A member may make a second community recognition statement if the Chair is satisfied that no other member is seeking the call to give his or her first community recognition statement. The call is purely at the discretion of the Chair. In future, the Whips will line their members up. Members will not jump up as one and seek the call by screaming at the Chair. Members should organise themselves so that the giving of community recognition statements progresses in an orderly fashion. The alternative is to return to community recognition notices.

COMMUNITY RECOGNITION STATEMENTS

FEDERAL MEMBER FOR CUNNINGHAM MINISTERIAL APPOINTMENT

Ms ANNA WATSON (Shellharbour) [1.17 p.m.]: I congratulate my Federal parliamentary colleague the member for Cunningham, Sharon Bird, on her appointment yesterday as the new Minister for Higher Education and Skills. This is a well-deserved recognition of Sharon's commitment to education. Sharon has also made history as the first female from the Illawarra region to be appointed to a ministry. She is the first parliamentarian from the region since 1990 to be appointed a Minister. Sharon is a fantastic, hardworking member of Parliament in our region. I am delighted that she has been rewarded for her hard work and quiet achievement. I am certain that she will be an asset to the Gillard ministry and continue to do a great job in the Higher Education and Skills portfolio.

MYALL LAKES ELECTORATE SPORTS ACHIEVEMENTS

Mr STEPHEN BROMHEAD (Myall Lakes) [1.17 p.m.]: I inform the House of Old Bar Cricket Club member Jamie Hartland. Old Bar beat Taree Leagues to win the Manning first grade cricket competition thanks largely to a magnificent century by Jamie Hartland. Jamie scored 128, which is one of the highest scores in a grand final. Coming in to bat with the score at three for 49, Old Bar faced a difficult position, but partnerships between Jamie and two other batsmen, Tim Rees and Phil Jirman, took the score to four for 274. Old Bar won the premiership by 19 runs. Jamie previously played for Wingham and then moved to Old Bar. I inform the

House also of 13-year-old Jason Little from Forster, who has been selected for the Australian International Futsal Team to tour the United Kingdom in October. Futsal is played with a round ball. Jason is in year 8. He has played soccer since he was five and played at representative level with the Tuncurry Tigers Academy Squad. Jason adapted quickly to futsal and is in the northern New South Wales country side, which competed at the national championships in Sydney in January.

CALVARY MATER NEWCASTLE MERCY HOSPICE TWENTIETH ANNIVERSARY

Ms SONIA HORNERY (Wallsend) [1.18 p.m.]: Today we celebrate the twentieth anniversary of the Mercy Hospice and recognise the ongoing contribution of the Calvary Mater Newcastle palliative care service to the people of the Hunter. The building of the hospice 20 years ago was made possible due to the goodwill of the people of the Hunter through the NBN Telethon and also State Government funding. Since its inception, the Mercy Hospice has been synonymous with delivering skilled and compassionate palliative care for residents of the Hunter region and beyond, who live with and die from advanced and incurable illnesses.

PORT STEPHENS COMMUNITY AWARDS

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [1.19 p.m.]: I ask the House to note the valuable contribution that Eryl Thomas from Soldiers Point has made to the community through his volunteering efforts. I acknowledge his involvement with the Port Stephens unit of Marine Rescue NSW. I thank Mr Thomas for his volunteering efforts in his local community and congratulate him on being a finalist in the 2012 Port Stephens Volunteer of the Year Awards. I ask that the House note the achievement of Marc Hodgson of Raymond Terrace in the Lions Youth of the Year competition. Marc, who attends Irrawang High School, won both the zone and club sections of the competition before finishing second in the regional finals. The competition judges leadership, citizenship and public speaking. Marc is to be commended for his success. I draw to the attention of the House the achievements of a Medowie woman nominated in the Australian Hills Vet Nurse of the Year Award. Mrs Jenny Withey of Noah's Ark Veterinary Clinic was nominated for her friendly disposition and ongoing commitment in caring for her patients. She is to be congratulated on her achievements.

TRIBUTE TO BILL TURNER

Mr GREG PIPER (Lake Macquarie) [1.20 p.m.]: I pay tribute to Hunter region soccer luminary Bill Turner, who passed away last month aged 83. Bill's name was synonymous with junior soccer in the Hunter, particularly in Lake Macquarie, which is a renowned nursery for some of the game's finest players. A schoolteacher, football administrator and international referee, he was also the figurehead of the Bill Turner Cup, a soccer competition established 35 years ago for local high schools that has since spread across the country. Incredibly, there are now more than 800 teams competing in this highly prestigious annual knockout competition. In my former role as Mayor of Lake Macquarie I met Bill during most of those eight years at the launch of the finals series, which was held in Lake Macquarie. Bill was a lover of music and spent 29 years teaching music at Booragul High as well as being choirmaster for the Newcastle and Hunter Region Welsh Society Choir for 15 years. Bill Turner was a pioneer in junior soccer and will be sadly missed by his friends and family, and the local sporting community.

PITTWATER ELECTORATE PARENTS AND CITIZENS ASSOCIATIONS

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [1.21 p.m.]: Today I recognise and pay tribute to all the parents and citizens groups involved in the operation and success of Pittwater's schools. These groups provide invaluable support to our teaching staff, students and families and help uphold the importance of school cultures and community. The start of the new school year has seen a number of changes in the composition of these groups, as well as the return of a large number of longstanding members. Pittwater has 21 well-performing schools and a common factor in their success is the contribution and involvement of these key volunteer groups. I thank all the new members who have joined our parents and citizens groups this year and welcome back those continuing their service to our community. I have already heard fantastic things about the work being undertaken by these groups during term one this year and I look forward to this continuing.

PAL INTERNATIONAL SCHOOL, CANLEY VALE

Mr NICK LALICH (Cabramatta) [1.22 p.m.]: I congratulate Mr Panha Pal on setting up a new technological school in Canley Vale. I acknowledge the steps taken by Mr Pal to create a paperless classroom

for the students of the school and to ensure they are using up-to-date technologies and the most recent educational tools. I acknowledge the goals outlined by the school to provide all students with tablet computers to assist in their learning and to give them dynamic and engaging lessons.

KINROSS WOLAROI SCHOOL ROWING

Mr ANDREW GEE (Orange) [1.22 p.m.]: Today I draw the attention of the House to the great performance by the rowing teams from Kinross Wolaroi School at Orange during the national regatta held at the Penrith International Rowing Centre last week. Training in the high altitude at Orange proved a winning formula as Kinross powered their way to the gold medal in the coxed quad scull, crewed by Luke Weeks, Ben Watt, Daniel Whitehead, Eden Taylorwood-Roe and cox Kathryn Pasquali. In addition to this outstanding effort, the schoolgirls coxed four team of Madeline Hawthorne, Georgina Uttley, Meg Crouch, Nicola Thomas, stroke, and Siobhan Herbert, cox, won the national silver medal.

Kinross also won the national bronze medal in the schoolboys coxed four championship. The team of Alex Amos, Lloyd Lockwood, Logan Brockmann, Hugh Alston, stroke, and Kellie O'Connor, cox, put in a strong row to be competitive at the highest level. The amazing part of this win is that Orange rowing crews do not have the luxury of training on Sydney Harbour or on any of the many rivers or venues available to interstate teams for training. I congratulate the school and the teams who have brought great pride to the fair city of Orange.

FAIRFIELD CITY DISTRICT NETBALL ASSOCIATION FORTIETH ANNIVERSARY

Mr GUY ZANGARI (Fairfield) [1.23 p.m.]: I congratulate the Fairfield City District Netball Association on its 40-year anniversary in 2013. The Fairfield City District Netball Association was established in 1973. Today the association organises netball competitions for all ages in the Fairfield district. The association, which has 900 registered players distributed amongst nine local clubs, has gone from strength to strength. I note the Rebels are the newest club in the association and that 2013 is their first season. The Fairfield City District Netball Association has four age teams competing at State level. The association has a proud history of fostering promising netball talent, including Kim Ravaillion who has gone on to represent Australia. I offer my congratulations to Michael Lowe, president of the association, on 40 wonderful years. I am sure there will be more accolades to come.

MACARTHUR ROTARY POLICE OFFICER OF THE YEAR AWARDS

Mr BRYAN DOYLE (Campbelltown) [1.24 p.m.]: It gives me great pleasure to share with the House the results of the Macarthur Rotary Police Officer of the Year awards held at Wests Leagues Club on Wednesday 20 March. The crime management division award was won by Sergeant Darren Riley from the Macquarie Fields Local Area Command. The keenly sought-after traffic award was won by Sergeant Sam Nelson from Macquarie Fields Local Area Command. The detective's award was received by Detective Senior Constable Kieran Deas from Camden Local Area Command. The probationary constable award was won by Nathan Casser from Campbelltown Local Area Command. The general duties officer award was won by Sergeant Troy Delaney of Macquarie Fields Local Area Command and the overall winner was Detective Senior Constable Kieran Deas from Camden Local Area Command. These awards recognise the wonderful community spirit at Campbelltown and the fact that policing is always best done for and with the community rather than to and against it. It is a tribute to the community that it is the most well-attended police awards anywhere in the Southern Hemisphere.

INNER CITY MENTAL HEALTH RECOVERY WORKING PARTY

Mr ALEX GREENWICH (Sydney) [1.25 p.m.]: I place on record the great work of the Inner City Mental Health Recovery Working Party, which promotes recovery and community engagement and support for people with a mental illness, particularly those living in Surry Hills social housing. The working party brings together consumers, carers, tenants, local residents, local community groups, consumer advocates, health and welfare service providers, the City of Sydney, Surry Hills police and Housing NSW and meets at the Northcott Community Centre. Past initiatives included the "Yo-Yo a Go-Go" world record attempt and the "Don't Lose Your Marbles" challenge, which I attended last October during Mental Health Month. It has held forums including "Looking Forward Looking Back" and worked on the "Deck of Dreams" project. The group began from a 2006 workshop looking at the social impacts of people with a mental illness living in close proximity to each other. I congratulate those involved on building community support and recovery for people with complex health needs.

JOE AND ELAINE DAWSON SEVENTIETH WEDDING ANNIVERSARY

Mr STEPHEN BROMHEAD (Myall Lakes) [1.26 p.m.]: I inform the House of the seventieth wedding anniversary of two wonderful residents of Forster, Joe and Elaine Dawson. Joe was a member of the famous 39th Battalion that fought so heroically on the Kokoda Track and he is now a life member of the 39th. Joe is one of two surviving members of the 39th Battalion. Joe is now 94 years of age and the manuscript of his service in New Guinea is the basis of Peter FitzSimons' book *Kokoda*. A most poignant story that Joe tells with relish is that of his watch. The significance of the watch is that Elaine bought the watch for Joe and had it inscribed before he went to serve in New Guinea. Joe was on the first ship to be bombed by the Japanese in Port Moresby harbour. The man beside Joe was blown up—only his foot remained. Joe survived but his watch was lost. FitzSimons mentioned the watch in his book and a Queensland man, who was also a veteran, read the story and realised that the watch he had found on the shoreline 65 years earlier belonged to Joe. So he did the right thing and returned the watch to Joe.

ROOTY HILL PRIMARY SCHOOL STUDENT LEADERS

Mr RICHARD AMERY (Mount Druitt) [1.27 p.m.]: On 19 March Rooty Hill Primary School held its induction assembly to induct the school leaders for 2013. As Parliament was sitting I was unable to be present. However, I am pleased to learn that guests included the president of the parents and citizens association, Mrs Debbie Johns, the high school students representatives council coordinator, Sally Cain, and Rooty Hill High School student leaders Tori-Lee Rylesskii and Missy Tapaitau. My congratulations go to all the school leaders, led by school captains Chloe Norton and Drew Lloyd, the school prefects, student representative council representatives, library monitors, peer mediators and canteen monitors—too many to name here. All the school leaders should be very proud to be part of a well-regarded primary school that has served the community since the mid-1950s.

TRIBUTE TO MARY LAWSON

Mr CLAYTON BARR (Cessnock) [1.28 p.m.]: Mary Lawson is renowned in Weston and its neighbouring communities as a tireless worker for the Weston Public School Parents and Citizens Organisation as well as spending more than a decade serving on the State parents and citizens organisation. She has served on the parents and citizens organisation for more than 30 years. Her list of accomplishments is both long and well known. Each of her initiatives is founded in her broad vision for the school and understanding of its needs. One of her most prominent projects was her long campaign for Weston Public School to get a security fence. She wrote dozens of submissions and letters to government bodies calling for the fence to be built and eventually it was done.

Mary's other activities form a long list. They include organising bus trips, cake stalls, canteens, and athletics carnivals. As well as the campaign for the fence Mary has also campaigned for the now complete school hall at Weston and is willing to challenge authority and push her case firmly if she believes the community will benefit. Mary also has been willing to dip into her own pocket to donate prizes, as well as making her famous toffees for school cake stalls. In recent years Mary has lessened her formal roles within the parents and citizens organisation but her level of effort and care remains.

PORT STEPHENS SCHOOLS COMMUNITY SUPPORT

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [1.29 p.m.]: I acknowledge the continuing generosity of the local business community towards schools in my electorate. Most recently the Raymond Terrace Marketplace Centre manager, Ms Colleen Mulholland-Ruiz, donated a set of uniforms to Irrawang High School's drum corps. The drum corps is a popular and talented group of performers who now sport new red jackets thanks to the marketplace's sponsorship.

TRIBUTE TO ASSOCIATE PROFESSOR DENISE LONERGAN

Dr ANDREW McDONALD (Macquarie Fields) [1.29 p.m.]: Last Saturday Associate Professor Denise Lonergan, the former Director of the Macarthur Cancer Therapy Centre, was posthumously awarded the title of Supervisor of the Year by the Australian Medical Association Council of Doctors-in-Training Committee. Her husband, Louis McGuigan, in the presence of three of their four daughters, Kate, Alex, Tori and Stephanie, gave a very moving speech of thanks. Associate Professor Lonergan was a brilliant clinician and a wonderful teacher but, most importantly, a joy to be around for everybody she worked with and treated. She is greatly missed and will never be forgotten.

WELLINGTON BOOT RACING CARNIVAL

Mr ANDREW GEE (Orange) [1.30 p.m.]: I congratulate the Wellington Racing Club on once again hosting another successful Wellington Boot Racing Carnival over the weekend. President Harold Baker and Secretary Ian Giffin have done a marvellous job over the years of attracting top-class trainers, horses and jockeys to the carnival, which has gathered a cult following in country racing circles. Without doubt, the "Boot" is country racing's equivalent of the Golden Slipper, and the name and the quality of the race have led to it developing into Wellington's biggest event.

Many patrons and trainers come from far afield every year for this iconic event and this year there was evidence of many new faces oncourse, with gate takings up 15 per cent and catering outlets all showing improved results. Visitors filled motels as racing tourism brought a real boost to the town. The big race was won by the Wagga Wagga combination of trainer Trevor Sutherland, apprentice jockey John Kissick and a grey two-year-old named Power Alert. Proceedings throughout the day ran smoothly thanks to oncourse presenter and impresario extraordinaire Farren Hotham, who used all his expertise from his years with the Sky Racing Channel of introducing winning sponsors, trainers, owners and jockeys at the presentation ceremonies.

NEWCASTLE STATE NETBALL TEAM

Ms SONIA HORNERY (Wallsend) [1.31 p.m.]: Today I acknowledge the return of a Newcastle team to the State's premier netball competition and wish the players well for the season ahead. It is the first squad to carry the city's name in the New South Wales State League top division since the late 1990s. I commend the team's management and the Newcastle Netball Association who have worked hard to offer Hunter players this pathway to the sport's elite level. It is a great goal for aspiring young players. Best wishes to coach Cherie Aoake-Puru and players Karli Ireland, Kristen Cohen, Bronwyn Denham, Kelly Pepper, Vanessa Andrews, Zara Francisco, Caitlin Lobston, Kellyann Grayson, Victoria Aoake and Jodie Ballard.

GREG SMITH RETIREMENT

Mr STEPHEN BROMHEAD (Myall Lakes) [1.32 p.m.]: I inform the House that one of the Manning Valley's most popular teachers, Greg Smith from Tinonee Public School, has retired after almost four decades of teaching. Greg completed his teacher training at Newcastle Teachers College in 1973 where he trained as a high school geography and commerce teacher. His first job was at Wade High School in Griffith, but he was soon transferred to Ardlethan Central School where he had his first contact with primary aged children and found he really enjoyed working with them. This sparked his decision in 1976 to retrain in primary education, following which he taught at Woolloomooloo and Warrawee public schools and later at Kincumber.

In 1982 he moved to the Greater Taree area and started teaching at Wingham Public School. Over the years he taught at Murray Road and Wingham Brush Public School before being appointed to Tinonee in 1996. Greg has played an integral part in organising events in and around the school including Clean Up Australia Day and Waste Watch. Greg also has had a big influence on sport at Tinonee, coaching touch football teams and other sports, and is described as being the backbone of the school. Greg has been at Tinonee for 17 years and has said he will miss the students and staff he has worked with. He is looking forward to seeing more of his children and grandkids as well as engaging in his favourite pastime, surfing. I wish him the very best in his retirement.

Community recognition statements concluded.

PUBLIC INTEREST DISCLOSURES AMENDMENT BILL 2013

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

[*The Speaker left the chair at 1.33 p.m. The House resumed at 2.15 p.m.*]

ASSENT TO BILLS

Assent to the following bills reported:

Crimes (Sentencing Procedure) Amendment (Provisional Sentencing for Children) Bill 2013
Criminal Procedure Amendment (Court Costs Levy) Bill 2013
Evidence Amendment (Evidence of Silence) Bill 2013
Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill 2013
Royal Commissions Amendment Bill 2013

ELECTION FUNDING, EXPENDITURE AND DISCLOSURES AMENDMENT (ADMINISTRATIVE FUNDING) BILL 2013

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

REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS

Mr BARRY O'FARRELL: I advise that the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services, will take questions addressed to the Minister for Primary Industries, and Minister for Small Business, who will be absent from question time today.

QUESTION TIME

[*Question time commenced at 2.23 p.m.*]

WESTMEAD HOSPITAL FUNDING

Mr JOHN ROBERTSON: My question is directed to the Minister for Health. How can the Minister say hospital patients "have never had it so good" when after two years as Minister for Health she has fixed nothing and is now letting down the people of western Sydney by cutting $2.9 million from the staffing budget at Westmead Hospital?

The SPEAKER: Order! Government members will come to order. The Minister has the call. She does not need anybody's assistance.

Mrs JILLIAN SKINNER: I thank the Leader of the Opposition for giving me an opportunity to talk about the wonderful work that is going on in our hospitals right across New South Wales. I am very proud that at the two-year mark of this Government's election we have a record budget for health—$17.3 billion in recurrent funding and an extra $1.1 billion invested in our hospitals to upgrade facilities in hospitals right across the State that were long promised an upgrade by that lot on the other side and not delivered. I ask members which hospital do they think has had the biggest hospital upgrade? Ironically, it is Blacktown Hospital. Come in spinner! For the information of the House I table a fact sheet about what is happening with the Blacktown Mount Druitt Hospital $324 million upgrade provided by this Government.

Mr John Robertson: Point of order—

The SPEAKER: Order! Government members will stop behaving in such a disorderly manner and come to order.

Mr John Robertson: Point of order—

Mr Kevin Humphries: He wants to know where Blacktown Hospital is.

Mr John Robertson: Any time you're ready, mate, Simon Crean is ready to make that call to you against him—the salties and freshies.

The SPEAKER: Order! The Leader of the Opposition will cease arguing across the Chamber. If he continues with that type of behaviour I will not acknowledge his point of order.

Mr John Robertson: My point of order relates to Standing Order 129; relevance. The question was specifically about Westmead Hospital not about Blacktown Hospital.

The SPEAKER: Order! I listened to the question carefully and the Minister is being relevant to the question asked.

Mrs JILLIAN SKINNER: I think I said western Sydney hospitals. Blacktown Mount Druitt is a major hospital in western Sydney, as of course is Blacktown. I am very proud of the fact that we are providing a $55 million increase in the budget for western Sydney—a total budget of $1.4 billion. It is a record budget denied by those opposite because they do not want to hear the good news. They do not want to thank all the extra doctors and nurses we have employed not only in the hospitals referred to but also throughout the State—

more than 3,000 nurses and more than 900 medical staff. As I said, we have provided extra money to upgrade services, such as $5 million to upgrade the emergency department at Blacktown Hospital. I again thank Dr Matthew Vukasovic, the absolutely marvellous doctor who heads the emergency department at Blacktown Hospital. The times that people have to wait for treatment at that hospital have improved dramatically.

Dr Andrew McDonald: Point of order: The figures for Westmead Hospital emergency department are quite clear. The Minister is misleading the House.

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

Mrs JILLIAN SKINNER: I advise the House that according to the most recent Bureau of Health Information report, Westmead Hospital median waiting times for urgent triage 3 category patients—which is what the member for Macquarie Fields has always used as a benchmark—has gone from 45 minutes under the former Labor Government to 31 minutes under this Government. Put that in your pipe and smoke it! I wish to address the Opposition's spurious argument about cuts to the health budget—and I recommend that all members listen quietly to this. The Opposition talks about efficiency savings in health as though they are some great cuts, but let me read what a former Treasurer said:

> We'll sustain a new program of efficiency dividends rising to 1.5 per cent in the last two years of the forward estimates.

That was said in the 2009-10 New South Wales Budget Speech. That was a 1.5 per cent budget efficiency dividend imposed by Labor, and it is called efficiency savings by us. It is money from health, kept in health and diverted back to health services. For the information of the Leader of the Opposition, Westmead Hospital's budget has increased by $20 million this year.

The SPEAKER: Order! I call the member for Canterbury to order. The member for Canterbury will cease making inappropriate interjections. The students in the gallery are witnessing an unfortunate display from both sides of the Chamber. The Minister should not have to speak at such a volume to answer a question.

Mr Nick Lalich: But she always yells.

The SPEAKER: Order! Is the member for Cabramatta interjecting on the Speaker?

Mr Nick Lalich: No.

POLICE RESOURCES

Ms GABRIELLE UPTON: My question is directed to the Premier. Will the Premier outline to the House what has been done to give police the resources and power needed to tackle crime and antisocial behaviour, and outline any alternative policies?

Mr BARRY O'FARRELL: I thank the member for Vaucluse for her question. Police do an extraordinary job. They put themselves in harm's way to ensure that people in the community are able to go about their lives safely.

Ms Noreen Hay: You should have thought about that, Barry.

Mr BARRY O'FARRELL: The member for Wollongong is the only person I know who is opposed to the sobering up centre trial. Despite what happens all too often in Wollongong, where too often young people are assaulted by drunks, the member for Wollongong opposes the greater powers that police want to deal with drunken behaviour in the community.

The SPEAKER: Order! I call the member for Wollongong to order.

Mr BARRY O'FARRELL: Of course the member for Wollongong sits close to the member for Kogarah, but we will not get into her police record. Government and Opposition members, including the member for Wollongong, are responsible for giving police the resources they need. Commissioner Scipione knows that he need only pick up the phone to ask and the Government will respond. Before the last election we pledged $3.5 million for an additional 25 mobile commands. Today we are delivering on that promise. The high-tech mobile police command vehicles will provide high visibility policing in crime hotspots or high traffic areas and help police do their job when they are out and about on the streets.

The vehicles are effectively mobile police stations where police can access their databases, conduct searches, undertake formal interviews and execute warrants. Today with the Minister for Police and Emergency Services and a number of local members I inspected a couple of those vehicles. Each one is equipped with location-specific radio, a mobile police data terminal, television monitor, digital message bands and interview space. I am delighted to say that they were fitted out by a company based at Windsor. We are investing $3.5 million to help police officers do their job and supporting jobs in broader western Sydney in the process. Before the election the Government committed to invest $3.5 million in an additional 25 mobile police command vehicles. No such commitment came from members opposite.

The new vehicles will be deployed in a variety of local area commands. They will be deployed on the basis of what police want and without any political interference. Three of the vehicles will be used for the newly established Police Transport Command as part of our effort to ensure that the transport network is made safer for the people who use our buses and trains. The entire 25 vehicles will be rolled out by July this year. When combined with the additional 300 police that the Government has employed over the past two years, the vehicles will further ensure that police are properly equipped to target antisocial behaviour and crime wherever it occurs.

