New South Wales

Legislative Assembly

PARLIAMENTARY DEBATES (HANSARD)

FIFTY-FIFTH PARLIAMENT
FIRST SESSION

WEDNESDAY 13 MARCH 2013

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Authorised by the
Parliament of New South Wales

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PARLIAMENTARY DEBATES

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Corrections should relate only to inaccuracies. New matter may not be introduced.

Mark Faulkner
Editor of Debates

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CONTENTS **PAGE NO.**

<1>

LEGISLATIVE ASSEMBLY

Wednesday 13 March 2013

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

The Speaker read the Prayer and acknowledgement of country.

VISITORS

The SPEAKER: A very special welcome in the gallery to 60 year 10 students and their teachers from Carinya Christian School, Tamworth, guests of the member for Tamworth.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

<2>

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT (DISCIPLINARY PROCEEDINGS) BILL 2013

Second Reading

Debate resumed from 28 February 2013.

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [10.11 a.m.]: I lead for the Opposition and advise that we do not oppose the bill. There should always be a zero tolerance approach to corruption. Politicians and other public figures are meant to work for the public benefit, and the overwhelming majority do just that. We have been placed in a position of trust. The ability to work for the public is itself a privilege and one that must never be forgotten. Where a politician or public figure abuses that trust there can be no wriggling out of accountability. The full force of the law must apply swiftly and unambiguously. This bill, in a very modest way, bolsters our State's anti-corruption framework. That is something that all responsible members of this place should support.

The bill streamlines disciplinary procedures against public officials who are the subject of a finding of corruption by the Independent Commission Against Corruption. Previously, if a public official was the subject of such a finding, their employer would conduct a further separate investigation to determine if there had been misconduct. This is an obvious case of duplication that would leave many people on the street—many people across New South Wales—scratching their heads. It is and has been a waste of precious time and resources, and it will no longer happen in New South Wales once this bill is passed. Employers will be able to rely on the Independent Commission Against Corruption's investigation to inform their own disciplinary proceedings. They will not have to start from square one. The Independent Commission Against Corruption will have already called the witnesses, heard the testimony, sifted through the evidence and reached a determination.

Under this bill, self-incriminating evidence given to the Independent Commission Against Corruption by any public official will be admissible in subsequent disciplinary proceedings. This includes an admission of guilt. However, a public official impugned by the Independent Commission Against Corruption will be given the opportunity to make a submission to his or her employer before any action is taken. This is a significant step forward. We do not seek to oppose the bill for the reasons outlined as well as the fact that this places no restriction on any public official from taking action for unfair dismissal before the Industrial Relations Commission of New South Wales. The disciplinary action that is taken can still be tested on the grounds of whether it is harsh, unfair, unjust or unreasonable by the independent umpire in the Industrial Relations

Commission. Those matters can be argued before the commission and those individuals will have the right to be represented before the commission, and that is the most appropriate way for this to be dealt with.

I am advised that there has not been any consultation with the public sector unions in regard to this matter, and that is disappointing. This bill is a positive step forward and I would have thought that the Government would have been keen to talk to the workforce about it before rushing it through this Parliament, but it has not done that. I would still encourage the Government to do that because there are some questions about some provisions in this bill. For instance, people who are not directly associated with an Independent Commission Against Corruption investigation and hearing but is called to give evidence may, as a result, find themselves in circumstances where they are confronted with disciplinary action—collateral damage, if you like. It is unclear in this bill whether those people will also be drawn into disciplinary action being taken against them, or whether it relates only to those individuals under investigation who are the subject of findings of corruption. I request the Minister in reply to advise the House whether the intention is to throw the net quite wide, whether the focus of these particular provisions will be only on those who are the subject of investigation and corruption findings or whether people on the periphery of a particular matter would also be captured by the provisions of the bill. If that is the case, it might not be appropriate for this legislation to be used in that fashion. The bill should target those who are the subject of corruption findings and there should be no way for those individuals to wriggle their way out of disciplinary action. However, for those who are associated with a matter being investigated, it would be useful to have the Minister's clarification. The Opposition does not oppose the bill.

Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a later hour.

ROYAL COMMISSIONS AMENDMENT BILL 2013

Second Reading

Debate resumed from 28 February 2013.

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [10.16 a.m.]: I lead for the Opposition and unequivocally support the Royal Commissions Amendment Bill 2013. In January this year, Prime Minister Julia Gillard took the courageous and necessary step of formally establishing a Royal Commission into Institutional Responses to Child Sexual Abuse, a commission comprising six judges led by Justice Peter McClellan of the New South Wales Court of Appeal. History will record this as an act of strong, wise and compassionate leadership.

There comes a time when a nation must say "No more"—no more sweeping the heinous abuse of innocent children under the carpet and hiding what has been going on; no more perpetrators being shifted away and getting off scot-free; and no more victims being made to suffer in shame and silence. There comes a time when a leader has to stand above the fray and make a call—an instinctive call—not knowing where the royal commission will lead, not knowing what dark recesses of our society it will unearth, and not even sure as to when it will end. But when the Prime Minister announced that royal commission it was as if this nation could finally see light at the end of the tunnel for so many victims who have suffered for so long.

The victims of child sexual abuse are owed the right to tell their story and, more importantly, they are owed the right to justice. There is no doubt the royal commission enjoys near universal community support, support on both sides of this House and right across the community. Therefore, in a spirit of bipartisanship, I commit the Labor Opposition to support the necessary powers under New South Wales law to allow the royal commission to do its work here in this State. The legislative amendment before us will create a framework where witnesses can come forward in more intimate settings. Here in New South Wales commissioners will be able to independently preside over separate inquiries investigating specific issues. Victims of child sexual abuse invariably have a harrowing story to tell, as do witnesses to child sexual abuse. Their testimony will often be ill-suited to large public hearings.

<3>

Establishing a framework for smaller commissions to hear evidence is a sensible course in New South Wales, as it is in the Federal jurisdiction.

The second aspect of these amendments is that they reform the entry requirements for commissioners. Under current law a commissioner must be a current member of the High Court, Supreme Court, Federal Court or a legal practitioner of seven years standing. However, this amendment will allow former judges of those courts, as well as certain senior lawyers, to exercise the special powers of a royal commission. The chair of the royal commission will also have the discretion to nominate and confer powers on commissioners. Again, these changes to increase the number of commissioners are necessary if this exercise is to root out child sexual abuse wherever it has occurred or wherever it continues to exist, to explore every hole, to chase down every burrow and to create an environment in which witnesses with sensitive information can come forward with confidence.

Finally, the third aspect of this amendment is that it extends greater protections to individuals who voluntarily supply documents or evidence to the commission. These individuals will now be excluded from liability emanating from the breach of a commercial or public confidence. There is no greater scourge on our society than child sexual abuse. Today I acknowledge the enduring trauma and pain suffered by so many of the victims forced to live in silence and forced to suffer without support and without any likelihood, up until now, of justice. As a parent and grandparent there is nothing that frightens me more than the thought of people in positions of trust violating innocent children. We need to end the deafening silence surrounding this issue. Victims must be able to share their experiences and, more importantly, perpetrators must be brought to account and punished. The enablers who hid the perpetrators' crimes must also be held to account. This royal commission must go as long and as deep as necessary for it to achieve its outcomes.

I am not interested in scapegoating institutions. I, like so many in this State and this nation, just want the truth. This royal commission will give us the truth. It will call witnesses, make deliberations and announce its findings without fear or favour. The Royal Commission into Aboriginal Deaths in Custody forever changed this nation. That is what royal commissions do. At a time when sexual abuse continues to go under-reported we must leave no stone unturned to prevent more children falling victim to this appalling crime. This matter should be above politics; it should have, and rightly has, bipartisan support, which is vital to the continuation and success of this royal commission. Today in this House we take another step along the road to justice for the victims of child sexual abuse in New South Wales.

Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a later hour.

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT (DISCIPLINARY PROCEEDINGS) BILL 2013

Second Reading

Debate resumed from 28 February 2013.

Mr GARETH WARD (Kiama) [10.23 a.m.]: The Independent Commission Against Corruption was established by a Liberal government and it is my experience that this side of the House has been the side of politics that has never been afraid to shine the brightest lights into dark corners of public administration. Barry O'Farrell went to the last election promising to make Government more accountable and transparent. As with everything he does, the Premier has matched his words with decisive action. We are all aware of the very public hearings that the Independent Commission Against Corruption has conducted into members of this place, and the media, as they should, make the public fully aware of proceedings in this regard. Members of Parliament should always be held to the highest of standards and set an example for the rest of the community to follow.

Like with all professions, some enter politics for the wrong reasons. The same can be said of our State's public service. There is no doubt that the vast and overwhelming majority of public servants in this State work extraordinarily hard and are decent, honest people who love their jobs and the people they seek to serve. However, if public servants act inappropriately and use their authority for purposes not becoming their position, let there be no doubt in anyone's minds—no doubt—that the Independent Commission Against Corruption will, under this proposed legislation, have tougher powers to seek them out and deal with them. This is not a threat; it is a promise. And by strengthening the powers the Independent Commission Against Corruption has to investigate the public service I have no doubt we will also strengthen the integrity of the public service and safeguard the reputation of this vital institution from the scorn inflicted by those few who seek to profit or benefit in a manner deemed to be corrupt.

This bill will facilitate the removal from office of public officials who have engaged in corrupt conduct. This bill will amend the Independent Commission Against Corruption Act 1988 to enable employers of public officials to take disciplinary proceedings against public officials on the basis of corruption findings made by the Independent Commission Against Corruption. The bill will also make self-incriminating evidence given to the Independent Commission Against Corruption by any such public officials admissible for the purpose of those disciplinary proceedings. Currently, an employer would need to conduct a separate investigation to that of the Independent Commission Against Corruption if a public official is found to be corrupt. This bill will remove that secondary layer of bureaucracy. This is not a case of removing procedural fairness but a case of the Government allowing the Independent Commission Against Corruption to do the job it is supposed to do. The Independent Commission Against Corruption is an investigative body. Its role is to investigate and expose corrupt conduct in the New South Wales public sector. It is also tasked with actively preventing corruption through advice, assistance and educating the New South Wales community and public sector about corruption and its effects, as well as identifying corruption risks in government organisations.

Following a public inquiry the Independent Commission Against Corruption furnishes a report of its investigation to the presiding officers of the Parliament. The report will generally include where applicable recommendations for changes to systems and procedures to prevent future corrupt conduct, findings of corrupt conduct against the people investigated, recommendations that consideration be given to the taking of disciplinary or dismissal action, and recommendations that the advice of the Director of Public Prosecutions be sought on prosecution of the people investigated. Parliament's presiding officers will generally make this report available to the public. Once a report is handed down the Independent Commission Against Corruption monitors the implementation of any corruption prevention recommendations. It will also assist the Director of Public Prosecutions in preparing for any prosecutions.

The Independent Commission Against Corruption conducts investigations and provides recommendations for prosecutors to consider within the matrix of law and legal framework. It has never been the role of the Independent Commission Against Corruption to be responsible for deciding criminal or civil liability. That is a matter for the court and not the investigators. The evidence is laid before a court before any criminal or civil liability is imposed for the conduct exposed by the Independent Commission Against Corruption. Currently the next step for public officials found by the commission to have engaged in corrupt conduct is a separate investigation by the employer to ascertain whether, on the balance of probabilities, there has been misconduct. This is an unnecessary duplication given that the role of the commission is to investigate. There is simply no need for a further investigation.

The amendments before the House will amend the Independent Commission Against Corruption Act to allow the employer of a public official to rely on the commission's investigation rather than having to conduct a new investigation. The employer will be able to choose from the range of disciplinary and remedial actions currently available to them to decide the appropriate response for the public official's wrongdoing. The concept of "employer" is expanded in the bill to include, for example, the department that engages a consultant under a contract. The amendments will require the employer to give the public official an opportunity to make a submission in relation to any proposed action before the disciplinary or remedial action is taken. Importantly, the evidence gathered by the Independent Commission Against Corruption, including, for example, an admission of guilt that may have been made under compulsion before the commission, will be able to be relied on by the employer in making its decision regarding corrupt conduct.

The use of this evidence in the disciplinary proceedings will not make the evidence admissible in any other proceedings. There will be no change to the protections currently given to witnesses before the Independent Commission Against Corruption that prevent any self-incriminating evidence they have given under compulsion being used in criminal or civil proceedings. As members would be aware, procedures laid down by the Evidence Act for courts are significantly different from the procedures of the commission. These amendments will not apply to evidence given by a public official or a finding of corrupt conduct made by the Independent Commission Against Corruption before the commencement of the amendments. I would like to take this opportunity to commend the commission for its recent work. I noted with interest the Independent Commission Against Corruption's recent report on Operation Drake concerning New South Wales Corrective Services.

<4>

The Independent Commission Against Corruption investigated allegations that Karaha Pene Te-Hira, an activities officer employed by Corrective Services NSW at the Long Bay Correctional Complex Metropolitan Special Programs Centre, trafficked mobile telephones and accessories, sports shoes, steroids and other contraband into correctional complexes over the past three years in return for corrupt payments from inmates or family members or associates of inmates. In its report on the investigation, made public on 25 January 2013, the commission made corrupt conduct findings against Mr Te-Hira, Omar Zahed, Asmahen Zahed and other associates. In this instance the commission was of the opinion that the advice of the Director of Public Prosecutions should be sought with respect to the prosecution of Mr Te-Hira for offences of corruptly receiving a reward. The commission has made corruption prevention recommendations to Corrective Services NSW to help minimise and prevent the recurrence of such behaviour. I call on the Government to ensure that the recommendations of the commission are implemented in this regard and commend the commission for its swift and decisive action in this matter.

Some may see corrupt activities as victimless crimes where this amorphous body known as "the State" is something from which advantage can be gained without harming others. How wrong this clearly is. Corrupt activity harms every citizen of New South Wales. To take advantage of government without warrant or entitlement—no matter one's position or title—undermines the trust and confidence that every citizen of New South Wales has a right to expect from their Government and officials. If a person has done nothing wrong they have nothing to hide. The bill seeks to enhance further the ethical standards that the community expects whilst protecting the reputation and good name of our State's public service. I commend our Premier for its introduction and I commend the bill to the House.

I also thank members of the Opposition for not opposing this legislation. I noted that in his speech the Leader of the Opposition referred to the fact that the unions had not been consulted. I say to him that what is good for the union movement is good for every public servant in New South Wales. It is not a necessity for the Government to consult the Opposition's union bosses every time it makes a decision. This legislation is about ensuring that we provide the highest ethical standards for the public service in New South Wales. It is about ensuring that every person in the service regardless of whether they are a unionist has the same rules, the same options and the same protections that every public servant in this State deserves. It will also ensure taxpayers will not necessarily have to pay for a second report that is unnecessary. I commend the Government for introducing more measures to ensure that we clean up government in New South Wales and providing the Independent Commission Against Corruption with the powers it requires to do its job so that we can protect and serve the people of this State to the best of our abilities. I commend the bill to the House.

The SPEAKER: I extend a special welcome to student leaders and captains from the Hornsby electorate who are in the Speaker's gallery, and to other guests.

Mr RON HOENIG (Heffron) [10.32 a.m.]: The Opposition supports the Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013. The work the Independent Commission Against Corruption does in investigating not just sensational matters but day-to-day matters and the advice and education it provides about corruption prevention and detection are quite exceptional. One of the matters that this House and no doubt the Government will be considering is a positions paper that the commission released last December on corruption prevention for non-government organisations and ways in which the Auditor-General should audit public funds allocated to those organisations.

However, in relation to this legislation, rather than taking advantage of the sensational media coverage of a current inquiry, one should focus on the bill and its importance. It seeks to remedy a problem for employers in the public sector that has bedevilled them for some time—since the establishment of the Independent Commission Against Corruption. I will give a tangible example of some of the problems that have been associated with the public sector both at State level and local council level in trying to manage employment issues arising from findings of the commission.

A number of years ago when South Sydney council existed the director of planning was found by the Independent Commission Against Corruption to have engaged in corrupt conduct and it recommended the council terminate that person's services. The council adopted the commission's recommendation and terminated the services of the director of planning but the Industrial Commission ordered that person's reinstatement. That was quite bewildering to the Mayor of South Sydney at the time, Vic Smith, and the councillors as it was also to the public. This bill will ensure that the public sector can take into consideration the commission's findings. It prevents a duplication of work that an employer might need to undertake should the employer decide it is a waste of resources to do so. It also enables an employer to act reasonably quickly. The only concern I have—

and no doubt the Premier has considered this in introducing the bill—is the removal of the provision concerning self-incrimination. I draw the attention of the House to the Legislation Review Committee's Legislation Review Digest of 12 March 2013, which states:

> Notwithstanding the beneficial intent of the Bill to facilitate disciplinary proceedings against public officials who have engaged in corrupt conduct, the Committee notes that the amendments proposed by the Bill could impact upon an individual's right against self-incrimination. However, the Committee also notes that the information cannot be used against the individual in criminal proceedings.

That applies also to civil proceedings. One of the reasons that legislation, including the Uniform Evidence Act, provides for people to be warned against giving evidence of self-incrimination, and the granting of a certificate so that the evidence will not be used against them in any Australian proceedings, is to encourage those persons to tell the truth to assist either a court or a tribunal. Prior to the Uniform Evidence Act being passed everyone declined to answer questions because that provision was not available to them. To encourage people to be truthful voluntarily with a court or tribunal, those provisions were enacted in the Uniform Evidence Act not only in this State but throughout Australia. Those provisions are contained in the Independent Commission Against Corruption Act to encourage people to be truthful with the commission in the knowledge that what they say will not be used against them.

If a public official is being investigated, for example an employee, and they know that what they say may well be used against them it may deter them from assisting the commission to reach its ultimate goal—that is, to make an appropriate finding. The commission does not just investigate members of the legislature, executive government or departmental heads; it also investigates plumbers who take $50 Coles vouchers instead of a pen as a gift. People in that demographic do not necessarily have the same understanding of the law that others have. They would be looking to protect their jobs. A recent hearing concerned a plumber who accepted a $50 Coles Myer gift voucher some years ago. When asked what he did with it he said he bought groceries because he was short of money. Those people should be able to answer questions truthfully without fearing that what they say will be used against them.

I caution the Government—this is otherwise a very good piece of legislation—that it may be throwing the baby out with the bathwater by taking away that protection. I assume that the Premier consulted the commission before bringing the bill to the House because this sort of provision will impact on the commission's work. This is a good piece of legislation because it removes the necessity for public sector employers to duplicate inquiries when they are trying to rid the organisation of those who engage in corrupt activity. Whilst the Opposition commends the bill to the House, I urge the Premier when he replies to the debate to confirm whether the commission has been consulted in respect of this provision and whether it is a conscious decision to run the risk of government employees not necessarily being truthful.

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Mr JONATHAN O'DEA (Davidson) [10.39 a.m.]: The New South Wales public service comprises hundreds of thousands of employees who cost, and spend, many billions of taxpayer dollars each year. While the vast majority do a fantastic job for our community, there is substantial potential for waste, mismanagement and corruption. The Independent Commission Against Corruption [ICAC] plays an important role in helping to prevent corruption and in revealing it when it occurs, not just with New South Wales or former New South Wales Ministers but with members of the public service. The Independent Commission Against Corruption has coercive powers to compel production of documents and evidence from witnesses, overriding claims of privilege. Its investigations can result in a report to Parliament that may include findings that a public official has, is or is about to be engaged in corrupt conduct.

Currently, agencies must commence separate investigations and obtain their own evidence for disciplinary action that follows an Independent Commission Against Corruption finding. This causes extra delay and expense, and that is not in the public interest. The New South Wales Government is amending the Independent Commission Against Corruption legislation to allow for an employer to take disciplinary action against a public official, including a consultant under contract, who has been found by the Independent Commission Against Corruption to have engaged in corrupt conduct; and to make admissible for that purpose self-incriminating and other evidence given to the Independent Commission Against Corruption by any such public official. This will enable relevant disciplinary bodies to take action against public officials based on Independent Commission Against Corruption findings.

A witness who admits to corruption effectively will no longer have the benefit of the protections contained in sections 37 and 38 of the Act for disciplinary proceedings. However, they will be given the

opportunity to make a submission regarding any proposed action against them. We believe this overdue change is one that the broad public service and even wider community support strongly. In this way the amended legislation will promote greater effectiveness and efficiency in delivering a just outcome and preserving integrity in our public service. I served on the parliamentary Committee on the Independent Commission Against Corruption in a previous Parliament that examined the issue of using Independent Commission Against Corruption evidence in other proceedings. The issue was raised in the committee's review report of the 2006-07 annual reports of the Independent Commission Against Corruption, when this matter was again raised.

There was a formal committee referral from the then Premier in late 2008; public hearings were held by the committee, particularly in 2009, and a final report was tabled in September 2010. This was in conjunction with a request from not only the previous Independent Commission Against Corruption commissioner but also the current commissioner. So, to the extent that the member for Heffron has raised that issue, it has not only been the subject of consultation with those commissioners but it has been a change requested by them. It is a shame that support for this recommended legislative change has not been readily forthcoming from all political quarters. In the *Daily Telegraph* of 27 February this year The Greens party MLC David Shoebridge reportedly rubbished the changes, saying that public servants adversely named by the Independent Commission Against Corruption would normally resign or face the sack and that the initiative was "grandstanding without real change".

Mr Ron Hoenig: That is interesting coming from Shoebridge, isn't it?

Mr JONATHAN O'DEA: It is indeed. This cynical claim is not only wrong—flying in the face of evidence from the Independent Commission Against Corruption itself—but ironic in that this shallow accusation could easily be characterised as Greens grandstanding. I certainly view it as an example of unhealthy cynicism, which does not help to effect what is real and important change. I ask: Where was The Greens' submission, or indeed input of any kind, to the relevant committee inquiry? There was none. Where was their voice on the issue at the time? There was only silence. Public sector unions, referred to in the speech of the Leader of the Opposition, also had ample opportunity to make a submission at the time. Some representatives of public sector groups did make submissions. So in particular I am critical of The Greens, who have adopted a negative and cynical attitude; and I challenge the member for Balmain to rectify that, at least in this House.

However, worse than cynicism and hypocrisy is corruption. While the former reflects on the standing of The Greens, the latter endangers the standing of our entire society. I asked the Premier a question without notice two weeks ago about lifting ethical standards in the public service. In his response the Premier referred to an example of a Corrective Services employee staying employed on full pay pending further investigation despite the Independent Commission Against Corruption finding that he had corruptly allowed contraband into a prison. The member for Heffron gave another example in a planning and local council context. There are numerous examples of employees not leaving employment as a matter of course following an Independent Commission Against Corruption finding of corruption. That was clear from evidence presented to the parliamentary committee; there is no doubt that there are numerous real examples where disciplinary action has not been able to flow automatically or easily from an Independent Commission Against Corruption finding of corruption.

The evidence before the parliamentary Independent Commission Against Corruption committee on which I sat showed that there are risks of long delays, or that people simply resign and are subsequently re-employed in the public sector in what has been described as a "revolving door" for corrupt individuals. I will quote two relevant extracts from the evidence of the Independent Commission Against Corruption given to the committee, contained in the report to which I referred earlier. The first quote relates to delays in the taking of disciplinary action, and I quote from page 26 of the 2010 report of the Committee on the Independent Commission Against Corruption, which states:

> In some cases where there is insufficient evidence to immediately proceed with disciplinary proceedings a public authority may suspend an official pending the outcome of a criminal prosecution… This however usually means that the public official continues to receive payment of salary. As prosecutions may take years to conclude and may not ultimately result in a conviction this can, at the very least, result in long delays in the finalisation of disciplinary action.

The second quote from the evidence of the Independent Commission Against Corruption given to the parliamentary committee relates to the revolving door to which I referred. I quote again from the same page of the committee's report:

> Information available to the Commission suggests a revolving door for corrupt individuals. Public sector employees have been allowed to resign against the background of misconduct allegations only to be re-employed by another agency with adverse

> results. Some individuals have been employed despite proper recording of adverse employment histories or other discoverable adverse information due to poor or non-existent employment screening during the recruitment process. Local and state government departments and agencies are often faced with decisions about whether to accept a resignation during any misconduct investigation given the financial cost attached to their completion and the risk of disciplinary action being overturned on review.