We are serious about giving police the equipment and powers that they need to do their job. As I said, we have employed almost 300 police officers and policing numbers are at record levels. Our provision of new move-on powers and the new offence of being intoxicated and disorderly are already delivering results for communities. We have backed police with new consorting laws, restrictions on bikies at Kings Cross and a crackdown on tattoo parlours—the latest business venture of choice for too many outlaw motorcycle gangs. We have established a new highway patrol and traffic command to improve police visibility on our roads. That is particularly important at times such as this in the lead-up to the Easter period. We have set up a new police transport command to give people the visible and effective police presence on our trains, buses and ferries that they have asked for.

We also have committed millions of dollars to rebuilding and building new police and citizens youth clubs to give young people the opportunity to engage with police in a social and sporting framework and prevent them from going off the rails. We have established the Eyewatch Project to use technology to enable community members to assist police in fighting local crime. Following an audit of police resources we have allocated an additional 300 police officers to rural and regional New South Wales. That was long overdue and opposed by members opposite. We have reformed and strengthened the New South Wales Crime Commission.

We have cleaned up the Police Death and Disability Scheme and implemented an injury management program to help injured officers return to work. When members opposite were in government injured officers too often were given a cheque, shown the door and left to their own devices. We want to keep those experienced officers in the police force and allow them to assist local communities. Let us contrast that with the policies enunciated so far by the Leader of the Opposition. Last week, when given the chance to break the criminal wall of silence exercised by too many outlaw motorcycle gang members in the current— [*Extension of time granted.*]

We know that outlaw motorcycle gangs involved in gun violence in western Sydney use a wall of silence to defeat the efforts of police to track them down and arrest them. What did Labor members do when that legislation was introduced? They voted against it. The Leader of the Opposition is the bikies' best friend. I hear that the member for Toongabbie was at the Independent Commission Against Corruption today. I hear other evidence that the Leader of the Opposition in the upper House was also there. For the member for Murray-Darling, it is true that the upper House member described Ian Macdonald as being a certain part of Eddie Obeid's anatomy. Apparently he was the left one and the right one was the Leader of the Opposition.

Mr Michael Daley: Point of order: Those sorts of comments not only demean the office of the Premier and every member in this place, they also happen to be in contravention of Standing Order 73.

The SPEAKER: Order! I am sure the Premier will return to the question and consider his comments.

Mr BARRY O'FARRELL: What will not be forgotten is that Eddie Obeid did not retire from this place until he got his boy into the job of Leader of the Opposition.

Mr Michael Daley: Point of order: Madam Speaker, you asked the Premier to return to the leave of the question; he is flouting your ruling and making a goose of himself.

The SPEAKER: Order! The Premier has been relevant for the entire time he has been answering the question. He has only just started to deviate. I am sure he will return to the leave of the question.

Mr BARRY O'FARRELL: The Government will continue to support police. They do a great job across this State. We are delighted to have three former police officers serving in the Liberal-Nationals Coalition in this place. We will continue to give police the powers and resources they need to make our community safe so that we can continue to go about our activities in safety.

MOUNT DRUITT HOSPITAL FUNDING

Mr RICHARD AMERY: My question is directed to the Minister for Health. Why did the Minister say that the public should be rejoicing and congratulating her on her management of the health system when she has fixed nothing and let down the people of Mount Druitt by cutting $1.3 million of funding from their hospital and is closing its standalone cardiac unit?

Mrs JILLIAN SKINNER: I am extremely surprised that the member for Mount Druitt would ask that question given that Mount Druitt is a beneficiary of part of the $324 million upgrade to Blacktown-Mount Druitt hospital. For the first time money is being spent on upgrading the facilities at that hospital. I am afraid that what happened to the cardiac facility was contained in the plan commissioned by the former Labor Government and developed by Professor Waxman from Victoria in response to its proposal to consolidate services across the Blacktown-Mount Druitt health campus. Members opposite should not pretend to deny it; they know it is the case. Patients in the Mount Druitt electorate and across that district, including Blacktown, will have much better services. The clinicians and the local health district staff have said that when that unit is upgraded and enhanced with newer equipment and greater cardiac facilities they will be far better off.

I was recently at the hospital to celebrate its birthday. In particular, clinicians such as Professor Mac Wylie were rejoicing. For years and years—more than 16 years—he begged the former Labor Government for resources to fix that hospital and provide more services so that the hospital had a clearer plan of how it would work with the Blacktown Hospital to improve the services of the local health district. I believe that doctors, nurses, allied health professionals and others are doing a wonderful job. The paediatric unit in the Blacktown and Mount Druitt Hospital is one of the best in the State. It provides a fantastic service predominantly in subacute care.

The SPEAKER: Order! The member for Mount Druitt will come to order. The member for Murray-Darling will come to order.

Ms Anna Watson: Point of order: The question was: Will the Minister reverse the decision—yes or no? It is a simple question.

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

Mrs JILLIAN SKINNER: Of course it is not a point of order. Opposition members interrupt because they do not want to hear the good news story. The reality is that the Blacktown and Mount Druitt Hospital's budget this year is $205 million, which represents an increase of $18 million. The Health portfolio received an increased budgetary allocation that has led to increased funding for hospitals across the State, including the Blacktown and Mount Druitt Hospital, to enable them to provide fantastic service. The funding has led to a much-enhanced cardiac service across the whole Blacktown and Mount Druitt campus and upgrades to the elective surgery centre. Those improvements were talked about for years by the former Labor Government, but they were never delivered. I am very proud of the work that our doctors and nurses are doing in the electorates of Blacktown and Mount Druitt—more proud than the member for Mount Druitt. He should be singing the praises of doctors and nurses and thanking them for providing those wonderful services.

The SPEAKER: Order! On several occasions I have asked the member for Mount Druitt to come to order. I call the member for Mount Druitt to order.

RURAL AND REGIONAL ROADS FUNDING

Mr ANDREW FRASER: My question is directed to the Deputy Premier. What is the Government doing for roads in regional New South Wales?

Mr ANDREW STONER: That is a good question from the member for Coffs Harbour, who has been an outstanding campaigner for upgrades to the Pacific Highway in his electorate and right across the North Coast. The member for Coffs Harbour is a passionate man. He wants that highway fixed, and so does this

Government. Just last Friday I was very pleased to join the member for Monaro in Queanbeyan to celebrate the second anniversary of his election to this House. While I was there we were considering how the member for Monaro had delivered on regional roads for his electorate. Apart from a significant investment in the Monaro Highway to make an important highway safer, we discussed funding that would get the Queanbeyan ring-road up and running and return civility to the Queanbeyan central business district by diverting heavy trucks from the main street.

One would think that is a simple proposition, but apparently it was too difficult for the former Labor Government. Despite multiple promises, Labor failed to deliver this and other critical infrastructure upgrades. A question I am often asked is, "Why is this Government, which is a mere two years into its term, able to do so much more to rebuild the State's regional roads?" I know Opposition members are interested in the answer, which is quite simple. This Government is spending $1.3 billion a year more than the former Labor Government spent on regional roads. That is how we are able to fix roads throughout country New South Wales. Between 2001-02 and 2010-11 average funding for country roads under New South Wales Labor was just $2.4 billion compared to the Government's annual spend on regional roads of more than $3.7 billion.

Last week in this House I referred to billions of dollars of upgrade works that are going full steam ahead on the Pacific Highway, the Princes Highway, the Great Western Highway and the Newell Highway. Tomorrow I will join the Commonwealth "Minister for Everything", Anthony Albanese, and the excellent New South Wales Minister for Roads and Ports, the Hon. Duncan Gay, at the opening of the Kempsey bypass, which is 3.2 kilometres in length and the longest bridge in Australia. The economic benefit of this increased infrastructure funding cannot be overstated. Indeed a recent article in one of my favourite reads, the *Economist*, states that for every dollar a government spends on infrastructure, the economic benefit returned is a multiple of between 100 and 250 per cent.

[*Interruption*]

Mr ANDREW STONER: I know the member for Toongabbie reads it. The Government's investment in infrastructure is a wise investment. It means billions of dollars more for jobs and services. Ultimately that will generate revenue that can be reinvested in infrastructure to further boost productivity and economic growth. We are also investing in city roads. The Government's commitment to WestConnex is a good example of that. The Government knows that it is important for producers in regional areas of the State to transport regional produce to markets as efficiently as possible. We also know that much of the fresh food sold in grocery shops, stored in our cupboards and refrigerators, or placed on our tables at night comes from regional New South Wales. Fresh food cannot get from the regions to our tables, or to export markets, without adequate road infrastructure in Sydney.

I am informed by Infrastructure NSW board member and successful regional exporter, Roger Fletcher, that a whopping 80 per cent of the costs of a container of dry goods being exported from inland New South Wales to Asia is the cost of getting it just to Port Botany, and only 20 per cent of the cost is attributed to actually shipping the container to Asia. That situation is the result of 16 years of neglect of the State's regional roads by New South Wales Labor. That is why this Government is pumping an additional $1.3 billion of investment into regional roads. This Government is determined to drive down food prices paid by families by freeing up our freight networks. We are determined to make our regional producers more productive and efficient, and drive down their costs. With the Government's investment in regional roads and our big investment in the State's grain lines, we are doing precisely that. We are rebuilding regional New South Wales.

BULAHDELAH COMMUNITY HOSPITAL

Ms SONIA HORNERY: My question is directed to the Minister for Health. Given that she told the House on 8 December 2012 that front-line services will be enhanced under her $3 billion budget cuts, why has she again let down the Hunter region by deleting nursing positions?

The SPEAKER: Order! The member for Myall Lakes will come to order. The member for Wallsend has the call.

Ms SONIA HORNERY: Why has the Minister for Health again let down the Hunter region by deleting nursing positions and closing the emergency department at the Bulahdelah hospital?

Mrs JILLIAN SKINNER: Let me make the Health budget clear. The Health budget has not been cut by $3 billion. This year the Health budget has been increased by 5.2 per cent to a record $17.3 billion in

recurrent funding and on top of that by $1.1 billion in capital funding. That means that in every hospital right across the State there has been a budget increase. How many additional nurses have been employed across the State since the Government was elected? It is more than 3,000, which is many more nurses than when the Leader of the Opposition was in government. We promised to provide 2,475 more nurses in our first four-year term, and how many have we employed? We have employed more than 3,000 extra nurses, more than 900 extra medical staff, more allied health professionals, and more support staff. We have an increased budget, more staff, more hospitals and greater upgrades—what more does the Opposition want?

ELECTRICITY PRICES

Mr BART BASSETT: My question is directed to the Minister for Resources and Energy. What is the Government doing to assist customers manage their electricity bills? What policy improvement has the Government made?

Mr CHRIS HARTCHER: I congratulate the member for Londonderry on his two-year anniversary—two years today. What a great day it was. Consistent with that, I thank him for the effort he has put in to developing this policy to enable low-income household rebates to be applied to retirement villages. I thank the member for Kiama too, two hardworking members who both celebrate their second-year anniversary. Members opposite also celebrate a two-year anniversary, a two-year anniversary of the lowest Labor vote since 1906, a great year for the Labor Party. Last year we announced a $210 million assistance package for electricity consumers. Today, the O'Farrell Government, celebrating its two-year anniversary, is boosting that package by another $16 million and extending the low-income household rebate to an additional 30,000 customers. For the first time, residents of retirement villages will be eligible to receive this rebate—a group of customers long overlooked by the Labor Government.

The rebate, currently at $215, rises to $225 from 1 July 2013 and to $235 by 2014. To be eligible to receive the rebate, customers must be specifically billed for their energy consumption by the retirement village operator and must hold a pensioner concession card, a Department of Human Services health care card or a Department of Veterans Affairs gold card. Eligible customers can apply by accessing the Department of Energy website, by phoning the department or by contacting their retirement village. In addition, from 1 July we are increasing the energy accounts payment assistance scheme to $50 per voucher. At every level we are trying to assist those who are battling with Labor's legacy of high electricity prices. The second part of the question related to what were essentially the previous policies. I read to the House a statement issued in 2009 on the previous policy:

> $55 million over five years to increase funding for the energy accounts payment assistance scheme.

That statement went on to say that the Government wants to protect consumers, and ended with the magnificent flourish by the Minister at the time:

> I want to remind people that they are not alone in their struggle and that help is always available.

Who was that Minister? It was Ian Macdonald, a name familiar to those on that side of the House, a name much loved by the member for Liverpool. He led the left-wing faction of the Labor Party, the caring faction, the faction that actually cares about people, that makes them richer—or makes some people richer. That scheme was to start on 1 July 2010, but there was nothing for it in the budget, and then a new Minister took over. A new pharaoh rose up in the land. That pharaoh who rose up in the land was the member for Blacktown. The member for Blacktown had the responsibility for implementing this caring package of $55 million in special assistance. He may be from the right wing but the right wing cares like the left wing does for the disadvantaged in our community. What happened in the budget of the member for Blacktown? The $55 million disappeared into the vapour. It just went and was never seen again. But, they care; they are members of a caring party. They are members of a party that really does its homework well. A question addressed to me was put on the *Notice Paper* only last week by that well-known shadow Minister for Energy, the member for Heffron.

Mr Paul Lynch: Point of order: I refer to Standing Order 129. Questions that were placed on the *Notice Paper* a week ago may be quite interesting, but they cannot be related to the question that was asked of this Minister a couple of minutes ago.

The SPEAKER: Order! I believe they can be related. The Minister is being relevant to the question asked, which was about customers managing their electricity bills and policy improvements. The Minister is being quite relevant.

Mr CHRIS HARTCHER: The member for Heffron who asked lots of questions on energy—[*Extension of time granted*.]

The member for Heffron asked a series of questions about our Family Energy Rebate for the year 2011. He forgot one thing: our Family Energy Rebate did not start until 2012. The Labor Party does not even know what year it is operating in. We heard about The Greens not knowing what planet they were operating on; now we know the Labor Party does not even know what year it is operating in.

Mr Paul Lynch: You are still in 1956.

Mr CHRIS HARTCHER: Did we hear that interjection from the member for Liverpool? He is known as comrade Kim-il Lynch.

Mr Paul Lynch: Point of order: I refer to Standing Order 75. I have a proper title, and from him it is not "comrade".

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

Mr CHRIS HARTCHER: I accept the point. The story told about the member for Liverpool is that he tried to join the North Korean Communist Party, but they turned him down because he was too left wing.

Mr Paul Lynch: Point of order. I assume that is the Minister's tawdry attempt to be nice to me, but can I suggest it breaches about 35 standing orders, including being an act of disorder.

The SPEAKER: Order! The assertion of the member for Liverpool is incorrect.

Mr Paul Lynch: Certainly it breaches standing orders 129 and 76.

The SPEAKER: Order! The Minister may have breached Standing Order 129. The Minister will return to the leave of the question.

Mr CHRIS HARTCHER: I will, and I thank the House for its indulgence. We are determined to assist low-income families across the State. We have introduced a wide range of measures that assists more than 750,000 families. They are combating Labor's high price rises. We are working to assist them to meet Labor's high price rises.

TEACHER RESOURCE ALLOCATION

Ms CARMEL TEBBUTT: My question is directed to the Minister for Education. Given the Minister promised that Local Schools, Local Decisions would give school communities a greater say, will he now listen to the parents from Hinton Public School, who are in the gallery today, and make sure their school will not lose a teacher, which will impact on the educational opportunities for their children?

Mr ADRIAN PICCOLI: I always love getting questions about education, particularly from the former Minister for Education. I say to the Hinton Public School Parents and Citizens Association: Welcome to the New South Wales Parliament. I thank them on behalf of the students at Hinton and on behalf of the Government for the volunteer work they do. I also thank all those other parents and citizens associations across New South Wales, as well as other parent organisations in non-government schools for the work they do in supporting their schools—it is voluntary and very much valued by their schools. Hinton has raised issues about having lost a teacher because of declining enrolments over the past 12 months. That is the formula that is in place at the moment—

Ms Carmel Tebbutt: You said you would change it.

Mr ADRIAN PICCOLI: The member is right; we did say we were going to change it. The member might not have noticed, but a year ago, on 11 March, we announced sweeping reforms to the way we manage public education in New South Wales called Local Schools, Local Decisions. Part of that involved a time frame as to when these changes would be made. It is a bit rich for the member for Marrickville to say today that we said we would change it. We announced the kinds of reforms that over 16 years the former Labor Government

would not engage in because of what is sometimes called in public schools the "golden child". The best example I can give is that when a high school goes from 500 to 499 students it loses 0.5 of a general assistant, or it might lose a deputy principal.

The school is looking at the loss of certainly tens of thousands of dollars, if not hundreds of thousands of dollars, worth of resources because of one student leaving the school. It also works the other way. If the school gets an additional student, suddenly it gets additional resources. Clearly there is a problem with that type of funding of schools. That is why we went through a lengthy consultation process, and a lot of work was done to deliver a better formula so that we do not have these big steps. If I were to do what the member for Marrickville asks and ignore the formula and just appoint another teacher, I would have to take that teacher from another school. I ask the member for Marrickville precisely what school she would like me to take a teacher from.

The SPEAKER: Order! Opposition members will come to order.

Mr ADRIAN PICCOLI: From precisely which school would the member for Marrickville like me to take them? Labor governments always fail to appreciate that we live with a finite budget. Taxpayers give us their hard-earned money to spend appropriately, fairly and effectively. That is what we do. To say, "Okay, you've raised a question, so we'll appoint another teacher" somehow politicises the formula. I have to take that teacher from another school. I am all ears if the member for Marrickville wants to suggest from which school that teacher might come. The issue at Hinton Public School is real and I certainly do not diminish it; it is a real issue in many schools. New South Wales has 41 primary schools that are one student below the number required to gain a teacher and 49 primary schools that are two students below, et cetera. This issue is not unique to Hinton.

I am not prepared to make a political decision to overcome this formula. We have reforms in place to address this matter. The resource allocation model we announced will have 229 schools coming on to it next year and the remainder the year after. We are restructuring the way we spend $10 billion across education in New South Wales. The note I have been given is to remind the House that we have spent more than $72,000 on maintenance and capital works at Hinton Public School. I hope it has been well spent. I am sure any parents and citizens association would like more than that. The last thing I will say is that the member for Marrickville was the Minister for Education and Training for a short period from 2005 to 2008. Hinton Public School went from having six teachers in 2005 to having four teachers in 2008. I rest my case.

CHILD PROTECTION REFORMS

Mr GARRY EDWARDS: My question is addressed to the Minister for Family and Community Services. How is the Government implementing one of the key recommendations from the Wood Special Commission of Inquiry into Child Protection Services in New South Wales?

Ms PRU GOWARD: I thank the member for Swansea for his question and strong interest in children, particularly vulnerable children in out-of-home care.

The SPEAKER: Order! The member for Keira will come to order. I call the member for Keira to order.

Ms PRU GOWARD: In 2008 the Hon. Justice James Wood recommended the transfer of children and young people in out-of-home care to non-government providers, which are better placed to support and improve the lives of vulnerable children and young people in care, but they must be accredited to do so. Labor left a legacy of a record number of children in out-of-home care: the highest in the country and the highest proportion. Though the former Labor Government agreed with and promoted this recommendation, true to form it failed to actually implement it.

Ms Linda Burney: That's not true.

Ms PRU GOWARD: Oh come on. Justice Wood recommended the transfer to non-government organisations. If I were the member for Canterbury I would be very quiet, bearing in mind the record of those opposite. In 2008 Justice Wood said:

> NGO's have smaller and less formalised management structures and often have great capability to implement reform and innovative service models more quickly than government agencies.

Unlike those opposite, we made a commitment to implement this key recommendation and change the way our most vulnerable children access care out of the family home. This is the biggest and most important reform New South Wales has seen in the out-of-home care system, and that applies particularly to Aboriginal children. Our reforms are about building the capacity of the whole child protection system—including non-government—to improve services and outcomes for our young people. Today I had the pleasure of congratulating four new Aboriginal out-of-home care service providers on being accredited to take on foster children. Today's announcement is a major step in our critical reform. I acknowledge representatives of those providers in the gallery and pay tribute to their hard work in achieving this milestone.

The providers are the Aboriginal Medical Service Western Sydney, the Illawarra Aboriginal Corporation Myimbarr, Wandiyali ATSI Inc from Hunter Central Coast region and Wundarra Services residential care on the mid North Coast, which has made steady progress in achieving accreditation as part of the quality improvement program. It was wonderful to share lunch today with representatives of those agencies. I was pleased that the Premier was able to join us. I know that with a real and respectful partnership we can change children's lives for the better. Those agencies have the passion, knowledge, skills, ideas and now the ticket, the accreditation, to enable them to achieve that result. Having an Aboriginal agency deliver out-of-home care services supports children to be raised in their own culture with, as someone told me, their own mob.

This reform also recognises the importance and value of family, extended family, kinship networks and community in raising Aboriginal children—indeed, all children. Our non-government organisation partners bring key expertise to delivering reform that ensures all children entering care get the best we can provide together. One carer became a foster carer because she wanted to look after her niece and nephew. She now has a little Aboriginal boy who had seven carers before coming to her. She has had him now for three years because she gets him and he gets her. Nobody can give such a recommendation except a foster carer. Over the past 12 months, the Government has partnered with peak organisations the Association of Children's Welfare Agencies [ACWA] and Aboriginal Child, Family and Community Care State Secretariat [AbSec] on delivering reform.

In addition to thanking them, I thank the hard work of the transition team from Community Services, who were with me today, and the ever-sleepless Children's Guardian, Kerryn Boland, and her team for all their work over the past few months. The reforms began in March 2012 and at the end of January this year 699 children and young people had transitioned to the non-government sector. As at today that number has increased to hundreds more. Once again, I congratulate the four Aboriginal services that are represented here today. They are part of real reform in improving the lives of our most vulnerable children and young people.

BAYS PRECINCT LAND USE

Mr JAMIE PARKER: My question is directed to the Minister for Planning and Infrastructure. Considering it has been more than six months since the Government received the Bays Precinct Taskforce report, will the Government release the report, commit to public ownership of the land, prioritise public access and end the ad hoc development of our harbour?

Mr BRAD HAZZARD: I thank the member for Balmain for his timely question. I acknowledge that he has discussed this issue with me on many occasions and indicated his strong interest in ensuring that the area through the Bays Precinct is managed appropriately into the future. Of course, this area is critical for Sydney and its harbour. It consists of 94 hectares of magnificent waterways and about 80 hectares of mostly publicly owned land, as implied in the question from the member for Balmain, in approximately four or five government agencies. We have a golden opportunity to ensure that this vital asset, this jewel in the crown of Sydney, is well managed into the future. I recollect that the former Labor Government initiated some work in this area, but it went nowhere.

Mr Jamie Parker: Hopeless.

Mr BRAD HAZZARD: I agree; it was hopeless, as the member for Balmain said. It was dragged out over quite a lengthy period without any community representation. The community expressed real frustration about the lack of community representation. As Minister for Planning I initiated a review in mid-2011 of what might occur in this magnificent area of Sydney. I can announce in response to the question of the member for Balmain that the Bays Precinct Taskforce has completed its deliberations and the Government has been considering the report for the last few months. However, it is appropriate for me as Minister for Planning in

response to the issues raised by the member for Balmain to place the report on the Sydney Harbour Foreshore Authority website today, at *www.shfa.nsw.gov.au*. The community will have an opportunity to review exactly what the Government is saying and what the committee has determined is appropriate.

On the taskforce were representatives from the Department of Premier and Cabinet, NSW Treasury, the Department of Planning and Infrastructure, Transport for NSW , Sydney Ports Corporation, Roads and Maritime Services, the City of Sydney, a community representative and a representative from the Leichhardt Municipal Council. That was not the way the former Government approached it. The Liberal-Nationals Government is very committed, and I as planning Minister am very committed, to ensure that the community had its say through this process and its views were represented. That is not to say that there cannot be more done on those issues; the Government intends to do a lot more.

The Government is committed to making sure that these magnificent areas remain in public ownership. They are significant lands and they should remain in public ownership and provide essential port, shipping and maritime boating services in our magnificent harbour. There are challenges in the context of ensuring a working harbour in a twenty-first century city but the Government is determined to do that. There are challenges around the concrete batching plant in Blackwattle Bay. We have determined through this process that it is probably more appropriate to have the plant transferred to Glebe Island. There are interconnections with the temporary Sydney International Convention, Exhibition and Entertainment Centre that has been constructed there. That is a challenge.

There are issues around the Rozelle rail land and how the Government will deal with that and there are issues in terms of increasing public access. As the member for Balmain has pointed out on a number of occasions, the community would like maximum access to the foreshore. The Government is keen to see that happen and it is working with Roads and Maritime Services to ensure that. As recently as a few weeks ago I was looking through the White Bay power station, which has been locked up since 1983. There are fantastic opportunities for both Government and the community. I say to the member for Balmain that the report has been released today in response to his questions and the Government will make sure that the community now has an opportunity to have a further say. We look forward to the report being closely scrutinised and the community letting us know its views.

COALMINE DUST REDUCTION PROGRAMS

Mr CRAIG BAUMANN: My question is directed to the Minister for the Environment, and Minister for Heritage. What is the Government doing to reduce dust from coalmines across New South Wales and, in particular, in mine-affected regions such as the Hunter?

Ms ROBYN PARKER: I thank the Member for Port Stephens for his question and his ongoing interest in improving air quality in the Hunter. Air quality—and coal dust in particular—is an important issue for the Hunter community and it requires strong collaborative action between government, industry and the community. I have been interested to read some of the commentary around the Government's environmental record lately. What I find remarkable is the deliberate ignorance many commentators display regarding the Environment Protection Authority. It is one of the proudest achievements of the O'Farrell-Stoner Government: the Environment Protection Authority is delivering the strongest environmental protection laws in Australia.

Last Friday I was pleased to announce further legal requirements that the Environment Protection Authority has devised to reduce air pollution and, in particular, coalmine dust. Reducing coal dust and the related air pollution is a key priority and goal in the NSW 2021 plan, especially in areas of extensive coalmining such as the Hunter. The impacts of coalmines must be carefully managed. That is why last week I announced a new environmental program called Dust Stop. It will ensure coalmines across our State employ international best practice in their operations. Dust Stop will slash coal dust emissions from mines in New South Wales by at least 20 per cent.

On Friday I visited Bloomfield Colliery in the Hunter, which, along with 29 other open-cut mines in New South Wales, has been issued three legally binding conditions known as pollution reduction programs to implement best practice dust controls at the site. The main source of coal dust is from haul roads and so the first Dust Stop initiative requires mines to reduce dust from haul roads, consistent with international best practice. For most mines this is likely to require an increase in water application and the use of dust suppressants. While some mines are already meeting this requirement, each will be required to monitor its performance over 12 months to ensure it is meeting this new, rigorous standard.

The second Dust Stop initiative requires each mine to monitor weather conditions and stop blasting or other dust-producing activities during adverse weather conditions. Again, each mine is required to record the changes it makes to its operations during adverse weather conditions and monitor how effective these changes have been over the next 12 months. At the end of the 12-month period the Environment Protection Authority will assess whether additional controls are needed on very dusty days. The third Dust Stop measure requires mines to investigate better ways of controlling dust from digging, dumping and bulldozing overburden, and to measure how effective their controls are. These measures will make New South Wales a world leader in managing overburden as around the world there are few controls being applied to control this source of dust pollution.

The Dust Stop Program includes a timetable of achievement deadlines agreed upon by both the licence holder and the Environment Protection Authority. Failure to comply with this timetable can result in a range of regulatory actions including fines and prosecution. Breaches of these new licence conditions can result in a maximum penalty of up to $1 million. As I said at the outset, this Government has delivered an environmental regulator the whole community can have confidence in. These three legally binding pollution reduction plans are a good example of the authority's focus on improving air quality for people in the Hunter. The Government is committed to delivering clean air for the entire community and introducing strict dust emission requirements through the Dust Stop Program will result in a reduction of at least 20 per cent. Giving the Environment Protection Authority back its bite means every community in New South Wales can be confident we take the quality of their local community and air quality seriously.

Question time concluded at 3.17 p.m.

PETITIONS

The Clerk announced that the following petitions signed by fewer than 500 persons were lodged for presentation:

Central Coast Palliative Care Services

Petition requesting the implementation of specific steps in the 2012-13 State budget and forward estimates to substantially increase funding, staffing and infrastructure for palliative care services on the Central Coast, received from **Mr Richard Amery**.

Sydney Electorate Public High School

Petition requesting the establishment of a public high school in the Sydney electorate, received from **Mr Alex Greenwich**.

Rooty Hill Railway Station Access

Petition requesting the installation of elevators at Rooty Hill railway station, received from **Mr Richard Amery**.

Walsh Bay Precinct Public Transport

Petition requesting improved bus services for the Walsh Bay precinct, and ferry services for the new wharf at pier 2/3, received from **Mr Alex Greenwich**.

Inner-City Social Housing

Petition requesting the retention and proper maintenance of inner-city public housing stock, received from **Mr Alex Greenwich**.

Pet Shops

Petition opposing the sale of animals in pet shops, received from **Mr Alex Greenwich**.

Duck Hunting

Petition requesting retention of the longstanding ban on duck hunting, received from **Mr Alex Greenwich**.

Container Deposit Levy

Petition requesting the Government introduce a container deposit levy to reduce litter and increase recycling rates of drink containers, received from **Mr Alex Greenwich**.

The Clerk announced that the following Ministers had lodged responses to petitions signed by more than 500 persons:

The Hon. Jillian Skinner—Palliative Care Services—lodged 19 February 2013 (Mr Daryl Maguire)

The Hon. Jillian Skinner—Palliative Care Services—lodged 20 February 2013 (Mr Andrew Gee)

The Hon. Gladys Berejiklian—Newcastle Bus Service 235—lodged 19 February 2013 (Ms Sonia Hornery)

The Hon. Greg Pearce—Inner-City Social Housing—lodged 19 February 2013 (Mr Alex Greenwich)

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Government Initiatives

Mr GARETH WARD (Kiama) [3.20 p.m.]: I ask the House to accord the following motion priority: That this House notes real change in New South Wales over the past two years. I am sure members can think back to what they were doing two years ago. I know what members on this side of the House were doing: getting on with changing the government in New South Wales. And what a change that has brought. Labor used to have a program called the Easy Access Program for transport. I am sure the Minister for Transport remembers that. That could better describe Labor's access for lobbyists on improving transport in New South Wales—an open door, shut by Premier O'Farrell and the reform that has been brought about by his Government. Let us have a chat about campaign finance reform. Under those opposite buckets of money, under systems involving part 3A of the Environmental Planning and Assessment Act, were being used as a quid pro quo for government decisions. This Government got rid of that part 3A provision. The change brought about on 26 March 2011 stopped the rot by those who sit opposite.

The SPEAKER: Order! There should be no interjections during the three minutes in which the member is making his case for priority.

Mr GARETH WARD: Does anyone on the other side of the Chamber have any character evidence to give down at Castlereagh Street? We remember what is going on in relation to that matter. The member for Canterbury seeks to interject to cover up her shame and embarrassment about that side of the House. When Premier O'Farrell was Leader of the Opposition he went to the electorate with five points: rebuilding the economy, more front-line services, more for infrastructure, and returning planning powers to local communities—ensuring better transparency and accountability of government. When we inherited these benches this State's budget was $5.2 billion in deficit; and this Government and this Treasurer are working to address that situation. The States that do not have a triple-A credit rating all have Labor governments.

The SPEAKER: Order! There is too much audible conversation in the Chamber.

Mr GARETH WARD: If Labor had continued with the way it was governing there is no doubt that this State's triple-A rating would have been lost, costing the taxpayers of New South Wales around $3.75 billion.

The SPEAKER: Order! The Leader of the Opposition, the member for Keira and the member for Bankstown will come to order.

Mr GARETH WARD: By providing more funding for front-line services the Government has employed more teachers, more nurses and more doctors on the ward. Whether it is with the 3,000 additional nurses, the 520 extra teachers or the extra police, this Government has delivered front-line services. On

infrastructure projects, I refer particularly to regional New South Wales: the Pacific Highway to the north—with those great members in the north; the Princes Highway to the south—with the hardworking members in the St George and Sutherland shire areas such as the member for Oatley. St George Hospital and the M4 and M5 have received funding. There was no money for those projects from the members who now sit opposite. That group of people destroyed this State. This side of the House is working to make New South Wales number one again.

Hunter Services

Ms LINDA BURNEY (Canterbury) [3.23 p.m.]: The O'Farrell Government, and in particular the Hunter members of Parliament, have completely abandoned the people of the Hunter. They have failed the people of the Hunter, and that is why my motion should be accorded priority.

The SPEAKER: Order! The member for Newcastle will resume his seat.

Ms LINDA BURNEY: It is most demonstrated by the fact that the parents here from Hinton Public School have been completely let down by the member for Maitland. Ambulance waiting times in the Hunter have blown out: they are double the State average.

The SPEAKER: Order! The member for Kiama will resume his seat.

Ms LINDA BURNEY: Funding cuts have devastated the hospital system in the Hunter. Emergency wards are full, and ambulances cannot offload their patients. Nothing more graphically demonstrates the abandonment of the Hunter by this Government than the Newcastle rail line. While other jurisdictions are investing millions in rail, this Government is spending millions of dollars to rip out the Newcastle train track.

The SPEAKER: Order! I remind members that there should be no interjections during the member's three-minute address.

Ms LINDA BURNEY: Commuters face longer trip times and added hassle, yet the Government is spending all that money that Gladys talks about constantly on rail in Sydney, ignoring the people of the Hunter. What about Hunter TAFE courses and funding cuts for the Newcastle Arts School? What about the TAFE course cuts, such as boilermaking at Glendale and hospitality at Cessnock? Mr Owens has let down the people of the Hunter more than anyone else in relation to his promise to support the Regional Art Gallery. Where is the $7 million from the O'Farrell Government to support the Regional Art Gallery? And I ask the member for Maitland: What about Royalties for Regions?

Why did Maitland not get anything from the Royalties for Regions program? How can the Government justify giving preference to Sutherland over Maitland under that program? Both Robyn Parker and Tim Owens have completely failed the people of the Hunter, not to mention others. Hunter jobs are going: the Government has decided to have New South Wales buses built in Queensland, causing a Hunter-based bus manufacturer to cut 85 jobs. The Government talks about creating new jobs—but not in the Hunter. The Hunter will lose 85 jobs because the Government gave a contract to Queensland. Try to deny that. Try to say: Yes, we are standing up for the people of the Hunter, when those sorts of things are happening. I was up there this morning. The people in the Hunter are very disappointed in the Hunter members.

The SPEAKER: Order! The member for Newcastle will come to order.

Ms LINDA BURNEY: The people of the Hunter believe they have been abandoned by the O'Farrell Government. Coalition members can make as much noise as they want, but what I am saying will be recorded in *Hansard*, and the people of the Hunter will be able to read it and realise that you have let them down completely. [*Time expired.*]

Question—That the motion of the member for Kiama be accorded priority—put.

The House divided.

Ayes, 64

Mr Anderson	Mr Fraser	Mr Roberts
Mr Annesley	Mr Gee	Mr Rohan
Mr Aplin	Mr George	Mr Rowell
Mr Ayres	Ms Gibbons	Mrs Sage
Mr Baird	Ms Goward	Mr Sidoti
Mr Barilaro	Mr Grant	Mrs Skinner
Mr Bassett	Mr Gulaptis	Mr Smith
Mr Baumann	Mr Hartcher	Mr Souris
Ms Berejiklian	Mr Hazzard	Mr Speakman
Mr Bromhead	Mr Holstein	Mr Spence
Mr Brookes	Mr Humphries	Mr Stokes
Mr Casuscelli	Mr Issa	Mr Stoner
Mr Conolly	Mr Kean	Mr Toole
Mr Constance	Dr Lee	Ms Upton
Mr Cornwell	Mr Notley-Smith	Mr Ward
Mr Coure	Mr O'Dea	Mr Webber
Mrs Davies	Mr Owen	Mr R. C. Williams
Mr Dominello	Mr Page	Mrs Williams
Mr Doyle	Ms Parker	
Mr Edwards	Mr Patterson	*Tellers,*
Mr Evans	Mr Perrottet	Mr Maguire
Mr Flowers	Mr Provest	Mr J. D. Williams

Noes, 20

Mr Barr	Dr McDonald	Mr Robertson
Ms Burney	Ms Mihailuk	Ms Tebbutt
Mr Daley	Mr Park	Ms Watson
Mr Greenwich	Mr Parker	Mr Zangari
Ms Hay	Mrs Perry	*Tellers,*
Ms Hornery	Mr Piper	Mr Amery
Mr Lynch	Mr Rees	Mr Lalich

Pairs

Mr Elliott	Ms Burton
Ms Hodgkinson	Mr Furolo
Mr Piccoli	Mr Hoenig

Question resolved in the affirmative.

GOVERNMENT INITIATIVES

Motion Accorded Priority

Mr GARETH WARD (Kiama) [3.34 p.m.]: I move:

That this House notes real change in New South Wales over the last two years.

At the outset I acknowledge the contribution of the member for Canterbury, because she has an anniversary today too: it is one year since she last went to the Hunter. Despite all the members the Opposition could have used to seek priority on a motion about the Hunter and to contribute to this debate—such as a member representing regional New South Wales or a member from the area—the Opposition sent the city-centric member for Canterbury to unload on one area of the State and forget to address the rest of the issues confronting New South Wales.

I am very proud of the great members in the Hunter—people such as the member for Charlestown, the member for Swansea, the member for Newcastle and the great Minister for the Environment, and Minister for Heritage, the member for Maitland, who does a great job. It is worth enlightening the House on some of the

things that are happening in the Hunter: 400 extra nurses; a $55 million increase in the budget for John Hunter Hospital, $15 million for the Glendale interchange, which the Labor Party talked about when in government but did not deliver; $14 million for the Cardiff railway station; $94 million for a new legal precinct—I am sure that Milton Orkopoulos knows all about that new legal precinct; and $350 million already invested for Hunter infrastructure. For the Opposition to talk about the Hunter after not even knowing where it is, after only getting there with the assistance of a sat nav—

Ms Linda Burney: You don't have to go on with this.

Mr GARETH WARD: You don't have to go on with it either and I really wish you wouldn't—

ACTING-SPEAKER (Mr John Barilaro): Order! The member for Canterbury will have her opportunity to contribute to the debate.

Mr GARETH WARD: —because you seem to go on and on and on and on every single question time, draining the Government with mindless interjections. Do you need to go on, I ask?

Ms Linda Burney: Yes, I do.

Mr GARETH WARD: Obviously. The Government is getting on with the job of rebuilding New South Wales. When we inherited the Treasury benches we found a government instrumentality that was dysfunctional and broken. But by delivering on our promises we are working to make New South Wales number one again—and what a great job our Premier is doing, not just as leader of the Government but as Premier of New South Wales, in making those changes. I am proud to serve on the Government benches with him and the Ministers who are implementing the changes, such as the Treasurer, whom I will speak about in a moment.

Our Premier signed a contract with the people of New South Wales and he is keeping to that contract. The Government committed to a stronger economy. Our State's economy was broken, with the former Government going the same way as Tasmania, South Australia and Queensland, who lost their triple-A credit ratings. We said that over the course of this term we would create 100,000 new jobs through our Jobs Action Plan. We now have the second-lowest unemployment rate in the nation. In the Illawarra more than 7,000 new jobs have been created, with 800 of those jobs coming from the Illawarra Innovation and Investment Fund. When we came into government New South Wales had the weakest economic growth rate in the nation, but now it is returning to its rightful place as the engine room of Australia, with economic activity almost 11 per cent above its decade average. We are fixing the economy and fixing the mess left by those who sit opposite.

The Government committed to restoring front-line services. Since coming to office we have employed more than 4,000 nurses, teachers and police. In the Illawarra 177 teachers have received their first posting since July 2011. We have recruited 186 new nurses in the Illawarra Shoalhaven Local Health District alone. We have established the Police Transport Command, providing an increased police presence on the Illawarra and South Coast rail lines. We have recruited an additional 49 police officers in the Illawarra and South Coast.

In relation to building infrastructure, over the next four years we will deliver the largest ever investment in the State's infrastructure program of $61.8 billion. Only through fiscal discipline can we fix broken infrastructure and improve front-line services. We are building the North West Rail Link and the South West Rail Link and the Government has committed to the WestConnex project to upgrade the M4 and the M5. We are making investments in the Pacific Highway, and members will be aware of my commitment to the Princes Highway. Under the Transport Access Program we are investing $770 million into improving public transport, such as a new station at Shell Cove and commuter car park upgrades right across the State, including 230 new parking spaces at Oak Flats, 40 at Kiama and 50 at Moss Vale, as well as upgrades right across the network.

In relation to our commitment to making government more accountable, we have reformed campaign finance, introducing the toughest campaign finance rules anywhere in the nation—even lauded by GetUp! in a press release it issued after those new rules were passed. No longer do we want to see decisions for deals in New South Wales, and that is what was delivered by those who sit opposite. Now corporations and unions are banned from making contributions to political parties. That stops the buying of decisions in this State and I am pleased that those changes have been made. We have also reformed the way government advertising works so that no longer do we see government advertising being used to support a political party. We are returning decisions to local communities as well as increasing government accountability and transparency. I commend the motion to the House.

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [3.39 p.m.]: The motion that the House notes real change in New South Wales over the past two years is interesting, because without doubt there has been change. Tragically, none of that change has been to the benefit of the people of New South Wales. Let us look at the change that has taken place in the past two years. In the past two years we have seen Ministers who take no responsibility for anything that goes wrong in their portfolios. Transport is a great example. In the past seven weeks eight major problems on the network have led to chaotic delays. The Minister for Transport said she was going to fix the trains. At the press conference I think she said that 39 times. She has made no apology about her inability to fix the trains, and in two years nothing has changed on our rail network.

The only change in transport is that the Minister is no longer responsible and is no longer held to account when anything goes wrong. When something goes wrong they simply wheel out the bureaucrats and hand responsibility down the line. The Ministers are paid a ministerial salary but they do not accept their ministerial responsibilities. I turn to the Health portfolio. Patients are waiting longer for surgery and waiting times are blowing out in emergency departments. Where is the Minister for Health? It is not the Minister's responsibility: the local health networks make those decisions and are responsible for anything that goes wrong in the health system. The Government is full of Ministers who are no longer responsible for anything. They were elected to government and as Ministers they sit at the Cabinet table and ought to be responsible; but they are not responsible under the O'Farrell Government. That is the change we have seen in two years.

Let us look at some of the other changes that have taken place. Another change is the loss of 15,000 public sector jobs. On average 20 jobs are lost from the public sector every day. That is real change, and it is affecting front-line services. Another change is the loss of $1.7 billion to education. For the first time in living memory a government is reducing funding to education—an area that needs greater investment. Investment in education is an investment in the future of our young people and our State, but the change implemented by the Government is to take money out of education. It has decided to take money out of school education and TAFE to the tune of $1.7 billion.

The Government has also taken $3 billion out of the health system. That is a change the Government has made in the past two years that the House should note. Today I stood outside Westmead Hospital where this Government, whose health Minister will take no responsibility, has cut just under $3 million from that hospital's staffing budget this year. That means $3 million worth of medical, nurse and auxiliary staff has been cut from the budget. The staffing budgets of Blacktown and Mount Druitt hospitals have been reduced by $1.3 million this year. That is another reduction in funding that our hospitals need to be able to carry out their work. These are the sorts of changes we have seen in the past two years, and none of them has been to the benefit of the people of New South Wales.

The most significant change in the past two years has been to the State's triple-A credit rating. Government members talk about the triple-A credit rating. The change is that the O'Farrell Government has managed the economy so badly that the State's triple-A credit rating has been placed on negative watch. That is real change. Workers also have seen real change. Police officers have seen real change in their death and disability scheme. Injured workers in New South Wales have seen real change to their workers compensation benefits. Motorists in New South Wales have seen real change to their green slip premiums, which have increased by $98. We have seen real change in the past two years—real change for the worse for everyone in the State.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [3.44 p.m.]: It gives me great pleasure to speak on the priority motion moved by the member for Kiama that this House notes that real change has occurred in New South Wales over the past two years. I must point out the hypocrisy of the Leader of the Opposition. He was a member of the previous Government that left us wreckage to fix up. The former Government damaged the quality of life of many mums, dads and families and damaged businesses across this State. This side of the House is fixing the problems so that everyone in New South Wales can enjoy a better quality of life.

This Government came to power after one of the worst governments in New South Wales. It was a government of ineptitude, inactivity and scandals. Nothing was occurring. We now have real change. The people said they wanted economic growth, they wanted New South Wales to be number one again and they wanted accountability and transparency. The people are getting all of that. They now have a stable Government. The revolving door that saw Ministers and Premiers come and go has gone. This Government is delivering on the commitments it made two years ago prior to the election. Under the previous Government promises were broken one after another.

This Government is building regional New South Wales. We are providing more jobs, more infrastructure and better services. Two years ago New South Wales was the worst performing State. For more than a decade it had the slowest growth of all States. That is now turning around. The Government is concerned about the whole of New South Wales and is focused on regional communities. We have created a total of 100,000 jobs, 35,000 of them in regional New South Wales in the past year. The Government is fiscally responsible. Good governments manage their finances. The Labor Government consistently blew its budget. This Government has put the State's finances back on track so that we are able to deliver more services and infrastructure to our communities. The Government has spent a record $61.8 billion on infrastructure. That is an average of $1.3 billion more over the next four years than previously spent in regional communities.

Our infrastructure commitments in regional communities include the Bridges for the Bush program and upgrades to the Princes, Newell and Great Western highways. The Government has undertaken major hospital upgrades and built more police stations. We have increased front-line services by 4,000 positions. That means more police, more nurses and more teachers. The Government has implemented the Resources for Regions program, the Local Infrastructure Renewal Scheme and the Community Building Partnership program. We have allocated $17 million for the rollout of flashing lights across our school zones. We have introduced a wages policy, changed the no forced redundancy policy and provided employees with a choice in relation to unions. The Government is rebuilding confidence in this State. By improving economic growth, business growth, housing supply and retail trade we are getting on with the job of rebuilding New South Wales.

Mr MICHAEL DALEY (Maroubra) [3.47 p.m.]: A couple of things have not changed in the past two years: the self-congratulatory, back-slapping piffle that is advanced as a debating topic in this House; and the conga line of deluded souls from the Government benches who wander in here day after day and try to tell us what a cracking job Barry O'Farrell—the failed Premier—has done. Despite those two exceptions, it is true that there has been real change in New South Wales over the past two years. The economy has changed overnight. The $1.3 billion surplus left to this Government has been squandered and converted to a $700 million deficit. That is a $2 billion turnaround overnight. They have rolling deficits as far as the eye can see. For the benefit of the member for Kiama, Labor delivered 12 or 13 budget surpluses in its 16 years in government.

A series of rolling deficits were forecast as far as the eye could see under Treasurer Mike Baird—except for the accidental surplus when the billion dollars that had slipped down the back of a couch were discovered by the Auditor-General. That surplus was quickly converted into a $776 million deficit because surpluses do not fit the narrative of this Government. It cannot cut $1.7 billion from education or $3.3 billion from health when the budget is in surplus. The Treasurer does as he is told and readily converts it, with all the skills he has at his disposal, to a $760 million deficit.

Moreover, the tax take has changed dramatically in two years. In the mid-year review, total revenue for this year was estimated to be $133 million higher than budget forecasts. Transfer duty has changed and it is now $86 million higher. Payroll tax has changed and is $23 million higher. Motor vehicle tax, which is a tax on drivers and motor vehicle owners, is now $48 million higher. Gambling taxes are $18 million higher. Long service leave levies are decreasing. Waste levies and load-based licences are $33 million higher. And the big doozy that puts paid to the lie from the conga line of Government members who trot out the Treasurer's line is GST revenue, which is $106 million higher than it was last year, and there is nothing to show for it.

ACTING-SPEAKER (Mr John Barilaro): Order! Government members will come to order.

Mr MICHAEL DALEY: What has changed is that for the first time in 18 years a New South Wales Government is now borrowing to pay its employees wages. There might be 15,000 fewer employees, and there will be probably 50,000 fewer in two years by the time this Government is finished, but now this Government is borrowing to pay its employees' wages. [*Time expired.*]

Mr GARETH WARD (Kiama) [3.50 p.m.], in reply: I was expecting an impressive debate, but we got a glittering cavalcade of entertainment. The Opposition's contribution to this debate could be compared to being mauled by a guinea pig. The member for Maroubra's contribution was like being flogged with warm wet lettuce. I thought I had stumbled into the comedy club.

Mr Nathan Rees: Is that what is around your wrist?

Mr GARETH WARD: No, that is for headspace, since the member for Toongabbie asks. When I was listening to some of the points made by the member for Maroubra, I thought I had stumbled into the comedy

club. He referred to revenue raising. For the benefit of the member for Maroubra, when a government is doing well and business is improving, what happens? Revenues increase because of the strength of the State's economy. The New South Wales economy is powering ahead, and the Government makes no apology for ensuring it is strong. This Government has set up the fundamental fiscal framework so that business can survive and thrive.