That is evidence from the Independent Commission Against Corruption. Potential disciplinary actions taken by organisations in response to employees' misconduct include an official caution or reprimand, salary reduction, fine, transfer to another position, demotion, suspension with or without pay, and dismissal. For such disciplinary actions or penalties to be effective, they must be undertaken in a way that is consistent with New South Wales government legislation and the relevant agency policies. [*Extension of time agreed to.*]

<6>

Importantly, disciplinary action and outcomes should be publicised in a timely fashion to make other staff aware of the consequences of corrupt behaviour. This will help to prevent further corruption. As we have seen, inaction or delay in responding to misconduct in a workplace can be dangerous. The time saved in taking disciplinary action against employees following a finding of corruption is important, and so are the financial savings of other public resources that will be enabled by this legislative reform. Another argument that the Independent Commission Against Corruption raised before the committee in support of a proposed amendment is that the use of evidence obtained under objection in disciplinary proceedings is not without precedent. The Independent Commission Against Corruption stated:

> Section 40 of the Police Integrity Act 1996 serves a similar purpose to section 37 of the ICAC Act. However it contains a notable exception in that evidence given under objection is nevertheless admissible against the witness in disciplinary proceedings under the Police Act 1990 and the Public Sector Employment and Management Act 2002. Section 96 of the Commonwealth Law Enforcement Integrity Commissioner Act 2006 also allows evidence given under objection to be used in disciplinary proceedings if the person giving the evidence is a staff member of a law enforcement agency.

It is thus totally understandable that this reform has been supported and requested by both the previous and current commissioners of the Independent Commission Against Corruption. Let us turn now to our friends on the other side: New South Wales Labor. Having commenced a review process in late 2008, did the Labor Government introduce legislation in response to the problem when it was identified in 2006-2007 or following that report or the reported recommendation in 2010 from the parliamentary Independent Commission Against Corruption committee? No, it did not. This was perhaps not surprising given Labor's evident self-preoccupation with internal matters regarding corruption that were infiltrating its bones like a cancer.

It has taken the O'Farrell Government to initiate change. This reform reflects a community expectation that our public service should be cleansed of corruption, and so too should the New South Wales parliamentary ranks be purged of those members who have been uncloaked by the Independent Commission Against Corruption as being corrupt. Members in the Labor quadrant of this House should be reminded that those individuals who are not corrupt—and there are a lot on their side who fall into that category—

Mr Ron Hoenig: Who are they?

Mr JONATHAN O'DEA: I suspect that it includes you. Individuals who are not corrupt but who work within a corrupted entity risk ultimately being corrupted themselves unless they continually confront the corruption. I am glad that members on the other side are supporting this legislation today. Inaction or delay is unacceptable. This is evident from the current proceedings before the Independent Commission Against Corruption involving former Labor Ministers. At least Labor is not opposing the legislation. We see cynicism and inaction or delay from The Greens and from Labor. Unfortunately, both cynicism and inaction are accomplices of corruption that undermine faith in our political system thereby eroding trust in our democracy.

In closing, I acknowledge that not all stakeholders who gave evidence before the parliamentary Independent Commission Against Corruption committee supported the changes that are now proposed. In fact, those who opposed it included a representative of the New South Wales Law Society, who made comments similar to of the member for Heffron. It was particularly interesting to hear the commission's view that people who are corrupt and who appear before the Independent Commission Against Corruption do not tell the truth unless they are forced to do so. It is often a matter of presenting the evidence and only then will they be truthful. That was the commission's consistent feedback on whether people might tell the truth voluntarily. It has a strong view in that respect, particularly regarding the Independent Commission Against Corruption proceedings.

With those concerns enunciated, it is important to emphasise that the use of self-incriminating evidence given under compulsion in the Independent Commission Against Corruption proceedings still cannot be used in civil or court proceedings. Protections in this respect will remain for Independent Commission Against Corruption witnesses, although further examination of using such evidence in civil proceedings might occur over time. Notably, as the member for Kiama mentioned, the legislation is not retrospective in operation. I commend the bill to the House and congratulate the Premier on taking overdue action.

Mr STEPHEN BROMHEAD (Myall Lakes) [10.55 a.m.]: I speak in support of the Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013. The Independent Commission Against Corruption independently investigates and exposes corrupt conduct by public officials. It has coercive powers to compel the production of documents and evidence from witnesses, including the power to override claims of privilege. The Independent Commission Against Corruption publishes its findings and reports, which are tabled in Parliament under Section 74 of the Independent Commission Against Corruption Act 1988. These reports may include a finding that a public official has engaged in, is engaged in or is about to engage in corrupt conduct. Currently, there is no power for agencies to take disciplinary or remedial action against public servants who have been found to be corrupt by the Independent Commission Against Corruption. Instead, agencies must commence separate investigations and obtain their own evidence of misconduct. This causes additional delay and expense. There is a strong public interest in improving the efficiency and effectiveness of disciplinary action taken in respect of corrupt public servants.

We heard from the member for Davidson that this issue has been before Parliament since 2006. On 14 August 2008 the commission wrote to the Committee on the Independent Commission Against Corruption proposing a number of amendments to the Independent Commission Against Corruption Act 1988, including amendments to allow evidence that is compulsorily obtained by the commission to be later used in disciplinary proceedings against the individual. The committee inquired into the matters raised by the commission and, in September 2010, released its report, "Proposed Amendments to the Independent Commission Against Corruption Act 1988". The report made recommendations that the Act be amended to facilitate this issue.

We should stop there and ask: Why was action not taken in 2006, 2007, 2008, 2009 or 2010? Consider the events that we have seen unfolding before the Independent Commission Against Corruption over the past six to 12 months. The corrupt Labor-Greens alliance did not take any action because many of its people were in public service positions. The New South Wales Labor Party controls the Federal Labor Party, which is why there are so many problems in Australia today. Consider what the Labor-Greens alliance in government did to this State before it was thrown out emphatically by the people. It is clear that the whole Government was corrupt. The lack of ethics, principles and morals that permeated Labor filtered down to the public service. It is great to see the Premier and this Government are determined to ensure that we have a public service of which they and the people of New South Wales can be proud.

<7>

Currently, where a public official is found by the commission to have engaged in corrupt conduct the next step is for the public official's employer to carry out its own investigation to determine whether there has been misconduct. The bill will allow the employer of the public official to rely on the commission's investigation rather than carrying out a separate misconduct investigation.

The objects of the bill are to amend the Independent Commission Against Corruption Act 1988 to, first, enable employers of public officials to take disciplinary proceedings against public officials on the basis of corruption findings made by the Independent Commission Against Corruption and, secondly, to make admissible for that purpose self-incriminating and other evidence given to the commission by any such public officials the subject of corrupt findings.

Schedule 1 [3] enables the employer of a public official to take disciplinary proceedings in connection with the employment of the official if the commission finds, in a report to Parliament, that the public official has engaged in or has attempted to engage in corrupt conduct. The person or body determining the disciplinary proceedings may take any disciplinary or other action that the person or body may otherwise take in disciplinary proceedings against the official but must give the public official an opportunity to make a submission in relation to any proposed action. Evidence given by the official in the commission's proceedings is admissible in the disciplinary proceedings and in any subsequent appeal or review, but such evidence does not become admissible in any other proceedings because it is so used.

That touches on the findings of the Legislation Review Committee, which said that, notwithstanding the beneficial intent of the bill to facilitate disciplinary proceedings against public officials who have engaged in corrupt conduct, the amendments proposed by the bill could impact upon an individual's rights against self-incrimination. However, the committee also noted that the information cannot be used against the individual in criminal or civil proceedings. The committee flagged that as an issue but did not refer it to Parliament for its determination.

Schedule 1 [1] enables statements of information or documents or other things produced to the commission by a public official that tend to incriminate the official to be used in disciplinary proceedings based on a finding of corrupt conduct, as referred to in the amendment made by schedule 1 [3], even if the public official has objected to the production on that basis. Schedule 1 [2] enables answers made or documents or other things produced by a public official at a compulsory examination or public inquiry before the commission that tend to incriminate the official to be used in disciplinary proceedings based on a finding of corrupt conduct, as referred to in schedule 1 [3].

The member for Davidson outlined to the House the history and the investigations of the committee and he said that the evidence given before the committee was compelling. It is good that the Opposition does not object to this legislation, but the Opposition could not object to any legislation that relates to the commission in light of all the evidence that is currently being given before the commission. The Opposition should not object to anything the Government does to bring in good governance, accountability, ethics and morality—all the things I spoke of earlier. The community should not take any heart from the fact that the Opposition does not oppose the bill, because the Opposition is compelled to do so. I commend the bill to the House.

Mr KEVIN ANDERSON (Tamworth) [11.04 a.m.]: I speak in support of the Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013. The main purpose of the bill is to amend the Independent Commission Against Corruption Act 1988 to facilitate the taking of disciplinary action against corrupt public officials. The Independent Commission Against Corruption [ICAC] independently investigates and exposes corrupt conduct by public officials. It has coercive powers to compel the production of documents and evidence from witnesses, including the power to override claims of privilege.

The commission publishes its findings in reports that are tabled in Parliament under section 74 of the Independent Commission Against Corruption Act 1988. These reports may include a finding that a public official has engaged in, is engaged in or is about to engage in corrupt conduct. That is the essence of why we are making these changes to the Act. When people and power come together it is a recipe for potential corruption. That is why we have oversight boards and committees: to ensure that we have accountability, honesty, integrity and transparency in our public system. While people may start out with idealistic agendas, sometimes somewhere down the track they go astray. We need to ensure that people are reminded of those values in dealings with the public, in dealings with the public purse and in people's day-to-day operations where they are in a position of influence and power and could coerce others who may or may not be thinking about engaging in corrupt conduct.

Currently there is no power for agencies to take disciplinary or remedial action against public servants who have been found to be corrupt by the commission; instead, agencies must commence separate investigations and obtain their own evidence of misconduct. This causes additional delay and expense. There is a strong public interest in improving the efficiency and effectiveness of disciplinary action taken in respect of corrupt public servants, and we are seeing evidence of that currently in a number of institutions in New South Wales. There is an underlying drive by the media to flush out those who may be engaged in or may be about to engage in corrupt conduct. The media has a role to play in relation to that public interest, although currently, at a Federal level, the freedom of speech the media enjoys is being reined in, which is causing a great deal of angst in the media.

It is ironic that the Federal Minister for Communications has brought down an edict of his way or the highway in relation to the control of media and freedom of speech. Often the media has a role to play in unearthing public officials who are engaged in or may be about to engage in corrupt conduct. This country was founded on freedom of speech in the media in relation to sources and the ability to express opinions. This freedom should be cherished and preserved, in contrast to what is about to rammed through the Federal Parliament. There is a strong public interest in improving the efficiency and effectiveness of disciplinary action taken in respect of corrupt public servants. This bill will enable swift disciplinary action to be taken by avoiding the need for separate investigations by disciplinary bodies. Currently some proceedings are being undertaken many years after the alleged corrupt action by certain people holding public office.

<8>

We need to ensure that it is identified quickly and dealt with and that systems, processes and policies are put in place to prevent it from occurring in the first place. That is why this bill is moving down the path to take disciplinary action against corrupt public officials in a timely manner.

The bill enables employers of public officials to take disciplinary proceedings against public officials without the need for further investigation on the basis of a formal finding by the Independent Commission Against Corruption that the public official is corrupt. This will enable disciplinary action to be taken swiftly. The bill also enables evidence which may be self-incriminating to be used in those disciplinary proceedings against a public official who has been found to be corrupt. It applies broadly to public officials subject to the jurisdiction of the Independent Commission Against Corruption against whom disciplinary proceedings may be brought for employment purposes. It does not apply retrospectively. Members of the community expect accountability, honesty, integrity and transparency from public officials. High standards are expected of those in public office—by the general public and by their colleagues in departments and public offices across the board. Those standards are expected of the many thousands of public sector workers right the way through to elected members of Parliament, the Premier and the Prime Minister.

To ensure that public officials are doing the right thing we must ensure that checks and balances are in place to keep them on track and to make sure that oversight boards and committees get in early to discourage public officials who may be contemplating engaging in corruption or linking with a corrupt official from doing so. That is paramount to ensure that New South Wales is free of such people and is free of some of the disgusting and downright disgraceful instances that we have recently seen in the media. We must ensure that those types of abuse of power are never able to recur. It is common sense that the Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013 be introduced. I commend Premier Barry O'Farrell for introducing it. I commend the bill to the House.

Mr RICHARD AMERY (Mount Druitt) [11.12 a.m.]: I intend to make a comprehensive contribution on the provisions of the Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013 because, although the objectives of the bill are fairly minor in nature, they could have significant impacts on some investigations. As the Leader of the Opposition said this morning, the Opposition supports the bill. It sees it as a way of eliminating duplication in the investigation of allegations made against public servants, public officials and the like. I will refrain from responding to the couple of Government members who decided to expand debate on this bill and highlight some issues relating to former Ministers who have been in the headlines, because to do so would open up a debate about people who have appeared before the Fitzgerald inquiry and so on. I do not think that would be positive.

Mr George Souris: No, we don't want to mention any of that stuff!

Mr RICHARD AMERY: I note the sarcastic interjection of the Minister. I have only made a passing reference to it. The bill before the House is part of a continual reform of the Independent Commission Against Corruption legislation. The Minister at the table knows about many of those reforms because he has served in this place for almost as long as I have. As has been indicated, the Independent Commission Against Corruption was introduced by the Greiner Government following the 1988 election and the legislation became law a couple of years later. In response to the member for Myall Lakes, it is now a historical fact that one of its first high-profile victims was the then Premier, the Hon. Nick Greiner. In this House it has often been said that he was found innocent by the Supreme Court. That is an incorrect assessment, and it is important to my point about the continual process of changing the Independent Commission Against Corruption legislation.

In the Nick Greiner case the Independent Commission Against Corruption found him corrupt, which he successfully challenged. He was able to challenge that finding because the court found that the legislation did not allow the commission to make a finding of corruption against Mr Greiner or anyone else. Whilst Nick Greiner is often marketed as having had the matter overturned, as a result of that finding the legislation was reformed to allow the commission to make a finding of corruption in that case and any other case. So before Government members get too cheeky I point out that if the current legislation applied in the early 1990s that appeal to the Supreme Court would not have been successful. We had to change the law and close a loophole so that the Independent Commission Against Corruption could make a finding of corruption against an individual or politician and so on. It did not have that power in the early days. Government members need to get their facts right in that regard.

The member for Heffron raised an important issue with regard to this bill: the rules of evidence and the issue of incriminating evidence being used in an Independent Commission Against Corruption investigation. There has always been a reluctance to allow that sort of reform because of the special nature of the way that the commission collects evidence and makes it public through its inquiries. The legal fraternity can explain and argue this issue better than I can; however, it is important to point out that whilst that provision of the bill will apply to an employee of a government department it would not apply to a subsequent court proceeding against that person, because much of the evidence gathered by investigators from the Independent Commission Against Corruption would fall outside the rules of evidence in a civil or criminal court.

The bill will allow a director general or a commissioner or another departmental head to use evidence gathered by the Independent Commission Against Corruption investigators when taking disciplinary action against an employee, unlike in a civil or criminal court. Of course, that would not and could not change the rules of evidence that apply in civil and criminal courts; they are locked up in legislation and statutes as well as common law and court rulings down through the ages. However, it raises an interesting point. During this debate references have been made to issues currently before the Independent Commission Against Corruption. Those issues are not covered by this bill but have been introduced by Government members. I think the public would be absolutely horrified after hearing all the damning, sensational, colourful evidence has been made public—

Mr John Williams: Ho, ho, ho.

Mr RICHARD AMERY: I do not know what I have said that is funny. If the member for Murray-Darling has a problem I suggest he should go out of the Chamber and have a glass of water.

<9>

The public would be horrified if much of the evidence given to the Independent Commission Against Corruption was deemed inadmissible in a criminal court, and certain action was not able to be taken against certain people. This is an interesting point, because when the Independent Commission Against Corruption is dealing with criminal conduct perhaps it should conduct its inquiry in a manner that is consistent with a criminal investigation conducted by, say, a fraud squad detective or a Crime Commission officer. That would ensure the evidence given publicly at an Independent Commission Against Corruption inquiry which will form the basis of a finding of corruption will stand up in civil or criminal court in due course. If the inquiry evidence is rejected by a court public confidence in the commission could be severely damaged.

Together with a number of other members of this House, I am a member of the Committee on the Independent Commission Against Corruption. During the term of the previous Government I was the chair of that committee. Periodically the Independent Commission Against Corruption Commissioner and officers appear before the committee to discuss the commission's annual report, et cetera. We have a presentation by the commissioner marked in our diaries for later this year at which he will speak about the annual report and answer questions. I conclude my remarks on this bill with a very positive and objective comment the commissioner made when he appeared before the committee last year. His comment has nothing to do with the current Independent Commission Against Corruption inquiry. He said that the level of corruption in New South Wales—I think he was implying in Australia as well—when compared with that in other countries "is relatively low".

Mr Darren Webber: Eddie says the same thing.

Mr RICHARD AMERY: His comment is recorded in *Hansard*, so perhaps the member for Wyong will be able to find someone to read it to him.

Mr Darren Webber: We will buy it off Eddie.

Mr RICHARD AMERY: No-one will ever give the member for Wyong an infringement notice for being intelligent. I mention another interesting aside by the commissioner, particularly as my background does not include having served in local government. In the context of almost 50 per cent of allegations investigated by the Independent Commission Against Corruption being sourced from local government, the commissioner made a lighthearted comment that was not intended to be taken as a legal interpretation. He said words to the effect that if it was not for local government perhaps the Independent Commission Against Corruption would be out of business.

As the Leader of the Opposition said, the bill will eliminate the need for a second investigation when the Independent Commission Against Corruption already has applied considerable resources and taxpayers' funds to an initial investigation. It seems anomalous that a government department should carry out another investigation to arrive at the same conclusions. I am sure all members of this House would agree that as long as people have a right of appeal and are able to have grievances heard in the Industrial Relations Commission or some other forum this bill may safely be passed.

Mr CHRIS PATTERSON (Camden) [11.23 a.m.]: I support the Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013. Madam Acting-Speaker, before I comment in detail on the bill, I seek your indulgence. As you may be aware, today is Parliamentary Education Day and wonderful school leaders from Catholic high schools across the State are visiting Parliament. I state for the record and single out four outstanding young leaders who are present in the gallery: Louis Bendsten, Alex Fitzpatrick, Blake Harvey and Jess Grech. They are all from the Magdalene Catholic High School in my electorate. Knowing them firsthand as I do, I can attest to their wonderful leadership qualities. I am certain they will be the future leaders of our community. It is wonderful to welcome them to this House. For the information of member for Keira, I add that they are not on my preselection panel; they are just wonderful young school leaders of whom I am very proud. The other point I mention is that the member for Wollondilly, who is present in the Chamber, is very supportive of the Magdalene Catholic High School in my electorate. Many of his constituents attend Magdalene Catholic High School because it is such a fine Catholic educational institution in our district. I welcome those young leaders to the gallery. I hope they enjoy their day. It is a privilege to have them with us.

In 1988 the Independent Commission Against Corruption was established pursuant to the Independent Commission Against Corruption Act 1988 following a number of scandals involving public administrations around the country. The purpose of the Independent Commission Against Corruption is to minimise corrupt activities and strengthen the integrity of New South Wales public administration through its investigation. As previously stated during this debate, its jurisdiction extends to elected State members and local government councillors, local government, public servants, staff of State-owned corporations and even to the Governor of New South Wales.

The commission has the power of coercion to compel witnesses to testify and to produce documents and other evidence. It can also override claims of privilege. The commission's coercive powers are the same as those of a royal commission. For the information of people present in the gallery I point out that the proceedings of Parliament today include a debate on the Royal Commission Amendment Bill 2013 after this debate concludes. Currently the Independent Commission Against Corruption publishes findings in reports tabled in Parliament under its Act. The findings are in relation to whether or not corrupt conduct has been, or is, or is about to be engaged in by a public servant. Currently, there is no power for findings of the Independent Commission Against Corruption to be used against a public servant by an employer for disciplinary or remedial action.

The commission also will make recommendations in its report to Parliament in relation to changes to systems and procedures for the prevention of future corruption, the corrupt conduct of people investigated, and recommendations that the advice of the Director of Public Prosecutions be sought on the people found to have acted corruptly. Once the report is handed down and made public the commission can assist the Director of Public Prosecutions in preparation for prosecutions.

The bill will enable employers to take disciplinary proceedings against public officials based on the official findings of the Independent Commission Against Corruption. That is the whole crux of the bill. Currently the commission makes findings that cannot be used by an employer to take disciplinary action. The employer needs to repeat the whole process, often taking up time for the process and adding a cost to the employer. This bill will enable any finding of the commission to be used by an employer to take disciplinary action against an employee if the employee is found guilty of corrupt conduct or corrupt procedures.

Because of the investigatory purpose or nature of the Independent Commission Against Corruption there is no responsibility within the commission for determining or deciding criminal and civil liability. This is the role of and a matter for a court where evidence is laid before the court for the court to determine civil or criminal liability. Currently the employer of a public servant who has been found to have engaged in corrupt conduct by the Independent Commission Against Corruption must conduct a separate investigation into whether there has been corruption or misconduct. This is an unnecessary, costly and an ineffective use of time as well as duplication of the Independent Commission Against Corruption investigation.

<10>

The waste of time and resources in conducting another investigation defies logic and just does not make sense. The employer of a public servant will be able to rely on the commission's investigation and not have to start from scratch. The bill will provide for a smooth transition from the Independent Commission Against Corruption establishing corrupt conduct to an employer choosing from a range of disciplinary and remedial actions. This will deliver a much more efficient time line and better use of resources in bringing to justice the person whom the Independent Commission Against Corruption found to have acted corruptly. The concept of "employer" is expanded in the bill to include, for example, the department that engages a consultant under a contract.

The amendments will require the employer to give the public official an opportunity to make a submission in relation to any proposed action before disciplinary or remedial action is taken. Importantly, the evidence gathered by the Independent Commission Against Corruption, including, for example, an admission of guilt that may have been made under compulsion before the commission, will be able to be relied on by the employer in making his or her decision. The use of this evidence in the disciplinary proceedings will not make the evidence admissible in any other proceedings. The crux of the bill is to enable the employer to use the findings of the Independent Commission Against Corruption to stop any duplication or costly additional proceedings or investigations, and to stop delays in taking action against an employee who has been found to be guilty of corrupt conduct.

It is important to note that protections currently given to witnesses before the Independent Commission Against Corruption that prevent any self-incriminating evidence they have given under compulsion being used in criminal or civil proceedings will not change. These amendments will not apply to evidence given by a public official or a finding of corrupt conduct made by the Independent Commission Against Corruption before the commencement of the amendments. As we are aware, the Independent Commission Against Corruption is used to hold to account those who hold a position of power and influence within our community: elected councillors, members of State Parliament and senior public servants. As I have said, I have every confidence that the four young men and women sitting in the gallery today will be the future leaders of our community.

Mr Ryan Park: As members of the Labor Party.

Mr CHRIS PATTERSON: No, I have every faith they will make the right decision and shun the dark side. However, I will not try to influence the outcome. They will have my total support, whether dark or light. That will not be an issue. The point I was making before being interrupted by the member for Keira is that these young men and women will no doubt be the future councillors and mayors, and I hope one of them will be a member of State Parliament. I have every faith that we will not see the names of Louis Bendsten, Alex Fitzpatrick, Blake Harvey or Jess Grech before the Independent Commission Against Corruption. I am sure about that.

Mr RYAN PARK (Keira) [11.33 a.m.]: I am also sure these great students in the gallery will not be before the Independent Commission Against Corruption, particularly if they are paid up members of the New South Wales Labor Party. I follow on from what my colleagues on this side have said, that we will be supporting this bill. This legislation will continue to contribute to making the public service more robust and free of corruption. It will continue to put the necessary safeguards, pressures and influence on those who perhaps try to use their positions for wrong. I hope it will support greatly the work of the Independent Commission Against Corruption. The public service is a very robust organisation. I am sure improvements can be made, and I hope they will be made.

In years to come, regardless of who occupies the Treasury benches, I hope that we will continue to work in a bipartisan way to make sure our public service is as robust and as free of corruption as we possibly can. Members of the community who elect each and every one of us expect that we come into this place with the simple but definite belief that we are here first and foremost to serve the community. That does not always mean that the community that we serve will always agree with us, but, regardless of our positions on policy and regardless of our political persuasions, the community has the firm belief that its elected men and women who serve it, including those in public service agencies, are there to serve the public and not to serve themselves through corrupt behaviour.