The member for Maroubra referred to alleged tax increases. For the benefit of the member for Maroubra, I point out that this Government has reduced the taxation threshold. He mentioned the waste levy, but who introduced the waste levy fee increases? They were introduced in the mini-budget under former Premier Nathan Rees, who is present in the Chamber. The former Labor Government forecasted $10 incremental increases up to 2014. The Leader of the Opposition referred to cutting 15,000 public service positions. When the Government was elected, how many public servants existed in this State?

Mr John Sidoti: Hundreds of thousands.

Mr GARETH WARD: There were 323,000. When Labor was in government a number of public service positions were cut, which was announced by former Premier Iemma. In my view, the 15,000 jobs are about moving resources from the back room to the front line and getting it right. Opposition members referred to cuts in health and education funding, but nothing could be further from the truth. The Government this year has increased funding to education by $383 million. Over the life of this Parliament, the Government will spend $53.5 billion on education compared to $46 billion spent by the former Labor Government. In relation to health, we have ensured that instead of having bureaucrats in offices making decisions about health care, the decisions will be made by local health boards—people who are at the coalface, people who deal with health issues every day, people who have to make tough decisions.

The Leader of the Opposition referred to the State's triple-A credit rating. The only way that that rating was going to be preserved was by electing a Liberal-Nationals Government. There is no doubt that Labor would have continued to spend more than it earned every year, but for the election. Not once did the former Labor Government ensure that it met its revenue and spending targets. I reject that analysis entirely. We should consider Labor States such as Tasmania, where Labor is jumping into bed with The Greens. What a great relationship that is. We have seen what Labor has done in South Australia. Labor has form on this issue, so I will not accept a lecture on fiscal responsibility from Opposition members. The Premier and the Government are getting on with the very tough job of rebuilding this State. We are committed to doing that and we are delivering on that commitment. We only need to look around the State to see that this Government is getting on with the job. I commend the Premier for his leadership, the Ministers for their hard work, and the Government for being committed to rebuilding New South Wales.

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

Motion agreed to.

ACTING-SPEAKER (Mr John Barilaro): Order! It being close to 4.00 p.m. the House will now proceed with Government business.

LAW ENFORCEMENT (CONTROLLED OPERATIONS) AMENDMENT BILL 2012

Second Reading

Debate resumed from an earlier hour.

Mr CHRIS SPENCE (The Entrance) [3.54 p.m.]: Earlier in debate I referred to comments made by the member for Mount Druitt and his concerns relating to civilian participants. Whether or not it is appropriate to permit a civilian participant to wear a surveillance device in a controlled operation will be a matter considered by the chief executive officer or delegate. The chief executive officer must be satisfied that the person has the appropriate skills to participate in the operation; that it is wholly impracticable for a law enforcement officer to participate in that aspect of the operation; that it is wholly impracticable for the civilian participant to participate in the controlled operation without engaging in the controlled activity; that no participant in the operation will encourage another person to engage in criminal or corrupt activity that the other person could not reasonably be expected to engage in, unless induced or encouraged; that no participant in the operation will engage in conduct

that is likely to seriously endanger the health or safety or any other participant, or any other person, or to result in serious loss or damage to property; and that no participant in the operation will engage in conduct that involves the commission of a sexual offence.

The law enforcement officer who primarily is responsible for the conduct of the operation also is required to provide the chief executive officer with a report on the operation within two months. The NSW Ombudsman maintains his ability to oversee every aspect of a controlled operation, which includes the appropriateness of civilian participants wearing surveillance devices. In the report dated 19 February 2013, the Legislation Review Committee considered whether the changes to the Surveillance Devices Act 2007 were a trespass on personal rights and liberties. The committee determined that while the bill allows for other individuals to participate in controlled operations, it does not broaden the scope of legislative power. The committee did not consider there to be any further trespasses on personal rights and liberties. This legislation also will make cross-border controlled operations easier. Only some Australian jurisdictions recognise the New South Wales legislation as a corresponding law.

The Opposition does not oppose the bill, so once the bill is passed the Minister will contact his counterparts in those jurisdictions to advise them of the changes to the New South Wales Act. The jurisdictions that currently recognise the New South Wales Act as a corresponding law are the Commonwealth, Tasmania, Victoria and Western Australia. Within those jurisdictions New South Wales police officers who are conducting a controlled operation will use New South Wales legislation. When New South Wales police officers are planning a controlled operation in another jurisdiction, the protocol for the conduct of interjurisdictional controlled or covert operations will apply. Under that protocol, the investigating jurisdiction will inform the jurisdiction of the State in which the operation will be conducted that the operation will be taking place. As those amendments are minor in nature, they should have no major effect on cross-border controlled operations. I agree with the Minister for Police and Emergency Services, the Hon. Michael Gallacher, who stated in the other place during the second reading of the bill:

> The amendments within the bill will assist law enforcement agencies in the conduct of controlled operations and reduce red tape.

On many occasions in this place I have referred to my support for our local police. I take this opportunity to acknowledge my two local area commanders—Tuggerah Lakes Local Area Commander, Superintendent David Swilks, APM, VA, and Brisbane Water Local Area Commander, Superintendent Danny Sullivan. Recently I had the pleasure of walking from Wyong police station to Tamworth police station with both of them to raise money for important causes, the Rixon family and NSW Police Legacy. The Government has increased police numbers on the Central Coast. We now have record numbers with more than 55 special constables joining police officers on the Central Coast. Certainly the O'Farrell-Stoner Government is committed to our police and to providing the police with the necessary powers to fight crime. I commend the bill to the House.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [3.58 p.m.], on behalf of Mr Greg Smith, in reply: On behalf of the Minister for Police and Emergency Services, I thank the members for the electorates of Myall Lakes, Cronulla, Drummoyne, Granville, Tamworth, East Hills, Riverstone, Rockdale, Smithfield, Menai, The Entrance, Liverpool and Mount Druitt for their contributions to this important debate on the Law Enforcement (Controlled Operations) Amendment Bill 2012. I am pleased that members on both sides of the House acknowledged that this bill makes sensible, practical and useful amendments. The bill strikes the right balance between efficiency and accountability.

The bill implements the recommendations of the review of the Law Enforcement (Controlled Operations) Act 1997. The majority of contributors to the review indicated that they were happy with the way the Act was operating. The bill introduces sensible measures to cut red tape, thereby streamlining controlled operations for law enforcement agencies, and consequently frees up more time and resources to devote to putting criminals behind bars and getting illicit drugs and guns off our streets. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Geoff Provest, on behalf of Mr Greg Smith, agreed to:

That this bill be now read a third time.

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

SERVICE NSW (ONE-STOP ACCESS TO GOVERNMENT SERVICES) BILL 2013

Bill introduced on motion by Mr Barry O'Farrell, read a first time and printed.

Second Reading

Mr BARRY O'FARRELL (Ku-ring-gai—Premier, and Minister for Western Sydney) [4.01 p.m.]: I move:

That this bill be now read a second time.

The New South Wales Government is one of the biggest customer service organisations in our State. While other governments in Australia and around the world took advantage of technology and reforms of innovative retailers, airlines and smart local businesses over the last decade, many of those opposite and their mates in Sussex Street were too busy using their positions to look after their own interests and not the interests of our customers—the citizens and taxpayers of our great State. Those days are over. I am pleased today to introduce a bill that gives effect to one of the New South Wales Liberal-Nationals Government key commitments, which is to put customer service at the heart of Government decision-making. This bill will allow Service NSW to provide customer services to the people of our State on behalf of other agencies.

The bill provides for a government agency to be able to delegate to and enter into agreements with the chief executive officer of Service NSW in order for Service NSW to undertake customer service functions for the agency, and provides for the required information transfers between Service NSW and the relevant agency for this to occur. It is our responsibility to make sure that citizens, businesses and taxpayers get the best possible service and results from the government they own and fund. There is no reason why people should not expect the same high level of service from the government as they receive from their favourite retailer, airline or financial institution when they need to renew a licence, register the birth of a child or pay fees and State charges. People clearly told us at the last election that they thought the old way needed improving. They wanted easier access to services at times that suited them, like Saturdays; they wanted consistent information no matter who they asked; and when their circumstances changed, such as moving house or the birth of a child, they wanted to inform us once—not again and again. This bill supports the work we have done to make these changes.

People want joined-up services. For too long New South Wales citizens have put up with multiple isolated systems run by different departments, for the convenience of bureaucratic structures rather than the people we are meant to serve. There are 394 separate State government agencies, authorities and trading enterprises delivering services. Currently, these services are provided through call centres and shopfronts that do not talk to each other or share information. We have more than 800 websites and 8,000 different telephone numbers. Improving customer service in public services will be a key factor in growing our economy and making New South Wales number one again, because time wasted on a maze of complex, non-responsive and irrelevant government processes is time not spent on business, learning and wealth creation and takes us away from our family or work within local communities.

Some existing customer services, for example, the Roads and Maritime Services, the Registry of Births, Deaths and Marriages, the Office of Fair Trading and the Office of State Revenue, have attracted well-deserved compliments due to dedicated staff making innovations within their own sphere of services. But the former Government lacked the resolve to take these services into a new era. As we committed prior to the election, we are preparing for the delivery of New South Wales government services, through Service NSW, in ways that suit our customers, including one easy-to-use website with live chat and better functionality, a 24/7 phone info line answered by real people, and extended-hours one-stop shops in regional and city locations.

It is my objective to make New South Wales number one not just in economic performance and opportunity but by setting a new standard in best practice for customer services for citizens and businesses in our State. Initially, Service NSW will provide transactions and services relating to driving, boating, Fair Trading licences and births, deaths and marriages. This will build over time into complete one-stop access to government services. The people of New South Wales want to do their business with government as quickly and efficiently as possible so they can get on with their busy lives. They do not have time to wait in queues or to be told to ring another number. This is a major transformational journey, and the provisions of this bill are a significant step.

Clause 5 of the bill defines customer service functions, which include functions relating to applications for and the issue of licences and other authorities; giving information about government services, legislation and

other matters; receiving and making payments; the provision of other government services; and other ancillary functions. Under clause 7 of the bill, where the holder of a statutory customer service function has a power of delegation, that delegation power is expanded to include a power of delegation to the chief executive officer of Service NSW. This clause also allows delegates of statutory customer service functions to sub-delegate those functions to the chief executive officer of Service NSW. It provides that in relation to any customer service function so delegated or sub-delegated to the chief executive officer, that officer may sub-delegate the function to a member of staff of Service NSW, subject to the terms of the delegation or sub-delegation to the chief executive officer.

Clause 8 of the bill allows the chief executive officer of Service NSW and a government agency to enter into an agreement for the chief executive officer of Service NSW to exercise customer service functions of the agency. The clause allows such agreements to relate to statutory customer service functions subject to delegations pursuant to clause 7, as well as to non-statutory customer service functions. Clauses 7 and 8 are facilitative provisions. They do not require but rather enable agencies to enter into such arrangements with Service NSW. For a number of transactions, Service NSW will process the entire transaction for the agency. For other transactions, for example, applications for certificates from the Registry of Births, Deaths and Marriage, Service NSW will accept the application and application fee on behalf of the agency, pass on the application to the agency to finalise the application, and issue the final authority or other document to the customer.

When a customer updates their contact details with a government agency through Service NSW, clause 6 of the bill allows Service NSW to offer customers the service of updating their contact details with other agencies, with the customer's consent. The bill also enables Service NSW to enter into arrangements with other jurisdictions such as other States, or the Commonwealth, or even another country, if such arrangements are sought, to deliver services on behalf of those jurisdictions. For example, a visitor or tourist would be able to renew a Victorian or even New Zealand driver licence in a Service NSW shopfront if those jurisdictions chose to sign up.

Clause 11 of the bill provides that the chief executive officer of Service NSW may collect, maintain and use records of information for the purpose of Service NSW, including for the purpose of its interactions with customers for whom customer service functions are exercised. This will assist Service NSW to provide high-quality and efficient services to customers. Under clause 12 of the bill, the chief executive officer of Service NSW may enter into arrangements for persons prescribed by the regulations to act as an agent for the chief executive officer in providing services. This would allow, for example, Australia Post, local councils or stock and station agents to provide certain Service NSW services in remote areas, if these arrangements were made.

Clause 14 of the bill provides for the transfer of information between Service NSW and an agency for the purpose of Service NSW providing customer service functions for the agency and it also provides for disclosure to the person to whom the customer service functions are provided if the information relates to the person or service provided. Clause 14 also provides disclosure, if the information is obtained in connection with the exercise by the chief executive officer of customer service functions for a government agency, to any person to whom that agency is authorised or required to disclose the information; and for the purpose of updating customer information under clause 6. The Privacy Commissioner has been consulted in the preparation of the bill. The bill provides that any future regulations relating to transfer of information under the bill may only be made following consultation with the Privacy Commissioner.

Clause 15 of the bill modifies the requirements of section 10 of the Privacy and Personal Information Protection Act and the equivalent provision of the Health Records and Information Privacy Act in relation to the provision of privacy notices. Service NSW will be permitted to give a general notice referring a customer to material provided by the agency for which it is exercising the customer service function in relation to the collection of the information, which contains the matters about which the customer is required to be made aware. Customers will still have access to the relevant information they should know about the collection of their personal information, but they can be referred to that information rather than being required to read, or be read, a very lengthy notice every time they use Service NSW.

The bill also provides for agreements between Service NSW and an agency in relation to applications for access to Government information, where that information is obtained or arises in connection with the exercise of functions by Service NSW for the agency. Those agreements can specify which of the two agencies should respond to such applications. The bill also provides for information transfers between Service NSW and the relevant agency for those purposes. Service NSW will commence testing its operations

and then providing services to customers later this year once necessary preparations and agency agreements are in place. The number of Service NSW service centre locations and the range of services provided will expand over time.

Service NSW is just part of the reforms we are making to put customers at the heart of decision-making. Whether it is more teachers, nurses, police, innovations like Quiet Carriages on longer distance trains, apps to let customers know when the next bus is due, what the traffic is like on the way home, delivering the Opal card, better access to government information on websites or the ability to "have your say" on issues of interest to people, the New South Wales Liberal-Nationals Government is working to make the Government work for citizens, not the other way round, and to make New South Wales number one in customer service for all our citizens. I commend the bill to the House.

Debate adjourned on motion by Dr Andrew McDonald and set down as an order of the day for a future day.

HEALTH LEGISLATION AMENDMENT BILL 2013

Second Reading

Debate resumed from 13 March 2013.

Dr ANDREW McDONALD (Macquarie Fields) [4.11 p.m.]: I lead for the Opposition on the Health Legislation Amendment Bill 2013. This bill is part of the regular periodic review and update of health-related legislation. This bill amends the Health Administration Act 1982 in schedule 1, the Health Care Complaints Act 1993 in schedule 2, the Health Practitioner Regulation (Adoption of National Law) Act 2009 in schedule 3, the Health Services Act 1997 in schedule 4, the Mental Health Act 2007 in schedule 5, and the Mental Health (Forensic Provisions) Act 1990 in schedule 6. At the outset I state that the Opposition will not oppose this bill but will seek to amend it. Following the introduction of this bill and the Minister delivering his second reading speech I have been in contact with various health stakeholders, including the Australian Medical Association**,** the NSW Nurses and Midwives' Association, the Health Services Union and the Australian Salaried Medical Officers' Federation [ASMOF].

While those stakeholders acknowledge many uncontentious aspects of this bill, they note, in the absence of any prior formal briefing being provided, that the devil may be in its detail or practical application. For example, I note that the Australian Salaried Medical Officers' Federation, the major union for senior New South Wales health medical staff who will be affected by this bill, was not briefed by the Minister prior to its introduction. I request that in future the ministry consult with the previously mentioned stakeholders prior to introducing such legislation. Had those stakeholders been provided with the excellent briefing on this bill that I received from Gemma and Christian, the final legislation would have been much improved, fairer to staff and still would have permitted quality health care and the commitment to patient safety that we all hold dear.

Schedule 1 to the bill amends the Health Administration Act 1982. The amendment will allow the health administration corporation to dispose of land similar to that disposed of currently by local health districts. The O'Farrell Government is keen to sell assets to raise revenue, and this legislation will permit even more of those assets to be sold. This is an example of the devil being in the detail of this bill. If the Minister was willing and able in her reply to identify the parcel of land, which probably has been identified and for which she will need this legislation to sell, that would help all members of this place and the public decide if the Government is acting in their best interests by introducing this aspect of the legislation.

The bill amends also the Health Administration Act to change the membership of the Medical Services Committee—the ministerial advisory body that provides advice to the Minister on medical matters. The amendment in schedule 4 to the bill will allow a person to serve four consecutive terms if that person is appointed as chairperson during his or her third consecutive term. This is a sensible amendment and will improve the health of the people of New South Wales by allowing for retention of corporate knowledge in health care. Schedule 2 to the bill amends the Health Care Complaints Act 1993. The Health Care Complaints Commission is independent and its role is to assess, investigate and prosecute complaints against health practitioners and health service providers. The drivers for these changes are the 2012 Supreme Court decision in *Australian Vaccination Network Inc. v Health Care Complaints Commission* and the result of the 2010 joint parliamentary committee's review of the Health Care Complaints Act 1993.

The Supreme Court decision has limited the ability of the Health Care Complaints Commission to investigate matters. Presently, the Health Care Complaints Commission can investigate only when a complaint is made that affects the management of an individual person. Immunisation depends on herd immunity and a highly immunised population is vital to prevent the spread of epidemics. If the herd immunity drops, the vulnerable are put at risk. That is why we have epidemics of vaccine-preventable conditions, such as whooping cough and measles. In 2009 Dana McCaffrey from the North Coast of New South Wales, aged one month, died from whooping cough. Her photo is a centrepiece of the lecture on immunisation that is given to all medical students of the University of Western Sydney to stress the need for high immunisation rates as being vital protection for young children such as Dana.

However, the New South Wales immunisation rate remains in the low ninetieth percentile, due partly to the ability of such groups as Australian Vaccination Network to muddy the waters about immunisation. Parents seeking impartial advice on immunisation and Google "vaccination in Australia" will find the Australian Vaccination Network website comes up as number two on that search. The Australian Vaccination Network is a fervent and highly virulent anti-immunisation group. Its name and website are designed to mislead unsuspecting community members to believe that a balanced view about immunisation is being presented. When provoked, Australian Vaccination Network's fellow travellers can and do behave reprehensibly. The police have been called to my office on one occasion following threatening emails after I raised concerns about the practices of the Australian Vaccination Network.

The bill amends section 7 of the Health Care Complaints Act to make clear that a complaint can be made against a health service if the health service affects, or is likely to affect, the clinical management or care of an individual client. This will mean that if a person or group acts as health service providers in a manner that is likely to affect an individual, even if one has not been identified, the Health Care Complaints Commission will have the necessary jurisdiction to investigate a complaint against that health service provider. The Australian Vaccination Network website is a mixture of scientific fact, half-truths and unproven allegations that only an expert eye can pick.

As I said earlier, this is a group that vehemently opposes immunisation. Groups or persons such as the Australian Vaccination Network are entitled to their views because we can all agree to disagree. However, the Australian Vaccination Network is a health service provider and should accurately reflect what those views are—in this case anti-immunisation. Like all health service providers it also should accept the consequences of its provision of health services on individual patients. This amendment to the Health Care Complaints Act 1993 should achieve this, and I commend the Minister for bringing this part of the legislation to the House. I commend and support the Minister for Fair Trading for his efforts to ensure that the Australian Vaccination Network adopt a name that accurately reflects its views.

The other amendments to the Health Care Complaints Act generally follow the recommendations of the 2010 joint parliamentary committee's report, "Operation of the Health Care Complaints Act 1993." This report recommended that the Health Care Complaints Commission should be allowed to conduct "own motion" investigations. The amendments to section 8 of the Act will allow the Commissioner of the Health Care Complaints Commission to make a complaint and therefore investigate a matter if it appears there is a significant issue of public health or safety. There is a significant question regarding a health service that affects or is likely to affect the clinical management or care of an individual client and, if substantiated, will be grounds for disciplinary action against a health practitioner being found to involve gross negligence on the part of the health practitioner or results in a health practitioner being found guilty of an offence under the Public Health Act 2010.

This gives the Health Care Complaints Commission the power to initiate its own complaints in respect of serious matters affecting the health or safety of the public. While I acknowledge that the criterion of what is "significant" is open to individual interpretation, these changes are important to ensure the safety of the public. The report also recommended amending the Act to expressly provide for the Health Care Complaints Commission to provide written reasons about the post-assessment and post-investigation decisions. Even though the Health Care Complaints usually provides written information to parties in a complaint, it is not required to do so. The amendments to sections 28 and 45 will provide for the Health Care Complaints Commission to give written information to the parties to the complaint concerning the outcome of its assessment and investigation of the complaint, and the reasons for the decision of the Health Care Complaints Commission.

Many members will know that parties to a health care complaint do not know for certain when, or sometimes even if, they will be receiving the final outcome of the investigation. For patients and practitioners,

knowing they have certainty mandated by legislation and that they will receive the final resolution in writing will be a comfort. The bill also inserts new section 16A into the Act to allow the Health Care Complaints Commission to give written notice of the making of a complaint to the employer of a health practitioner. Currently, notification to employers is given only following the assessment of a complaint if the Health Care Complaints Commission decides to investigate the complaint. This is also helpful in protecting the patient. The difficultly arises with vexatious complaints.

The legislation review committee also raised concerns about such a notification affecting either the privacy or reputation of a health service provider. To balance that concern the new section requires the Health Care Complaints Commission to notify employers following the making of a complaint against a health practitioner if the Health Care Complaints Commission considers it necessary in order to assess the complaint effectively, or to protect the health or safety of the public. This is middle ground and if properly employed should protect both patients and staff. It will remain to be seen if the staff will be protected. Members should be aware that even being investigated by the Health Care Complaints is a life and career changing experience for any health professional. Practitioners take their jobs very seriously, and investigations are risky to their mental health, professional standing and livelihood.

While patient safety is vital, protecting practitioners from vexatious complaints is also very important. The mandatory requirement will become discretionary if it appears to the Health Care Complaints Commission that notification places the complainant or another person at risk of intimidation or unreasonably prejudices the employment of a health provider. It will provide extra protection for staff. New section 90B dealing with the power of the director of proceedings was not related to the recommendations of the joint parliamentary committee, but is a necessary change. After a complaint has been investigated, the Health Care Complaints Commission can refer a complaint to the director of proceedings who decides whether to prosecute a complaint against a health practitioner before a health professional tribunal.

As it now stands, the director of proceedings has no power to refer the matter back for further investigation if the director determines that further information is required before deciding whether to prosecute that matter. The amendment to section 90B will allow the director of proceedings to refer a matter back to the Health Care Complaints Commission for further investigation if the director cannot determine whether a complaint should be prosecuted or is of the opinion that further evidence is required to enable a prosecution to occur is a worthwhile amendment. Due process must be followed for the staff and any investigation is timely.

Schedule 3 amends the Health Practitioner Regulation (Adoption of National Law) Act 2009. The amendment to section 150D of the national law will mean that the commission is not required to investigate a complaint referred to it if that complaint is already under investigation or has been investigated by the commission. This will reduce duplication of resources. The bill also amends 5C of the national law to allow the Minister, rather than the Governor, to appoint a person as an acting member of the Health Professional Councils Authority, which will streamline appointment of acting members at short notice; for example, if there is illness and a member becomes unwell. Schedule 4 amends the Health Services Act 1997. This will mean that staff of the New South Wales Health Service can be suspended from duty without a salary in limited circumstances under new section 120A.

The bill limits those circumstances to where an employee has been charged with a serious criminal offence punishable by imprisonment for five years or more, or where a staff member who is a registered health practitioner cannot practice due to licence suspension or has conditions imposed on his or her practice that in the opinion—I repeat opinion—of the director general are inconsistent with the terms of employment. This is an example of the devil being in the detail. On the surface this appears to be a very high bar, but there are significant loopholes that can affect the protection of staff and it is important that this amendment is looked at carefully. The financial consequences of such a suspension may be devastating if that person is undertaking legal action to clear his or her name. This concern was noted by the Legislative Review Committee on page 8 of digest No. 33, which states:

> The committee notes that suspension of a staffer without pay would likely seriously affect his or her livelihood. This would be particularly problematic if the misconduct or serious criminal charges laid against the staffer were later withdrawn, or if the staffer was otherwise exonerated.
>
> Although the staffer is to be paid the salary withheld in these circumstances, the committee still notes the financial and emotional stresses likely placed on the individual during which his or her salary is being withheld.

Those people charged with a criminal offence are still innocent until proven guilty. Those whose licence is suspended may, in fact, not be fully prevented from clinical practice. For example, there may be conditions

placed on their practice for close supervision plus or minus medical treatment and if those conditions are met that would allow them to obtain the extra training or health care they require to continue practice. Concerns have been raised by many stakeholders that suspension without pay may become the easy way out for a local health district. Even the threat of suspension without pay may discourage staff from using means available to them to clear their name and continue practice. I ask the Minister to guarantee such money as is owing to a staff member who is exonerated must be paid and his or her entitlements restored. As the legislation reads, it may be that the director general may still have discretion to withhold pay where a staff member is exonerated.

I ask the Minister in reply to guarantee that a person who is exonerated will have his or her money paid and entitlements restored. I also ask that such a decision of the director general to suspend an employee must not be delegated; for example, to the chief executive of a local health district. The employee should at the very least have the opportunity to make a written request to the director general prior to any final decision to suspend the employee without pay, setting out any extenuating circumstances and what other feasible alternatives exist to enable that worker to remain in the workplace, perhaps in another clinical setting, and accordingly still be able to earn a living. I turn to the comments by the NSW Nurses and Midwives' Association in a letter of 31 August 2011 from Brett Holmes addressed to Dr Mary Foley, Director-General of the NSW of Health, containing the reference 11/1087. Under "General Comments" the association says:

> Our main concerns with the draft policy will be addressed in more detail in the attachment to this letter. However, we make the following general points:
>
> - Employees under investigation should be afforded procedural fairness at every stage of the process;
>
> - We disagree with the proposal to suspend employees without pay and believe it is a fundamental breach of the presumption of innocence, cannot be justified and is completely punitive;

When this legislation was raised, I spoke to Brett Holmes.I will read his email of 20 March this year addressed to me and Dr John Kay:

> Dear Andrew and John,
>
> The NSWNMA was engaged in discussions in July last year about the Managing Potential Misconduct Policy; the proposed policy was impeded by the lack of legal authority to stand down without pay which is obviously the link to the current proposed amendments. We put submissions in against the proposal about standing down without pay and were just as concerned with the proposal to prevent any stood down person from accessing leave entitlements! This would mean that it was immediate punishment without being proved guilty and is outrageous. We have been invited to a meeting at the MOH next week—

Which is this week—

> to discuss that so I expect they will be telling the unions that they have their legislation and will be pushing ahead with the new policy. I have attached our submission to the policy review and our cover letter.
>
> We oppose the standing down without pay. Our submission at 3.4.2 and 3.4.3 addresses our arguments.
>
> We have not had consultation with the Minister's office about the legislation just her Ministry of Health officers in July.
>
> Regards
> Brett

I will also read on to *Hansard* the following from the submission of the NSW Nurses and Midwives' Association dated 31 August 2011, which sets out the policy and the association's comments on that policy:

> **3.4.2 Suspension from duty**
>
> Suspension from duty is a risk management strategy **of last resort** and is only to be considered where:
>
> - A sound, documented risk assessment has been conducted, and …
>   The potential risk … is significant, and
> - The potential risk … cannot be managed in any other manner.
>
> **COMMENTS**
>
> The Association agrees that suspension from duty should be a risk management strategy of last resort and should only be implemented on the basis of a sound, documented risk assessment. However, in reality it is the Association's experience that suspension from duty is often implemented on spurious grounds and in cases where the allegations taken at their highest are not serious enough to justify suspension from duty. In our view employees suspended from duty and/or their representatives should be provided with a copy of the risk assessment and allowed an avenue of appeal against the suspension.

I hope the Minister will reply to the association's concerns. I move on to paragraph 3.4.2.2 of the policy, entitled "Suspension without pay". The draft policy is noted as follows:

> Suspending a staff member from duty without pay is only to be considered in the following limited circumstances and if the general conditions listed at 3.4.2. apply:
>
> 1) Where the staff member has been charged with a serious criminal offence …
>
> 2) Where a staff member has entered a guilty plea, or stated an intention to enter a guilty plea …

I note that the limited circumstance of a guilty plea set out in paragraph (2) regarding the draft policy 3.4.2.2. on suspension without pay, seems to have been removed from the bill. The comments of the NSW Nurses and Midwives' Association on that draft policy were:

> The Association completely opposes the move to suspend employees charged with a criminal offence without pay. In our view suspension without pay constitutes a fundamental breach of the principle that a person is presumed innocent until proven guilty. It cannot be justified on risk management grounds and is therefore completely punitive in nature and would cause serious financial hardship to employees and, where applicable, their families.
>
> The draft policy acknowledges that suspension without pay may cause serious financial hardship to a staff member and their family and states that *consideration should be given to allowing the staff member to access any accrued paid leave entitlements … during suspension without pay.*

The leave entitlements issue does not appear to have been mentioned in the bill, and that is the basis for the Opposition's amendment. The comments of the NSW Nurses and Midwives' Association continue:

> In our view suspension without pay cannot be justified in these circumstances and to withhold from staff members leave entitlements already accrued is even less justified.

I received this email from Gerard Hayes of the Health Services Union:

> Hello Andrew,
>
> With respect to the above mentioned bill the HSU offers the following view; Clearly the government intends to place more pressure on health workers by extending the ability to suspend employees without pay pending any enquiry or investigation.
>
> The bill refers to matters of a serious nature or an offence attracting five years imprisonment.
>
> Clearly this bill has the potential to apply a penalty prior to any form of due process or natural justice. Furthermore, the bill provides the ability to promote personal hardship ahead of process driven outcomes irrespective if those outcomes are made on the balance of probabilities or beyond reasonable doubt.

For those reasons, I foreshadow that the Opposition will move amendments to the bill. These amendments will enable staff to access their previously earned leave entitlements once they have been suspended. They have done the work, and they have accrued the leave. This is an entitlement. I note that the bill does not appear to mention entitlements; it mentions only salary payable. This needs to be clarified by the Opposition amendments and also by the Minister in his reply to this debate. The amendments will allow these workers to feed their families, to access medical treatment that they may need to protect their health and safety, and if possible to return to the workplace; but also to pay their mortgage or rent while the due process that is required for patient safety and fair treatment of the staff occurs.

To deny these previously earned entitlements while undergoing investigation, a process that may and usually does take many months, is a denial of natural justice. I note that these entitlements will usually be paid out even if that person is later terminated; so these Opposition amendments represent no net loss to the taxpayer. I urge all members to look carefully at the amendments. They protect patient safety, but they also protect the rights of the staff regarding due process. This is good for patients and good for staff. The amendments clarify the bill. I move to schedule 5 to the bill. Schedule 5 amends the Mental Health Act 2007, because concerns have been raised that the Mental Health Act may not apply to forensic patients. I note that the shadow Minister for Mental Health is in the Chamber. The shadow Minister will address the mental health schedules in some greater detail. But for the benefit of those in the House, a forensic patient is one who has committed a crime but who is unfit to plead as a result of mental incapacity.

If the condition of these patients improves they may have some community release; but whether they can then be treated as an involuntary patient is unclear. For this reason the amendments to the Act are designed to clarify the lines of responsibility for notification about the circumstances surrounding that person's care, and therefore are important and useful. Schedule 6 amends the Mental Health (Forensic Provisions) Act 1990 in a

similar vein. Currently, if the Mental Health Review Tribunal is proposing to release a forensic patient but is also considering imposing a community treatment order, the tribunal must hold two hearings: one in respect of the release order under the Mental Health (Forensic Provisions) Act and one in respect of the community treatment order under the Mental Health Act.

The amendments to section 67 will make it easier for the tribunal to consider and make community treatment orders with respect to forensic patients. The bill amends section 77A of the Act to ensure that the court or the tribunal can suspend the operation of an order if an appeal is made on a question of law or fact. This is an important bill and, for the most part, it is sensible and moderate legislation. With the exception of the proposed Opposition amendments, the Opposition will not oppose the bill. I urge the Government to adopt the Opposition amendments because they will improve the bill and protect patients' safety while also protecting the welfare of the staff who work for the Minister.

Mr ANDREW CONSTANCE (Bega—Minister for Ageing, and Minister for Disability Services) [4.40 p.m.]: I thank the Minister for Health for introducing this important legislation, the Health Legislation Amendment Bill 2013. I speak as the member for Bega and someone who had to endure patients in my electorate coming to me following their experiences at the hands of Graeme Reeves—who has now been found guilty of aggravated indecent assault—a man who can never be described as a doctor, a man who was nothing but an absolute disgrace to humanity, because of what he did and the pain that he inflicted on hundreds of people in this State.

I reference Graeme Reeves because my community looks at legislation such as this and applies the simple test as to whether it improves complaints handling relating to the provision of medical services and also whether it addresses the lack of confidence in complaints handling that has been in place now for many years in my local community due to the actions of the Health Care Complaints Commission. This bill makes changes to the Health Administration Act 1982, the Health Care Complaints Act 1993, the Health Practitioner Regulation National Law, the Health Services Act 1997, the Mental Health Act 2007 and the Mental Health (Forensic Provisions) Act 1990.

Whilst many of the changes are aimed at tidying up and clarifying existing provisions, I know that a number of people who were victims of Reeves will look at this legislation in the hope that some of the provisions within it strengthen the functions of the Health Care Complaints Commission. It must be remembered that from 1990 to 2007 the commission received 24 complaints about Graeme Reeves and in the period around 2006 the commission refused to investigate any of the matters, on the basis that the doctor had been deregistered. The bill contains a number of amendments to the Health Care Complaints Act that will strengthen the functions of the Health Care Complaints Commission. Whilst these amendments have not come about as a result of what occurred in relation to Graeme Reeves, their application is pertinent in terms of the test applied by the community relating to its confidence in the operation of the commission and whether that confidence is improved.

Section 8 allows the commission to initiate an own motion complaint and thereby undertake an own motion investigation. I know that for many of the victims of Reeves the nature of the crime that was inflicted on them will never be tested in court because, although information was provided directly to me by those victims and was referred to the task force and investigated, those individuals wanted to remain anonymous. Section 8 is important because it means that people will be able to make an anonymous reference to the commission and it will empower the commission to undertake an investigation. That is important when the matters being investigated, as in the case of Reeves, are issues around genital mutilation.

The bill contains other amendments that also very much strengthen the functions of the Health Care Complaints Commission. I particularly acknowledge the insertion of section 3A (5B) relating to principles. A number of those principles are very, very important to the community, certainly to my community, because enormous confidence was lost in the commission as a result of what happened in the Reeves case. For many families that confidence will never, ever be restored given what occurred. Reeves has had his sentence extended in recent times through the Court of Criminal Appeal, but in light of what he did and even taking into account the successful appeal to have his sentence extended, I do not consider that the sentence fits the crime. This man is a criminal. It galls me when I read media reports that still describe him as a doctor. I acknowledge that the Opposition is supporting these amendments. Any efforts to strengthen the Health Care Complaints Commission are fundamentally and critically important.

I know there are people in the community who know full well what happened in the case of Graeme Reeves and that there is an enormous amount of evidence still to come out. The role played by the Health Care

Complaints Commission during that period requires greater openness and transparency, and I am very pleased that the Minister for Police and the O'Farrell Government are ensuring that that happens. What the Health Care Complaints Commission did and what it did not do a number of years ago has had a profound impact on the victims of Graeme Reeves. Carolyn DeWaegeneire, who was a victim of Graeme Reeves, was the brave individual who brought justice to this criminal. She has a lot more to say in relation to the way in which the health service, the Government and the Health Care Complaints Commission—which was the supposed appropriate complaints investigative body—acted in this matter. She also has some very strong views in relation to insurers and the medical profession itself, which in some circumstances insulated Graeme Reeves.

The simple test for this bill is whether it improves public confidence of my community in the Health Care Complaints Commission. I know that for many people this sorry state of affairs in New South Wales medical history will never be forgotten, because here was a doctor who was deregistered but who was hired to practise. No-one checked the referees in his application for employment, no-one checked whether the doctor was registered and crimes were committed—some of the most horrendous crimes. The fact that this bill very much strengthens the role of the Health Care Complaints Commission is to be commended. We will not hear the last of Graeme Reeves, because I know that Carolyn DeWaegeneire has every intention of continuing to expose all individuals concerned in her case. As the local member I will do everything in my power to assist her in exposing what occurred.

Considering that there was a volume of complaints, the Health Care Complaints Commission will never be forgiven for what occurred during that period. In 2006 it said that the doctor had been deregistered and it was not willing to investigate, yet in 2008 it changed its mind in that regard. It is important that everything be done to strengthen the provisions concerning the commission to make it more accountable and open as set out in the principles. For instance, principle (b) states that the decision-making process should be open, clear and understandable for clients and health service providers. That principle is important and it should have been put into the legislation a long time ago. It would have gone a long way in the Graeme Reeves matter. I thank the Minister for Health for her work to strengthen community confidence in the Health Care Complaints Commission. Unfortunately, as a result of what happened in the early 1990s under the Labor Government my community will never have that confidence. I commend the bill to the House.

[*Business interrupted*.]

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Divisions and Quorums

Motion by Mr Brad Hazzard agreed to:

That standing and sessional orders be suspended to provide that from 6.30 p.m. until the rising of the House no divisions or quorums be called.

HEALTH LEGISLATION AMENDMENT BILL 2013

Second Reading

[*Business resumed*.]

Mrs BARBARA PERRY (Auburn) [4.51 p.m.]: The Health Legislation Amendment Bill 2013 is a type of omnibus bill. I concur with the substantial matters raised by the shadow Minister for Health, the member for Liverpool. The objects of the bill are to make miscellaneous amendments to various Acts relating to health and associated matters. The member for Macquarie Fields addressed the Opposition's substantial issues of concern with the bill. I will focus on the aspects of the bill that deal with mental health. The member for Macquarie Fields effectively outlined and summarised the amendments that are being sought under the mental Health Act and the Mental Health (Forensic Provisions) Act.

Schedules 5 and 6 may contain minor changes but, given the nature of the changes sought, I suspect that they came about at the behest of the Mental Health Review Tribunal. If that is the case they will clarify and provide certainty in relation to some matters. Schedule 5 amends the Mental Health Act to make it clear that a correctional mental health patient who is reclassified as an involuntary patient is considered as an involuntary patient for the purposes of the Mental Health Act 2007. The Minister said in her second reading speech said that concerns were raised that the Mental Health Act did not apply to forensic patients. The insertion of the new

section 76HA puts paid to that and makes it clear that the Mental Health Act does apply to those patients. In addition, schedule 6 amends the Mental Health (Forensic Provisions) Act to clarify the circumstances under which a person ceases to be a forensic patient under the Act. The shadow Minister for Health covered that. The Minister also clearly referred to the objectives and reasons those provisions have been inserted under schedule 6.

I note that a broad review of the Mental Health Act is currently being undertaken. That seems to be a substantially larger review than the standard five-year review. That is important. I make the comment publicly that there must be bipartisan work on that and I ask the Minister for Mental Health to ensure that happens. Sadly, mental health has somewhat gone off the national agenda. Under former Premier Morris Iemma this State was at the forefront of ensuring that mental health was a key issue in the minds of the Australian community and the Howard Federal Government. It has now gone off the agenda at the State and national levels. I note that Patrick McGorry has made similar comments, which I think I read in the *Australian* not long ago. I agree with him that if we take our eye off the ball mental health will go backwards. There is still much more work to be done on mental health.

I am proud of some of the achievements of the former Government in this area. I am proud that the former Government introduced amendments to the Mental Health (Forensic Provisions) Act that provided significant reforms in forensic mental health in this State. It is clear that those provisions are working well, given that this bill contains only minor changes to that legislation. In fact, the changes that the former Government brought in overhauled a law that had been place since the eighteenth century. As a result of the amendments by the former Government decisions relating to the care, treatment and release of forensic patients are now made by a specialist forensic division of the Mental Health Review Tribunal. That took away the decision-making role of the executive—the Ministers for mental health or health. It is good to see that the legislation has stood the test of time. It is important to acknowledge that.

Similarly, in the mental health arena of the criminal justice system the opening of the Forensic Hospital at Malabar was another notable achievement of the former Government. I was lucky enough to attend the opening of that facility. That has made a big difference to the treatment of forensic patients in this State. Importantly and significantly, it also treats young people. The mental health component of this bill contains sensible amendments. Nevertheless, I share the concerns of the shadow Minister for Health in relation to the substantial matters that he raised.

Mrs ROZA SAGE (Blue Mountains) [4.58 p.m.]: It is with pleasure that I join in debate on the Health Legislation Amendment Bill 2013, which will make various amendments to the Health Care Complaints Act 1993, the Health Services Act 1997, the Health Administration Act 1982, the Health Practitioner Regulation National Law (New South Wales), the Mental Health Act 2007 and the Mental Health (Forensic Provisions) Act 1990. The bill also has some small amendments, but they will have very profound effects. I congratulate the Minister for Health, and Minister for Medical Research on introducing the bill. I acknowledge at the outset that some of the amendments reflect recommendations made by members of the previous Joint Standing Committee on the Health Care Complaints Commission. As a member of the current Joint Standing Committee on the Health Care Complaints Commission I strongly support the amendments that will enhance and strengthen the operations of the Health Care Complaints Commission. In particular, the amendment to section 7 (1) (b) to insert ", or is likely to affect," will change the legislation to read:

> **What can a complaint be made about?**
>
> (1) A complaint may be made under this Act concerning …
>
> (b) a health service which affects, or is likely to affect, the clinical management or care of an individual client.

The commission has received complaints against the Australian Vaccination Network [AVN], including one relating to the parents of a four-week-old child who died of whooping cough, alleging that the Australian Vaccination Network provided inaccurate and misleading information about vaccination. This is an issue that the current parliamentary committee is concerned about. It is pleased that this amendment is being made. The Australian Vaccination Network website presents a highly sceptical view of vaccination, which could be interpreted as an anti-vaccination message. But at first glance its name would imply the exact opposite. The commission investigated and made a recommendation that the Australian Vaccination Network should publish a public statement on its website that, in essence, it provides information against vaccination. The network failed to do so and the Health Care Complaints Commission issued a public warning against Australian Vaccination Network.

The Australian Vaccination Network challenged the recommendation in the Supreme Court and won the case against the commission. The challenge was based on the argument that the commission did not have jurisdiction to conduct an investigation because a valid complaint had not been made. It was argued that a complaint cannot be made against a health service provider unless the complaint alleges that the health service provider affects the clinical management or care of an individual client. Basically this implies that if people take the health provider's advice, even if it is published on the internet, they cannot be responsible for the individual's medical outcome.

Such a limitation on the Health Care Complaints Commission's jurisdiction is fundamentally problematic as complaints cannot be made and the commission cannot investigate matters proactively when there are reasonable grounds to allege that a health service has the potential to affect the clinical management or care of an identified client. Rather the commission will be required to wait for such risks to actually materialise. This is not in the best interest of public health. How many times have members searched the internet and made their own judgements on what they have read? Internet advice was an issue in this case.

Adding the words to "is likely to affect" to section 7 will enable the commission to legitimately investigate a complaint. In the light of the actions of the Australian Vaccination Network I emphasise the importance of vaccination. It is one of the most effective and cost-efficient measures to prevent disease. Gone are the days, not so long ago, when cemeteries were full of children who had succumbed to measles, tetanus, diphtheria and whooping cough. Polio, which was known as infantile paralysis, was commonplace and many decades later we are now seeing a post-polio syndrome in the elderly who had contracted polio as children but survived.

Another big killer was smallpox. Rubella, or German measles, can cause blindness in a foetus in the first trimester of pregnancy. All those diseases are now uncommon in Australia due to immunisation programs. Immunisation programs that have been introduced over the past 70 years have resulted in significant reductions of infectious diseases. Recently new vaccines against chicken pox, pneumonia, meningococcal disease and cervical cancer have been developed and administered. Even very recently there has been discussion among medical circles of vaccinating pregnant women for whooping cough to give newborn babies added immunity until they are old enough to be immunised. Anti-vaccination groups actively discourage immunisation and promote fear among young parents. Their data is based on pseudo-science and cherry picking legitimate science.

The latest ploy is to link the measles vaccine to autism, which is a discredited link. That is absolutely disgraceful. NSW Health has a comprehensive system of surveillance for adverse events to ensure the safety of the immunisation program. I was very pleased that the Commissioner for Fair Trading issued a direction that the Australian Vaccination Network change its name. The public has the right not to be deceived when it comes to vital health information. Additional amendments to section 8 of the Health Care Complaints Act include allowing the commission to initiate complaints. The application of the amendment was very poignantly explained by the Minister for Ageing, and Minister for Disability Services, the member for Bega, who preceded me in this debate. The amendment is designed to address similar situations to the Graeme Reeves fiasco on the South Coast. This amendment also is based on a recommendation of the previous parliamentary committee.

An own motion investigative power will ensure that the Health Care Complaints Commission will not be prevented from carrying out an investigation about a serious matter, of which the Health Care Complaints Commission is aware, purely on the basis that another person has not made a complaint. The safeguards applying to amendment are that the subject of complaint made by the commission raises a significant issue of public health or safety, raises a significant question regarding a health service that affects, or is likely to affect, the clinical management or care of an individual, or if substantiated would provide grounds for disciplinary action against a health practitioner, or involves gross negligence. This amendment will strengthen the role of the Health Care Complaints Commission and will ensure that when the commission is aware of a matter affecting the health or safety of patients, or of the public in general, the commission will not have to wait for a complaint to come to the commission but proactively will be able to investigate a complaint.

The bill inserts a new section 16A into the Health Care Complaints Act that gives notice of the making of a complaint to the current employer of the health practitioner in only the limited circumstance in which the Health Care Complaints Commission considers that giving the notice is necessary to assess the matter effectively or to protect the health or safety of the public. There have been so many incidents involving obstetricians in New South Wales and Queensland that one can only think that a provision similar to new section 16A may have prevented some of the issues from having arisen. One can only speculate on whether that may have helped. However, the commission has a discretion about whether to notify an employer, whether

notifying the employer will place the complainant or another person at risk of intimidation, harassment, or will unreasonably prejudice the practitioner. Once a complaint has been assessed the provision of this bill will make it mandatory for the commission to notify parties to the complaint and additionally give reasons for the decision.

Currently the procedure is somewhat ad hoc. This provision will ensure that both parties to a complaint will receive reasons that have led to the commission's decision. Section 90B of the Health Care Complaints Act at present does not allow the director of proceedings to review completed investigations to determine whether they should be prosecuted before a health professional tribunal, or whether the director's review identifies the need for further information or evidence. The bill amends section 90B of the Act to allow the director of proceedings to formally refer complaints back to the commission for investigation when further information is required, and provides for reactivation of the investigative powers of the commission. The provision will be a very handy tool for the commission when it progressively receives complaints regarding a practitioner or a service that already has been investigated. This provision will enable the commission to add the new complaints and reopen the investigation. The amendments I have discussed and other amendments will allow for smoother running of the Health Care Complaints Commission. I commend this bill to the House.

Mr GUY ZANGARI (Fairfield) [5.07 p.m.]: I join in debate on the Health Legislation Amendment Bill 2013 and note that the purpose of the bill is to implement changes to a number of Acts that regulate the health system of New South Wales. I also note this bill is part of a series of bills that seek to update laws regulating health and health-related issues in New South Wales. I now turn to a number of the proposed amendments in the legislation. The bill proposes amendments to the Health Care Complaints Act 1993. The Health Care Complaints Act established the Health Care Complaints Commission. The commission is an independent body that is charged with receiving and assessing complaints relating to health services and health services providers in New South Wales.

The commission investigates and assesses the seriousness of offences described in a complaint. The commission prosecutes the complaints that are deemed serious and resolves or oversees the resolution of the complaints. Schedule 2 seeks to alter the original provisions of the Health Care Complaints Commission to give the commission the power to initiate investigations on its own accord without the need of a complaint being made. Item 3 of schedule 2 clarifies or limits the circumstances upon which the commission is able to initiate investigations, without the need for a complaint to trigger the process.