I take this opportunity to support the words of the Leader of the Opposition, who spoke to this bill earlier today. When it comes to corruption, it is extremely important that we operate in a very bipartisan and

proactive way. I hope this legislation will continue to build on the reforms that make our government agencies and services more robust and free of corruption. That is what the men and women, the young and the old, the frail and the elderly, the rich and the poor within our communities expect. They expect members of Parliament, public servants, public leaders and officials to be there for them. That is an absolute benchmark of what we have in this community and that is what is expected of them.

I also take the opportunity to support my side of the House, which, during a very difficult period and under the leadership of the member for Blacktown, has taken a proactive stance in driving the work of the Government to support some of these reforms. We are seeing some difficult things at the moment. They are not isolated to political parties or one side of politics. If we are honest with ourselves, we have had to deal with this in the past and we will continue to have to deal with it going forward. I hope this legislation, along with the commitment of both sides of the House, will make sure we not only weed out that corruption but reduce it going forward. The men and women in the community I represent, and I am sure the men and women in the communities that all of us represent, expect our public servants to be free of that corruption. I hope this bill will build on that and help to reduce it, because it is what our communities expect and what all of us here should expect.

VISITORS

ACTING-SPEAKER (Ms Sonia Hornery): Order! I welcome to the gallery this morning student leaders from Catholic schools in New South Wales. I understand they are attending the Secondary Schools Leadership Program conducted by Parliamentary Education. I understand there are captains and leaders from the Hornsby electorate. On behalf of the House, I extend to you a very warm welcome.

<11>

Mr JOHN WILLIAMS (Murray-Darling) [11.39 a.m.]: I support the Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013. It is a great move to strengthen the role of the Independent Commission Against Corruption in New South Wales in its treatment of potentially corrupt officials. The member for Heffron highlighted some of the frustration this bill may overcome. The fact that the Independent Commission Against Corruption found a local government employee had acted corruptly, but that the employee was later reinstated by Fair Work Australia clearly indicates our failure to deal with the commission's findings. If the commission finds an official has acted corruptly, that person must be dealt with appropriately. This bill provides employers the opportunity to take appropriate action against persons found to have engaged in corrupt conduct.

Previously, employers in this State found it better to engage the police and to have criminal charges laid against an employee found stealing from them rather than to sack the person only to have that person reinstated by Fair Work Australia. The Independent Commission Against Corruption makes serious findings. Currently, the commission is examining the conduct of officials in the former Labor Government in relation to taxpayers' money. The public has a high expectation that criminal charges will be laid but, of course, the commission must overcome a number of difficulties before referring matters to a court. Obviously, the Director of Public Prosecutions must examine the evidence given to the Independent Commission Against Corruption to determine whether criminal charges can be laid.

The initial role of the commission is to investigate allegations through the collection of evidence and determine whether the matter can be transferred to a court to lay criminal charges. The public expects that some cases should proceed straight to court, but the preliminary hearing determines whether the evidence that State or local government employees have engaged in corrupt activities is strong enough. To date the commission has demonstrated a fair bit of frustration with the Government's inability to react to some of its recommendations regarding improving its role and conducting its activities in this State. Clearly, the recent behaviour and lack of humility shown by those giving evidence in the current hearing indicates that they do not have much respect for the commission's standing in this State. That is a shame because the commission has conducted some good inquiries.

Having an effective commission reminds members of Parliament and government employees that they will face this agency if they engage in corrupt activity. Some people enter employment with the clear intention to act corruptly and take advantage of their position for their benefit. The current Independent Commission Against Corruption hearings are hearing about those who have taken advantage of their position of power. The public expects and desires that the current hearing will result in the Director of Public Prosecutions laying

criminal charges. Certainly, those on the other side who dismissed those members from their party want to disengage with them because of their past behaviour.

The Independent Commission Against Corruption plays an important role in conducting inquiries in New South Wales and providing the State with the benefits of those hearings. Recently, Victoria's counterpart received much criticism about its inability to carry out inquiries to the same depth as those being conducted in New South Wales. The New South Wales Independent Commission Against Corruption is a peak organisation in Australia dealing with corruption. The Opposition supports the bill; no doubt it must. This bill is the result of recommendations that the former Labor Government did not act on. This Government is taking that action. I look forward to further recommendations of the Independent Commission Against Corruption and also to the support this Government will provide to reinforce the commission's role in being more effective to ensure that those who engage in corrupt behaviour are punished appropriately.

Mr STUART AYRES (Penrith) [11.48 a.m.]: It is apt to be debating the Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013 with representatives from Catholic schools around the State present in the visitors gallery. One of the fundamental values the Catholic school system tries to embed in its student body is integrity. Essentially, that is what the Independent Commission Against Corruption is about: ensuring that the public service in this State has integrity and that no public employee lines his or her pockets by taking advantage of his or her position and taking the public for a ride.

<12>

It is unfortunate that as we are debating this bill we are hearing some of the most amazing stories emerging from the Independent Commission Against Corruption about people who have used their position in public office for personal financial gain. Our system of Government relies on a public service that has integrity at its heart. At no stage should the public have to question whether the public service is doing anything other than servicing the public with the right approach and attitude. The simple fact is that if we are going to have an Independent Commission Against Corruption it must have the ability to take appropriate disciplinary action at the end of an investigation when it is needed. If someone breaks the rules or breaches the unimpeachable trust that must exist between the public and the people serving it then disciplinary action must be available as a penalty.

The previous speaker stated the bill is the result of a recommendation that clearly identified this necessary reform. If an employer of a public servant identifies a matter and refers it to the Independent Commission Against Corruption, the commission currently has no power to take disciplinary action. This bill will correct that. We have seen time and again over the past few weeks and months that some people decided over a period of time that they no longer wanted to represent the people of New South Wales, they no longer wanted to be public servants or to operate in a reasonably noble profession, whether it is in this Parliament or in the public service generally. Those people decided that they wanted to act for themselves; they are no longer welcome in this place or in New South Wales.

The Independent Commission Against Corruption is designed to protect the public from those people, to ensure that when someone decides to act that person recognises that there will be consequences. That is why these types of bills are introduced. The Government is taking action to ensure that the Independent Commission Against Corruption has the appropriate strength and authority to take disciplinary action following its investigations. In larger cases prosecutions will occur through the court process, but there must be an option for an appropriate level of disciplinary action after the Independent Commission Against Corruption has found someone has acted corruptly. Without that there is absolutely no deterrent for any person to choose to not act corruptly. The community relies on the good judgement of people and their ability to make the right decisions, but we must recognise that the world is not full of those people. There are people who want to take advantage for their own benefit; disciplinary action must be available to mitigate the opportunities for that to take place.

This is a good bill. I suspect we will see more revelations from the proceedings at the Independent Commission Against Corruption because one of the fundamental reasons the Coalition is in Government in New South Wales is that the people of New South Wales lost trust in the former Labor Government, which Government walked away from the people of New South Wales. What is even more alarming is that some members of the former Labor Government watched and knew time after time that things were taking place, but they chose to not act as members of their own party and they chose to not act as public officials. That is a scar that they will have to wear for a very long time. It is a scar that New South will have to wear for a very long time. It is a scar that members of this Government will have to wear for a very long time.

There is not one member in this Chamber who does not walk down the main street of his or her electorate and have people wonder: Is that guy like the other guy? That is what we have to put up with now. Every person in New South Wales has a right to question whether every member in this Chamber is acting with integrity. Every member's integrity is questioned now. We must raise the bar and set a new standard of behaviour. This bill is setting a new standard of behaviour for members and for other public servants. The public expect it. We must continue to walk down this path and to set the bar higher because without that New South Wales will not become the number one State again. New South Wales must be number one in the way it approaches government and the way people view its public representatives, not just as an economic benchmark. The Government must ensure that this State operates better than any other State and it can only do that when the integrity of the public service is protected.

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [11.54 a.m.]: I speak in support of the Independent Commission Against Corruption amendment (Disciplinary Proceedings) Bill 2013. Other members have spoken at length on the operation of this bull so I will not focus my comments on its operational clauses except to note that the fundamental purpose of the bill is to remove the restriction that operates in section 37 of the Independent Commission Against Corruption Act 1988, which operates to prohibit the use of compulsorily obtained evidence provided under objection to the Independent Commission Against Corruption in disciplinary proceedings. The effect of the bill is to facilitate disciplinary proceedings against public officials who have engaged in corrupt conduct.

What are we talking about when we talk about disciplinary proceedings? Those proceedings are identified in the Public Sector Employment and Management Act 2002. Section 42 subsection 1 defines disciplinary action in relation to an officer as dismissal from the public service, a direction to resign from the public service within a specified time, annulment of an officer's appointment if that officer is on probation, reduction in salary or demotion to a lower position, and imposition of a fine or a caution or a reprimand. A wide range of sanctions can be applied in relation to the definition of disciplinary proceedings. The main issue arising from the bill, as noted by others who contributed to the debate, is its impact on the balance between two competing legal maxims—the efficient administration of justice on the one hand and the common law privilege against self-incrimination on the other.

At the outset I acknowledge that I strongly believe that the privilege against self-incrimination is a fundamental precept of justice. It has been well established for more than 300 years that that is the case. The International Covenant on Civil and Political Rights 1966, which came into force in 1976, states that, "In determination of any criminal charge no-one should be compelled to testify against himself or to confess guilt." It has been described in a number of leading cases before the High Court of Australia as variously being a bulwark of liberty and a basic and substantive common law right. A couple of cases in the early 1980s dealt with that issue: the Sorby case and Pineboard case. They dealt with self-incrimination in civil penalty proceedings. Those cases involved breaches of the Trade Practices Act.

The court in those cases made it clear that while the privilege against self-incrimination is a firmly established rule of the common law it is not considered immutable and it may be modified by statute. Chief Justice Gibbs made the point in *Sorby v Commonwealth* that the privilege against self-incrimination is not protected by the constitution, and like other rights and privileges of equal importance it may be taken away by legislative action. I note two things in relation to the privilege against self-incrimination. The first is that it must be claimed in order to operate. It does not operate in the abstract—the privilege must be claimed in order for it to take effect. The second issue to note in relation to the privilege against self-incrimination, because it is assumed by the courts to operate, the contra preferentem rule provides that unless it is clear in statute that the privilege is intended to be removed then the courts will assume that it still operates. A bill must be clear when it is seeking to limit the privilege against self-incrimination.

<13>

What the bill before the House is proposing is very clear. Proposed section 114A (5) provides:

> Evidence given to the Commission by the public official may be admitted and used in disciplinary proceedings against the public official that are authorised by this section (and in any related appeal or review proceedings) despite sections 26 and 37 or any other law. However, the admission and use of the evidence in those proceedings does not cause it to be admissible against the public official in any other proceedings.

That makes clear what the bill seeks to do and how it seeks to limit the privilege against self-incrimination. It makes very clear that the limits on privilege relate solely to disciplinary proceedings and not to criminal

proceedings. There is well-established precedent for limiting the privilege against self-incrimination in certain cases. The famous case is probably the 1993 case of *Environment Protection Authority v Caltex Refining Company Pty Ltd*, in which the High Court held that the privilege against self-incrimination does not apply to a corporation but only to natural persons. Equally, this bill seeks to choose what I strongly believe is the right course: The privilege should not apply in cases of disciplinary proceedings.

As other members have noted, this was the finding of an inquiry of the parliamentary Committee on the Independent Commission Against Corruption, of which I was a member at the time. That inquiry followed a referral from the Independent Commission Against Corruption commissioner. The committee agreed strongly that the ability to use evidence provided under objection to the Independent Commission Against Corruption would improve the efficiency and timeliness of disciplinary proceedings, and that that supports the public interest in ensuring that those who have admitted to corrupt conduct face disciplinary action.

The bill provides balance. It addresses another important issue in our justice system: that justice should be timely; or, to use the legal maxim, justice delayed is justice denied. It is very important for public confidence in our justice system that public officials found to have acted corruptly are disciplined swiftly. I strongly agree with that element of this bill. However, it points to another related issue of reform—that is, criminal prosecutions. While, quite properly in my view, this bill does not limit the rights against self-incrimination in respect of criminal charges, there is the issue that an adverse finding against a person by the Independent Commission Against Corruption often is not translated into swift criminal prosecution. In fact, there are instances where the Independent Commission Against Corruption has recommended criminal prosecution but charges have not been laid for well over a decade. That is unfortunate, and it risks being corrosive of public confidence in our justice system, in the same way as have disciplinary proceedings until this point in time.

I encourage the parliamentary Independent Commission Against Corruption committee to consider whether steps might be taken to encourage prosecuting authorities to make a timely decision in relation to prosecutions where the Independent Commission Against Corruption has so recommended. It obviously is unfortunate that potential defendants do not have the opportunity to defend themselves in court in a timely fashion; but it is also unfortunate for the community if persons who should be prosecuted for serious matters are never asked to give an account for their conduct in an open court. That being said, it is clearly appropriate, on balance, that these reforms be introduced, especially given the public interest in seeing justice done. Removing proven corrupt officials from our State's public service should be like removing a bullet from an injured person's body; it should be done as quickly and as straightforwardly as possible, because the longer it lingers the greater is the potential for damage to be done, and that can be enormously corrosive of public confidence in the administration of justice in New South Wales. This bill is an important step in improving that position, and as a result it has my strong support.

Mr MARK COURE (Oatley) [12.03 p.m.]: I speak in support of this bill to amend the Independent Commission Against Corruption Act 1988 to facilitate taking disciplinary action against corrupt public officials. I commend the Premier and the New South Wales Government for taking a tough, long overdue stand in amending that Act. By way of background information, the Independent Commission Against Corruption [ICAC] independently investigates and exposes corrupt conduct by public officials. It has powers to compel the production of documents and evidence from witnesses, including the power to override claims of privilege. Currently government agencies do not have power to take disciplinary or remedial action against public servants who have been found to be corrupt by the Independent Commission Against Corruption. Instead, agencies must commence separate investigations and obtain their own evidence of misconduct. This causes additional delay and expense.

As members know, the Independent Commission Against Corruption publishes its findings and reports, which are tabled in Parliament under section 74 of the Independent Commission Against Corruption Act 1988. Those reports may include a finding that a public official has engaged in, is engaged in or is about to engage in corrupt conduct. There is a strong public interest in improving the efficiency and effectiveness of disciplinary action taken in respect of corrupt public servants. This bill will enable swift disciplinary action to be taken by avoiding the need for separate investigations by disciplinary bodies. I support the amendment as it facilitates taking action against corrupt public officials. I believe the amendment will strengthen the authority of the Independent Commission Against Corruption to take action against rogue public officials. This amendment sets the bar higher, and it sets a new standard here in New South Wales. Currently there is no authority for government agencies to take disciplinary or remedial action against public servants found to be corrupt by the Independent Commission Against Corruption. This amendment works towards improving the efficiency of any disciplinary action that needs to be taken against public officials who have engaged in corrupt conduct.

Under the current Act, following a corrupt finding by the Independent Commission Against Corruption, a separate investigation is required by an agency. This amendment removes that extra administrative burden and will enable the employers of public officials to take disciplinary action following a finding by the Independent Commission Against Corruption. This is an important piece of legislation; it will make government services more robust in years to come, regardless of who is in government. The community expects elected representatives to conduct themselves according to the highest standards. This amendment makes the process of taking action against corrupt officials easier. We need look no further than at what has been in the newspapers and on television lately regarding corrupt conduct by former public figures. I therefore support this amendment.

Mr BRYAN DOYLE (Campbelltown) [12.06 p.m.]: Vigilance is the price of liberty, and that is why I support the Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013. When I first addressed this Chamber I spoke of the importance of public leadership in the context of values, service and determination: values such as duty, honour, honesty, loyalty and gratitude; service in relation to public services and servants serving the community; and determination in the sense of vigilance to ensure that we maintain our liberty. This bill will amend the Independent Commission Against Corruption Act 1988. That Act arose from community concerns about the integrity of the New South Wales public sector. It was instituted under then Premier Nick Greiner. Since then commissioners such as Mr Ian Temby, QC; the Hon. Barry O'Keefe, AM, QC; Ms Irene Moss, AO; the Hon. Jerrold Cripps, QC; and currently the Hon. David Ipp, AO, QC, have headed the Independent Commission Against Corruption and have maintained a watch over public accountability.

The role of the Independent Commission Against Corruption principally is to investigate corrupt conduct involving or affecting the New South Wales public sector. Yes, that includes local government, judges and magistrates. It can investigate matters referred to it by both Houses of Parliament, and it is required to publish its reports and findings. This amendment goes to improving public confidence in public administration in our great State. Only recently at a citizenship ceremony I had a discussion with one of our fellow Australians who had recently come from overseas. He outlined the reasons that he chose to come to Australia, and in particular New South Wales.

<14>

It was to get away from a corrupt system of government to which he had previously been subjected. He talked about the corrosive effect of living under a corrupt regime, where a person's rights and liberties are not respected, where a person cannot be assured of a fair hearing and where a person is not sure whether their wife, their children, their brothers and sisters, or their extended family and friends will be treated fairly by those in power. He said how much he appreciated the rule of law and the fact that even those who are tasked with making the laws and enforcing them were also obliged to comply with those laws. That is what this amendment goes to: improving confidence that a person's rights and liberties are protected.

This bill will enable disciplinary proceedings against public officials to be taken on the basis of corrupt findings made by the Independent Commission Against Corruption [ICAC], which are invariably reported under section 74 of the Independent Commission Against Corruption Act 1988. This legislation is timely on a number of bases. The legislation allows for justice of a disciplinary nature to be taken in a timely fashion. If corrupt findings are made against public officials it is important the public sees that some consequence will flow from those findings. It is also fair for the employee involved because I can imagine nothing worse than an employee who has had a public finding made against them having to wait and wait, wondering what will finally happen—if anything at all. That takes a toll not only on the employee but also on their family and friends and their fellow employees. The legislation also empowers management in the public sector to take effective and timely action in relation to findings of corruption. It enables management to deal with the issue, to deal with the employee involved and to move on from whatever disciplinary action is taken.

The legislation also provides natural justice for the employee involved because that employee is given an opportunity to make a submission in relation to any proposed disciplinary or other action. It should be noted that the legislation does not apply to any finding of corrupt conduct that has been made before the commencement of the legislation, nor does it apply to any evidence given before that commencement. Evidence given before the Independent Commission Against Corruption is defined to include a statement of information, or a document or other thing, produced in response to a notice by the commission, and an answer made, or a document or other thing produced, by a person summoned to attend or appearing before the commission at a compulsory examination or public inquiry.

As I said at the outset, public leadership is about values, service and determination. We in this Parliament are privileged to serve the community. Those who work in the public service also hold a very privileged position. To work for the Government for and on behalf of your fellow citizens is a great honour. In my 27 years of policing I always maintained that policing is not done to and against the community; it is done for and with the community. As long as we in public service continually remind ourselves of why we are here and retain an appropriate sense of gratitude, we will never fall foul of the temptation to engage in corrupt behaviour because we will always remember whom we serve and who we are, and we will maintain that high level of service. I commend the bill to the House.

Mr JOHN FLOWERS (Rockdale) [12.14 p.m.]: I make a contribution to debate on the Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013. The Independent Commission Against Corruption [ICAC] independently investigates and exposes corrupt conduct by public officials. It has coercive powers to compel the production of documents and evidence from witnesses, including the power to override claims of privilege. The Independent Commission Against Corruption publishes its findings in reports, which are tabled in Parliament under section 74 of the Independent Commission Against Corruption Act 1988. These reports may include a finding that a public official has engaged in, is engaged in or is about to engage in corrupt conduct.

Currently there is no power for agencies to take disciplinary or remedial action against public servants who have been found to be corrupt by the Independent Commission Against Corruption. Instead, agencies must commence separate investigations and obtain their own evidence of misconduct. This causes additional delay and expense. There is a strong public interest in improving the efficiency and effectiveness of disciplinary action taken in respect of corrupt public servants. The bill will enable swift disciplinary action to be taken by avoiding the need for separate investigations by disciplinary bodies. The objects of the bill are to amend the Independent Commission Against Corruption Act 1988 to allow employers of public officials to take disciplinary proceedings against staff who have been the subject of corruption findings by the Independent Commission Against Corruption and make admissible to the employer self-incriminating and other evidence given to the commission by the public official who is the subject of the corruption findings.

On 14 August 2008 the commission wrote to the Committee on the Independent Commission Against Corruption proposing a number of amendments to the Independent Commission Against Corruption Act 1988, including amendments to allow evidence that is compulsorily obtained by the commission to be later used in disciplinary proceedings against the individual. The committee inquired into the matters raised by the commission and in September 2010 released its report entitled, "Proposed Amendments to the Independent Commission Against Corruption Act 1988". The report made recommendations that the Act be amended to facilitate this issue. Currently, where a public official is found by the commission to have engaged in corrupt conduct, the next step is for the public official's employer to carry out his own investigation to determine whether there has been misconduct. The bill will allow the employer of the public official to rely on the commission's investigation rather than carrying out a separate misconduct investigation.

The Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013 is a further step in a series of measures that the Government is taking to improve confidence in public administration in New South Wales.

<15>

The reforms in the bill will strengthen both the commission and the integrity of the public service by facilitating the removal of public officials who have engaged in corrupt conduct.

The bill will amend the Independent Commission Against Corruption Act 1988 to enable employers of public officials to take disciplinary proceedings against public officials on the basis of corruption findings made by the Independent Commission Against Corruption. It will also make self-incriminating evidence given to the Independent Commission Against Corruption by any such public officials admissible for the purpose of those disciplinary proceedings. As a result of these reforms there will be no need for the employer to conduct a separate investigation into the conduct of the public official if that official is found by the Independent Commission Against Corruption in its report to Parliament following an investigation to have engaged in corrupt conduct.

Once a report is handed down the Independent Commission Against Corruption monitors the implementation of any corruption prevention recommendations. It will also assist the Director of Public Prosecutions in preparing for any prosecutions. Because the commission conducts the investigation, it is part of

our legal system that it should not also be responsible for deciding any criminal or civil liability. This is a matter for the court; not the investigators. The evidence is laid before the court before any criminal or civil liability is imposed for the conduct exposed by the Independent Commission Against Corruption.

For public officials found by the commission to have engaged in corrupt conduct, currently the next step is that the employer conducts a separate investigation of its own to ascertain whether on the balance of probabilities there has been misconduct. It is the Government's view that this is a duplication of the efforts of the Independent Commission Against Corruption and a waste of resources. There is no need for two investigations into misconduct. The evidence gathered by the Independent Commission Against Corruption—including, for example, an admission of guilt that may have been made under compulsion before the commission—will be able to be relied on by the employer in making his or her decision. The use of this evidence in the disciplinary proceedings will not make the evidence admissible in any other proceedings.

There will be no change to the protections currently given to witnesses before the Independent Commission Against Corruption that prevent any self-incriminating evidence they have given under compulsion from being used in criminal or civil proceedings. These amendments will not apply to evidence given by a public official or a finding of corrupt conduct made by the Independent Commission Against Corruption before the commencement of the amendments. The reforms contained in the bill will strengthen law enforcement agencies. The Government is committed to strengthening confidence in public administration. There is no doubt that the Premier is doing a first-class job with the Independent Commission Against Corruption and I am certain that time will bear that out. I commend the bill to the House.

Mr ANDREW ROHAN (Smithfield) [12.24 p.m.]: I support the Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013 and commend Premier Barry O'Farrell for introducing it in this House. As was said this morning by the Premier and my colleagues the members representing the electorates of Kiama, Davidson, Myall Lakes and others, this bill is that extra step in a series of measures that the Government is taking to improve confidence in public administration in New South Wales. The bill will amend the Independent Commission Against Corruption Act 1988 to enable employers of public officials to take disciplinary proceedings against those officials on the basis of corruption findings by the Independent Commission Against Corruption. As we know, the commission independently investigates and exposes corruption by public officials. It has coercive powers to compel the production of documents and evidence from witnesses, including the power to override claims of privileges.