The circumstances include situations or scenarios that involve significant public health and safety issues; questions about a health service provision that are likely to affect the care of an individual; or complaints, if investigated, that would provide grounds for disciplinary action against a practitioner or may lead to a finding that the practitioner has breached the Public Health Act 2010. I understand that the amendment is in response to the New South Wales Supreme Court decision in *Australian Vaccination Network Inc. v Health Care Complaints Commission* delivered in 2012. This matter was brought before the courts by the Australian Vaccination Network Incorporated, which argued that the commission does not have the power to initiate investigations without receiving a complaint from an individual.

The Supreme Court held that the scope of the Health Care Complaints Commission to investigate a complaint is limited to circumstances where the health service in question affects the actual clinical management or care of an individual client. The Supreme Court found that the Health Care Complaints Commission did not have authority to investigate matters of a broader policy-based nature with the potential or likelihood of a health service provision to adversely affect public health. In effect, this amendment seeks to prevent the operations of the Health Care Complaints Commission being narrowed to a proscriptive function, with the power only to reprimand health service practitioners for contraventions of health-related legislation. It seeks to confer upon the commission the power to provide pre-emptive responses to health-related issues.

This legislation also seeks to implement a broad set of principles to guide the workings of the Health Care Complaints Commission. Item [4] of schedule 2 will require the Health Care Complaints Commission to provide written notice of a complaint to the employer of the health practitioner subject to a complaint. This includes providing details such as the name of the complainant and the nature of the complaint, if—and apparently only if—the commissioner is of the belief, based on reasonable grounds, that the giving of the notice is necessary to effectively assess the matter of the complaint or if the health and safety of the public or a member of the public is at stake. This is a somewhat delicate provision. Divulging the identity of the complainant may act as a disincentive for members of the community to come forward and make a complaint to the commission. However, the Government seems to be of the view that the health and safety test in the provision would provide a high threshold that will have to be met before the particulars of the complaint are provided to the employer of the health service practitioner in question.

The bill also seeks to amend the Health Services Act 1997. The Health Services Act regulates the public health system in New South Wales. Schedule 4 to this legislation seeks to amend the Health Services Act 1997 to confer upon the director general of the health department the power to stand down employees without pay if they are charged with a serious criminal offence or if their licence to practise is lost. However, the bill needs to clarify whether the employees who are terminated will still be paid the entitlements that they are owed up to the time their employment is terminated. I note that this bill seeks to limit such a power upon the director general to very limited circumstances. I also note that it reflects a similar capacity, in certain circumstances, of suspension without pay which occurs in the broader public sector—specifically provisions contained in section 49 of the Public Sector Employment and Management Act 2002. However, given that this power has never been enshrined in health-specific legislation, it is important that this provision is given proper analysis to understand how its implementation may affect the provision of health services in New South Wales.

I now turn to schedule 3 to the bill. Schedule 3 seeks to amend the Health Practitioner Regulation (Adoption of National Law) Act 2009. This Act implements the Health Practitioner Regulation National Law in New South Wales. Item [1] of schedule 3 provides that the Health Care Complaints Commission will not be required to investigate a complaint referred to the commission by a health profession council if the matter that is the subject of the complaint is being or has already been investigated as part of another complaint to the commission. This amendment seeks to eliminate the duplication of investigations, when a particular complaint is a repetition of current or previous investigations or is an element of another complaint already before or determined by the commission. I note that this bill also seeks to amend various provisions in the Mental Health Act 2007 and Mental Health (Forensic Provisions) Act 1990. I do not oppose the bill.

Mrs LESLIE WILLIAMS (Port Macquarie) [5.14 p.m.]: I also contribute to the debate on the Health Legislation Amendment Bill 2013. The bill makes amendments to a number of Acts, including the Health Services Act 1997, the Health Administration Act 1982, the Health Practitioner Regulation National Law (New South Wales), the Mental Health Act 2007 and the Mental Health (Forensic Provision) Act 1990. It also makes a number of what I consider significant and very sensible amendments to the Heath Care Complaints Act 1993. As the current chairman of the joint parliamentary Committee on the Health Care Complaints Commission, it is this part of the bill that will be the focus of much of my contribution today.

The bill proposes to make a number of amendments arising from recommendations made by the joint parliamentary Committee on the Health Care Complaints Commission in its final report of June 2010 following an inquiry into the operation of the Health Care Complaints Act 1993. I take this opportunity to acknowledge the members of the previous committee under the chairmanship of the Hon. Helen Westwood, including the deputy chair, the former member for Hornsby, Mrs Judy Hopwood, and committee members the Hon. Nathan Rees, Reverend the Hon. Fred Nile, the Hon. David Clarke and former members the Hon. Kerry Hickey and Mr Matthew Brown.

This report by the joint committee made a number of recommendations concerning proposed amendments to the Health Care Complaints Act and the operations of the Health Care Complaints Commission. It should be noted that the previous Government provided a formal response to the report in late 2010 but since then we have seen a change of government. Whilst the response has been reconsidered, it is generally supportive of the recommendations made in the report. Consequently, the bill before the House proposes to enact a range of legislative amendments to support a number of the recommendations.

The change of government in March 2011 also meant a new joint parliamentary Committee on the Health Care Complaints Commission was appointed. I acknowledge the new members who have now been assigned to the committee, including my deputy chair, the member for Blue Mountains, Mrs Roza Sage, the member for Smithfield, Mr Andrew Rohan, the member for Macquarie Fields, Dr Andrew McDonald, and from the other place the Hon. Catherine Cusack, the Hon. Paul Green and the Hon. Helen Westwood. In October 2011, this committee wrote to the Minister for Health to endorse the recommendations of the previous committee noting that some of the proposed amendments to the Act were relatively minor while others were more complex and at the same time welcoming the Government's commitment to strengthening the role and function of the commission.

The committee further corresponded with the Minister regarding the jurisdiction of the Health Care Complaints Commission to deal with complaints against healthcare organisations following the Supreme Court decision in *Australian Vaccination Network Inc. v Health Care Complaints Commission*, 2012 New South Wales SC 110. I will refer to this case later. One of the recommendations made by the previous joint parliamentary Committee on the Health Care Complaints Commission was that the Act should be amended to

include a new provision setting out the principles that should guide the work of the Health Care Complaints Commission. Recommendation 1 of the final report into the operation of the Health Care Complaints Act 1993 suggested that the Health Care Complaints Act 1993 be amended by adding a new section 3A in the following terms:

> The exercise of roles under this Act by the Commission and the related Government agencies shall be governed by the following principles:
>
> **Accountability:** Decision-making authorities must be accountable to the New South Wales community in carrying out their statutory functions.
>
> **Transparency:** Decision-making processes should be open, clear and understandable for both the consumers and the professions.
>
> **Fairness:** Decision-making authorities should maintain an acceptable balance between protecting the rights and interests of patients and those of the practitioners.
>
> **Effectiveness:** The regulatory system should be effective in protecting the public from harm and supporting and fostering equity of access and the provision of high-quality care.
>
> **Efficiency:** The resources expended and the administrative burden imposed by the regulatory system must be justified in terms of the benefits to the New South Wales community.
>
> **Flexibility:** The regulatory system should be well equipped to respond to emerging challenges in a timely manner, as the health care system evolves and the roles and functions of health professionals change.

The Liberal-Nationals Government supports this recommendation and has implemented the recommendation via the inclusion of section 3A in the Health Care Complaints Act. New section 3A will require the Health Care Complaints Commission to have regard to a range of principles in carrying out its functions under the Act. These underlying principles are that the Health Care Complaints Commission and other government agencies are to be accountable to the New South Wales community; decision-making processes should be open, clear and understandable; an acceptable balance should be maintained between protecting the rights and interests of clients and health service providers; and processes are to be effective in protecting the public from harm, they must strive to improve the efficiency of the administration of those functions so as to benefit the New South Wales community and they are to be flexible and responsive as the health care system evolves and changes.

Whilst it is acknowledged that the Health Care Complaints Commission largely operates in accordance with these principles, it is important that they be clearly articulated and formalised for the benefit of clients, health practitioners and the wider community. I shall speak briefly about the amendments to the Health Care Complaints Act following the Supreme Court decision in *Australian Vaccination Network Inc. v Health Care Complaints Commission*. The Australian Vaccination Network has been the topic of much discussion during meetings of the current joint parliamentary Committee on the Health Care Complaints Commission. It publishes a website that is highly sceptical of the benefits of vaccination. On a personal level, I, as a registered nurse prior to entering Parliament and a mother, have serious concerns about this anti-vaccination message, which puts our children and the wider public at risk. Complaints during 2009 and 2010 alleged that the Australian Vaccination Network engaged in misleading and deceptive conduct in attempting to persuade people not to vaccinate their children.

Following these complaints, the Health Care Complaints Commission recommended that the Australian Vaccination Network publish a disclaimer on its website. When the Australian Vaccination Network failed to do so the Health Care Complaints Commission issued a public warning. The Australian Vaccination Network then challenged the Health Care Complaints Commission's investigation and public warning in the Supreme Court. Under section 7 of the current legislation the court found a valid complaint had not been made because no individual client whose clinical management or care had been affected by the Australian Vaccination Network had been identified. This limitation on the Health Care Complaints Commission's jurisdiction has led to the proposed amendment of section 7 of the Health Care Complaints Act to make it clear that a complaint can be made against a health service if the health service affects, or is likely to affect, the clinical management or care of an individual client. Consequential amendments are made also to sections 25, 25A and 80 of the Act.

The addition of the words "or is likely to affect" is in the public interest by providing appropriate protection because it will ensure that the Health Care Complaints Commission can proactively respond to complaints against a health service that has the potential to pose risks to clients without having to wait for such risks to materialise. The final report by the committee in its inquiry on the operation of the Health Care Complaints Act 1993 proposed an amendment to the Act, outlined in recommendation 4, to allow the Health

Care Complaints Commission to conduct its own investigations where such investigations relate to an issue of public interest or safety relating to the functions of the commission. The bill implements this recommendation via the amendment to section 8 of the Health Care Complaints Act.

Additionally, on the recommendation of the committee, the Health Care Complaints Act 1993 will be amended to include the requirement of the Health Care Complaints Commission to provide written reasons for its decision to both the complainant and respondent. The Health Legislation Amendment Bill will require the Health Care Complaints Commission to notify also the employer of a health practitioner upon making a complaint against the health practitioner when it is necessary to assess the matter effectively, or it is in the public interest to do so. In closing, I commend the Minister for acknowledging the recommendations of the joint parliamentary committee through these amendments to the Health Care Complaints Act 1993. I commend this bill to the House.

Mr GREG PIPER (Lake Macquarie) [5.23 p.m.]: I contribute to the debate on the Health Legislation Amendment Bill 2013. It is good to see members here from a health professional background—I note the contribution of the member for Port Macquarie—as they have a particular understanding of the complexity of the health system. I am sure the Minister for Health also has that understanding. I shall speak broadly in support of this bill, which makes some important amendments to streamline the administration of health, including amendments that will give the Health Care Complaints Commission more scope to pursue rogue health providers and organisations peddling misinformation or advocating potentially dangerous practices. While Though I have some reservations about some of the amendments proposed, especially in relation to the provision to suspend health practitioners without pay in some circumstances, overall the bill is good and I congratulate the Minister and her staff on bringing it forward.

The legislative package provides common-sense amendments, and I applaud the proposed changes to the Health Care Complaints Act that will give the Health Care Complaints Commission the authority to investigate matters without a specific complaint needing to be lodged. This addresses an anomaly that was exposed by a successful Supreme Court action against the commission last year brought by the anti-vaccination group that peddles misinformation under the misnomer of the Australian Vaccination Network [AVN]. The Australian Vaccination Network sued the commission for issuing a public warning against it in 2010 and successfully argued that the commission's investigation was invalid because the complaint that led to the investigation came from someone who was not directly harmed through the Australian Vaccination Network's advice. This ruling had the effect of limiting the commission's power to investigate matters of public health and safety to cases in which the clinical management or care of an individual client had been compromised—in other words, where a specific complaint had been made by a person adversely affected.

The amendment put forward by the Government will ensure that the Health Care Complaints Commission has the power to initiate investigations. This appears to be in line with the intention of the original legislation under which the commission was established. I note the Minister for Ageing and Disability Services and member for Bega referred to the very raw story of the grievous crimes committed by Dr Graeme Reeves against women within his electorate and region. A systemic failure of such importance may, and should, be able to be reduced or eliminated if the bill's intentions manifest. Another logical amendment is the proposal to formalise the process of providing written notification and reasons to parties involved in an investigation by the Health Care Complaints Commission. Although this largely has been the practice, it is important that this process is enshrined in the legislation. It makes sense also, and indeed provides procedural fairness, to allow the commission to notify the employer of a health practitioner under investigation of any inquiry if that notification is required to assist the investigation or will better protect the health and safety of the public.

This is a discretionary power and past experience suggests that it would not be widely used. Provided that power is employed sparingly, it would appear to be a change that is in the public interest. I am pleased that the Minister has adopted the recommendation of the 2010 joint parliamentary committee to set out the broad principles governing the work of the Health Care Complaints Commission and other relevant agencies. This amendment goes to matters of transparency, accountability and observance of rights. It is important that procedural fairness is observed throughout the processes of complaint investigation and dispute resolution, and that the interests of complainants, those under investigation and the public are served equally. One concerning aspect of this bill is the amendment under schedule 4 to the Health Services Act that will allow staff of the New South Wales Health Service to be suspended without pay in some circumstances. The circumstances include the person being charged with a serious criminal offence or having an interim suspension order placed on their registration.

I understand that the intent is to protect the public from unscrupulous or incompetent medical practitioners and I agree that that is a matter of the highest priority. However, our society also places great emphasis on the principle of presumed innocence until proven guilty. This amendment has the potential to contradict that concept. There is considerable potential for a suspended practitioner and his or her family to be placed under financial pressure during an investigation period—which can be lengthy—perhaps even to the point of losing their home. This is an unreasonable encumbrance on someone when an allegation is still to be proved. The alternative amendment proposed by the Opposition, articulated by the member for Macquarie Fields in leading for the Opposition in this debate, seems a good compromise.

In the vast majority of cases, allowing practitioners to access accrued leave entitlements could spare them the financial burden of suspension without pay while the investigation outcome is pending. However, in cases where a medical practitioner has little or no entitlements to access—perhaps in the case of a relatively junior medical officer—some provision should be made to ensure their circumstances are not unfairly impacted upon while they await the finding of an investigation. I am a little unnerved by the proposed amendment to the Health Administration Act 1982 to allow surplus land held by the Health Administration Corporation to be disposed of with approval from the Minister and for the funds to be redirected to other health capital works projects deemed more suited to the community's healthcare needs.

This amendment, dealing as it does with asset disposal, seems incongruous in the context of a bill that largely addresses administrative matters. It begs speculation as to whether it is being included opportunistically with a particular site or package of land in mind. Any explanation or information that the Minister could provide on that issue would be welcome. I note the amendments in schedules 5 and 6 to the Mental Health Act 2007 and the Mental Health (Forensic Provisions) Act 1990. I have no objection to the intentions of those provisions. They are sensible provisions and make for better use of resources of those charged with making decisions in relation to the care of people under the Mental Health Act. Having noted two aforementioned concerns, I offer my conditional support for this bill and I trust that the Government will deal with suggested amendments from the Opposition in good spirit. The bill is a great step forward and I commend it to the House.

Mr MARK SPEAKMAN (Cronulla) [5.30 p.m.]: I will make a brief contribution to the debate on the Health Legislation Amendment Bill 2013. The bill makes various amendments to the Health Administration Act 1982, the Health Care Complaints Act 1993, the Health Practitioner Regulation (Adoption of National Law) Act 2009, the Health Services Act 1997, the Mental Health Act 2007 and the Mental Health (Forensic Provisions) Act 1990. I will limit my comments to the first four of these Acts. In relation to the amendments to the Health Care Complaints Act, a 2012 Supreme Court decision in *Australian Vaccination Network Inc. v Health Care Complaints Commission* has given rise to a limitation on when the Health Care Complaints Commission can investigate matters that pose a risk to public health or safety. Under the current Act, section 7 details about whom complaints can be made. The list includes health service providers but the recent case found that the Health Care Complaints Commission is able to launch an investigation into a health service only if the complaint demonstrates a direct impact on the care or clinical management of an individual client.

As a consequence, the judgement created concern that some complaints could not be investigated by the Health Care Complaints Commission even where there is a perceived risk to public health or safety, as there must be a link to an individual client's case. The bill addresses this area by amending section 7 of the Act to clarify that complaints can be made against health services if the service affects or is likely to affect the clinical management or care of a client. This will mean the Health Care Complaints Commission will have jurisdiction to investigate cases where there is a perceived risk to the health of clients even if there is no identified client who has been affected. Other amendments to the Health Care Complaints Act align with the recommendations in the 2010 joint parliamentary committee's report entitled "Operation of the Health Care Complaints Act 1993".

The bill amends section 8 of the Act to allow "own motion" investigations, as per the recommendations of the joint parliamentary committee. This will allow for the commissioner of the Health Care Complaints Commission to make a complaint where there is a risk to public health or safety and subsequently investigate that matter. The bill also amends sections 28 and 45 to provide for the commission to distribute written information to parties to the complaint in relation to the outcome of its assessment and investigation of the complaint and the reasons underpinning the commission's decision. A further amendment, unrelated to recommendations of the joint parliamentary committee, relates to the power of the Director of Proceedings. As the Minister noted, there is currently no power for the director to refer back to the commission if further information is required before deciding whether to prosecute a matter before a health professional tribunal. The bill amends section 90B to allow this to occur.

Section 150 of the Health Practitioner Regulation (Adoption of National Law) Act establishes the emergency suspension powers of New South Wales health professional councils with respect to registered health practitioners who are a risk to public health or safety. Section 150 provides that if the emergency power is exercised the complaint must be forwarded to the Health Care Complaints Commission for investigation. This can create an unnecessary burden in cases where a complaint that has already been made and is being or has been investigated by the Health Care Complaints Commission is then referred by a health professional council. The section, therefore, has been amended to limit potential superfluous investigation in circumstances where the matter is already being examined. These amendments ultimately ensure that the Health Care Complaints Commission is afforded the power to work proactively, thoroughly and efficiently in the public interest.

Schedule 4 to the bill will amend the Health Services Act to bring the New South Wales health system into line with other government agencies by allowing for New South Wales health service staff to be suspended from duty without pay in limited circumstances. The bill identifies these circumstances. They include situations where an employee has been charged with a serious crime, where an employee has had his or her registration suspended or where an unregistered employee has had an interim prohibition order placed upon him or her by the Health Care Complaints Commission. These are fair and appropriate changes that minimise risk to the public and ensure that public funds are not being used to pay officers who are subject to criminal investigation and proceedings.

The bill also amends section 11 of the Health Administration Act to allow land held by the Health Administration Corporation to be disposed of irrespective of a Crown grant if the Minister has given approval. That will allow the Health Administration Corporation to dispose of surplus land in order to raise revenue for capital works projects that will benefit the community. In conclusion, the bill is focused on ensuring that health legislation in New South Wales protects the health and safety of the public. I commend the bill to the House.

Ms TANIA MIHAILUK (Bankstown) [5.36 p.m.]: I will make a brief contribution to the debate on the Health Legislation Amendment Bill 2013. I note at the outset that the New South Wales Opposition will not oppose this legislation. I understand the bill is a routine piece of legislation that seeks to make uncontroversial amendments to a number of pieces of legislation within the Health portfolio. I also understand that most of the amendments contained within this bill are the result of the 2010 joint parliamentary committee report entitled "Operation of the Health Care Complaints Act 1993". The Legislation Review Committee reviewed this legislation in this week's Legislation Review Digest No. 4 of 2013.

The committee referred to Parliament whether the bill might raise issues relating to privacy as it allows the sharing of health information with the Health Care Complaints Commission. However, given the overall broader public health concerns of Health Care Complaints Commission issues, as well as the public interest test required before the sharing of such information, the committee made no adverse comment. The committee also referred to Parliament whether provisions within the bill which allow the suspension of individuals without pay in instances where their registration has been cancelled is appropriate. However, given the relative inappropriateness of a staff member being paid a salary from a public body if they are unable to work due to their registration having been cancelled or having committed a criminal offence, the committee made no further comment.

I will briefly consider some of the amendments contained in the bill. Schedule 1 amends the Health Administration Act 1982. The effect of this amendment will be to allow the Health Administration Corporation to sell or reappropriate Crown land. I understand that this function will be equivalent to the same function already carried out by local health districts. Schedule 2 amends the Health Care Complaints Act 1993. The effect of this amendment will be to allow the commissioner to refer a complaint to the commission. This means that the Health Care Complaints Commission will be able to investigate matters without a formal complaint from a member of the public in some circumstances.

The circumstances stipulated in the bill are if there are significant public health and safety issues, where questions exist about a health service that are likely to affect the treatment of an individual client, or in instances where complaints, if true, might form the basis of disciplinary action against a practitioner. Schedule 2 also requires the commissioner to give written notice of the nature of the complaint to the practitioner's employer. The details that must be included are the name of the complainant and the nature of the complaint. Schedule 3 to the bill amends the Health Practitioner Regulation (Adoption of National Law) Act 2009. This amendment is designed to duplicate investigations by State Government entities and Federal Government entities.

The principal Act in this case provided for the Federal registration of health practitioners. I take this opportunity to commend the former State Labor Government and the current Federal Labor Government, which

were responsible for this important legislation. Schedule 4 amends the Health Services Act 1997. This will enable Health NSW's director general to stand down employees without pay in instances where they are charged with a serious criminal offence or if they have lost their registration. The remaining schedules, 5 and 6, relate to involuntary patients, that is mental health patients committed against their will, and forensic patients, that is those that have committed crimes. Both are straightforward amendments intended to clarify existing provisions. I commend the bill to the House.

Ms MELANIE GIBBONS (Menai) [5.41 p.m.]: I support the Health Legislation Amendment Bill 2013. Our New South Wales public health system relies upon strong and consistent legislation to ensure it runs to the best of its ability. This bill includes a variety of amendments that affect the Health Administration Act 1982, the Health Care Complaints Act 1993, the Health Practitioner Regulation National Law (New South Wales), the Health Services Act 1997, the Mental Health Act 2007 and the Mental Health (Forensic Provisions) Act 1990. The Health Care Complaints Commission exists to investigate matters that have put public health or safety at risk. It is important that the commission is given the power to conduct investigations and ensure that complaints are not limited by their ability to act in the public interest.

Currently, the way matters are dealt with within the Health Care Complaints Commission is that a matter is only investigated when a valid complaint has been made. This means the commission is unable to investigate situations where there is a risk to public health or safety but where no complaint has been made. The bill amends the Act to allow a complaint to be made against a health service if the health service affects, or is likely to affect, the clinical management or care of an individual client. This important change means that the Health Care Complaints Commission does not need to wait until someone is put at risk and has made a complaint; it can take the necessary steps to investigate a situation before others are put in harm's way. As they say, prevention is better than cure, so why should the Health Care Complaints Commission have to wait until the damage is done?

Additionally, consistency has been returned to the language used within the Act to ensure that the measures are clear throughout. The Health Care Complaints Commission will also be given the power to conduct own-motion investigations so as to help protect the public. This measure was recommended in a 2010 joint parliamentary committee report entitled "Operation of the Health Care Complaints Act 1993". I am pleased to see that the Government has adopted this particular recommendation. The amendment allows the Commissioner of the Health Care Complaints Commission to make a complaint, and therefore investigate a matter, if the commissioner deems it to be a matter that raises significant concerns for public health or safety, or raises significant questions about a health service that is likely to affect the care of patients or delivery of services.

If the complaint would be likely to result in disciplinary action against a health practitioner or involves gross negligence on the part of the health practitioner, the commissioner will have the power to conduct an investigation into the matter. As I mentioned earlier, by giving the Health Care Complaints Commission the power to act appropriately in certain circumstances, matters of negligence or risk to public health or safety can be avoided or at least minimised. As the peak body for investigating complaints about the public health system, it simply makes sense that this body have the power to proactively initiate its own complaints.

This bill also adds a new section to the Health Care Complaints Act. New section 3A (5B) sets out a range of broad principles to govern the work of the Health Care Complaints Commission and other government agencies responsible for the health care complaints system. This is yet another recommendation from the report that the Government has adopted. This new section sets the tone for those working for those agencies. Some of the principles include the maintaining of an acceptable balance between the rights of clients and the rights of health care providers, efficiency, accountability and flexibility. Those are principles that should be held in high regard.