The Independent Commission Against Corruption was established in 1989 by the Greiner Government in response to growing community concern about the integrity of public administration in New South Wales. On its website the commission lists as its primary functions: to investigate and expose corrupt conduct in the New South Wales public sector; to actively prevent corruption through advice and assistance; and to educate the New South Wales community and public sector about corruption and its effects. The jurisdiction of the Independent Commission Against Corruption extends to all New South Wales public sector agencies—except the NSW Police Force—and employers, including government departments, local council members, members of Parliament, Ministers, the judiciary and the Governor. The jurisdiction of the commission also extends to those performing public official functions. Currently there is no power for agencies to take disciplinary or remedial action against public servants who have been found to be corrupt by the Independent Commission Against Corruption. Once the commission has completed its investigation it does not have the power to do anything more than refer the case to a separate agency to commence a separate investigation and obtain its own evidence of misconduct before any charges are laid.

In 2011 Premier Barry O'Farrell went to the State election with a commitment to restore integrity, honesty and accountability in the New South Wales Government. That included the public service, which is set up to support the government. We know that there are hundreds of thousands of public officials, the majority of whom are honest and hardworking, law-abiding citizens. But as we have seen in recent times, when our public officials, elected or otherwise, come before the Independent Commission Against Corruption it further erodes the public trust in our system. The reform in this bill will strengthen both the commission and the integrity of the public service by facilitating the removal of public officials who have engaged in corrupt conduct. This overdue change is no doubt a welcome relief to the public and to other public officials who might have witnessed behaviour by their colleagues that could be perceived to betray the public trust.

The bill will also make self-incriminating evidence given to the Independent Commission Against Corruption by any such public official admissible for the purpose of those disciplinary proceedings. The employer of a public official is able to take disciplinary proceedings in connection with the employment of the

official if the commission finds in its report to Parliament that the public official has engaged or attempted to engage in corrupt conduct. For example, as my colleague the member for Kiama mentioned earlier, the Independent Commission Against Corruption recently reported on its investigation into the smuggling of contraband into the Metropolitan Special Programs Centre at the Long Bay Correctional Complex.

<16>

In the commission's report it found that a Metropolitan Special Programs Centre [MSPC] activities officer, Karaha Pene Te-Hira, engaged in corrupt conduct by trafficking contraband substances into the centre, including steroids, mobile phones and shoes for two inmates in return for benefits. Corrupt conduct findings also were made against an inmate, Omar Zahed, and his sister, Asmahen Zahed, in relation to their roles in arranging and providing shoes to Mr Te-Hira to deliver to Mr Zahed in the centre, and for the supply of rewards to Mr Te-Hira by way of shoes and cash. As a result the commission is now considering obtaining advice from the Director of Public Prosecutions with respect to the prosecution of Mr Te-Hira in relation to corruptly receiving a reward. The commission is now of the opinion that Corrective Services NSW should give consideration to taking disciplinary action against Mr Te-Hira with a view to his dismissal. Under this bill the Independent Commission Against Corruption proceedings are admissible in any disciplinary proceedings and in any subsequent appeal or review, but that evidence does not become admissible in any other proceedings.

When the bill is enacted it will enable the Independent Commission Against Corruption to use what it has gathered to enable it to proceed with the next step of the investigation through to disciplinary action in relation to Mr Te-Hira. As a result of the reforms there will be no need for an employer to conduct a separate investigation into the conduct of a public official if that official is found by the Independent Commission Against Corruption following an investigation to have engaged in corrupt conduct and the commission includes those findings in its report to Parliament. I believe this bill will improve the efficiency and effectiveness of disciplinary action that is taken in respect of corrupt public servants. The bill will be able to flush out those who are considering engaging in corrupt conduct or who are engaged in corrupt conduct. That will restore public confidence in our public service and, I have no doubt, public confidence in government. I commend the bill to the House.

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [12.32 p.m.]: My contribution to debate on the Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013 will be brief. The object of the bill is to amend the Independent Commission Against Corruption Act 1988 to enable employers of public officials to take disciplinary proceedings against public officials on the basis of corruption findings made by the Independent Commission Against Corruption. It is fair to say in layman's terms that essentially this bill will allow charges to be preferred, proceedings to take place, and prosecutions to be undertaken following findings being made by the Independent Commission Against Corruption without the need for further legal processes or further expense. This is another reform and efficiency measure by the O'Farrell Government that is in keeping with many public sector and legislative reform measures already implemented. I have stated previously in this House that this Government will amend legislation to improve efficiency and governance, and this bill will improve processes, increase efficiency and save New South Wales taxpayers' funds.

On one view it could be assumed that this bill has been introduced because of proceedings that currently are before the Independent Commission Against Corruption, but my preferred view is that this bill will smooth legal procedures and facilitate swift prosecutorial action against public officials who have acted corruptly, irrespective of the matters that currently are before the commission. Nevertheless, it must be said that the matters being dealt with by the commission are unprecedented. Indeed, Counsel-Assisting, Geoffrey Watson, SC, has commented that the matters before the Independent Commission Against Corruption perhaps constitute the greatest incidence of corruption in the history of this country apart from the Rum Rebellion. While it is not possible for us to examine the details, the corrupt activities associated with the Rum Rebellion have been written into the annals of history, and members of this Parliament have a constant reminder of that era in the form of the former hospital part of the New South Wales Parliament complex that was built from the proceeds of the rum trade.

To some degree, some proceeds from the sale of rum, which was the currency at the time, provided the revenue to establish the hospital. That draws into focus the origins of taxation. Sometimes governments will tax gambling and alcohol to provide facilities for the greater good. The rum hospital, which it became known as, was established under the administration of a person who is referred to as the Father of Australia, our wonderful former Governor of New South Wales, Lachlan Macquarie, whose achievements are marked by his statue in Hyde Park. Many words have been spoken for the *Hansard* record by my learned Government colleagues about

leadership and integrity. The current Independent Commission Against Corruption inquiry should serve as notice and sound a warning to any person who seeks to attain public office that they should and must act in the most proper manner. Integrity must be valued. The activities of those who are currently the subject of the Independent Commission Against Corruption inquiry, regardless of who they are, affect everyone.

While the activities that are currently being investigated concern people from a particular political party, as opposed to the political party of which I am a member, corrupt conduct by a member of Parliament tarnishes every public official. Our constituency becomes cynical about its leadership. That is currently the case: We are all tarnished by the conduct currently being investigated. The investigation should sound a stern warning to any people seeking higher officer, or to be elected to Parliament, or to be a political leader that they must act in the most appropriate manner at all times. When I was elected to this House, I promised myself that I would never allow development of a perception of me that I was earning, drawing or taking public funds aside from my entitlements. Indeed, when entitlements were an issue for me approximately a year ago I chose to repay an amount to which I was rightfully entitled because of the perception that had been raised that I should not have drawn on a particular fund. I promised myself that I would act with the highest integrity concomitant with holding the office of a member of Parliament.

If members of Parliament act at all times with integrity we send a very strong leadership message to the young people of New South Wales and the rest of Australia that leaders can be trusted. An examination of the reforms introduced by the O'Farrell Government will reveal that they address a perception of undue influence being obtained through political donations. The State has reformed its legislation relating to political donations so that property developers and their associates, construction contractors, liquor traders and tobacco companies will know that New South Wales legislation does not permit political party donations to be made by them. That also sends a very strong message to our constituency. This State proscribes political donations from those industries as well as other industries in circumstances in which a perception is created of undue influence through donations. While political parties rely on donations and on people's support, donations and support must be given in the most appropriate manner in accordance with New South Wales legislation. The O'Farrell Government is again demonstrating that it will act with integrity at all times. Every member of Parliament must act with the utmost integrity at all times to ensure that we are demonstrably providing the most responsible leadership on behalf of our constituency. I therefore commend to the House the Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013.

<17>

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [12.39 p.m.], in reply: I congratulate the Premier on introducing the Independent Commission Against Corruption (Disciplinary Proceedings) Bill 2013 and I acknowledge the contributions of the members for Kiama, Davidson, Tamworth, Myall Lakes, Hornsby, Camden, Murray-Darling, Oatley, Pittwater, Campbelltown, Rockdale, Smithfield, Penrith and Hawkesbury, as well as the contributions on behalf of the Opposition by the Leader of The Opposition and member for Blacktown and the members for Heffron, Mount Druitt and Keira. I thank all members for their comments.

As others have indicated, this bill will strengthen the Independent Commission Against Corruption and support the integrity of the New South Wales public service. The public can be confident that if the Independent Commission Against Corruption finds that a public official employed in the New South Wales public sector has engaged in corrupt conduct appropriate disciplinary action can be taken swiftly. The Leader of the Opposition, the member for Blacktown, sought clarification of the operation and scope of the bill. New section 114A to be inserted in the Independent Commission Against Corruption Act by this bill only applies if a finding is made by the commission in its report on a matter that has been the subject of investigation.

Under section 74 of the Independent Commission Against Corruption Act the report prepared by the commission is given to the Presiding Officer of each House of Parliament as soon as possible after the commission has concluded its involvement in the matter unless a deferral is in the public interest. If, following an investigation, the commission makes a finding in its report to Parliament that a public official has engaged, or has attempted to engage, in corrupt conduct the new provisions will allow disciplinary action to be taken against that public official, and that public official only, without the conducting of a separate investigation. Only a public official in relation to whom the Independent Commission Against Corruption has made a formal finding that he or she has engaged in corrupt conduct is affected by this proposal.

The member for Heffron asked whether the Independent Commission Against Corruption had been consulted on this proposal. The bill stems from a request made by the Independent Commission Against

Corruption to amend section 37 to remove the protection for self-incriminating evidence in relation to disciplinary proceedings. The issue was referred by the then Premier to the joint parliamentary Committee on the Independent Commission Against Corruption. That committee acknowledged that the proposed amendment involves a fundamental policy shift in relation to the safeguards afforded to witnesses involved in Independent Commission Against Corruption proceedings. The committee carefully weighed the competing considerations of procedural fairness to individuals and the public interest in efficiently disciplining public servants who have confessed to corrupt conduct.

In the end the committee favoured permitting the use of the compelled evidence in disciplinary actions that relate to the actions that are the subject of the inquiry. This proposal adopts the policy proposed by the Independent Commission Against Corruption and recommended by the committee. The bill is part of the Government's commitment to improving honesty, transparency and ethical standards in public administration. It will strengthen the Independent Commission Against Corruption and the integrity of the New South Wales public service. 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 Craig Baumann 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.

ROYAL COMMISSIONS AMENDMENT BILL 2013

Second Reading

Debate resumed from an earlier hour.

Mr TROY GRANT (Dubbo—Parliamentary Secretary) [12.44 p.m.]: The purpose of the Royal Commissions Amendment Bill 2013, as articulated by the Premier, is to facilitate the work of the Royal Commission into Institutional Responses to Child Sexual Abuse. As is known, both in the media and in this House I called for the establishment of a royal commission into this issue in addition to the path undertaken by Premier O'Farrell with the establishment of the special commission of inquiry into the very specific allegations made by Detective Inspector Fox concerning an investigation in the Hunter. I supported my calls for a royal commission on the grounds of personal experience, having investigated the paedophile activities of a priest also from the Hunter and the role played by the institution and its response to those sexual assaults and subsequent cover ups and facilitation of further offending.

At the time of this investigation I was a member of the North Region Major Crime Squad and I saw firsthand the devastating impacts that one individual had on 35 young lives with the most grotesque crimes imaginable being perpetrated. But what I see as worse and what goes to the heart of this royal commission is the critical role that leaders within that institution played in turning a blind eye, actively covering up, dismissing complaints or facilitating the removal of the offender out of the diocese for a short time until the heat was off, and the subsequent return of the offender into a target-rich environment because of the institution's very own negligence of pastoral care, an absence of any duty of care and a betrayal of those whom they were entrusted to protect, guide and support.

That betrayal included not only the betrayal of the victims themselves but also a betrayal of the broader church—of those who were part of, championed for, served and relied upon the very institution that acted in this intolerable way. It cannot be emphasised enough—however this negligence is classified—that had the institution acted remotely in line with its own institutional law, its doctrine, its policies or its pastoral care, many, many young boys—now men—would never would have been victims of this most abhorrent crime. That

is where the enormous tragedy of this story lies and why in my view the royal commission is so very important—and where many other similar stories will be told.

The royal commission was established by the Commonwealth Governor-General on 11 January 2013, to the relief of many child-abuse advocates, such as Bravehearts, as an example, support organisations such as Broken Rites, the families and, most importantly, the victims. On 25 January 2013 the New South Wales Governor issued the New South Wales Letters Patent in support of the royal commission, which mirror the Commonwealth Letters Patent and appoint the same six commissioners, led by the Hon. Justice Peter McClellan of the New South Wales Court of Appeal. The New South Wales Government strongly supports the work of the royal commission, which will be based in Sydney.

As I advocated from the start, only a national inquiry can gather all the relevant information about institutions that operate across State and Territory borders and across the oceans of our world. In my experience, my offender was shipped from Newcastle to Kew in Victoria. The terms of reference of the royal commission require the commissioners to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters. This is to include, in particular, what institutions and governments should do to better protect children against sexual abuse in institutional contexts in the future, and what institutions and governments should do to address or alleviate the impacts of past and future child sexual abuse in that institutional context.

The terms of reference recognise the seriousness of child sexual abuse and provide the royal commission with the scope to look at any public, private or non-government organisation involved with children, including those that are no longer operating. This is important, as my experience is limited to the one institution and this issue is not exclusive to that one institution. The bill will provide further support to the work of the royal commission. The Commonwealth Government has introduced amendments to its legislation to allow one or more of the six royal commissioners to hold separate hearings. This will enable the royal commission to conduct hearings and collect information more efficiently.

<18>

The bill, like the Commonwealth amendments, will allow the chairperson of a multiple-member royal commission to authorise one or more individual commissioners to sit and hold separate hearings. That is essentially important. The amendments will ensure that the powers of the national royal commission under the amended Commonwealth legislation will also be available to it should it need to rely on its powers under the New South Wales Letters Patent. Currently, under the New South Wales Royal Commissions Act 1923, certain powers and functions can be exercised only by the chairperson or a sole commissioner. Those powers include the power to grant rights of appearance at the inquiry, the power to issue a summons to a witness to attend and give evidence or to provide documents to the inquiry, and the power to excuse or release a person from attendance at the inquiry.

Other special powers can only be exercised by a chairperson or sole commissioner if they have prescribed legal qualifications. These special powers, contained in division 2 of part 2 of the Royal Commissions Act 1923, include the power to issue a warrant to apprehend a witness who failed to answer a summons, powers relating to holding a person in contempt of a royal commission and the power to override privileges, such as a witness's privilege against self-incrimination and legal professional privilege—an important section. The bill will allow the chairperson to authorise the other commissioners to exercise the chairperson's powers. However, only a commissioner with the required legal qualifications will be able to exercise the special powers. The bill will also amend the legal qualifications that a commissioner is required to hold before being able to exercise the special powers. In order to exercise the special powers a commissioner must be a current judge of the High Court, the Supreme Court or the Federal Court, or a legal practitioner of at least seven years standing.

The bill will change the legal qualifications so that they are consistent with those that apply to a person who can be appointed as a commissioner for a special commission of inquiry or for the standing commissions, including the Independent Commission Against Corruption. The amendments will enable both current and former judges to exercise the special powers if appointed a royal commissioner. In addition, senior lawyers who are eligible to be appointed as a judge will also be able to exercise the special powers if the Letters Patent declare that the person may exercise those powers. The bill will amend the Royal Commissions Act 1923 and the Special Commissions of Inquiry Act 1983 to clarify that persons who voluntarily provide documents, records or other things to a royal commission or special commission of inquiry have the same protections as a

witness appearing before a commission. In particular, the person will have the same protection and be subject to the same liabilities in any civil or criminal proceeding as a witness in any case tried in the Supreme Court.

The bill will ensure that the protections for persons providing information to a New South Wales commission are the same whether the person provides the information in person, in writing, voluntarily or in response to a summons. The separate New South Wales special commission of inquiry concerning the investigation of certain child sexual abuse allegations in the Hunter region, about which I spoke earlier, has been underway since November last year and will continue in its important work, notwithstanding the establishment of the national royal commission. The commissioner, Ms Margaret Cunneen, SC, will be able to enter into arrangements with the national royal commission to share relevant information. In conclusion I acknowledge that this issue has received bipartisan support. I acknowledge the contributions of many from both sides of the house to this debate to date. I add my admiration and appreciation of the Premier of New South Wales, the Hon. Barry O'Farrell, for demonstrating the real leadership that has been required on this most distasteful issue to bring us to this point. His calm and appropriate response—firstly, in swiftly addressing the very serious allegations from Inspector Fox and the establishment of the special commission of inquiry and, secondly, in facilitating the necessary support mechanisms and this enabling legislation—will ensure that those very support and advocacy groups, the families and the victims now have the appropriate opportunity and forum to expose and resolve to some level those crimes committed against them.

I offer my sincere thanks, Premier. The royal commission has the opportunity to ensure that this country clearly articulates that no longer will there be a tolerance of the institutional sexual assault of our children. We now have the mechanisms needed to protect our children and make sure that what will be put in place will protect those very special and most valuable community members. I hope they will never be left to be preyed upon again. I commend the bill to the House.

Ms CARMEL TEBBUTT (Marrickville) [12.54 p.m.]: I support the Royal Commissions Amendment Bill 2013. On 11 January the Commonwealth Government established a royal commission into institutional responses to child sexual abuse. The Royal Commission Amendment Bill we are debating today will facilitate the work of the Royal Commission. The bill amends the Royal Commissions Act 1923 to give the chairperson of a Royal Commission under the New South Wales Act similar powers to those to be given to the chairperson of the royal commission under Commonwealth Act. The bill also amends the Royal Commissions Act 1923 to ensure that a person who provides material voluntarily for the purposes of an inquiry has the same protections as a witness appearing before the royal commission, and to make the legal qualifications necessary for a chairperson or sole commissioner to exercise special powers under the Act—the same as those that apply for a person to be appointed as the commissioner of a special commission of inquiry or to other standing commissions such as the Independent Commission Against Corruption.

This bill has bipartisan support, as has been indicated already. Child sexual abuse is a terrible, terrible crime, made even more so when it is perpetrated by people in positions of trust and when the institutions charged with nurturing and protecting children fail abysmally in those duties. Over the years numerous inquiries and investigations have been held into different aspects of child abuse. However, only a national inquiry can properly and fully investigate systemic failures in church and State run institutions in preventing and dealing with child abuse. The need for this royal commission arose from the shocking revelations in a number of States of children who were sexually abused in institutions. The Prime Minister has appointed Justice Peter McClellan, a New South Wales Supreme Court judge, to lead the royal commission. He will be supported by five other commissioners: Jennifer Coate from the Family Court of Australia; Bob Atkinson, a former Queensland police commissioner; Andrew Murray, a former Western Australian senator and well-known advocate on issues surrounding institutionalised children; Helen Milroy, psychiatrist; and Robert Fitzgerald, a Productivity Commission commissioner and the former New South Wales Community and Disability Services Commissioner.

These eminently qualified people will undertake this most important work. We all know that as people come forward to tell of their experiences their job will be arduous, distressing and disturbing. We all wish the commissioners strength and courage as they go about their very important work. The terms of reference for the royal commission are extensive and include looking at what institutions and government should do to better protect children against child sexual abuse; what institutions and government should do to achieve best practice in encouraging the reporting of and responding to reports or information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts; what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse; and what institutions and

government should do to address or alleviate the impact of past and future child sexual abuse and related matters in institutional contexts.

It is expected that many victims of child sexual abuse will come forward. The experience for them will be traumatic as they relive past horrendous events and reopen old wounds. Justice Peter McClellan has made it clear that the commission is aware of the sensitivity of the issues it is dealing with and is putting in place procedures to protect individuals while at the same time ensuring that the process is fair. The Federal Government has indicated also that it will make sure there is appropriate support for people. Many individuals and organisations advocated for this royal commission. In particular, I acknowledge the work of the Care Leavers Australia Network and its executive officer, Leonie Sheedy, who for so long and with little funding from governments provided support to those who grew up in care and advocated on their behalf. As Ms Sheedy said on the announcement of the royal commission:

> The Royal Commission is long overdue and we eagerly await its establishment and we look forward to the first interim report. At long last the nation will know of this horrific and sad history of the marginalised and disenfranchised people who grew up in Australia's orphanages, children's homes, foster care and other institutions.

Other long-term advocates have also strongly supported the royal commission, including Bravehearts director Hetty Johnson, and lawyer Peter Gordon, who has represented many child victims. We would all prefer a world where royal commissions such as this were not needed. It is extremely distressing to hear the accounts of individuals who have been abused in institutions and the physical and emotional toll this has had and will have on them for the rest of their lives.

<19>

However, this royal commission will mean that people who were abused in institutions have the opportunity to tell their story. That is powerful. As Ray Prosser, who is now 85 and was abused as a child, stated recently in the *Age*:

> Telling my story I feel that it is not gnawing inside me, it has released my mind to better things in my life. Although I have been through a lot I am not hiding a secret any more.

The royal commission will also make important recommendations about the actions governments and institutions should take to provide redress to victims of sexual abuse and the measures needed to be put in place to prevent abuse in the future. As the Prime Minister said, it will help us as we work together to find a better way of keeping our children safe. I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [1.00 p.m.]: I speak to the Royal Commissions Amendment Bill 2013, the purpose of which is to facilitate the work of the Royal Commission into Institutional Responses to Child Sexual Abuse. Child sexual abuse is a heinous crime that needs to be thwarted at every avenue. We as a government need to do everything we can to help catch the perpetrators of child sexual abuse. When I say "we as a government" I mean we as a bipartisan Chamber of elected representatives acting in agreeance and taking the same path. As a father of four children up to the age of 12, I cannot stress how important it is that this violation of young people is eradicated. It is a terrible crime. All elected representatives, all people of authority and all senior bureaucrats, of both State and Federal governments, have a responsibility to do everything they can to ensure that we work together to bring these perpetrators to justice.

Following the establishment of the royal commission by the Commonwealth Governor-General on 11 January this year, on 25 January the New South Wales Government issued the letters patent in support of the royal commission. As is the procedure, the New South Wales letters patent mirror those of the Commonwealth letters patent, which in turn support the legal basis of the royal commission and appoint the same six commissioners, led by Justice Peter McCLellan of the New South Wales Court of Appeal. As we have heard today, the New South Wales Government and Opposition offer our full support to the work of the royal commission. We believe it is the best avenue for such an inquiry.

The Royal Commission into Institutional Responses to Child Sexual Assault will be based in Sydney. The Premier has informed the Prime Minister that the royal commission has the full support and cooperation of all New South Wales government agencies. In many instances, the institutions under examination operated across State and Territory borders. Child sexual abuse knows no borders or boundaries and the establishment of a national inquiry was required in order to gather all the relevant and necessary information.

The terms of reference of the royal commission require the commissioners to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters. Included in the terms of reference is the requirement to produce recommendations to governments on measures to better protect children and prevent the sexual abuse of children in an institutional context, and to institutions and governments on how to address the impacts of past sexual abuse and their response to sexual abuse matters in the future. As I have said before and will say again: Children in institutions are our most vulnerable members of society. They need, expect and deserve the protection of the institution in which they live. Unfortunately, when the system fails these vulnerable children, these poor children carry a horrendous and horrific burden into adulthood. It affects the lives of their current family and their future family. We must take every opportunity to do everything we can to stamp out this crime.

This bill was developed in consultation with the royal commission. As a result of the New South Wales special commission of inquiry concerning the investigation of child sexual abuse allegations in the Hunter region, Commissioner Margaret Cunneen, SC, has entered into an agreement with the royal commission to share relevant information. This bill ensures that the Commonwealth amendments which allow one or more of the six royal commissioners to hold separate hearings for greater efficiency of the commission are also available under the New South Wales letters patent.

At present, under the New South Wales Royal Commissions Act 1923 certain powers and functions can only be used by a chairperson or sole commissioner. With the introduction of this bill only a commissioner with the required legal qualifications will be able to exercise the special powers that previously only a chairperson or sole commissioner with the required legal qualification or expertise could exercise. The commissioner must be a current judge of the High Court, the Supreme Court, the Federal Court or a legal practitioner of at least seven years' experience. This amendment will allow former and current judges, should they be appointed as a royal commissioner, to use special powers such as: the power to issue a warrant to apprehend a witness who failed to answer a summons; powers relating to holding a person in contempt of the royal commission; and the power to override privileges such as a witness's privilege against self-incrimination and legal professional privilege.