I turn to the matter of providing written reasons as to why investigations took place and how they were assessed. While it is common practice for written reports to be supplied post investigation, there are no requirements for the reports to be supplied to the parties involved in the complaint. This amendment changes the Act to require that the Health Care Complaints Commission provide written information to the parties involved in the complaint concerning the outcome, investigation and the reasons for the Health Care Complaints Commission decision. This will allow for greater transparency during the complaint investigation process and will ensure that all decisions made are backed up with a written explanation.

One issue that has raised some concern is the matter of informing employers of a pending complaint process. The Health Care Complaints Commission currently only notifies an employer, following the

assessment of a complaint, if the complaint is further investigated. Otherwise, there is no requirement to provide a written response to the employer. Concerns regarding whether early knowledge of a complaint by an employer may negatively affect health practitioners resulted in the creation of a new amendment. The Health Care Complaints Commission will only notify employers following the making of a complaint against a health practitioner if the Health Care Complaints Commission deems it necessary in order to assess the complaint effectively, or if it is in the best interests of public health and safety.

Further measures have been inserted to give greater power to the Director of Proceedings. Section 90B will be amended to allow the Director of Proceedings to refer a matter back to the Health Care Complaints Commission for further investigation if the director cannot determine whether a complaint should be prosecuted, or is of the opinion that further evidence is needed to enable a prosecution to occur. When this Government was elected two years ago today, it made a commitment to cutting out red tape and restoring faith in our systems. Currently, if a matter is already under investigation by the Health Care Complaints Commission and another matter is brought forward, it must go through an additional investigation. To counteract this duplication, an amendment to section 150D of the Health Practitioner Regulation National Law (New South Wales) will no longer require matters already under investigation by the Health Care Complaints Commission to be further investigated.

Another amendment gives the Minister greater power in appointing a person as an acting member of a health professional council. When a member becomes unwell or unfit for the job, the process of appointing a suitable acting member is given to the Governor. To assist in expediting the process and allowing the council in question to continue its responsibilities, the Minister will be able to step in and appoint an acting member. In matters where staff are under investigation, an amendment to the Health Services Act will allow for them to be suspended from duty without pay. However, this option will only be available in limited circumstances.

It is not an option for all investigations, but may be used for those where serious consequences are likely, for example, employees who are charged with a serious criminal offence punishable by imprisonment for five years or more; where a staff member who is a registered health practitioner has had his or her registration suspended or conditions imposed upon it; or is unregistered with an interim prohibition order. In essence, suspension from duty without pay will be applied only to those situations where the individual poses significant risk if he or she were to continue to work while criminal proceedings are underway. This measure is not a new one. In fact, it is already available within other public sector staff employment legislation. This amendment simply brings the Health Services Regulation into line with other sector guidelines.

Minor amendments will also be made to the Health Administration Act 1982 to allow for the sale of surplus lands owned by the Health Administration Corporation. In times of tight budgets and the need to make every dollar count, disposing of unwanted land or land not currently utilised will generate funds that can be better used for other health capital works. This particular amendment will bring consistency to the Health Administration Corporation, which will now have similar provisions under the Health Services Act for land held by local health districts.

Changes have also been made to the Health Administration Act to allow greater flexibility for committee members. Members can serve up to three consecutive terms of four years, but if a chairperson is appointed while in his or her third consecutive term, this often results in a short term as chairperson due to the term expiring during the appointment. This bill extends the term to allow that person to complete a full term as chairperson. This does not extend any other appointments but allows a chairperson in his or her third consecutive term to serve four terms. It is another simple measure to ensure that experience is not lost due to the previous limits of the Act.

I draw attention to amendments to the Mental Health Act and the Mental Health (Forensic Provisions) Act. I am one of the co-convenors of the Parliamentary Friends of Mental Illness and take an interest in matters that affect mental health legislation. As the Minister mentioned in her second reading speech, the Mental Health Act does not currently apply to forensic patients. There has been some concern that forensic patients who are on leave or on conditional release and then become unwell in the community might not be subject to measures within the Mental Health Act to allow them to be scheduled and detained for the benefit of themselves and the community. While there was nothing in the Mental Health Act to support this belief, this important gap has now been addressed in new section 76HA, which clearly states that a forensic patient on leave or release can be detained and scheduled under the Mental Health Act.

Should that person be detained as a civil patient he or she would still be monitored as a forensic patient and would be subject to ongoing care from the Mental Health Review Tribunal. Additionally, the Mental Health

Review Tribunal will no longer need to hold two separate hearings to issue a community treatment order and to consider the release of a patient. This will reduce red tape and ensure the process is dealt with in a timely manner with respect to forensic patients. I am pleased to support the amendments outlined in this bill. We have cut red tape, we have restored consistency and we have given greater powers to the Health Care Complaints Commission and to the Minister for Health. These minor but important changes will improve each one of the health Acts mentioned today. I thank the Minister for Health for bringing this legislation to the House. I commend the bill to the House.

Mr NICK LALICH (Cabramatta) [5.48 p.m.]: I will make a short contribution to the Health Legislation Amendment Bill 2013. The aim of the bill is to amend a number of Acts relating to our health system, and other associated matters. A number of proposed amendments are outlined within the bill. Schedule 1 aims to amend the Health Administration Act 1982 to grant the Health Administration Corporation the power to sell off or reappropriate Crown-grant land in the same manner that local health districts presently have the power to do. Schedule 2 aims to amend the Health Care Complaints Act 1993 to allow the commissioner to raise a complaint with the Health Care Complaints Commission, which would then allow the commission to investigate any matters without receiving any formal complaint from an individual.

This power may be allowed only if there are any significant public health safety issues, where there have been questions about a health service that may have an effect on the care of an individual client, or if there are substantiated complaints that would provide grounds for disciplinary action against a practitioner being found guilty of an offence under the Public Health Act 2010. Item [4] of schedule 2 requires the Health Care Complaints Commission to provide written notice of the matter to the employer of the practitioner who is subject to investigation. Schedule 3 aims to amend the Health Practitioner Regulation (Adoption of National Law) Act 2009 to reduce redundancy by ensuring there are no duplicate investigations taking place. Schedule 4 aims to amend the Health Services Act 1997 to require the director general of the department to stand down an employee without pay should he or she be charged with a serious criminal offence or if his or her licence to practice is lost.

As this is the first time any such power has been granted in this capacity within health-specific legislation, further examination may be required to identify what effect such powers may have in practice. Schedules 5 and 6 aim to make a number of minor changes. The object of schedule 5 is to amend the Mental Health Act 2007 to clarify that a correctional mental health patient who is reclassified as an involuntary patient is to be considered an involuntary patient for the purposes of the Mental Health Act 2007. Schedule 6 aims to amend the Mental Health (Forensic Provisions) Act 1990 to clarify the circumstances in which a person ceases to be a forensic patient under this Act. The Opposition does not oppose the bill.

Mr CHRIS HOLSTEIN (Gosford) [5.53 p.m.]: I speak in support of the Health Legislation Amendment Bill 2013. This bill was introduced by our hardworking and effective Minister for Health, and Minister for Medical Research. I digress slightly to acknowledge that last weekend it was great to have the Minister on the Central Coast for what was a landmark moment in health for people on the Central Coast—the opening of the Cancer Centre at Gosford Hospital. It was a great day and a great example of cross-government funding for the community's benefit. Present on the day were many dignitaries, including the Chairman of the Central Coast Local Health District Board, Mr Paul Tonkin, who has done a great job and has been on the board since he came to the Central Coast in 1997, and our chief executive, Matt Hanrahan, who is doing a tremendous job with the Central Coast Local Health District.

The bill seeks to make various amendments to the Health Administration Act 1982, the Health Care Complaints Act 1993, the Health Practitioner Regulation National Law, the Health Services Act 1997, the Mental Health Act 2007 and the Mental Health (Forensic Provisions) Act 1990. These amendments are as a result of recommendations made by the Joint Parliamentary Committee on the Health Care Complaints Commission. Also impacting on these amendments is the 2012 Supreme Court decision, which limits the ability of the Health Care Complaints Commission to investigate certain matters impacting public health and safety by confining it to specific cases where an individual client is affected. This, in turn, limits the capacity of the Health Care Complaints Commission to act in the public interest.

The bill seeks to amend section 7 of the Health Care Complaints Act in order to clarify that a complaint can be made against a health service if the health service affects, or is likely to affect, the clinical management or care of a client. This means that if the health service provider is acting in a way that is likely to affect the clinical management or care of a client, even if there is no identified client who has been affected, the Health Care Complaints Commission will have jurisdiction to investigate a complaint. The bill also seeks to allow the

Health Care Complaints Commission to initiate its own complaints in the case of a serious matter affecting the health and safety of the public. This is known as an own-motion complaint. This will, as a result, allow the commission to conduct an investigation based on its own motion complaint.

The bill also amends sections 28 and 45 to provide for the Health Care Complaints Commission to give written notification to the parties to the complaint of the outcome of its assessment investigation of the complaint and the reasons for the decision. The bill contains a requirement for the Health Care Complaints Commission to notify the employer of a health practitioner upon receipt of a complaint against the practitioner when it is necessary to assess the matter effectively or when it is in the public interest to do so. The Health Services Act 1997 will be amended to allow, in limited circumstances, staff of NSW Health to be suspended without pay. That is in line with guidelines for employees of the Ambulance Service and other public sector staff employed under the Public Sector Employment and Management Act 2002.

The limited circumstances are where an employee has been charged with a serious criminal offence punishable by imprisonment for five years or more; where a staff member who is a registered health practitioner has had his or her registration suspended or had conditions imposed on his or her registration under section 150 of the Health Practitioners Regulation National Law; or where an unregistered health practitioner has had imposed by the Health Care Complaints Commission an interim prohibition order or, alternatively, interim conditions under section 41AA of the Health Care Complaints Act. The bill makes amendments to the Health Administration Act 1982 to allow land held by the Health Administration Corporation to be disposed of, allowing surplus land to be sold, notwithstanding Crown grant conditions, and the proceeds to be used for health capital works projects that will benefit the community through servicing their health needs.

A further amendment allows a member of the Medical Services Committee to serve four consecutive terms if that person is appointed chairperson during their third consecutive term. This will ensure that the committee retains experienced members. Other minor amendments contained in the bill include an amendment to the Mental Health Act and the Mental Health (Forensic Provisions) Act to clarify or tidy up existing provisions. For example, it will now be made clear that a forensic patient on leave or on release may be detained and scheduled under the Mental Health Act and that although the patient is detained as a civil patient that patient will continue to be a forensic patient and will be subject to the ongoing oversight of the Mental Health Review Tribunal.

Other changes in the bill refer to orders for apprehension and community treatment orders—all designed to lessen the administrative burden. For example, currently it requires two hearings to release a forensic patient and to impose a community treatment order: a separate hearing is required for each issue. Amending section 67 will enable the tribunal to make a community treatment order with respect to a forensic patient at the same time the tribunal is considering releasing the patient. These are all sensible changes that help make regulations more workable and reduce red tape. I commend the bill to the House.

Debate adjourned on motion by Mr Richard Amery and set down as an order of the day for a future day.

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT (DISCIPLINARY PROCEEDINGS) BILL 2013

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

[*The Deputy-Speaker (Mr Thomas George) left the chair at 6.00 p.m. The House resumed at 7.00 p.m.*]

PRIVATE MEMBERS' STATEMENTS

A PLACE CALLED ROBERTSON DOCUMENTARY

Mr GARETH WARD (Kiama) [7.00 p.m.]: On Friday 15 March I was extremely pleased to join the large crowd of Robertson residents who invaded the Empire Cinema in Bowral to watch a 72-minute feature documentary called A *Place Called Robertson* by Four Donkey Films, which took three years to produce The film examines the characters who live in a unique Australian country town. The value set and views of some of the longer-term residents are often diametrically opposed to those city-slicker newcomers who are seeking a tree change—and the new residents discover there is more to Robertson than simply trees. Like many Australian

rural towns, the residents passionately struggle with change. The spiralling increase in the value of the land makes farming more difficult and many farmers have had to sell up and leave. Those who stay coexist with an influx of people escaping from the city.

Nestled in an extraordinarily lush landscape and perched on the edge of an escarpment 750 metres above the ocean, Robertson is a very beautiful rural town. The newcomers to Robertson in recent years include famous artists, actors, musicians and writers including artist Ben Quilty, winner of the 2011 Archibald Prize; composer and ABC broadcaster Andrew Ford; artist Carlos Barrios; Philip Bailey, former assistant to Yehudi Menuhin; and veteran actress of stage and screen Miriam Margolyes, to name but a few. Above all, the residents of Robertson want to retain what is so special about their town and makes it feel like a rural village. It is extremely important to the Robertson community.

The town was settled by Irish immigrants who struggled their way through the rainforest, climbing the escarpment to gain access to the lush basalt soil on the plateau. They established a breed of hardy, tough settlers and to this day their ancestors retain a rugged individualism. The annual Robertson Show is a popular annual event which I look forward to supporting each year and it is of course famous for its 50-kilogram potato sack race. The lead-up to and the holding of the Robbo Show was a central part of the film. In a contemporary world that sometimes questions the wisdom of social media technology, A *Place Called Robertson* is a snapshot of traditional Australian values and celebrates the spirit that can be found in a small Australian rural village.

I acknowledge Tony Williams and Anna Hewgill, who organised this fantastic event and produced the film. I was so impressed by how they captured the essence and flavour of the town, and its personalities both big and small. Tony has been making films and television commercials his whole life. He established a film company called Tony Williams Productions in New Zealand and, later, the Sydney Film Company in Sydney to produce television commercials. One of his documentaries, *Lost in the Garden of the World*, was made with the participation of Steven Spielberg, Martin Scorcese, Werner Herzog, Tobe Hooper, Paul Bartel and Dustin Hoffman. It has since become a cult favourite among film buffs.

Tony moved to Australia in 1980 to join forces with Fred Schepisi and Robert le Tet to establish Marmalade Films and later with Maggie Lewis to establish the Sydney Film Company. He has continued to have a lively influence through his award-winning direction of many legendary commercials, including the Toyota "Bugger" campaign. Anna Hewgill is married to Tony Williams and worked on A *Place Called Robertson* in the roles of sound recordist and production manager. They both live on a 25-acre farm in the Southern Highlands. I was incredibly impressed by the quality of the documentary. I am also pleased to now have a copy of it on DVD. I hope that Tony and Anna enter the film into some film festivals later in the year because I am certain it will be a huge hit. Tony and Anna must be congratulated on their tremendous production and on promoting the great town of Robertson. They have done our region proud and I recognise them and the town of Robertson, which is so worthy of such a befitting tribute on the silver screen.

KURRI KURRI BUSINESS CHAMBER 100TH ANNIVERSARY

Mr CLAYTON BARR (Cessnock) [7.05 p.m.]: I draw to the attention of the House the 100th anniversary of the Kurri Kurri Business Chamber, which was celebrated on 11 March 2013. The business chamber became established in 1913 after a brief meeting in December 1912 of the inaugural committee, which satisfied members that indeed there was something worthy about forming a group. Some descendants of the very first group attended the 2013 function to join in the celebrations. It is interesting to note that the conglomeration of businesses at the 1913 setup comprised people involved in what is known as traditional trades—butchers and bakers—that unfortunately we see far fewer of in regional communities these days.

The Kurri Kurri Business Chamber has had quite a chequered past, according to the current president, Mr Rod Doherty, owing to changes in State and Federal electoral boundaries. Indeed, the Kurri Kurri community has been moved, shunted, shoved, pushed and pulled to different parts of the local district, but it has stood the test of time and now stand firmly, proudly and boldly to celebrate a centenary. More recently the president referred to the establishment of the Beyond 2000 committee in the late 1990s, which was responsible for the publishing of four Kurri Kurri investment prospectuses, the creation of a community website—which in the late nineties was something of an evolutional revolution—and the setting up the Towns With Heart campaign, which has been extremely successful in the Kurri Kurri community.

The Towns With Heart campaign is responsible for placing plaques, sculptures and murals so that they adorn many business house walls throughout Kurri Kurri and attract visitors. The Beyond 2000 committee is to

be congratulated for all its work. But of course we are well and truly beyond 2000 now, and one of the most successful committees operating as a result of the Kurri Kurri Business Chamber's innovative platform is the 2030 Committee, which has been established specifically to maximise the benefits of the new Hunter Expressway. The expressway is a $1.7 billion piece of New South Wales infrastructure. It was constructed with funding of $200 million from the State Government and $1.5 billion from the Federal Government. The project featured funding that was announced, committed to and promised by a State Labor Government and a Federal Labor Government.

It important for the Kurri Kurri community to find a way to maximise the benefits of the Hunter Expressway, because it will change the movement of traffic throughout the Hunter region and potentially the movement of traffic from Sydney to Brisbane. The expressway may make the New England Highway the preferred route to Queensland. The Kurri Kurri expressway will be one of the main interchanges based on Heddon-Greta. The town of Kurri Kurri is situated right beside this new and incredible piece of infrastructure, the Hunter Expressway. People in the Kurri Kurri community need to understand ways in which to maximise the benefits that are incidental to the operation of the expressway. Someone once said, "If you want to make money go to the end of the freeway and buy land." Kurri Kurri is already situated right beside the Hunter Expressway, so the Kurri Kurri Business Chamber should figure out how to maximise spin-offs as a result of its position. Kurri Kurri may well become a new centre for the Hunter.

A radio commentator, Meryl Swanson, made a speech during the celebrations. Meryl is a Kurri Kurri person born and bred and is Kurri Kurri through and through. While her work and career have taken her throughout Australia and the world, she wanted to return to Kurri Kurri to settle. Meryl was a worthy and appropriate guest speaker for the occasion, and was only too willing to recognise how much opportunity can be generated by a local business chamber. She told the gathering that as a 15-year-old in year 9 at school she had the opportunity to travel overseas because one of the local businesses, Alcan Aluminium, sponsored two students to visit Northumbria and investigate the possibility of establishing a sister-city relationship between Kurri Kurri and a town in Northumbria, England.

Meryl stated during her presentation that she realised she was a different person when she returned to Australia. She had wider horizons, a bigger picture and broader understanding of communities that, despite being on opposite sides of the world, had so much in common and offered such wonderful opportunities for young people. Meryl Swanson went on from that experience to do magnificent and wonderful things with her life, and that all stems back to the work of the Kurri Kurri Business Chamber. All credit is due to those involved in establishment of the Kurri Kurri Business Chamber in 1913. I congratulate all those who are involved in the Kurri Kurri Business Chamber's current projects.

TAMWORTH NATIONAL SERVICEMEN'S MEMORIAL SERVICE

Mr KEVIN ANDERSON (Tamworth) [7.10 p.m.]: On Saturday 23 March I had the pleasure of attending the Oxley Sub-branch National Servicemen's Memorial Service that was held in Tamworth. It was a moving service that began with a welcome and introduction by Mr Jim Jordan, who is the President of the Oxley Sub-branch, and was followed by the laying of wreaths by Mr Don Smith, who is the honorary secretary. A number of wreaths were laid, and I placed a wreath on behalf of the New South Wales Government. The Salvation Army address was given by Major David Rogerson and the last post was played on the bugle by Ian Whittaker. The lament was beautifully played by piper Mr Gordon McKnight. The Oxley Sub-branch National Servicemen's Association has 94 financial members but many national servicemen in the Tamworth community have not joined the organisation. As a former member of the Royal Australian Air Force, I was certainly encouraged and moved by the number of army, navy and air force personnel who attended the memorial service last Saturday.

On 5 November 1964 Federal Cabinet decided to introduce a compulsory selective national service scheme. In announcing this decision to Parliament then Prime Minister Robert Menzies referred to factors such as aggressive communism developments in Asia, recent Indonesian policies and actions and a deterioration in Australia's strategic position as being influential in the decision reached by the Federal Parliament. The Federal Government concluded that Australia had inadequate defence manpower and aimed to increase the strength of the army to 33,000 by the end of 1966 by introducing national service. The men who were recruited were known as nashos. The National Service Act 1964, which was passed on 24 November, required 20-year-old males, if selected, to devote 24 months to continuous service in the army, followed by three years in the army reserve. In May 1965 the Defence Act was amended to provide that conscripts could be obliged to serve overseas. In March 1966 then Prime Minister Harold Holt announced that national servicemen would be sent to Vietnam to fight in units of the Australian Regular Army.

Between 1965 and December 1972 more than 800,000 men registered for national service. Some 63,000 were conscripted and more than 19,000 served in Vietnam. Although registration was compulsory, a process of selection by ballot determined who would be called up. Two ballots were conducted each year. The ballots focused on several dates in the selection period, and all males with corresponding birthdays were called up for national service. The ballot was conducted using a lottery barrel, and marbles represented birthdays. The services that are held in and around Tamworth recognise those who have made the ultimate sacrifice for our nation. It was very heartening to see the number of people who attended the memorial service held by the Oxley Sub-branch National Servicemen's Association on Saturday 23 March.

As we move towards Anzac Day we will be moved again to remember those who have fallen. I have no doubt we will see many people supporting Anzac Day to show their respect and acknowledgement in marches that will be held right throughout our communities. I encourage one and all to support, participate and show appreciation for those who have fought for our great country. I commend Mr Jim Jordan, the President of the Oxley Sub-branch and his committee for continuing their great work of remembering those who fought for our country and made the ultimate sacrifice. Lest we forget.

KEIRA ELECTORATE ROADS FUNDING

Mr RYAN PARK (Keira) [7.15 p.m.]: I briefly inform the House of an issue concerning Mount Keira Road in my electorate. I am making representations to the Government to urge the Government to provide financial assistance to resolve the issue. At the outset I acknowledge that Mount Keira Road is a local government road—there can be no doubt about that. It is a fact that is acknowledged by me and the community. The issue is that the road requires approximately $1 million to be spent on ensuring that it remains open. Mount Keira Road is situated in the foothills of Mount Keira. I note the presence in the Chamber of the member for Wollongong. Mount Keira Road starts at the boundary between our electorates and winds its way over the escarpment into the south-west of our region. This road is under extreme strain and the topography includes a cliff face. There are problems maintaining adequate standards of safety and the reliability of the road to keep it open. I have sought a meeting with State Government agency representatives, such as the National Parks and Wildlife Service and Roads and Maritime Services.

Mrs Leslie Williams: Good luck with that.

Mr RYAN PARK: That is right. I have sought meetings with a wide variety of other agencies as well as the local council to ascertain what might be done cooperatively and in a spirit of bipartisanship at both local and State levels. We have been exploring what can be done not just to improve the road, which is one component of resolving the problem, but to improve the Mount Keira summit area as well. The Mount Keira summit area is one of the Illawarra's most iconic tourist spots where you can essentially get a view across the entire region, from the beaches in the north to the lake in the south, through the central business district, which the member for Wollongong is responsible for, and the northern Illawarra area of the electorate of Keira. It has, unfortunately, had a very difficult history. Commercial developments there have struggled, for a wide variety of reasons. We all need to work together when we have iconic places in our electorates.

I have put the offer to the Government to sit around the table and, in the spirit of bipartisanship, with national parks and other State government agencies, look at how we can improve this very iconic part of the Illawarra. We want areas like this to be maintained and enhanced. As the member for Wollongong and I know all too well, we need more investment in the region, we need more tourists in the region—we need people coming to see the wonderful Illawarra region. I thank Leigh Stewart and the community team. Leigh has started a big community campaign about this area and I have had a number of discussions with Leigh and the locals, at Mount Keira and in other forums. I will continue to raise this issue in this House. I stress that there needs to be a spirit of bipartisanship. We need to work together and make sure that bureaucratic agencies do not get in the way of simple solutions for the community. That is very important.

Those of us from the Illawarra know that, as we go through a changing economy, as our economic fabric changes significantly, we need to embrace tourism. We cannot do that without a little support from the State Government. It is not always about money; sometimes it is about getting people around a table and making sure that all solutions and possibilities for this iconic place are explored. I will continue to advocate for this part of the region with my Illawarra colleagues. I hope that other members who have iconic tourist areas in their electorates understand the need to ensure that government agencies work together for the benefit of the community and do not put up unrealistic hurdles that make commercial development impossible. I look forward to a positive response from the Ministers to this request for discussion, and I look forward to updating the House as we progress this very important issue in my electorate.

PORT MACQUARIE MEALS SERVICE

Mrs LESLIE WILLIAMS (Port Macquarie) [7.20 p.m.]: This evening I will speak about the wonderful work provided by the Port Macquarie Meals Service. The service is a not-for-profit organisation that provides "meals on wheels" and other food services to the Port Macquarie community. Specific clients include the frail, the aged and people of all ages with a disability. The service commenced in Port Macquarie 45 years ago and currently provides meals to 110 clients, delivering 400 meals each week. Utilising the services of approximately 350 volunteers, the service delivers the meals and assists with other food services, such as assisting with shopping and the Eating with Friends program, in which a number of clients—mostly single—get together to share a meal each week.