This bill also amends the Royal Commissions Act 1923 and the Special Commissions of Inquiry Act 1983 to clarify that a person or persons who voluntarily provide documents, records or other things to the royal commission or special commission of inquiry have the same protections as a witness appearing before a commission. This bill is important in helping to ensure that the royal commission is best able to investigate this matter with little interruption and smooth transition for the commissioners. As I have said, this matter is of the utmost importance and the amendments to the Act will ensure that the commissioners are able to complete their jobs with the greatest efficiency and thoroughness. A bipartisan approach has been taken to this bill, the purpose of which is to support the royal commission. All members of Parliament support it and we will do everything we can to assist the victims of these heinous crimes.

<20>

Mr GUY ZANGARI (Fairfield) [1.09 p.m.]: I support the Royal Commissions Amendment Bill 2013. The purpose of this instrument is to assist the national Royal Commission into Institutional Responses to Child Sex Abuse, which was announced by the Prime Minister in late 2012 and established by the Governor-General on 11January 2013. The Governor-General appointed six judges to form the commission, led by the Hon. Justice Peter McClellan of the New South Wales Court of Appeal. The Governor-General's letters patent setting up the commission gave the terms of reference requiring the commission to inquire into responses to child sexual abuse by public, private and non-governmental institutions, that being responses to allegations and incidents of child sexual abuses. The commission is also tasked with providing recommendations on processes and practices the government and institutions should implement to better protect children against sexual abuses in public, private and non-governmental institutions.

This royal commission touches on very contentious and sensitive issues in our community: issues regarding unthinkable acts perpetrated on the most innocent members of our community by people who have been placed in a position of trust. No-one can say how long these unthinkable acts have been taking place. However, there are people within the community who have been hurting because of these unthinkable acts. This royal commission is the right step in the process of healing for both the victims of institutional sexual abuse and the community. I commend the Prime Minister, Julia Gillard, and the Federal Government for having the courage to start this process of healing.

The issues that this royal commission addresses are systemic. They are not isolated to one State, to one group of victims or to a particular institution. The victims stretch for generations. They come from different backgrounds, live in different parts of the country and have suffered abuse in different contexts. But despite their differences, they all share one thing in common: the abuse they suffered should have never happened. That is why it is important that this royal commission takes place at the national level. Furthermore, it is equally important that New South Wales provides the commission with as much assistance as possible in fulfilling its tasks. As such, I support the Government and the New South Wales Governor for issuing New South Wales letters patent which conferred mirroring authorisation, thereby vesting the same six judges with the same terms so they are not hindered when conducting their inquiries within New South Wales.

I also understand this requires changes to New South Wales laws to ensure that the vesting of identical powers as those granted by the Commonwealth will assist the commission. Firstly, New South Wales law will need to be amended to allow the commissioners to independently preside over inquiries investigating specific issues or areas relating to the main inquiry. The amendment will allow similar auxiliary inquiries to be conducted in New South Wales. This will give the commissioners the power required to delve into secondary issues associated with their primary task.

Another amendment requirement will remove the restrictions on the qualifications of commissioners or chairpersons that can be appointed to a seat on a royal commission in New South Wales so that they are able to exercise special powers. Currently, the Royal Commissions Act 1923 makes it a requirement that a commissioner must also be a current member of the High Court, Supreme Court, Federal Court or a legal practitioner of seven years standing before they are able to exercise the special powers of a royal commission, including the ability to override privileges and apprehend witnesses who fail to appear before the commission. This amendment will pave the way for former judges of those courts, as well as senior lawyers eligible for appointment as judges of any court, to exercise the special powers of the royal commission. Further, the amendment will allow the chairperson of the royal commission to confer those powers on a commissioner who does not meet the eligibility above.

Finally, the legislative amendment will extend the protections afforded to witnesses compelled to give evidence to those individuals who voluntarily give documents or evidence to the commission. It gives these brave men and women the same protections as those afforded to members of the community who are compelled to do so. It is important that New South Wales provides as much assistance as is required by the royal commission to ensure that the unthinkable acts of the past are not repeated in the future. I again express my support for the bill.

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

COMMUNITY RECOGNITION STATEMENTS

PORT STEPHENS VOLUNTEER OF THE YEAR FINALISTS RAY AND MERRAN

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [1.15 p.m.]: I would like the House to note the valuable contribution that Ray and Merran Saunders from Soldiers Point have both made to the community through their volunteering efforts. I acknowledge their involvement with the Foodcare program operating out of the Port Stephens Christian Outreach Centre. I thank Mr and Mrs Saunders for their volunteering efforts in their local community and I and congratulate them both on being finalists in the 2012 Port Stephens Volunteer of the Year Awards.

CHIFLEY WOMAN OF THE YEAR JOINT WINNER RITA TOBIN

Mr RICHARD AMERY (Mount Druitt) [1.16 p.m.]: I ask this Parliament to recognise that at an awards breakfast last week, held at Mount Druitt TAFE, a number of women were recognised for service to the community. I am pleased to advise that Rita Tobin of Willmot, in my electorate, shared the Chifley Woman of the Year Award with Alicia Martin of Marayong, in a neighbouring electorate. The citation for Rita Tobin read that she completed a Bachelor of Arts in Communications and Aboriginal Studies in 2003 and has been actively involved in the Mount Druitt Reconciliation Committee for many years. Her award is in recognition of her voluntary work in schools, a mothers group and the Holy Family Parish Council, among others. As the local member for Mount Druitt, I recognise and congratulate Rita Tobin on her service to the Mount Druitt electorate.

MAITLAND ELECTORATE AUSTRALIA DAY AWARDS

Ms ROBYN PARKER (Maitland—Minister for the Environment, and Minister for Heritage) [1.16 p.m.]: I would like to inform the House of Maitland citizens who have been recognised for their contributions to the community recently. Max Ray of East Maitland was named Maitland's Australia Day Citizen of the Year for his significant contribution to Masonic Lodges. Maitland's Australia Day Young Citizen of the Year is Phoebe Ferguson from Rutherford Technology High School. I would also like to congratulate Fred Goode and Lindsay Wood on their Australian Day honours. Mr Goode received an Order of Australia for services to veterans and their families. Mr Lindsay Wood's Order of Australia medal recognises his service to the sport of cricket and the community.

I also mention Des Cross, OAM, who has received an Honorary Award for his service to the Maitland community as a volunteer with various groups and organisations, including the Australian Red Cross. Another contribution I acknowledge is that of Stan Farnham, who has retired after 24 years as the coordinator of Telarah Neighbourhood Watch. Thank you, Stan, and all the best to Telarah Neighbourhood Watch in its twenty-fifth anniversary year.

RIVERWOOD COMMUNITY CENTRE AUTUMN FAIR

Mr ROBERT FUROLO (Lakemba) [1.17 p.m.]: I am very pleased to congratulate the Riverwood Community Centre on its inaugural Autumn Fair, held on 9 March 2013. I recognise also the Riverwood Community Centre's achievement in running an annual Riverwood Festival for more than 30 years. I acknowledge the hard work and dedication of Pauline Gallagher in particular, but also of Annie Organ, the board of the Riverwood Community Centre, all the staff and particularly the volunteers. I note that the Autumn Fair is a community celebration to help raise funds for the many support services provided by the centre. I thank the many volunteers who have worked at the centre during the past 40 years for their tireless efforts.

MYALL LAKES ELECTORATE SPORTS ACHIEVEMENTS

Mr STEPHEN BROMHEAD (Myall Lakes) [1.18 p.m.]: I would like the House to note my congratulation of Tyler Potts on her selection in the Australian under-13 Futsal team which will play in Spain in November 2013. I note that Tyler, who is aged 11 years, is the youngest member of the Australian team and was selected after playing well for the Northern New South Wales under-12 side during the national titles. Tyler is playing in just her second season of Futsal and plays for the Lansdowne club as a striker or in the midfield.

I would also like the House to congratulate members of the Cape Hawke Surf Life Saving Club on winning the senior Lower North Coast Branch Championship. Many of the club's juniors from the under-15s and under-17s backed up to assist in winning the title. Ben Atkinson won the open surf race, open ironman and open board races. Connor Shakespeare won the under-17s surf race, with club mates Aaron King, Bryce Grant and Mitchell Hamilton finishing in the next four places. Clare Hern won the under-13s beach sprint and beach flags events, replicating her country championship results. Twelve-year-old Layne Grant won the 12-year-old girls ironwoman, swim, board and beach sprint and finished second in the beach flags.

<21>

HUNTER TAFE ALUMNI ASSOCIATION

Ms SONIA HORNERY (Wallsend) [1.19 p.m.]: Today I recognise the vital role TAFE has played and continues to play in the education and training of New South Wales citizens and the specific contribution of Hunter TAFE to training and education locally. I note that the Hunter TAFE Alumni Association provides a variety of services for the alumni, including opportunities to network, mentoring programs and, importantly, fostering the involvement of former students in TAFE life. I note the crucial contribution of TAFE teachers, who have helped TAFE alumni with lifelong skills and knowledge that can lead to further education.

I especially mention that 11 out of 13 art graduates from Hunter TAFE have carried their studies on to university. I acknowledge alumni Karen Howard, Melissa Polwarth and Jazz Andrews, who spoke at the first alumni function and provided moving testimony about their TAFE experiences. I pay tribute to the Hunter TAFE Alumni Association and wish the organisation and its members well in their future development.

LIFELINE MACARTHUR

Mr BRYAN DOYLE (Campbelltown) [1.20 p.m.]: I bring to the attention of the House the wonderful work done by Lifeline Macarthur. On Saturday 9 March I attended the Lifeline Macarthur volunteer dinner to celebrate 50 years of Lifeline's service to the community. Local patron Ken Moroney was present together with ambassadors, including the member for Wollondilly, the member for Camden and me. I was pleased to host Brooke Manzione, Campbelltown Woman of the Year, her fiancé Andy and Councillor Penny Fischer, the president of the Macarthur Regional Organisation of Councils, and her husband Michael. Lifeline is a wonderful organisation and I am very proud to be associated with it. Lifeline is associated with the University of Western Sydney and the School of Psychology and it provides a wonderful service. I commend Lifeline Macarthur to the House.

CAMPSIE SALVATION ARMY

Ms LINDA BURNEY (Canterbury) [1.21 p.m.]: As the member for Canterbury I wish to recognise the Salvation Army located in multicultural Campsie. I also congratulate Lieutenant Bronwyn Burnett on her appointment as assistant officer of the Campsie Salvation Army. I recognise the wonderful work of the Salvation Army team at Campsie, run by Majors Bruce and Glenys Domrow. I note Bronwyn's respect for diversity and her anticipation at working within the cultural community of Campsie. I also note that Bronwyn is looking forward to dealing with people, young and old, from all walks of life. The Salvation Army plays an important part in Campsie and the surrounding district. It provides an enormous range of services and works closely with all members of Parliament within the electorate. The Salvation Army delivers services to young people, old people and many others within the community and I recognise all its efforts.

TRIBUTE TO TIM FRANCIS

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [1.22 p.m.]: I acknowledge the service and contribution of Tim Francis to Surf Life Saving NSW. I also recognise Tim's long involvement with the Newport Surf Life Saving Club as a leader, mentor, patrolling member and competitor. Tim was a wonderful citizen and father and he will be sorely missed by the community of Newport Beach. I will certainly miss my swims with Tim at Newport. He was taken from us too soon.

MOVIMENTO CRISTIANO DI LAVORATORI FORTIETH ANNIVERSARY

Mr GUY ZANGARI (Fairfield) [1.23 p.m.]: Today we acknowledge that the Patronato Sias is the welfare institute of the Movement of Christian Workers, known as Movimento Cristiano di Lavoratori, founded in Rome on 8 December 1972 as a Catholic association of workers. I congratulate the Movimento Cristiano di Lavoratori on the celebration of its fortieth anniversary and note that its main role is to assist pensioners with their rights and obligations towards the Italian and Australian governments. I acknowledge and commend the leadership of President Teresa Todaro Restifa, as well as committee members Mrs Storniolo and Mr Murgida for their ongoing support of the Italian community in New South Wales. I congratulate the committee on organising a successful function on 22 February 2013.

PORT STEPHENS VOLUNTEER OF THE YEAR FINALIST JUERGEN SEIL

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [1.24 p.m.]: I note the valuable contribution that Juergen Seil from Tea Gardens has made to the community through his volunteering efforts. I acknowledge his wideranging community involvement, particularly with the Tea Gardens Hawks Nest Motor Club. I thank Mr Seil 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.

TRIBUTE TO NELLIE SMALL

Dr ANDREW McDONALD (Macquarie Fields) [1.24 p.m.]: I bring to the attention of the House the sad recent death of Nellie Small of Macquarie Fields. I was honoured to meet this gracious and charming lady just prior to her death. She will be missed by all. She moved to Macquarie Fields in 1964 with her husband Lawrence, who died in 1992. She loved Macquarie Fields and never wanted to leave. She was a well-respected community member whose main enjoyments were cooking and looking after her family. She never drove and did her shopping by catching a train to Liverpool and walking.

Mrs Small lived to the age of 80 and for the last 61 of those years suffered from insulin-dependent diabetes, which eventually proved fatal. She grew up in Balmain and may have had diabetes from an even earlier age. She will be missed by her family—her son Warren Small and daughter Ellen Stead and their partners Chanthou Small and Frank Stead—and many in the wider Macquarie Fields community. She was a gracious lady. Vale Nellie Small.

MYALL LAKES ELECTORATE COMMUNITY ACHIEVEMENTS

Mr STEPHEN BROMHEAD (Myall Lakes) [1.25 p.m.]: I bring to the attention of the House and ask the House to congratulate Warren Keegan of Forster on winning the tenth annual Bloody Big Swim race at Port Phillip Bay in Melbourne. I note that Warren won the 11.2 kilometre swim five minutes ahead of the runner-up John Van Wisse. I note that John Van Wisse is one of Australia's premier ultramarathon swimmers, making Warren's victory even better. I note that Warren also won the Gold Coast Pan Pac Masters five-kilometre open water swim, the Sri Chimony Canberra nine-kilometre swim and the Forrester's Beach ocean swim.

I also ask the House to congratulate Kevin and Rosemary Lambert of Forster on celebrating their sixtieth wedding anniversary on 28 February 2013. Kevin was born and raised in Taree and Rosemary, who was born in the United Kingdom, immigrated to Australia with her family when she was 15. Kevin and Rosemary met by chance in 1949 on a Manly ferry and fell for each other at first sight. They have five children and moved to Forster to retire after bringing up their family in Sydney.

RAW COMEDY COMPETITION

Ms SONIA HORNERY (Wallsend) [1.26 p.m.]: Today I want to recognise that Raw Comedy is Australia's largest open-mic comedy competition and provides the opportunity for hundreds of aspiring comics to chase their dreams each year. I acknowledge the importance of comedy in alleviating the stresses of day-to-day life as well as the difficulty of performing before a crowd—a stress that we in this Chamber are all familiar with. I acknowledge Mr David Gairdner, who won the Newcastle Raw Comedy competition and went on to compete in the semifinals in Sydney, for his talent and dedication in pursuing his dream. Mr Gairdner, who grew up in Cessnock, lives in Shortland, attended the University of Newcastle and works in Jesmond. He is a true citizen of the Hunter and will no doubt do us all proud.

NSW WOMEN OF THE YEAR AWARDS FINALIST GINA FIELD

Mr STUART AYRES (Penrith) [1.27 p.m.]: I ask the House to note the wonderful achievements of Gina Field, who was a finalist in the NSW Women of the Year Awards in the Premier's category last week. Gina runs a business in Penrith called Nepean Regional Security. She is the embodiment of the work that the Minister for Women is currently undertaking in trying to encourage women to participate in non-traditional roles. It was a fantastic achievement to see Gina recognised by the Premier and to be in that illustrious group of six finalists. Unfortunately, Gina did not win the main prize, but she has done everyone in Penrith extremely proud. She continues to be a role model for women right across New South Wales, particularly for those women who are not working in the traditional roles held by women. It would be remiss of me not to note the strong support of her husband, Paul.

CHINESE NEW YEAR LANTERN FESTIVAL

Mr GUY ZANGARI (Fairfield) [1.28 p.m.]: Today we congratulate the Australian Chinese Teochew Association and the Australian Hokkien Huay Kuan Association on hosting the 2013 Chinese New Year Lantern Festival celebration. I note that the successful celebration was held on 24 February 2013 and I acknowledge the Australian Chinese Teochew Association and the Australian Hokkien Huay Kuan Association's commitment to supporting the community in times of need via fundraising activities.

<22>

VOLUNTEER HELEN RYAN

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [1.29 p.m.]: I draw to the attention of members to the valuable contribution that Helen Ryan from Salamander Bay has made to the community through her volunteering efforts. I acknowledge her involvement with the Rotary Club of Nelson Bay, the Nelson Bay Australia Day Committee and the Tomaree Peninsula Primary School literacy program. I also thank

Mrs Ryan for her volunteering efforts in her local community and congratulate her on being a finalist in the 2012 Port Stephens Volunteer of the Year Awards.

SPORTING LIFESTYLES

Ms SONIA HORNERY (Wallsend) [1.29 p.m.]: Today we acknowledge the importance of sport to Australian culture and the importance of encouraging and maintaining active lifestyles for all ages. It is a matter of public health and happiness. We recognise the establishment of organisations specifically geared towards training people to play soccer, with the aim of playing for such august bodies as the W-League Jets, Newcastle Jets, Central Coast Mariners, the Socceroos and the Matildas. We congratulate 12-year-old Kyle Williams, a Glendale resident and constituent. Kyle, a keen footballer, has a wonderful dream of playing for the Socceroos one day. We wish Kyle all the best for his future sporting career.

CAMPBELLTOWN CITY CHALLENGE WALK

Mr BRYAN DOYLE (Campbelltown) [1.29 p.m.]: I congratulate Campbelltown City Council on holding the twenty-second annual Campbelltown City Challenge Walk at the Australian Botanic Garden at Mount Annan. More than 2,000 walkers were registered, including dignitaries such as our Premier, Barry O'Farrell, the member for Macarthur, Russell Matheson, the member for Camden, Chris Patterson, the member for Wollondilly, Jai Rowell, and me. The fun walk was six kilometres and the endurance challenge walk was 11 kilometres. Walkers came from all over. The event highlighted the importance of fitness and introduced many to the wonders and beauties of the Australian Botanic Garden at Mount Annan, one of the best parts of Campbelltown, the opal of the south-west, and the best part of the Macarthur. I urge people to visit our Botanic Garden, which is perhaps the Centennial Park of the Macarthur. It is a wonderful place.

Community recognition notices concluded.

[*Acting-Speaker (Mr Lee Evans) left the chair at 1.30 p.m. The House resumed at 2.15 p.m.*]

<23>

VISITORS

The SPEAKER: I welcome to the gallery 15 students and their teachers from the Femininity, Acceptance and Mentoring [FAM] Program at Sir Joseph Banks High School, Revesby, guests of the Speaker, the member for Menai, and the member for East Hills. I welcome members of the Berry-Gerringong Rotary Club, guests of the member for Kiama. I welcome 14 members of the East Gosford Rotary Club, guests of the member for Gosford. I also welcome three members of the Mangerton Tin Shed Artists, guests of the member for Londonderry.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

[*During the giving of notices of motions*]

The SPEAKER: Order! I call the member for Murray-Darling to order.

<24>

QUESTION TIME

[*Question time commenced at2.23 p.m.*]

PRINCE OF WALES HOSPITAL STROKE WARD

Mr JOHN ROBERTSON: My question is directed to the Minister for Health, and Minister for Medical Research. Why should the public be rejoicing and congratulating her, now that her budget cuts have forced closure of the specialist stroke ward at the Prince of Wales Hospital?

Mrs JILLIAN SKINNER: When will the Leader of the Opposition get it right? There has been no budget cut. The New South Wales Health budget was increased this year by 5.2 per cent and additional funding is being allocated right across the system, including to the Prince of Wales Hospital—in fact, to every hospital across the State, not just the Prince of Wales Hospital. Furthermore additional funds have been allocated to provide for 50,000 additional emergency department attendances, 30,000 additional overnight bed stays, and 2,000 additional elective surgeries.

Dr Andrew McDonald: Will they be done by September?

Mrs JILLIAN SKINNER: I am very proud of what we have done in stroke units, not only in the Prince of Wales Hospital but also throughout the State.

The SPEAKER: Order! The member for Macquarie Fields will cease interjecting.

Mr John Robertson: Point of order: I rise reluctantly to take this point of order. My point of order relates to Standing Order 129. I know it is early in the Minister's answer, but every day we get the same response. The question is about the closure of a specialist stroke ward, not about how many nurses and operations there are, nor how much money.

The SPEAKER: Order! According to standing orders, the Minister is being relevant to the question asked. The Minister has the call.

Mrs JILLIAN SKINNER: The reality is that the question referred to budget cuts, and there have been none. I will continue with my answer.

Mr John Robertson: I am talking about the closure of a specialist stroke ward.

Mrs JILLIAN SKINNER: Who does the Leader of the Opposition think runs stroke wards? It is the nurses and doctors, and they are the people I am talking about. Since I have been the Minister for Health, and Minister for Medical Research, 3,000 additional nurses have been appointed across the State.

The SPEAKER: Order! I call the Leader of the Opposition to order.

Mrs JILLIAN SKINNER: That is a record number of nurses. New South Wales never had such an increase in nurses under the former, Labor Government. We have allocated additional funding to new stroke wards and to boosting current stroke wards as well as hospital services right through the system, irrespective of whether it is at the Prince of Wales Hospital or any other hospital. Two day ago I visited the Prince of Wales Hospital accompanied by my colleagues the member for Vaucluse and the member for Coogee. We had a fantastic visit. The two members of this House joined me in speaking to many of the wonderful doctors and nurses at that hospital.

Mr Ryan Park: Point of order: My point of order relates to Standing Order 129. The Minister is a couple of minutes into her answer. Obviously it is a very difficult topic for the Minister to address, but we are interested in hearing about the stroke unit.

The SPEAKER: Order! The member for Keira will resume his seat. His conduct is completely out of order. There is no point of order. The Minister has the call.

Mrs JILLIAN SKINNER: The reality is that this information is very difficult for Opposition members to hear. The reality is that Health funding previously had not been as high as it is under the O'Farrell-Stoner Government. We have employed more staff in the Health system, not only at the Prince of Wales Hospital but also at every other hospital. We have put on more staff right throughout the system and we are boosting services that make a real difference to people's lives.

Ms Linda Burney: Point of order: My point of order relates to Standing Order 129. It was a very specific question about the stroke ward closure at the Prince of Wales Hospital.

The SPEAKER: Order! The Minister is being relevant. The member for Canterbury will resume her seat. There is no point of order.

Mrs JILLIAN SKINNER: The stroke treatment that is being provided is a stroke reperfusion program, which is world leading. Some other countries are just beginning to provide stroke reperfusion but it is already established in New South Wales. It is a marvellous example of integrated care. Paramedics are able to work with emergency department teams and stroke units in our various hospitals, particularly our teaching hospitals such as the Prince of Wales Hospital, St Vincent's Hospital and others, to provide a much better outcome for patients.

The SPEAKER: Order! I call the member for Macquarie Fields to order. The Leader of the Opposition will come to order.

Mrs JILLIAN SKINNER: Recently I visited the Orange hospital, accompanied by the member for Orange. We visited the stroke ward and saw a patient who would have faced a severely limited recovery without this intervention. The hospital had introduced stroke reperfusion to treat thrombolysis only the day before. When we visited, the patient was sitting up in bed and talking to his wife. He is able to look forward to much greater capacity as part of his recovery. That is the type of innovative treatment that this Government is introducing to stroke units.

Dr Andrew McDonald: Point of order: My point of order relates to Standing Order 129. We agree on the benefit of stroke wards. That is why we want to know why a stroke ward has been closed.

The SPEAKER: Order! A point of order is not an opportunity for debate or reiteration of the question. Under Standing Order 129, there is no point of order.

Mrs JILLIAN SKINNER: I am talking about the wonderful improvement in services this Government is providing for stroke patients at the Prince of Wales Hospital and at hospitals throughout the State. I warn Opposition members that they should be very careful about allegations they make in relation to places such as the Prince of Wales Hospital. There is a great deal of disinformation being circulated, and this question is a good example of that.