The Port Macquarie Meals Service employs one full-time manager, Kendell Johnson, and three part-time staff members, and has a volunteer management committee that is responsible for the governance of the organisation. The president, Neil Black, and vice-president, Pat Munro, are longstanding local community advocates. The service is funded by the Federal Government for staffing and administration costs but clients pay for their meals and other services. There are 10 not-for-profit "meals on wheels" organisations on the mid North Coast, stretching from Woolgoolga in the north to the Great Lakes in the south. Each of these organisations has its own volunteer management committee and they operate independently of each other, apart from limited collaboration through bi-monthly meetings of the managers of each service with staff from the NSW Meals on Wheels Association, which is the peak body for not-for-profit food services in New South Wales.

In recent years "meals on wheels" services in other regions, including the Hunter, Central Coast, Sydney and the South Coast, have collaborated in various ways to improve the efficiency of their operations. These groups provide a vital food service to local communities, but they also offer an opportunity to check on the wellbeing of the many older people living alone in our community each day. This is often the only personal contact that some people get, and they certainly look forward to a quick chat when their meal arrives. However, not all is looking bright for these community volunteer not-for-profit organisations. The Federal Government has committed to continue the current funding ratio until 2015. Some groups are concerned that within the next two years "meals on wheels" services such as those provided by the Port Macquarie Meal Service could be subjected to a tendering process. This could mean competition for the services currently offered by volunteers by large organisations and companies running aged care facilities.

There are fears that if large for-profit organisations win these tenders it will impact on the viability of small organisations such as the Port Macquarie Meals Service and there will be a reduction in the level and quality of the services currently provided, largely with the assistance of volunteers. However, our local groups are not resting on their laurels. Because of the changes to funding arrangements and the potential to improve the efficiency of food services and administration arrangements on the mid North Coast, local "meals on wheels" services were successful in gaining State Government funding to undertake research to determine the best possible models which would lead to greater collaboration and improved efficiency of operations and administration.

That research has been done and a final report will be presented later this month. In the meantime, I call on the Federal Government to ensure that local service providers will continue to be able to offer the outstanding service delivery that they have provided to the Port Macquarie community for more than 40 years, and that they will not be tendered out of the process by multinational organisations with little interest in or respect for older citizens in our community. I close by congratulating the many volunteers, and in particular Neil Black and Pat Munro, on the wonderful work they do in our local community in providing the meals service and on the many other volunteer roles they play in other activities throughout the Port Macquarie electorate.

EPILEPSY AWARENESS

Mr DOMINIC PERROTTET (Castle Hill) [7.25 p.m.]: Today, 26 March, not only marks the anniversary of the election of the O'Farrell Government; it also marks the annual day of awareness of epilepsy, Purple Day. I give this private member's statement on behalf of the member for Baulkham Hills, who is on leave from the Parliament. A young nine-year-old Canadian girl, Cassidy Megan, motivated by her own challenges with epilepsy, founded Purple Day in 2008. Purple Day is a grassroots effort dedicated to increasing epilepsy awareness worldwide. Cassidy started Purple Day in an attempt to encourage people to talk about epilepsy and to let those with epilepsy know that they are not alone as they face the challenges that confront them in their lives. There are more people with epilepsy than with muscular dystrophy, cerebral palsy, Parkinson's disease,

motor neurone disease and several other diseases combined. Sadly, however, due to social stigmas and misconceptions associated with epilepsy, many people do not disclose their condition. This has, sadly, led to low community awareness about epilepsy.

Some of our greatest have lived through epilepsy. One half of arguably the greatest comedy team of all time, Bud Abbott, was epileptic. Given the recent papal conclave, it is good to note that Pope Pius IX, the longest-serving Pope in the history of the Catholic Church, was also epileptic. Other famous people who made enormous contributions to our society while carrying the burden of epilepsy include: Fyodor Dostoyevsky; cricketer Jonty Rhodes, probably the best fielder ever to grace the cricket field; Chief Justice of the United States Supreme Court John Roberts; composer George Gershwin; Olympic gold medallist Florence Griffith Joyner; and perhaps the toughest man to ever play rugby league, John "Dallas" Donnelly. Having epilepsy is nothing to be ashamed of. My colleague the member for Baulkham Hills employs on his staff a young man who has suffered from epilepsy. When I asked him why he wore his epilepsy as a badge of honour, he pointed out that epilepsy was simply his way of proving that he had a brain.

Mr Matt Kean: He's a great man.

Mr DOMINIC PERROTTET: A great man. I trust that my colleagues and the community as a whole will join me and the many thousands of people in Australia with this condition in speaking out, raising the profile of this surprisingly common affliction, and setting the record straight on epilepsy.

MACLEAN HIGHLAND GATHERING

Mr CHRISTOPHER GULAPTIS (Clarence) [7.30 p.m.]: This weekend marks the 109th Maclean Highland Gathering, and what a great weekend it will be as thousands of people come to Maclean to enjoy the event. Yes, most of them are Scots. As a local of Maclean for the past 32 years I am very proud of the gathering—and particularly this year's Highland gathering, which I have been asked to open officially. I am particularly proud because the current secretary, Bob McPherson, told me that they have a policy of not inviting politicians to open the gathering but have made an exception in my case. What makes me especially proud is that in 2000 I was elected Mayor of Maclean Shire. It was a great honour for me, as a Macedonian, to be elected mayor of what is essentially a Scottish community.

Clearly, there are some links between Macedonia and Scotland. Both countries fought against oppressive regimes for hundreds of years—the Scots against England and the Macedonians against Greece. They have maintained their identity for millennia and clearly they enjoy the same music—the Scots with their bagpipes and the Macedonians with their version of the pipes, called a gaida. The gaida bag was made from the hide of a goat or sheep turned inside out because the hair or wool helped with the moisture build-up. I recall many years ago as a youngster listening to a long-play record of Scottish pipe music and watching my grandfather dance around the lounge room in a style very similar to a Scotsman doing the Highland fling. The music and culture of the Macedonians and Scots is not that dissimilar, which is why I have found a home away from home in Maclean, amongst the Scots.

At the 109th Maclean Highland Gathering there will be some 20 pipe bands from all over New South Wales and Queensland. I would not be surprised to see a band from New Zealand either. In the competition arena there will be sports and fellowship. Competition commences on Good Friday in drumming and solo piping, and on Friday night the main street is closed for a street festival, with bands, dances, massed bands, a civic welcome and a concert in the Civic Hall. Easter Saturday commences with a full regalia street march by visiting and local bands through the shopping centre. Activities then take place at the Maclean Showground, where drumming, piping and dancing bands compete, and there is a full array of Highland games such as caber tossing, pole wrestling, tug of war and the like. The finale of the day is always a very stirring massed bands display—a fitting end showing what Maclean is all about.

This display is entertaining and stirring. Thousands of visitors come to watch the games, many from overseas and especially from Scotland. The Maclean Showground is one of the best venues in the Northern Rivers. It is a natural amphitheatre, and visiting football teams have nicknamed it "the colosseum". Seating at the showground is on a natural hill that looks across the south arm of the Clarence, with sugarcane fields in the distance. This is a fitting venue for the games and competition staged by the Highland clans. This year two local identities, Don "Bull" Wallace and Janice Haywood, have been chosen for the 2013 Legends Awards. Another highlight will be the attendance of Scottish Pipe Major James Murray. James has played with some of the world's leading pipe bands as well as winning many solo awards. He will be performing a special recital at the Maclean Services Club this Saturday night.

Enormous effort goes into staging the Maclean Highland Gathering. It requires a lot of hard work by the volunteers and terrific support from numerous sponsors. I particularly thank the current chief, Chief Peter Smith, and the immediate past chief, Reverend Kenneth Macleod. In addition, I recognise the current secretary, Robert McPherson, OAM, and the previous secretary, Norman McSwan. Between them, they have held the secretarial portfolio for at least 58 years. The current senior chieftain is Roger McLean, junior chieftain is Graham Anderson, and Treasurer—for some 34 or 35 years—is John McPhee. Whilst I acknowledge these few hardworking volunteers, there are countless others who need recognition but time does not permit me to name them all. This is an iconic event on the Clarence Valley calendar and I recommend it to all members and their families. There is no better place to be at Easter than in Maclean, where you can experience the Highland gathering and enjoy a little bit of Scotland.

ARTIST SUSAN WHITE

Mr MATT KEAN (Hornsby) [7.35 p.m.]: Tonight I recognise an inspirational local artist in my electorate who recently won the Adelaide Perry Prize for Drawing. Susan J. White from Hornsby Heights won the prestigious national art competition for her large ink on paper drawing entitled *Hawkesbury*. Ms White's drawing was one of 470 entries in the competition and was adjudged the winner by nationally acclaimed Archibald Prize artist Jenny Sages. I am particularly proud of Ms White's accomplishment as she was diagnosed with cancer two years ago and bravely fought through tough, dark times. Ms White's unwavering courage during that difficult time was truly remarkable and she continues to be a valued leader in the local Hornsby community. Her winning entry has been valued at $20,000, and has been described as depicting a "special place which confronts a mysterious reality below the surface."

I am proud of Ms White's latest piece because it depicts the Hawkesbury River, which is considered one of the local waterway jewels in my Hornsby electorate. Hornsby is known as the "Bushland Shire", and Ms White captured this concept brilliantly with her mix of dark colours to depict the natural bushland and lighter tones to highlight the Hawkesbury River's breathtaking beauty. Ms White said the inspiration for her masterpiece came from a desire to replicate the energies and forces in nature. While designing her artwork, Ms White drew on personal experiences as a child, when her father would hitch rides on boats and barges up the Hawkesbury River. Ms White mixed these childhood stories with her education about the local Aboriginal people, who used the river for fishing, to shape her final design. The multitalented artist is an advocate for further breast cancer funding and is hugely respected in the Sydney art community. Ms White is also a finalist in the NSW Parliament Plein Air Painting Prize and has a solo exhibition at the Drawing Room Gallery.

I also congratulate Ms White on her community service work in volunteering as a guest judge for Hornsby's Studio ARTES Windows of Opportunity disability program. Studio ARTES is a not-for-profit community organisation that is very close to my heart. It gives local people living with a disability the opportunity to develop their skills not just in art but also in life. That is a wonderful thing. Ms White's *Hawkesbury* artwork will be on display at the Adelaide Perry Gallery in Croydon until Friday 5 April. She is a remarkably talented individual who is making a contribution to the arts not just in the Hornsby community but also across the State of New South Wales. Moreover, she is making a contribution not just in the artistic world but in the broader community. Her support of important initiatives such as Studio ARTES, which provides much-needed opportunities for people living with a disability, is greatly admired and appreciated.

On behalf of the New South Wales Parliament and Government, I express my sincere gratitude to Ms White for her community service and for the inspiration she provides to so many in our area. Without people like Ms White we would be so much the poorer. We would not have her wonderful artistic expression to appreciate but we also would not have someone who is committed to helping some of the most vulnerable people in our community—those living with a disability. I note that National Down Syndrome Day was last week. Studio ARTES in my community, which Ms White supports, is a great advocate of Down Syndrome NSW and caters for people living with Down Syndrome. It is greatly encouraging for people living with a disability and people with a range of ability and disability options to have the support of Ms White.

The opportunities they get at Studio ARTES would not be available if it were not for people like Ms White, who give up their time to make a contribution and afford others an opportunity to experience things that the rest of us take for granted. I hope many members in this place will get to see Ms White's artwork and appreciate her excellent talent. My community of Hornsby has a fine tradition of producing talented artists, the most notable of whom is Margaret Preston, who, I am sure, is well known to many in the Chamber tonight. Ms White follows in the footsteps of some trailblazers in the arts community and she is making a name for herself by using her talents. She is making our community very proud of what she has achieved.

Private members' statements concluded.

HARMONY DAY

Matter of Public Importance

Mr GUY ZANGARI (Fairfield) [7.40 p.m.]: Harmony Day 2013 is a matter of public importance because the fabric of our society is woven from the many different cultures that call Australia home. Multiculturalism is as much a part of our country's identity and our way of life as Uluru, Vegemite and Australian Rules football. New South Wales is a community of many nations. According to the 2006 Australian Census, 23.8 per cent of the New South Wales population was born overseas. Further, 16 per cent of the New South Wales population was born in a non mainly English speaking country. Countless more have parents and grandparents who have migrated to Australia. Australia's social landscape has been shaped by the many groups who have migrated to Australia, and Harmony Day celebrates Australia's vibrant and organic diversity. Harmony Day is celebrated officially on 21 March. According to its website, Harmony Day is a day of cultural respect for everyone who calls Australia home, from the traditional owners of this land to those who have come from many countries around the world.

The theme for Harmony Day for 2013 is "Many Stories—One Australia". It is a relevant theme that implies there are many reasons why people choose to come to Australia—some to escape the tyranny of war and oppression, others to chase better opportunities for themselves and their families. Indigenous Australians have been the one constant in the narrative of multicultural Australia. Indigenous Australians are recognised as the guardians of a society that existed pre-settlement. The Many Stories—One Australia theme is important because how migrants arrive in Australia and the context in which they left their country of origin has a bearing on how they choose to live and the values they choose to adopt in their new homeland. In many cases it has also influenced the values of their children and grandchildren. More importantly, it has instilled the values of respect and tolerance that have made multicultural Australia such a great success story.

Harmony Day is organised by the Commonwealth Department of Immigration and Citizenship. Twenty-one March was chosen to mark Harmony Day because it coincides with the United Nations International Day for the Elimination of Racial Discrimination. Each year at least one remarkable Australian is chosen to be the ambassador of Harmony Day. The 2013 Harmony Hero is Thomas Keneally, one of Australia's most successful and renowned authors. Thomas Keneally represents one of many success stories born of Australia's great multicultural tradition. During the past week I had the privilege to attend a number of events celebrating Harmony Day. The event that left an indelible impression in my mind was the Harmony Day celebrations at Les Powell School. Les Powell is a special needs school located at Mount Pritchard in Sydney's south-west, in the electorate of the member for Cabramatta.

The school has approximately 80 students with moderate to severe intellectual and multiple disabilities. The school marked Harmony Day with an assembly; students came to school wearing costumes that symbolise their cultural background. After that the students and lucky guests shared the food from the different cultural backgrounds that make up the school community. Harmony Day was also recognised in the pre-match entertainment at the Western Sydney Wanderers versus Sydney FC A-League soccer match held at Parramatta Stadium last Saturday. Perhaps more memorable than the 1-1 full-time score was the rendition of the song I *am Australian* during the pre-match entertainment led by Maltese-Australian singer Laura Vella and Penny Pedigrew. What began as a song to entertain the crowds became a choir of thousands.

I also note that on the day African drummers and disc jockeys brought life to the ground outside the stadium prior to kick-off. There was a wonderful atmosphere. I know that a small group of individuals have received some media coverage because of their disgraceful behaviour before Saturday's match. It is important to remember that these individuals represent a minute number of the thousands who were present on Saturday. Tens of thousands understood the significance of Harmony Day. Furthermore, those individuals show us why Harmony Day is so important: It reminds us that diversity has to be nurtured in our community. Harmony Day reminds us that the respect and tolerance that underlie Australian multiculturalism must be fostered. Multiculturalism cannot be taken for granted otherwise the very elements that make it so rich and vibrant could be used to divide the community.

Dr GEOFF LEE (Parramatta) [7.45 p.m.]: I support the Harmony Day 2013 celebrations and concur with the considered words of the member for Fairfield about the importance of this day not just to New South Wales but to the nation. Like him, I wish the Western Sydney Wanderers all the best for the future in their exemplary rise in the A-League competition. Our nation is built upon migration. While we recognise the traditional custodians of our land—in Parramatta that is the Barramatagal people, whose presence in the area can

be traced back some 20,000 years—modern Australia is built upon a series of waves of migration. While we are one country and we are all Australians, we have many stories from many backgrounds. My ancestral story is different from others but shares common links with other migration waves, whether our ancestors came on the First Fleet some 200 years ago or whether they were Chinese settlers in the gold rush of the 1850s looking for new hope and opportunities.

I note that you, Madam Acting-Speaker, have ancestors from that gold rush. I should have realised that from your love of gold! People might have been part of the wave that produced the Indian community, many of whom have become Australians in the past 10 years. That is one of the largest and fastest-growing communities in New South Wales. There are something like 300,000 people of Indian descent in Australia, and 100,000 of them are in New South Wales. I commend Mayor Ross Grove of Holroyd City Council on his citizens. A citizenship ceremony is being in Holroyd tonight. Unfortunately, I had to send my apologies, as did the member for Bankstown—

Mr Guy Zangari: So did I.

Dr GEOFF LEE: And the member for Fairfield. We would love to have been there. Those people walk in the door as the citizen of another country and walk out a citizen of Australia, with all the rights and responsibilities that that bestows. Parramatta is the exemplar of this multicultural, harmonious, diverse community that we live in.

Mr Troy Grant: What about Dubbo?

Dr GEOFF LEE: I recognise Dubbo. Dubbo would like to be as good as Parramatta, and I thank the member for Dubbo for his efforts in that regard. He has many people living harmoniously in his electorate, all Australians but from different backgrounds. Parramatta is a most diverse community. Close to 50 per cent of residents were born overseas and close to 70 per cent of residents have at least one parent who was born overseas. The overwhelming majority of those people are from India. Nearly 14 per cent of the people in the great electorate of Parramatta were born in India and have chosen to leave everything behind and start a new life in Australia. The Chinese community is the next largest group, with something like 12 per cent of the population, and then there are many other communities with smaller numbers. Those two groups make up close to 25 per cent of my community.

Parramatta exemplifies multiculturalism and how best we can combine the attributes of our diversity to give it strength. No-one could deny that we capitalise, and will continue to capitalise, on that strength for the benefit of the whole State. The New South Wales Government is celebrating this cultural diversity with month-long celebrations in March. The Minister for Citizenship and Communities was pleased to launch the festivities last month and it is hoped this will become an annual series of events. The Community Relations Commission is coordinating Multicultural March. Everyone in New South Wales is invited to use this time to embrace the wonderful opportunity that multiculturalism presents to us. It is about understanding and celebrating our differences while recognising and reinforcing the values we all share.

Multicultural March is an integral part of the Government's package of reforms that are well underway in the Multicultural Advantage Action Plan. The plan is more than celebrations and festivals; its range of strategies will improve the social, economic and cultural wellbeing of the State's diverse communities. In the time remaining, I commend the Premier and the Minister for Citizenship and Communities on hosting the Multicultural Media Awards that recognise the breadth and depth of our media in every format and in the many languages that supplement the work of daily mainstream providers. These awards, which were attended by 300 guests, included 10 categories and 120 outstanding entries. I commend the member for Fairfield on his initiative.

Mr NICK LALICH (Cabramatta) [7.50 p.m.]: I thank the member for Fairfield for bringing this important day to the notice of the House. Harmony Day, which was held on 21 March 2013, is renowned for being a day of cultural respect from the traditional owners of this land to migrants from near and far. Harmony Day is for everyone who calls this great country of Australia home. Harmony Day was celebrated across Australia throughout schools, childcare centres, community groups, churches and businesses and by local, State and Federal governments. The theme for 2013 Harmony Day was "Many Stories—One Australia". Harmony Day 2013 promoted and celebrated Australia's rich cultural diversity and called upon the people to tell their stories. Everyone's Australian story is unique and comes from a diverse range of countries. Each individual story builds us up to something bigger, better and stronger. The culmination of our stories is Australia today.

Harmony Day is organised by the Commonwealth Department of Immigration and Citizenship and each year a Harmony Hero is selected. This year's Harmony Hero was one of our very own, Mr Thomas Keneally—one of Australia's most successful and renowned authors. Mr Keneally was born in 1935 and had his first novel published in 1964. Mr Keneally has since written a number of works and has received the Miles Franklin Award, the Booker Prize, the Los Angeles Times Prize and the Mondello International Prize. He has been made a Literary Lion of the New York Public Library, a Fellow of the American Academy, recipient of the University of California gold medal and is now the subject of a 55 cent Australian stamp.

Harmony Day was celebrated at one of our local schools, Les Powell Special Education School in Mount Pritchard, in my electorate of Cabramatta, through a range of community groups that embrace and respect not only their own but also the multicultural heritage of their migrant friends, family, neighbours and colleagues. It is great to see members within our very diverse multicultural communities acknowledging and being tolerant of other cultures and beliefs, and also getting involved, showing respect, celebrating, actively seeking to work together with many others from all walks of life and living together under the one umbrella as Australians. My electorate of Cabramatta is very multicultural with approximately 25 per cent Vietnamese, 10 per cent Chinese and lower percentages thereafter of Cambodians and Laotians. Every day is Harmony Day in my electorate because we live in total harmony.

Ms TANIA MIHAILUK (Bankstown) [7.53 p.m.], by leave: I am delighted to have the opportunity to make a brief contribution to the matter of public importance, Harmony Day. I commend my colleague the member for Fairfield and the shadow Minister for Citizenship and Communities for bringing this important matter before the House today. We are very blessed to be such a culturally diverse nation. Certainly, all levels of government, as do businesses, have a great deal of responsibility to help celebrate Harmony Day. Since 1909 over 50,000 events in Australia have commemorated Harmony Day and, like many members of this House, I try to attend as many as possible. One particular community Harmony Day event I attended on the weekend was the National Rugby League Community Harmony Day in Punchbowl, organised by Hazem El Masri.

I commend Hazem on coordinating a fantastic and very successful community Harmony Day attended by some great legends, including Steve Mortimer. I pay tribute also to Robert Furolo, the member for Lakemba; Linda Burney, the member for Canterbury; and the many other dignitaries, including, of course, Federal members of Parliament Jason Clare and Tony Burke, who also attended. It was a tremendous occasion to celebrate the success of our multiculturalism, particularly in areas of south-western Sydney. Areas such as Bankstown and Canterbury have been blessed because we are an incredibly culturally diverse community. More than 45 per cent of Australians have at least one parent who was born overseas.

In Bankstown that statistic is as high as 85 per cent. More than half our residents were born overseas. We have been blessed to have over 100 different cultures within our community, with over 60 different languages being spoken. It is wonderful to see schools, corporations, community organisations and all levels of government celebrate Harmony Day. It provides an opportunity for the community to embrace our similarities and, of course, to be tolerant of our differences. I congratulate the member for Fairfield on bringing this important matter to the House, and I congratulate all the organisations that held many different and wonderful Harmony Day events throughout the past week.

Mr GUY ZANGARI (Fairfield) [7.56 p.m.], in reply: I thank the members representing the electorates of Parramatta, Cabramatta and Bankstown for contributing to this matter of public importance. I note the comments of the member for Parramatta that migrants built modern-day Australia. I acknowledge also that multicultural Australia existed 40,000 years ago. As Australians we should be very proud to acknowledge that regardless of where we come from, the Indigenous community also is part of our heritage. Waves of migration have helped to shape our country. The common theme amongst this evening's speakers was the millions of stories that make up our country. Each member who spoke comes from a different background: the member for Parramatta from a Chinese background, the member for Bankstown from Russian heritage and the member for Cabramatta from Serbian heritage and also a proud refugee.

Mr Troy Grant: Scottish.

Mr GUY ZANGARI: Scottish also. As a former mayor of Fairfield and now the member for Cabramatta, he typifies that in this country it does not matter from where one comes, we can represent people with pride. The Indian community in Parramatta is one of the fastest growing communities and is making a wonderful contribution to the community. In Parramatta, 50 per cent of its people are born overseas and

70 per cent have one parent who was born overseas. The member for Cabramatta touched on cultural respect. His electorate has a diverse range of nationalities. He and I share the local government area of Fairfield and between us we have 130 different cultures in our electorates where 80 different languages are spoken.

The member for Smithfield also shares the Fairfield local government area. The member for Bankstown said that her electorate has more than 100 cultures with 60 languages being spoken. In summary, Harmony Day encapsulates our mood as a multicultural community. As an Australian community we promote art, music and food but, more importantly, the spirituality of other cultures. I am proud that in this country we all can practise our religions freely without fear of persecution. The ideals and values brought here from other countries make up this great country. I am proud to say that we live in the best country in the world.

Discussion concluded.

The House adjourned, pursuant to standing and sessional orders, at 7.59 p.m. until Wednesday 27 March 2013 at 10.00 a.m.