TEACHING QUALITY IMPROVEMENTS

Mr PAUL TOOLE: My question is directed to the Premier. How is the Government improving teaching quality in New South Wales schools?

Mr BARRY O'FARRELL: I thank the member for Bathurst for his question. Of course, I also thank him for his service as a teacher before he was elected as a member of this House. It is a great profession.

Mr Guy Zangari: Hear, hear.

Mr BARRY O'FARRELL: In most cases that is. I welcome students from the Sir Joseph Banks High School, whom I had the chance to meet today and who will be visiting the kitchens—a place with which I am completely unfamiliar these days. Last week I was delighted—

Ms Noreen Hay: You were familiar with most of it, Barry.

Mr BARRY O'FARRELL: Noreen, you should be too. Last week I was delighted to join the Minister for Education at the Croydon Public School—a great school, which is celebrating the 130th anniversary of its establishment. I had the opportunity to visit students in the year 4 and kindergarten classes and I was accompanied by the school's terrific principal, Mark Barraket. The Minister for Education and I visited the school to announce the Government's latest education reforms. The launch of Great Teaching, Inspired Learning marks another milestone in education throughout New South Wales.

<25>

It acknowledges and is committed to the categorical statement that great teachers produce better students and greater outcomes. It reflects our determination to put in place the practical building blocks to achieve better teacher quality across our entire school systems. I am sure all of us in this place can remember those teachers

who inspired us when we were at school. For me it was Mrs Morris, who inspired in me a love for history. I was speaking with the member from Mt Druitt only recently when he was telling me that his great interest in modern technology came from his great science teacher Benjamin Franklin.

Mr Richard Amery: What about Mr Bell?

Mr BARRY O'FARRELL: Sorry, Alexander Graham Bell. I am sure we can all remember the influence that some of our teachers had upon us at school. That is what we need to replicate across our education system. The evidence of national and international studies is very clear. That is, that the quality of teaching is the most important factor and influence in the performance of students at our schools. Great teachers should be the gold standard in every classroom across every school in this State if we are to achieve the best results, not just for the students but ultimately for society and the State in which we live. Greater Teaching, Inspired Learning sets out 47 practical and achievable actions to reach that goal.

Ms Carmel Tebbutt: Not without funding.

Mr BARRY O'FARRELL: I appreciate the interjection from the member for Marrickville. There was record funding this year—$13.8 billion going into the education system. As I have pointed out to the member for Marrickville previously, the percentage of gross domestic product being spent on education has increased under this Government from what it was under the previous Government. Essentially, Greater Teaching, Inspired Learning revolves around four key points. It is around raising the bar for school leavers' entry into university to undertake teacher education, it is raising the bar for them to get out of universities and into our classrooms, it is about raising the bar in the support and mentoring that beginner teachers receive in our classrooms, and it is about raising the bar to require all teachers to meet the Institute of Teachers standards.

Some of the specific actions include lifting university entry requirements to at least three band five or better results in the Higher School Certificate, and one of those band fives or better must include English. It will include mandatory literacy and numeracy assessments before teacher graduates are able to be accepted into their final year teaching rounds, and it will in future teach workforce needs with university places so that we better ensure that we have that supply of teachers that students in all systems need as we head towards the future. As I said, we will also ensure that all new teachers have induction programs, including additional support, during their first year. Professional teaching is one of the few areas where from day one the teacher accepts a full load in front of the classroom, and we are seeking to provide support at that time.

I am delighted that the Federal Government is moving in the same direction as was evidenced earlier this week, although I have to say in praise of the Minister for Education that our reforms are far more comprehensive. [*Extension of time agreed to*.]

It is for that reason that probably some of the universities have expressed more support for the Commonwealth reforms than the reforms put forward by the Minister for Education in New South Wales.

Ms Noreen Hay: They don't need him.

Mr BARRY O'FARRELL: The member for Wollongong has almost got it right. That is simply because the Commonwealth reforms do not require the universities to change anything. Clearly, change is required if we are to give students like those from Sir Joseph Banks High School the best possible start to life, the best possible start to that lifelong education that is so critical to their outcomes. It might even produce a few honest members for Labor. Of course, I make the point that it is not universities that employ classroom teachers, it is State governments. So we will continue down the path with our reforms because we put the interests of the students first.

I am delighted that Greater Teaching, Inspired Learning has been widely applauded. I have had messages, calls from principals in public, independent and Catholic systems, praising the reforms. I have had a former Federal education Minister make the point that this has been a long-sought-after reform that no-one has practically been able to implement. I am delighted that Dr Michelle Bruniges, the head of the Department of Education and Communities, who has put this together, has delivered us with 47 practical steps to do so.

This is just part of the education reforms being unveiled here in New South Wales. One year ago exactly we announced Local Schools, Local Decisions, allowing principals and teachers to make decisions in the best interests of their students in schools across the State, independent of head office. In an Australian first we

announced Connected Communities, being delivered through 15 schools in some of the State's most disadvantaged communities. We also introduced Every Student, Every School, and 400 public schools now have an additional specialist teacher working directly in the school to support students with additional needs and their teachers. We are getting on with the job. [*Time expired*.]

HOSPITAL FUNDING

Dr ANDREW McDONALD: My question is directed to the Minister for Health. Given that the head of the Prince of Wales Hospital Medical Staff Council, Dr James Colebatch, has said it is extraordinary to expect the same level of medical services under the Minister's hospital funding cuts, how can she still claim the public should be rejoicing and congratulating her for this decision?

Mrs JILLIAN SKINNER: In fact, the pile of letters I have from patients congratulating the wonderful doctors and nurses and the fantastic services they get in hospitals throughout New South Wales leads me to feel very comfortable about the care people are getting in our health system. It is among the best in the world, and I thank the doctors and nurses in our hospital system for that. On that basis we are providing them with extra money to provide extra services throughout the State. In addition to the advice I provided in my answer to an earlier question I advise that there is no intention of changing anything in the stroke unit of Prince of Wales Hospital. It is a reperfusion program. That advice was received one minute ago from the chief executive. The member needs to be very careful about the sources of his information; they are not always that accurate.

I can tell him that I am very thrilled about the wonderful care our patients are getting throughout our hospital system. They are in the hands of our very dedicated doctors and nurses who are working extremely hard to ensure that they receive among the world's best care, no matter what their conditions are. I am proud that we have been able to increase the health budget at a very tight economic time—there was a 5.2 per cent increase last year right across the system. I know members opposite want to run down the system, they want to say that there have been cuts to the budget, and they do not want to thank the doctors and nurses. But I am very proud of the work doctors and nurses do in providing wonderful care to our patients throughout the hospital system.

SKILLED MIGRATION

Dr GEOFF LEE: My question is directed to the Premier. Will the Premier outline the contribution of skilled migration to New South Wales?

Mr BARRY O'FARRELL: The member for Parramatta represents one of the most multicultural communities in this city. Before I answer the question I want to acknowledge Mickey and Patsy Vassallo, who are in the gallery today. Their name has the same migrant heritage as others I want to talk about in my answer. They happen to be the uncle and aunt of the member for East Hills—who I am told has not been seen for a while—but, more important, they are Tigers supporters. So I say "Go the Tigers"—well, certainly better than they went on Monday night.

It is appropriate that I commence by acknowledging the Vassollos and also the Irish Consul General here in Sydney, Caitriona Ingoldsby. This week we celebrate the contribution that the Irish and Ireland have made to the world. Indeed, this Sunday all of us will be Irish—even, I understand, Thomas George, John Sidoti and Charles Casuscelli.

<26>

For 225 years we have been a migrant nation. It all started in this city just down the road at what is now called Circular Quay, but in those days was called Sydney Cove. From those earliest days of forced migration through successive waves down the years people have come to these shores from around the globe for better lives and for the opportunities that have always been on offer. In finding and seizing those opportunities and in working hard they not only benefitted themselves but also this State and our society. We have been blessed with wonderful migrants who have succeeded in all walks of life—people such as Frank Lowy, Lee Lin Chin, Hazem El-Masri, Gail Kelly and, of course, the late great Dr Victor Chang.

To highlight the opportunities on offer in this country, our most notable migrant is the Prime Minister who came here from Wales in 1966. But one would be disappointed to expect Julia Gillard to appreciate the opportunities this country offers to migrants or the great contributions they make to this nation, our way of life and our economy. We all know that this year is an election year and clearly a Federal election campaign is underway. Once again Julia Gillard has sought to play the race card in that campaign in, of all places,

multicultural western Sydney. The Prime Minister has become expert at dog whistles. During the 2010 Federal election campaign Julia Gillard used a speech in western Sydney to blame immigrants for this city's traffic congestion.

The SPEAKER: Order! The member for Canterbury will cease shouting. I call the member for Canterbury to order.

Mr Ryan Park: Point of order: My point of order is relevance under Standing Order 129. The answer not only is irrelevant but it is highly offensive. The question never mentioned the Prime Minister.

The SPEAKER: Order! I do not know whether the member for Keira was listening to the answer, but the Premier has been entirely relevant to the question he was asked by the member for Parramatta.

Mr BARRY O'FARRELL: During the lead-up to the last Federal election campaign the Prime Minister used a speech in western Sydney to blame immigrants for traffic congestion and to announce that she was ending what her predecessor called the Big Australia policy. In reality, she was making excuses for the lack of infrastructure investment in roads and rail by those opposite. Instead of dealing honestly with the issue—

Mr Michael Daley: Point of order: As I recall, the question asked about skilled migration. My point of order is under Standing Order 129. If the Premier wants to talk about racism, we will start talking about boats and children overboard.

The SPEAKER: Order! The member for Maroubra will resume his seat. There is no point of order.

Mr Michael Daley: Why don't you go back to 2010 and talk about children overboard.

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

Mr Michael Daley: The question was about skilled migration, Madam Speaker.

The SPEAKER: Order! The member for Maroubra will resume his seat. I heard the question. There is no point of order. The Premier has the call.

Mr BARRY O'FARRELL: Instead of dealing honestly with that issue about infrastructure, and I suspect she would have been marked up for it, she took the low road: a dog act and a dog whistle.

Mr John Robertson: Point of order: From the pound keeper opposite who is led by the bigger pound keeper in Canberra.

The SPEAKER: Order! What is the member's point of order?

Mr John Robertson: My point of order is relevance under Standing Order 129. These comments have nothing to do with 457 visas and skilled migration. The dog whistle is being used by members of the party opposite that has the most appalling record in the history of this nation.

The SPEAKER: Order! The Premier is demonstrating relevance. There is no point of order. The Leader of the Opposition will resume his seat.

Mr John Robertson: Whether it starts with Tampa, children overboard—

The SPEAKER: Order! I call the Leader of the Opposition to order for the second time.

Mr John Robertson: —you are a disgrace.

The SPEAKER: Order! The Leader of the Opposition will remove himself from the Chamber for the rest of question time. The Premier has the call.

[*Pursuant to sessional order the member for Blacktown left the Chamber at 2.42 p.m.*]

Mr BARRY O'FARRELL: Instead of dealing honestly with issues the Prime Minister prefers to play the race card. Fast forward to this upcoming election.

Mr Michael Daley: Point of order: My point of order is relevance under Standing Order 129. This is two lowbrow even for Premier Barry O'Farrell.

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

[*Extension of time granted.*]

Mr BARRY O'FARRELL: I am determined not to let this State's reputation in relation to multiculturalism be dominated by the appalling contribution of Eddie Obeid.

Ms Linda Burney: Point of order: If anyone is pulling the race card it is you.

The SPEAKER: Order! What is the member's point of order? The member will resume her seat.

Ms Linda Burney: That is who is pulling the race card.

The SPEAKER: Order! The member for Canterbury will resume her seat. I call the member for Canterbury to order for the second time. The Premier has the call.

Mr BARRY O'FARRELL: It is extraordinary that in attacking 457 visas she attacks legal immigration at a time when she cannot control or stop illegal immigration to this country. Labor will not stop the boats, but they will stop the brains.

Mr Guy Zangari: Point of order: It relates to relevance under Standing Order 129. Premier, if you want to talk about skilled migration, talk about the migrants who built the Opera House.

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

Mr Guy Zangari: Talk about the migrants who built the Harbour Bridge.

The SPEAKER: Order! The member for Fairfield will resume his seat. The Premier is being relevant to the question asked.

Mr Guy Zangari: Talk about the migrants who built the Snowy Mountains River Scheme.

The SPEAKER: Order! The member for Fairfield will remove himself from the Chamber.

Mr Guy Zangari: Talk about those migrants. Shame on you.

The SPEAKER: Order! The member for Fairfield will remove himself from the Chamber for the rest of question time. I will not tolerate that sort of outrageous display.

Mr Guy Zangari: Talk about the migrants who built this country.

The SPEAKER: Order! The member for Fairfield will remove himself from the Chamber for the rest of question time.

[*Pursuant to sessional order the member for Fairfield left the Chamber at 2.44 p.m.*]

Mr BARRY O'FARRELL: I am happy to talk about the migrants who built this country and then I will talk about the contribution of Eddie Obeid, Joe Tripodi, Michael Costa or those opposite. Julia Gillard's attack on 457 visas would decimate the State's health system.

Mr Richard Amery: Point of order: I draw your attention to Standing Order 130, which states that a member should not debate the issue about a question that is being asked. The question relates to skilled migration. It is not an opportunity for the Premier to enter into a broad debate on migration.

The SPEAKER: Order! I have heard the point of order. I do not believe the Premier is debating the question at all. He is answering the question and he is being relevant to the question asked. The Premier's time has expired. If there are any further outbursts at the microphone by Opposition members they will find themselves outside the Chamber.

Mr CHRIS HARTCHER (Terrigal—Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast) [2.45 p.m.]: I move:

That standing and sessional orders be suspended to allow the Premier a further five minutes to answer the question asked.

The SPEAKER: Order! There is no precedent or standing order for the suspension of standing orders during question time.

Mr CHRIS HARTCHER: I seek leave to create that precedent.

Leave not granted.

The SPEAKER: Pursuant to Standing Order 365, "Suspension of Standing Orders" motions to suspend standing or sessional orders shall not be entertained during question time.

Mr Andrew Fraser: Point of order: It is within your realm, Madam Speaker, to extend the Premier's time, especially in light of the number of pointless points of order taken to interrupt his time to answer the question. I am sure the standing orders would allow you to extend the time.

The SPEAKER: I thank the member for Coffs Harbour for his advice. I am adhering to the standing orders, as I always have and always will. If such a procedure has occurred in this Chamber, then whoever was in the chair ruled incorrectly. I do not believe that was the member for Northern Tablelands.

Mr Richard Torbay: The Speaker is correct.

RESOURCES FOR REGIONS

Mr CLAYTON BARR: My question is directed to the Deputy Premier, and Minister for Trade and Investment. Why has the Minister refused to provide funding under the Resources for Regions package for Cessnock, Maitland and Lake Macquarie, all of which experience significant impacts from the mining industry?

<27>

Mr ANDREW STONER: I thank the member for Cessnock for his question. This Government does understand that communities affected by mining-related activity experience unique pressures on their infrastructure and services. We are the first Government in this State to establish a Resources for Regions program, which boosts funding for local infrastructure by up to $160 million over four years. The local government areas included in Resources for Regions are informed by an independently audited assessment which compares State revenue raised from communities affected by mining with the corresponding Government expenditure on local infrastructure and services.

To reflect the variable community impact of mining on different regions and consistent with the initial assessment in 2011, the varying populations in each local government area were also considered. In 2011 two local government areas, Singleton and Muswellbrook, were assessed as having received less capital and recurrent funding per capita than the New South Wales State average. Accordingly, $10 million in Resources for Regions funding was allocated to infrastructure projects in those areas in the 2012-13 budget. This year in the 2012 assessment the Government has endorsed that view, and both Singleton and Muswellbrook should continue to benefit from the program. However funding should also be extended to other areas—

Ms Linda Burney: What about Sutherland?

Mr ANDREW STONER: It is an independent assessment. If the member wants a copy she should just ask me. It is independently audited—

The SPEAKER: Order! The member for Cessnock and the member for Keira will come to order.

Mr ANDREW STONER: We have a transparent process for assessing the relative merits of the various local government areas. For the 2012 assessment both Singleton and Muswellbrook will continue to benefit from the program, but we are extending it to other areas, defined as tier-two local government areas, which contribute between $2,500 and $10,000 in mining royalties per capita to the State. Those other two tier—

Mr Clayton Barr: Point of order: It is relevance under Standing Order 129. The question refers to Cessnock, Maitland and Lake Macquarie, but those words have not come out of the Minister's mouth.

The SPEAKER: Order! The member for Cessnock should be patient. There is no point of order. The Minister is being relevant to the question asked.

Mr ANDREW STONER: I am explaining the process to the member for Cessnock and, as I say, any time he wants to get the information he is welcome to contact me. The tier-two local government areas, specifically Cobar, Lithgow, Mid Western and Narrabri, also qualify this year. We have extended the definition of "mining affected" to include non-mining communities, but those that may be indirectly impacted by mining activity. Under that assessment Newcastle ranks as the most indirectly affected by mining activity with 550 mining-related truck movements per day. Newcastle will be eligible for funding in 2013-14. In total seven local government areas under this process will be eligible for funding in this year's budget. The member's question was in relation to Cessnock, Maitland and Lake Macquarie local government areas. I can confirm that both Cessnock and Maitland local governments did not nominate for consideration via the surveys issued by the Local Government and Shires Associations, now Local Government NSW.

Nevertheless, whilst these communities are no doubt affected by mining activity, when judged on a per capita basis they do not rank amongst the most impacted communities in the State. We are funding tier one and tier two, and Cessnock is assessed as tier three; Maitland has been assessed as tier five, with mining royalties of less than $10 per capita. In relation to the Lake Macquarie local government application I can advise the House that the Lake Macquarie council area is assessed as a tier four community, that is with mining royalties between $10 and $500 per capita. It is a transparent process, independently audited, delivering significant money to regions affected by mining in this State.

NEW SOUTH WALES INTERNATIONAL TOURISM

Mrs ROZA SAGE: My question is directed to the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts. What success has New South Wales enjoyed in attracting international tourists to the city?

Mr GEORGE SOURIS: I thank the member for the Blue Mountains, who represents one of our State's premier tourism regions.

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

Mr GEORGE SOURIS: I can advise members that New South Wales is by far the preferred Australian destination for international visitors. We also lead the country in expenditure and overnight stays when it comes to international tourists. The International Visitor Survey confirms our leadership position and proves that this Government's tourism strategy is working. The most recent survey showed that in 2012 New South Wales welcomed more than 2.8 million visitors, compared with 2 million for Queensland and a paltry 1.8 million for Victoria. It also showed that New South Wales leads Australia in visitor expenditure by a long way: $6.3 billion for 2012, compared with $4.4 billion for Victoria and $3.8 billion for Queensland. Much of this can be put down to the O'Farrell-Stoner Government's enormous success with its China strategy—China is one of our most important markets.

With the launch of our China Tourism Strategy 2012-2020, a first in the State's history, the latest figures highlight that the New South Wales Government's focus on attracting visitors from Asia is paying substantial dividends to the State's economy. The New South Wales Government has also opened a North Asia office to coordinate our marketing efforts in China. A pivotal objective of this strategy is to increase the number of airlines and seats flying to New South Wales. Throughout 16 years of Labor government New South Wales share of international seats fell to just 42 per cent. That is why the Premier, on his most recent visit to China, visited the headquarters of China Southern in Guangzhou, which has now chosen Sydney as its Australasian headquarters.

Both the Premier and the Deputy Premier have played a significant role in growing tourism from China. China has increased visitor numbers to New South Wales by 19 per cent. This means that last year New South Wales welcomed more than 363,000 Chinese visitors, which is more than 61 per cent of all Chinese tourists who travel to Australia, who contributed more than $1.2 billion to the New South Wales economy. The strong focus taken by this Government on securing and strengthening international airline partnerships has paid dividends for international visitors to New South Wales. For example, visitation from Malaysia increased by more than 53 per cent in the six months to December 2012 compared with the same period in 2011. This significant increase means that New South Wales outgrew both Victoria and Queensland for visitors from Malaysia following the introduction of AirAsia X's Kuala Lumpur to Sydney daily service, which commenced in April 2012.

The commencement of the daily service by Scoot from Singapore to Sydney in June 2012 has seen an increase of more than 39 per cent in visitors from Singapore to New South Wales in the six-month period to December 2012 compared to the same period in 2011. Despite the strong Australian dollar, other key international markets have also increased visitation and expenditure to New South Wales, including Japan, New Zealand, Germany, the United States of America and—with the consul general in the gallery today—Ireland. Strategic marketing programs including, Australia's most comprehensive major events calendar are delivering significant results for the State.

FIRST HOME BUYERS

Mr MICHAEL DALEY: My question is to the Treasurer. Given that today's housing finance figures show the number of first home buyers has fallen to its lowest level in more than 20 years after he and his Government cut first home buyers grants and increased stamp duty—

Mr Barry O'Farrell: Is this an essay or a question?

Mr MICHAEL DALEY: I do not need advice from you.

Mr Barry O'Farrell: Yes, you do.

The SPEAKER: Order! I cannot hear the question.

Mr MICHAEL DALEY: Does the Treasurer accept that his Government has locked young people, particularly young people in Western Sydney, out of the housing market? Will he reverse these bad decisions?

Mr MIKE BAIRD: I thank the member for his question. It is amazing that all of sudden the member for Maroubra has discovered treasury and finance. Here he is, he is back and he is into it. This Government has made a huge difference to the housing sector in this State already. There are things about policies that confuse me just a little bit. Some members might have missed a housing summit that was held by those on the other side of the Chamber about what they were going to do about the housing sector. The great thing about those opposite is that you get to hear a lot about what is going on via leaks from Sussex Street about CDs and that sort of thing; or, if Penny Sharpe is there, you get a good insight into what is going.

<28>

Ms Linda Burney: Point of order: My point of order is taken under Standing Order 129. The question did not ask about other members of this Parliament. It is about the lowest housing numbers in 20 years, and I ask that the Treasurer be drawn back to the leave of the question.

The SPEAKER: Order! The Treasurer's response was relevant to the question asked. There is no point of order.

Mr MIKE BAIRD: At the first week of the housing summit Penny Sharpe said, "We can shape the future of our city if we tackle housing affordability." That is not a bad start. At 9.50 a.m. what was the first policy? There is only one solution to housing affordability: build more houses.

Mr Michael Daley: Point of order—

The SPEAKER: Order! The Treasurer will resume his seat. I just ruled that the Treasurer's response was relevant to the question asked. I trust this point of order is not taken under Standing Order 129.

Mr Michael Daley: My contention is that since your last ruling the Treasurer has strayed into irrelevancy.

The SPEAKER: Order! The Treasurer's response continues to be relevant.

Mr Michael Daley: The question was: Will the Treasurer reverse these bad decisions?

The SPEAKER: Order! The member for Maroubra will resume his seat. The Treasurer's response continues to be relevant. There is no point of order.

Mr MIKE BAIRD: This is very important, because the next suggestion came at 9.15 a.m. Suggestion to address housing affordability, rebalance subsidies to focus on new builds. Who came up with that policy, and what was that policy? I can tell members that those opposite missed it, because it was in the budget. They have not even read the budget. Here they were pondering what they were going to do about housing, and someone says, "I've got a great idea; we'll rebalance subsidies towards new homes." Yes, that is right. The next great insight from Penny Sharpe was, "We're going to continue to improve infrastructure to accommodate the growing population." That is it: put the subsidies into new builds, and build the infrastructure—the North West Rail Link, the South West Rail Link—and then the housing will come. If they had read the budget papers they would have seen Building the State.

That is why first home buyer grants for the first three months to January 2012 were 42 per cent up for new homes. That is what we are trying to do. Those opposite put together a housing summit asking what they were going to do about housing. We put the policies in place, and what are we delivering? More housing. We are proud that we are doing that. Before those opposite come in here and start to talk about things about which they know nothing, I would say to them the number one thing for them to do is read the budget. If they read the budget they will understand the policies that the Government is implementing; and, most importantly, they will also understand that we are making a different to the problems that they left behind. In conclusion, I have one thing to say about the member for Maroubra, and it is interesting because we saw events referred to on Monday night in a particular television show—

Dr Andrew McDonald: Point of order: My point of order is under Standing Order 76, improper imputations.

The SPEAKER: Order! The Treasurer has not come even close to making an improper imputation. The member for Macquarie Fields will resume his seat. It is good to know that the member for Macquarie Fields is reading the standing orders. If he continues reading them, he may find one, one day.

Mr MIKE BAIRD: It becomes important because at the end of his inaugural speech the member for Maroubra thanks people; he thanks Joe Tripodi and the Hon. Eddie Obeid. While those opposite were focusing on matters internal, we were focusing on fixing up the economy of this State and driving housing further.

CRIMINAL DEFENCE PROCEDURES

Mr TROY GRANT: My question is to the Attorney General. Attorney, happy St Patrick's Day to you. Will the Attorney General tell us what the Government is doing to stop serious criminals from exploiting the justice system?

Mr GREG SMITH: I thank the member for Dubbo for his question, his wonderful Irishness, and his keen interest in this very important issue. The community has an expectation that criminal trials are conducted in a fair and proper manner. It is consistent with that expectation that an accused person should disclose any available defence at the earliest opportunity. This Government is absolutely committed to ensuring criminal trials can run efficiently, and that criminals cannot frustrate the system by raising defences at the last minute. If they try to do so, a jury can be told about it and will be able to take it into account. We are today introducing a package of reforms to allow judges to tell juries that they can draw an unfavourable inference when an accused criminal raises a defence at trial that he or she has never disclosed—trial by ambush.

These reforms introduce a special police caution for suspects of serious crime, and will require the prosecution and defence to disclose the key parts of their case in a timely way before the trial. The first part of the package of reforms is the Evidence Amendment (Evidence of Silence) Bill 2013, which amends the Evidence Act 1995 to allow a jury to draw an unfavourable inference against an accused who remained silent during official police questioning but later produces evidence at trial which the accused could reasonably have given to police when first interviewed.

This can only occur if the police issued the accused with a special caution that although he or she does not have to say or do anything, it may harm the accused's defence if the accused fails to mention something that he or she later relies on in court. However, there will be safeguards to protect those who may be vulnerable when being questioned about their involvement in a serious offence. And this new legislation will apply only when an accused is given the special caution in the presence of a lawyer, has had a reasonable opportunity to get legal advice on the meaning of the caution, is over the age of 18, and is capable of understanding the special caution. And, the silence of an accused person can never be the sole basis for a conviction for a serious indictable offence.

The second part of these reforms applies during the preparation for a criminal trial, and should help ensure that trials run smoothly and efficiently, cutting down on unnecessary witnesses who give evidence about matters that are not in dispute. The Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill 2013, which amends the Criminal Procedure Act 1986, provides a timetable, setting out when the prosecution and defence have to outline the key parts of their case before the trial. If the defence later decides to raise issues at trial that it has failed to disclose when required, the judge may direct the jury that it may draw unfavourable inferences against that evidence. These changes will level the playing field and increase the efficiency of trial preparation by ensuring that the matters that go to the jury are adequately defined before the trial commences.

The legislation also preserves the court's power to waive the disclosure requirement, providing it gives reasons why doing so is in the interests of the administration of justice. These two important reforms work together to prevent criminals from using silence or surprise as a tactic to dodge a fair conviction. There are significant safeguards in the legislation to ensure protection of the rights of vulnerable people who may be involved, while stopping the gap in our system that allows sophisticated criminals to escape the retribution they deserve.

SCHOOL INFRASTRUCTURE PLANNING

Mr JAMIE PARKER: My question is to the Minister for Education. Considering the number of children aged zero to four in my electorate has risen by more than 70 per cent in 15 years—a rate of increase five times faster than for the whole of Sydney—will the Government commit to expanded school facilities and a long-term plan to meet this growing need?

Mr ADRIAN PICCOLI: Did you see the ABC on Monday night? *Q&A* is what I am talking about: Peter Garrett and Christopher Pyne debating education policy—absolutely riveting. I am not quite sure what everybody else thought was on Monday night, but I watched *Q&A*. Of course this is an absolutely critical area of public policy. And the direct answer to the member's question is: yes, of course we are looking at the opportunities available to expand capacity throughout a number of suburbs of Sydney, including the inner west, the city area and the North Shore, where we have significant capacity problems.

<29>

Ms Carmel Tebbutt: You better hurry up.

Mr ADRIAN PICCOLI: The member for Marrickville says, "Hurry up". This would be a much easier process had the former Government not closed all those inner-city schools. The Labor Government closed Camperdown Public School, Redfern Public School, Alexandria Public School, Waterloo Public School, Maroubra High School, Vaucluse High School, Fred Birks School and Randwick North High School. How much easier it would be to solve the issues raised by the member for Balmain had those sites not been sold; we could expand them and move the kids up. My question to the member for Balmain is: Why is so much breeding going on in the inner west? We are also building two new schools in the inner west. As a Nationals member of Parliament, when I talk about the inner west I am usually talking about Orange and Bathurst. But I know that in Sydney when members talk about the inner west they are referring to suburbs such as—

Mr John Sidoti: Drummoyne.

Mr ADRIAN PICCOLI: Yes—Drummoyne, Concord, Balmain and the like.

Mr Kevin Anderson: Just like the North West Rail Link.

Mr ADRIAN PICCOLI: That is right; it is not a train to Bourke. Concord West and Wentworth Point are two of the schools we are building, and I had the pleasure of making one of those announcements with the member for Drummoyne. We will also be opening other schools—although they are not necessarily in the inner west. They include Bass School for Special Purposes; Hope Christian School, which the Department of Education purchased when the school went into liquidation; Lake Cathie Public School in the electorate of Port Macquarie; and The Ponds High School. We are building new schools, including in the inner west. We will have more to say about what we are doing to increase capacity in the inner west in the near future; regional asset planners are looking at the demographic changes. Unfortunately, we have had to upset some organisations in order to increase capacity. The Professional Teachers Council had to be moved out of Leichhardt Public School to provide more space. We had some issues securing other accommodation for the council but of course we had to put the interests of students first, which is precisely what we did.

I discussed this issue with the member for Sydney upon his election. I know that he and the member for Balmain have a common interest. Ultimo Public School has been discussed and what might happen with other schools in the inner west. We are consulting very closely with communities about what we will do. We consult closely with communities when we make decisions about the future provision of education in New South Wales because that is good government: You talk to the community, you listen to people and you consult stakeholders. That is how you make the right decisions. I contrast that with what we heard on Monday night about how the previous Labor Government made decisions. Eddie Obeid said:

> We have our friends in Caucus who are prepared to listen to our wisdom and our analysis of situations.

That is how Labor makes decisions. He continued:

> And remember, members of Parliament are interested in their own future—

That is Labor members of Parliament who are interested in their own future—

> and what's in it for them and we help achieve that through sensible negotiations and through sensible planning.

That is what Eddie Obeid said about how Labor made decisions in government. [*Time expired*.]

HIGH-RISE BUILDINGS WINDOW SAFETY

Mr TONY ISSA: My question is directed to the Minister for Fair Trading. What action is the Government taking to protect children from serious injury and to reduce the likelihood of death from window falls?

Mr ANTHONY ROBERTS: I thank the member for Granville for his question and I commend him for his interest in safety initiatives to help protect young and vulnerable people within our communities. It is very troubling to see media reports of young children falling from windows in multi-level buildings. Falls from buildings can result in a child being severely injured or, worse still, fatally injured. I was joined this morning at the Children's Hospital at Westmead by the excellent member for Parramatta, where we announced the steps that the New South Wales Liberal-Nationals Government is taking to tackle this situation. These deaths and injuries are preventable.

The causes of children falling from buildings and the factors involved were examined closely by an expert working party led by the Children's Hospital at Westmead. A comprehensive, whole-of-government response to the report has been developed. I acknowledge the efforts of the Minister for Health, the Minister for Planning, the Children's Hospital at Westmead, the Australian Medical Association and the Owners Corporation Network in helping shape this important reform. The Government's window safety measures to protect young children involve regulatory initiatives and an extensive education and awareness campaign. Evidence from around the world has shown that community education, together with simple changes to window safety, can deliver significant and positive child safety outcomes.

A 2001 article in the journal of the American Academy of Pediatrics noted that the introduction of mandatory window guards in high-rise rental apartments in New York City delivered a 96 per cent reduction in recorded hospital admissions. The O'Farrell-Stoner Government's initiatives will target strata buildings and rental premises. The report of the Children's Hospital at Westmead specifically identified these types of premises as significant factors in child falls. For strata schemes the Strata Scheme Management Act will be amended to require owners corporations to install safety devices on all windows that present a safety risk to young children. Generally this will mean windows above ground level, most of which will be part of the strata common property. Common property is the responsibility of the owners corporation, therefore it is appropriate for the owners corporation to have responsibility for the installation of window safety devices.

Of course, the Government recognises that the installation of window safety devices cannot be done overnight, so there will be a five-year implementation period to give owners corporations time to plan for and carry out the upgrades. However, an owners corporation can choose to take immediate action to undertake the upgrades. At the same time, strata lot owners with young children will be able to install window safety devices in their own lot to protect their children. This policy has received widespread support from the medical profession as well as from industry representatives. Professor Danny Cass of the Children's Hospital at Westmead expressed his support, and stated:

> This is a policy that should have been delivered 50 years ago.

It took the election of the O'Farrell-Stoner Government for action to be taken on this issue and we have delivered this policy. Associate Professor Brian Owler of the Australian Medical Association (NSW) stated:

> With this landmark legislation the Government is showing a commitment to protecting children from permanent debilitating injury or death.

He made it clear that with this policy New South Wales is leading the way not just in the Commonwealth but around the world. Stephen Goddard, chairman of the Owners Corporation Network—the peak body representing apartment owners in New South Wales—made clear his support for the Government's policy and its responsible and considered implementation strategy.

A different approach is being adopted for rental premises. Under current residential tenancy laws, tenants and landlords must complete a premises condition report at the beginning of a lease. The condition report is a prescribed form in the Residential Tenancies Regulation. The prescribed condition report will be amended to include window safety devices. This simple, straightforward measure will make tenants and landlords think about the potential need for window safety devices at their premises. Another key process for the Government is working with the community to introduce the child safety measures. We want to ensure that we have an effective system in place and that proper consideration is given to the potential costs and regulatory impact for owners corporations and strata residents.

Today I released the Children and Window Safety Consultation Paper to give stakeholders an opportunity to provide feedback on the proposed child safety measures. The consultation paper sets out the background and the key elements of the Government's child safety measures and seeks feedback on a number of questions. I encourage anyone with an interest in these matters to take a look at the consultation paper and consider providing their views to the Government. This is one of a number of reforms that this Government is delivering for the people of New South Wales. We have listened to the concerns of the community and we have acted. That is why I am so proud to be part of a reformist government. As I look around this House I see 68 other fellow reformers who are delivering for their electorates and the people of New South Wales. This is a Government of action.

<30>

TEMPORARY SKILLED WORK VISAS

Mr BARRY O'FARRELL: Earlier in question time I was asked about 457 visa holders. For the benefit of the member who asked the question, there are more than 2,700 people on 457 visas working in the public health system. Some 1,023 of those people are doctors and 670 are nurses. The health system would crumble without those people.

Question time concluded at 3.20 p.m.

ASYLUM SEEKER POLICY

Personal Explanation

Mr JAMIE PARKER, by leave: I wish to make a personal explanation. In question time the Premier said that people seeking refuge—boat people—are illegal. That is factually incorrect, it impugns this House and it impugns me. I call on the Premier to withdraw that mistruth.

The SPEAKER: Order! That is not a personal explanation.

PETITIONS

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

Albion Park Aeromedical Services

Petition requesting the retention of aeromedical services at Albion Park, received from **Mr Gareth Ward**.

Sydney Electorate Public High School

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

Education Funding

Petition calling on the Government to stop cuts to education, TAFE and school funding, received from **Mr Richard Amery**.

Pets on Public Transport

Petition requesting that pets be allowed on public transport, 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**.

Mental Health Services

Petition requesting an increase in funding for mental health services, 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 petitions signed by more than 500 persons were lodged for presentation:

St George Public Hospital

Petition requesting increased funding for St George Public Hospital, received from **Dr Andrew McDonald**.

Rooty Hill Railway Station Access

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

The Clerk announced that the following Minister had lodged a response to a petition signed by more than 500 persons:

The Hon. Mike Baird—Port Kembla Privatisation—lodged 21 February 2013 (Ms Noreen Hay)

BUSINESS OF THE HOUSE

Reordering of General Business

Mr GARETH WARD (Kiama) [3.22 p.m.]: I move:

That the General Business Notice of Motion (General Notice) given by me this day [Illawarra Services and Programs] have precedence on Thursday 14 March 2013.

The motion states:

That this House:

(1) commends the Minister for the Illawarra for his recent speech to the Illawarra Business Chamber;

(2) notes the considerable achievements of the O'Farrell Government in the Illawarra since coming to office in March 2011; and

(3) condemns the former New South Wales Labor Government for failing the people of the Illawarra across a range of government services and programs.

I am sick and tired of picking up a newspaper in the Illawarra and reading or turning on the radio and hearing lies being told by members opposite about issues in the Illawarra. They continually tell lies about the privatisation of the port when they know full well that the lease will return $100 million to the Illawarra in addition to the $160 million that will go into the Berry bypass and the Princes Highway.

The SPEAKER: Order! Members will come to order.

Mr GARETH WARD: It is a caucus meeting on the floor, Madam Speaker. It is a loose confederation of warring tribes over there: They do not know what they doing.

Mr Michael Daley: Point of clarification: I am seeking clarification. The member for Kiama has not identified the number of the motion.

The SPEAKER: Order! The motion does not have a number because notice of it was given this morning and it has not yet been printed. However, it will be General Business Notice of Motion (General Notice) No. 912.

Mr GARETH WARD: It is all about the numbers with the member for Maroubra—the numbers he does not have. Members opposite voted again the Government's allocating $100 million but then had the audacity to make suggestions about how that money could be spent. How audacious. But it gets better from members opposite. The Government does not even have the money yet because the transaction has not gone through. I know this is a novelty for Labor, but the Government cannot allocate money it does not have. That has not stopped members opposite from coming into this place and trying to degrade our achievements in the Illawarra. Those achievements include things such as the Shell Cove railway station, which Labor promised in 2001 and did nothing about.

The SPEAKER: Order! The member for Shellharbour will have an opportunity to contribute to the debate if she wishes. I will remove the member for Shellharbour from the Chamber if she continues to argue. The member for Keira will come to order.

Mr GARETH WARD: The Government has also upgraded Shoalhaven hospital, including the addition of a cancer care centre, a new car park and an $86 million upgrade to the elective surgery unit, which Labor promised year after year but failed to deliver. The Government has also contributed $14 million for new cancer care services at Wollongong Hospital and a $25.8 million car park upgrade, which will provide 600 new spaces. Things are happening under this Government that Labor failed to deliver during its 16 years in office. I am sick and tired of the lies. Members opposite ignored cross after cross on the Princes Highway, which I must travel on every day in my electorate. We now have a Minister for the Illawarra who is delivering. I am proud that the Minister for the Illawarra has created employment through the Illawarra Innovation and Investment Fund, which generated more than 800 jobs in the Illawarra. But we hear nothing about that from members opposite. All we hear is scorn and ridicule about a Government that is delivering for the Illawarra.

I am proud to stand up with other regional members of Parliament who deliver projects for their areas. I am not proud of Illawarra members who come into this place and talk down the Illawarra. I am proud that the Government is investing $820 million in the Princes Highway to complete the Gerringong upgrade and the Berry bypass. I acknowledge my friends in the public gallery from the Berry-Gerringong Rotary Club. I know they will be pleased about that much-needed upgrade in our part of the world. In office, Labor ignored our region. I can assure not only my community but also other regions around New South Wales that this Government listens to regional communities and delivers for them.

Mr RYAN PARK (Keira) [3.27 p.m.]: Members on this side of the House have requested that the member for Kiama come to front bench and take over from the Minister for the Illawarra because those of us from the Illawarra do not know who the Minister is. One of the Minister's first acts was to move his office from the Illawarra to Sydney. He is a fantastic Minister for the Illawarra: He has endorsed a program that encourages people to leave Wollongong! The member for Kiama supports a Minister who supposedly wants to drive economic growth in the region but who at the same time pays people $7,000 to move from one end of Windang Bridge to the other. That is a fantastic policy to drive economic growth in the Illawarra! I do not know why we are all not taking up the offer. It is an incredible policy for the Minister for the Illawarra to pay people $7,000 to move from one end of the creek to the other. Why do we not like the Minister for the Illawarra? Despite the fact that at the end of last year he announced that Bulli Hospital would supposedly be a centre for aged care excellence, he forgot to mention it in his recently released Illawarra Regional Action Plan. He did mention one project—Kiama Hospital.

<31>

Funny about that!

Mr Gareth Ward: Yours was an inaction plan.

Mr RYAN PARK: And we can see the member for Kiama is being funny about that. Let us talk about another very interesting topic: literacy and numeracy. The Minister for the Illawarra and the Premier announced in the lead-up to the 2011 election that there would be 60 new specialised literacy and numeracy teachers for the Illawarra. The second anniversary of the election of this Government approaches, and how many specialist teachers did we get—five, 10 or maybe 20? No, there are two. This Government announced a commitment to providing 60 teachers, and two years later the Illawarra has two teachers. What fantastic progress! At that rate the children of the member for Kiama will get to see the rest of those teachers. Let me discuss the advantage fund—a fund delivered by the Labor Government that provided $10 million to drive economic growth. What did this Government do? It cut that by 50 per cent in its first year and there are no plans to replace the funding. We do not want the current Minister for the Illawarra. Give us the member for Kiama.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 65

Mr Anderson	Mr Fraser	Mr Provest
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 Bassett	Mr Grant	Mrs Skinner
Mr Baumann	Mr Gulaptis	Mr Smith
Ms Berejiklian	Mr Hartcher	Mr Souris
Mr Bromhead	Mr Hazzard	Mr Speakman
Mr Brookes	Ms Hodgkinson	Mr Spence
Mr Casuscelli	Mr Holstein	Mr Stokes
Mr Conolly	Mr Humphries	Mr Stoner
Mr Constance	Mr Issa	Mr Toole
Mr Cornwell	Mr Kean	Mr Torbay
Mr Coure	Dr Lee	Ms Upton
Mrs Davies	Mr Notley-Smith	Mr Ward
Mr Dominello	Mr O'Dea	Mr Webber
Mr Doyle	Mr Owen	Mr R.C. Williams
Mr Edwards	Mr Page	Mrs Williams
Mr Elliott	Ms Parker	*Tellers,*
Mr Evans	Mr Patterson	Mr Maguire
Mr Flowers	Mr Perrottet	Mr J. D. Williams

Noes, 22

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

Question resolved in the affirmative.

Motion agreed to.

<32>

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Routine of Business

Motion by Mr Brad Hazzard agreed to:

That standing and sessional orders be suspended at this sitting to provide:

(1) For the following routine after the conclusion of private members' statements:

(a) matter of public importance;

(b) introduction and Minister's second reading speech on the Evidence Amendment (Evidence of Silence) Bill and cognate bill; and

(c) the House to adjourn without motion moved.

(2) That from 7.00 pm until the rising of the House, no divisions or quorums be called.

BUSINESS OF THE HOUSE

Business Lapsed

The SPEAKER: Order! I advise the House that, pursuant to Standing Order 105 (3), General Business Notices of Motion (General Notices) Nos 2350 to 2352 either not having commenced or not having been completed have lapsed.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Freedom of Speech

Mr MARK SPEAKMAN (Cronulla) [3.42 p.m.]: My motion should be accorded priority because for the first time since the seventeenth century outside of wartime—at least in the English-speaking world—the Labor Government in Canberra, effectively, wants to license newspapers. After talking about media reform for more than two years without making any substantive proposals, Senator Conroy yesterday delivered a half-baked announcement and told us that it all has to be rushed through in eight days. That is why my motion needs to be accorded priority. In eight days we could be facing the most dramatic assault on freedom of speech ever seen in Australia. What is the rush? Federal Labor has been looking at this for more than two years. What is the rush?

The DEPUTY-SPEAKER (Mr Thomas George): Order! Government members will allow the member for Cronulla to put his case forward.

Mr MARK SPEAKMAN: Does Federal Labor know something that we do not know? Is Julia Gillard about to go in the next fortnight, for example? Who knows? What is the rush? This motion should be accorded priority because the people of New South Wales need to know that those on this side of the House—this three-quarters of the House—will fight tooth and nail to defend freedom of speech and freedom of the press. This motion should be accorded priority because the people of New South Wales deserve to know where those opposite stand. Are those opposite going to fit the usual pattern of behaviour of Federal and State Labor, with constant assaults on our fundamental freedoms? For example, Federal Labor titillates with the idea that causing offence should be criminalised. Federal Labor and The Greens contemplate attacks on fundamental freedoms through amending anti-discrimination legislation so that Catholic schools, for example, would not be able to teach religion unless they teach every other religion and atheism as well. The people of New South Wales need to know where Labor in this Chamber stands on these attacks on fundamental freedoms.

My motion should be accorded priority because the people of New South Wales want to know why this legislation is urgently needed. There is already protection of people's reputations with the law of defamation. The Leader of the Opposition does not have to worry about going to Eddie Obeid's ski lodge. If he is worried about defamation he can always sue the *Daily Telegraph* and use the money to buy his own ski lodge. We do not need this rush. We have diversity. We have the internet and a variety of sources of information. We have the Australian Competition and Consumer Commission to protect competition. There is no rush: there is no urgency. This motion should be accorded priority to show that this House stands for freedom of speech.

Mining

Mr CLAYTON BARR (Cessnock) [3.45 p.m.]: It is essential that my motion be accorded priority so the House can debate the gross factual errors in a report endorsed by the Deputy Premier which has implications for the State of New South Wales worth up to $160 million. Some members are leaving the Chamber. A number of them have mining activity in their electorates so they might want to stick around to better understand what is going on. The Treasurer insists on referring to New South Wales as a non-mining State, regardless of the fact that Newcastle has the world's biggest coal port; that this State derives $1.7 billion in royalties each year; and that 19 per cent of our $17 billion GST return is based on GST generated from the coal industry.

This latest report, full of errors and self-contradiction, determines who is in and who is out to make claim to $150 million. The Deputy Premier has now been responsible for two documents titled "Economic Assessment of Mining Affected Communities", the first in 2012 and the second in 2013. Let me highlight for the House some of the massive errors that will now deprive local government areas such as Cessnock, Maitland and Lake Macquarie. There are tables in both documents that identify annual per capita spending separated into two columns, one for road and transport and the other for total spending—capital and recurrent. The dishonesty of this is that any reference to recurrent spending undermines the principle of this entire process.

The first sentence on page 1 of the program reads that mining activity places stress on local infrastructure, particularly roads, so why is recurrent funding included? The point of the program is to allocate a paltry 2 per cent of resources into our regions. The first document was adjusted to produce the second.

Cessnock's original assessment was $25 million in royalties and in the second document it was apparently just $1 million. Lake Macquarie was assessed at $50 million in the first document; in the second document just $1 million. Wollongong was allocated $40 million in the first document; $2 million in the second. Wollondilly had $40 million in the first document; $60 million in the second. It goes on and on. It shows gross incompetence and factually incorrect detail in two reports that have been signed off by the Deputy Premier.

In one report capital expenditure was $708 per person in tier 1 communities, but in the second document it was $341. Which of these numbers is correct? It was $1,509 for tier 2 communities but in the second report it was only $600. Which of these is correct? How do we know what to believe in these documents? One of the new inventions is that councils can be mining-affected even though they do not have mines. The methodology used clearly identifies that Sutherland is not impacted by trucks. Perhaps we need to talk about the $120 million of coal that is moved through Maitland, and apparently it is not mining-affected. I seek an extension of time.

The DEPUTY-SPEAKER (Mr Thomas George): Order! That is not within the standing orders.

Mr CLAYTON BARR: I seek leave to have an extension of time.

Leave not granted.

<33>

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

The House divided.

Ayes, 61

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

Noes, 22

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

Pair

Mr John Barilaro Ms Cherie Burton

Question resolved in the affirmative.

FREEDOM OF SPEECH

Motion Accorded Priority

Mr MARK SPEAKMAN (Cronulla) [3.57 p.m.]: I move:

That this House condemns Federal Labor's draconian attempts to control the media.

Less than two weeks ago a private member's bill was introduced by the member for Liverpool purporting to deal with human rights. All sorts of motherhood statements and platitudes about human rights were mouthed by those opposite. Now, when given a practical opportunity to talk about the worst assault on freedom of speech in this country in living memory, they squib. They do not want to talk about freedom of speech. Is it any wonder, given Federal and State Labor's track record on freedom of speech? In December 2010, in the dying days of the Keneally State Labor Government, Parliament was prorogued because Labor did not want to discuss the sale of electricity generators. Labor did not want an inquiry into that matter so Parliament was prorogued. In doing so the Government prorogued free speech.

Under anti-discrimination law State Labor toyed with the idea of criminalising "causing offence" to people. In respect of the mandatory internet filter Federal Labor toyed with infringing on our rights to access what is available in cyberspace. We on this side of the House have freedom of speech in our genes. Those opposite talk the talk but will not walk the walk. When they have an opportunity to debate freedom of speech they squib. A few weeks ago they brought in all sorts of trendy, esoteric obscure motions about interpretation clauses.

Mr Andrew Gee: Where are they?

Mr MARK SPEAKMAN: Where are they all? Five Opposition members are in the House to talk about our most fundamental principle: freedom of speech.

<34>

Federal Labor's attacks on the media say something not only about its values but also about its competence. For two years the Hon. Stephen Conroy has had the opportunity to present a package, but what does he do? Eight days before his imposed deadline he delivers a 1½ page media release that contains no details about a public interest test. It is an Orwellian public interest test with no criteria. What does a public interest test mean if there are no quantifiable measures or discernible criteria? It means cronyism, a political fix and a political decision. Do we want the type of bullying carried out by Eddie O'Beid and Joe Tripodi of State Labor to be carried out by Federal Labor of our media? Surely not. That will be the can of worms, the Pandora's box, we open if we allow this legislation—whatever it might be—in Canberra. We do not even know how "public interest" will be defined. This is part of a series of incompetent moves by Federal Labor, such as the $40 billion investment into the national broadband network that occurred without a business plan. It stuffed-up the Australia network federally.

Pursuant to sessional order business interrupted and motion lapsed.

ROYAL COMMISSIONS AMENDMENT BILL 2013

Second Reading

Debate resumed from an earlier hour.

Mr ANDREW CORNWELL (Charlestown) [4.01 p.m.]: I support the Royal Commissions Amendment Bill 2013. The purpose of the bill is to amend the New South Wales Royal Commissions Act 1923 to facilitate the operation of the Commonwealth's Royal Commission into Institutional Responses to Child

Sexual Abuse. The national royal commission was established on 11 January 2013 by Letters Patent issued by the Commonwealth Governor-General. Six royal commissioners were appointed, led by the Hon. Justice Peter McClellan, QC, AM of the New South Wales Court of Appeal. The New South Wales Governor issued equivalent and concurrent Letters Patent under New South Wales laws on 25 January 2013 to support the legal basis of the national royal commission.

The Commonwealth has introduced a bill to give the chair of a multi-member royal commission the ability to authorise other commissioners to hold separate hearings which will have the same powers and protections as those held in front of a full commission. The New South Wales Royal Commissions Amendment Bill 2013 proposes to make similar amendments to New South Wales legislation to ensure that the powers of the national royal commission, as amended, will also be available to the national royal commission should it need to rely on its powers under New South Wales legislation. The Commonwealth bill includes provisions to ensure that the normal protections of a royal commission will apply to the national royal commission where persons wish to tell their story during informal conferences or private sessions.

The Commonwealth will be relying on its own legal powers for private sessions and at this stage it does not appear necessary to include similar amendments to the New South Wales legislation. The New South Wales bill will enable the chairperson of a royal commission to authorise one or more commissioners to exercise certain powers on their own, including the power to conduct separate concurrent hearings and for the member presiding at the hearing to exercise chairperson's powers. Furthermore, the bill will clarify that a person who voluntarily submits information or documents to a royal commission or special commission of inquiry will have the same protections as witnesses who appear before the commission.

In addition, the bill will change the legal qualifications that a commissioner is required to hold to exercise the special powers under division 2 (2) of the Royal Commissions Act 1923 so that they are consistent with the legal qualifications required to be appointed as the commissioner of a special commission of inquiry or other standing commissions, including the Independent Commission Against Corruption. The qualifications will be extended to include both current and former judges and Australian lawyers of seven years standing. I fully support the creation of a Federal royal commission to investigate institutional abuse. The Hunter Valley has unfortunately seen multiple cases of alleged institutional abuse. We have seen the recent suicide of a victim who was abused some 30 years ago. I have been approached by constituents with stories of abuse. I have been approached by friends with stories of abuse. They are all fully supportive of a Federal royal commission. I believe it is entirely appropriate for the inquiry to be conducted at a Federal level as I have heard of instances where institutional abuse has allegedly been concealed by moving an alleged perpetrator to another State and jurisdiction where it is difficult for them to be reached by the law and thus they avoid accountability.

Ireland has recently concluded its own commission into institutional sexual abuse. The Irish commission ran for nine years, from 2000 to 2008. Its scope covered events dating back to 1914 right through until the opening of the commission in 2000. Hearings were held domestically in Ireland, the United Kingdom and elsewhere. Of approximately 25,000 children who attended the institutions in that period, around 1,500 persons came forward with complaints to the commission. The Irish commission records show 474 claims of physical abuse and 253 claims of sexual abuse were made by boys against institutions in that period. The records of the Irish commission also show that 383 claims of physical abuse and 128 claims of sexual abuse were made by girls against institutions during the years concerned. The Irish commission of inquiry was long, it was painful, but it was necessary. It is likely that ours may well be the same. This issue has affected individuals and families in my electorate and my region and therefore I welcome and fully support this bill and the creation of the royal commission.

[*Business interrupted*.]

CRIMES (SERIOUS SEX OFFENDERS) AMENDMENT BILL 2013

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

ROYAL COMMISSIONS AMENDMENT BILL 2013

Second Reading

[*Business resumed*.]

Mr NICK LALICH (Cabramatta) [4.07 p.m.]: I speak today in support of the amendments outlined in the Royal Commissions Amendment Bill 2013. I am a little ashamed that it has taken us this long to bring a bill before the House and to have a royal commission. We have known about these accusations of child molestation for many years. It is good to see that the Commonwealth Government and the State Government are working together to institute this royal commission and I applaud both Parliaments for doing so. On 11 January 2013 the Commonwealth Government established a Royal Commission into Institutional Responses to Child Sexual Abuse and appointed six commissioners. The New South Wales Government established an equivalent royal commission with the same commissioners under the State Royal Commissions Act 1923 to provide legal support for the operation of the royal commission.

Under amendments to the Federal Royal Commissions Act 1902 the chairperson of a royal commission is to be given power to authorise one or more of the commissioners to hold separate and concurrent hearings and exercise other powers of the royal commission. The aim of this bill is to amend the Royal Commissions Act 1923 to give the chairperson of a royal commission under the New South Wales Act similar powers to those given to the chairperson of a royal commission under the Commonwealth Act. The proposed amendments will allow the commissioners to independently preside over separate inquiries investigating specific issues or areas related to the main inquiry. The Commonwealth inquiry allows for individual commissioners to preside over separate hearings to concurrently inquire into areas of interest to the commission. This amendment will allow for similar auxiliary inquiries to be conducted in New South Wales—increasing the commission's capacity to investigate secondary issues in depth. This amendment will also allow smaller commissions to hear evidence from victims that may be sensitive to larger public hearings.

<35>

The amendments also aim to remove restrictions on the qualifications of commissioners or chairpersons able to exercise special powers and will allow those powers to be conferred on commissioners not meeting those qualifications. Currently the Royal Commissions Act 1923 requires that for a commissioner to exercise the special powers of a royal commission, including the ability to override privileges and apprehend witnesses who fail to appear, the commissioner must also be a current member of the High Court, Supreme Court, Federal Court or a legal practitioner of seven years standing. This is to ensure that the legal qualifications are consistent with those that apply to a person who can be appointed as a commissioner for a special commission of inquiry or for the standing commissions.

This amendment will also allow former judges of those courts, as well as senior lawyers eligible to be appointed as judges of any court, to exercise the special powers of the royal commission. Furthermore, the amendments will allow the chairperson of the royal commission to confer those powers on a commissioner who does not meet the eligibility criteria outlined. The amendments also aim to extend the protections afforded to witnesses compelled to give evidence to those individuals that voluntarily give documents or evidence to the commission. Currently individuals who voluntarily give evidence to the commission are not afforded the protections of those who are compelled to do so. These protections include excluding legal liability emanating from breaching commercial or public confidence. I commend the bill to the House.

Mr MARK SPEAKMAN (Cronulla) [4.11 p.m.]: I support the Royal Commissions Amendment Bill 2013. The bill amends the Royal Commissions Act to give the chairperson of a royal commission under the New South Wales Act powers that are similar to those that are afforded to the chairperson of a royal commission under the Royal Commissions Act 1902 of the Commonwealth. The amendments will facilitate the work of the Royal Commission into Institutional Responses to Child Sexual Abuse, established by the Governor-General on 11 January this year. In order to provide legal support to the commission, the New South Wales Government established an equivalent royal commission on 25 January with the same commissioners. This will be a broad national inquiry that will require commissioners to investigate institutional responses to allegations and incidents of child sexual abuse and, importantly, to work towards a framework for better protection of children in institutional contexts in the future.

Tragically, instances of child sexual abuse have been geographically widespread and persuasive throughout history. Having a national inquiry means institutions operating across State and Territory borders are included under the terms of reference, and those individuals affected by child abuse right across the country will have the opportunity to have their voices heard. It will be broad in the sense that commissioners will have scope to examine any public, private or non-government organisation involved with children, including those no longer operating. Indeed, the New South Wales Government is working with the Commonwealth to ensure that no stone is left unturned in this very important inquiry.

The Commonwealth Government has amended the Royal Commissions Act 1902 to allow its commissioners, by authority of the chairperson, to conduct separate hearings in order to allow for more efficient gathering of information. The bill before the House today will afford the same powers to the chairperson of the royal commission under the New South Wales Act. Moreover, there are certain powers and functions under the current Act that can only be exercised by the chairperson or a sole commissioner. These are powers such as: granting rights of appearance at the inquiry, issuing a summons to a witness to attend and give evidence at the inquiry, and excusing or releasing a person from attendance at the inquiry.

There are also other powers that can only be exercised by a chairperson or sole commissioner with particular legal qualifications, including: issuing a warrant to apprehend a witness who failed to answer a summons, powers in relation to holding a person in contempt of a royal commission, and overriding privileges. The bill enables the chairperson to delegate these powers and functions to other commissioners, provided they have the required legal qualifications. In this case, they must be a current judge of the High Court, the Supreme Court or the Federal Court, or a legal practitioner of at least seven years standing. Ultimately, this is about ensuring the inquiry runs effectively and efficiently. The bill also amends the Royal Commissions Act 1923 and the Special Commissions of Inquiry Act 1983 to ensure that a person who provides material voluntarily for the purposes of an inquiry has the same protections as a witness appearing before the Royal Commission.

In addition, the person will have the same protection and be subject to the same liabilities in any civil or criminal proceeding as a witness involved in any case tried in the Supreme Court as per the recommendation of the Australian Law Reform Commission in its 2009 report. Too many children in New South Wales and Australia have suffered as a consequence of sexual abuse in institutions. And too often this hideous crime has gone ignored, swept under the carpet, its continuation facilitated by wilful ignorance. Victims of child sexual abuse who have suffered in silence for decades now have an opportunity for their voices to be heard, so the mistakes of the past will not be repeated and proper safeguards can be implemented to better protect children in the future. I have said in this House in the past that we need cultural change to prevent a recurrence of past evils, and I hope that is what this inquiry will deliver. I commend the bill to the House.

Mrs ROZA SAGE (Blue Mountains) [4.15 p.m.]: I make a contribution to the Royal Commissions Amendment Bill 2013. The announcement of the royal commission by the Commonwealth Government and the New South Wales special commission of inquiry in the Hunter, which has been underway since November last year, are something the community has been asking for and are very ready to hear about. The Royal Commissions Amendment Bill 2013 is introduced to facilitate the work of the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse. It is all about working together so that the commission is as effective as possible in delving into the practices of institutions and the individuals within the confines of these places who abuse children, giving some closure to victims and hopefully finding ways of never allowing these practises to occur again. I have heard also that parts of the community want the commission to extend its scope of reference to all child sexual abuse, for on the surface this seems to be approaching epidemic proportions.

In institutional sexual abuse there is usually a relationship between the victim and the abuser, and they often know each other. It is a relationship that gives the abuser legal access to the victim. Often the abuser is in a position of trust and authority, where the victim has difficulty in saying no. Many times the abuser has more contact with the victim than the actual parent. Some researchers have pointed out that an important difference of institutional abuse to intra-familial abuse is the significantly higher proportion of male victims and the extent to which abusers used techniques of targeting and entrapment. It occurs in a wide range of settings and sectors, and is perpetrated by a range of occupational groups.

That said, child sexual abuse in whatever setting is the most heinous, despicable crime that destroys young lives forever. This type of crime is still secret and taboo, but more and more victims are speaking out, although often many years after the offence. All too often little children's testimony seems not to be believed. For years now we have been hearing in the media a multitude of reports about child sexual abuse perpetrated in institutional settings, both government and non-government—abuse that has been going on for decades, abuse that has been ignored or, in many cases, if known about, covered up. Abuse has happened in many situations, from schools to scout halls, religious institutions, children's homes, and foster care.

The cost to the individual life of the victim and to society as a whole is enormous. History of sexual abuse as a child is frequently linked with a lifetime diagnosis of psychiatric disorders, suicide and suicide attempts, substance abuse, post-traumatic stress disorder, anxiety disorder, depression, sleep disorder, relationship dysfunction and, very importantly, can lead to generational child sexual abuse. This does not make

pretty reading. How victims cope with the shame, and psychological and emotional pain is varied, but it is a pain that stays for the rest of the victim's life. How we as a society respond to child protection will demonstrate how serious we are in stamping out child sexual abuse.

<36>

One way governments have responded is by mandating character checks for those working with children. The royal commission will shine some light on what has happened in institutions associated with children. It will give victims the opportunity to tell their side of the story. This bill will give the chairperson of a royal commission the ability to authorise for one or more commissioners certain powers, including the power to conduct separate concurrent hearings and for the presiding commissioner at the hearing to exercise the chairperson's powers; in other words, one or more individual commissioners can sit and hold separate meetings and exercise the power of the chairperson.

The bill will also stipulate the legal qualifications that a commissioner is required to possess before being able to exercise these special powers. Legal qualifications will be extended to include both current and former judges and Australian lawyers of seven years standing rather than just legal practitioners. Senior lawyers who are eligible to be appointed as a judge will also be able to exercise the special powers. This bill will require the legal qualifications for persons to be appointed as a commissioner for a special commission of inquiry or for the standing commissions to be the same. Importantly, this bill will ensure that those who voluntarily provide information or documents to the royal commission or special commission of inquiry will have the same protection as witnesses who appear before the commission. It should be noted that the New South Wales Government closely consulted with the commission on this bill, which is very pleasing to see.

It would be a waste of resources both from an administrative and witnesses' perspective for both governments to go over the same territory. As such, the commissioner for the New South Wales Special Commission of Inquiry will be able to establish arrangements to share relevant information. I believe that both the New South Wales Special Commission of Inquiry and the Australian Royal Commission are important and necessary. Victims need to know that they will be heard and that they no longer have to remain silent. The community needs to know that all measures will be undertaken, that the institutional abuses of the past will not be repeated, that there will be accountability for abuses and that there will be a process and measures put in place to prevent such hideous acts from occurring again. I reiterate that this bill aims to facilitate the work of the Commonwealth's Royal Commission into Institutional Responses to Child Sexual Abuse and I commend the bill to the House.

Mr GREG PIPER (Lake Macquarie) [4.22 p.m.]: I speak in support of the Royal Commissions Amendment Bill 2013. I am unequivocally in favour of any legislation that will better facilitate overdue scrutiny of institutional child sexual abuse, an issue that has been an ugly scar on our society for too long. It is well-known that there has been a predominance of this insidious crime in the Hunter Valley. I know that other members representing Hunter electorates are deeply concerned and are ashamed of what has happened in the area. Whilst not being personally affected I know people who have been affected by these crimes. I attended St Pius X High School and was greatly disturbed at the naming of some of the persons involved, including the late Father Tom Brennan, who had been implicated in incidents of abuse and had been charged but who died before the case was heard. I am greatly concerned at the situation within my electorate where brothers of the Hospitaller Order of Saint John of God have been implicated in the sexual abuse of minors.

Both the Royal Commission into Institutional Responses to Child Abuse and the parallel New South Wales Special Commission of Inquiry into child sexual abuse by clergy in the Hunter region will provide an opportunity for what we now suspect to be the many thousands of victims of abuse who have suffered in silence for decades to have their stories heard and to receive acknowledgement of the ugly, secretive crimes committed against them when they were at their most vulnerable. These inquiries will hopefully bring some comfort also to the families of those who tragically did not live long enough to see justice delivered—those who took their own lives because the pain and the shame of misdeeds inflicted on them by people in whom they had placed their trust and who wilfully exploited that position of trust was simply too much to countenance.

One such person was Lake Macquarie man John Pirona, who was found dead in July last year several days after disappearing and leaving behind a note to his wife that said he had suffered "too much pain" from being the victim of a notorious paedophile priest. Mr Pirona was 45 and the father of two young girls. His wife and family have spoken of their relief at the calling of the State and Federal inquiries into the sexual abuse of

children and of their hope that those commissions will validate the claims of victims and prevent others from ending their lives in despair. Shortly after Mr Pirona's death I directed a question to the Premier asking if he would instigate a royal commission into sexual abuse within the Catholic Church and other organisations. This followed strongly worded correspondence by me to the Premier on the same matter.

My concerns were prompted both by private representations made to me and by widespread media coverage showing evidence of a damning pattern of sexual abuse against children perpetrated by members of the Catholic Church in the Hunter region over several decades. I acknowledge the Premier's courage and conviction on moving to establish the New South Wales special commission of inquiry, even before the Federal Government had committed to the royal commission. I reiterate my support for both of these landmark inquiries. I am pleased to have the opportunity to support legislation that will facilitate the conduct of these inquiries and the sharing of information between them. Whilst I, hopefully, played a role in bringing these matters to the attention of the public and the House, the real courage came from others.

I acknowledge those people, particularly the member for Dubbo, who initially campaigned for a royal commission; Newcastle policeman Detective Chief Inspector Peter Fox, who bravely went public with his misgivings about police handling of sexual abuse allegations and is still very prominent and active in so doing; and crusading *Newcastle Herald* journalist Joanne McCarthy, whose relentless pursuit of this issue over many years has brought to public notice the horrific extent of institutionalised child sexual abuse. Through the campaign of the *Newcastle Herald*, termed the "Shine the Light" campaign, many people were moved to come forward to support these wider inquiries. I also acknowledge victims' advocate Peter Gogarty, who attended a forum at Panthers Newcastle. Hundreds of people were in attendance and the pain in that room was palpable. To hear the stories and to see the tears roll was very moving. But for the strength and courage of those people the stories would not have been told. I applaud their courage and what they have done for their community.

I also applaud the provision within this bill to extend the same protections afforded to witnesses appearing before the commissions to anyone who voluntarily provides documents, records or other information to the inquiries. Many victims of institutionalised child sexual abuse are, understandably, distrustful of authority and may be reluctant to appear publicly. Given that for many years the complaints of victims fell on deaf ears or were withheld for fear of retribution or ridicule, many of those people must have great fears about where these inquiries will lead. I trust that they will lead to some solace for them. Others who made the brave decision to take their allegations to court may have subsequently found their own credibility called into question. For those reasons, it is important to remove barriers to victims' stories being told, and extending protections to all people who provide information to the commissions will help to do this. As the Australian Law Reform Commission has noted on this matter:

> There is no reason to distinguish between the protection of witnesses summoned to a hearing and others providing information in less formal ways.

I am equally encouraged by a provision within this bill to facilitate the sharing of relevant information between the royal commission and the special commission of inquiry, and the extension of special powers to multiple commissioners, all of which will assist in ensuring that the work of both commissions is widespread and comprehensive. We hear many things said in this House and we hear the Government condemning the Opposition or, more likely, the Opposition condemning the Government. It is pleasing to see all members working in concert to address these grave injustices. I acknowledge all members who have spoken in support of this legislation. I congratulate the Government on this initiative and I support the bill.

<37>

Mrs TANYA DAVIES (Mulgoa) [4.29 p.m.]: I support the Royal Commissions Amendment Bill 2013. The bill aims to amend the New South Wales Royal Commissions Act 1923 to facilitate the operation of the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse, termed the national royal commission. Despite Australia being a developed country that excels in many areas of industry, business, innovation, trade, inquiry and technology, and with a high standard of living, our communities continue to be marred by the incidence and prevalence of child sexual abuse. Whether child sexual abuse is committed by people working in institutions or by family members, it is a sick crime. I struggle to comprehend how an individual can perpetrate such heinous acts upon pure and vulnerable children. Her Excellency Quentin Bryce stated in her Letters Patent:

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

At the outset of this debate it is important to declare that the New South Wales Government strongly supports the work of the royal commission, which will be based in Sydney. Premier Barry O'Farrell told the House that he had informed the Prime Minister that the royal commission will have the full support and cooperation of New South Wales government agencies. On 11 January 2013 the national royal commission was established by Letters Patent that were issued by the Governor-General, Her Excellency Quentin Bryce. Six royal commissioners have been appointed. They are Mr Robert Atkinson, AO, APM, Professor Helen Milroy, Justice Jennifer Coate, Mr Robert Fitzgerald, AM, and Mr Andrew Murray. They will be led by the Honourable Justice Peter McClellan, QC, AM, of the New South Wales Court of Appeal. On 25 January 2013 the New South Wales Governor issued equivalent and concurrent Letters Patent under New South Wales law to support the legal basis of the national royal commission.

The Commonwealth has introduced a bill to give the chair of a multi-member royal commission the ability to authorise other commissioners to hold separate hearings that will have the same powers and protections as those held in front of the full commission. This will enable the royal commission to conduct hearings and collect information more efficiently. The Royal Commissions Amendment Bill 2013 proposes to make similar amendments to the New South Wales legislation in order to ensure that the powers that the national royal commission will have under the Commonwealth legislation will also be available to the national royal commission should it need to rely on its powers under the New South Wales legislation.

The Commonwealth bill also includes provisions to ensure that the normal protections of a royal commission will apply during informal conferences, or private sessions, where persons wish to tell their story to the national royal commission. The Commonwealth will rely on its own legal powers for the private sessions and at this stage it does not appear necessary to include similar amendments to the New South Wales legislation. It is only an inquiry traversing the entire nation that has the capacity to gather all the relevant information about institutions that operate across State and Territory borders. It is only an inquiry covering the entire nation that can hear from those all around the country who have been affected by child sexual abuse.

The royal commission terms of reference require the commissioners to inquire into institutional response to allegations and incidents of child sexual abuse and related matters. This is to include, in particular, what institutions and governments should do to better protect children against sexual abuse in institutional contexts in the future and what institutions and governments should do to address or alleviate the impacts of past and future child sexual abuse in that institutional context. The terms of reference recognise the seriousness of child sexual abuse and provide the royal commission with the scope to look at any public, private or non-government organisation involved with children, including those that are no longer operating.

Specifically, the content of the Royal Commissions Amendment Bill 2013 will also clarify that a person who voluntarily submits information or documents to a royal commission or special commission of inquiry will have the same protections as witnesses who appear before the commission and change the legal qualifications that a commissioner is required to hold to exercise the special powers under division 2 part 2 of the Royal Commissions Act 1923, such as the powers relating to contempt, so that they are consistent with the legal qualifications required to be appointed as the commissioner of a special commission of inquiry or other standing commissions, including the Independent Commission Against Corruption. The qualifications will be extended so as to include both current and former judges and Australian lawyers, rather than legal practitioners, of seven years standing.

The bill will amend the Royal Commissions Act 1923 and the Special Commissions of Inquiry Act 1983 to clarify that persons who voluntarily provide documents, records or other things to a royal commission or special commission of inquiry have the same protections as a witness appearing before a commission. In particular, the person will have the same protection and be subject to the same liabilities in any civil or criminal proceeding as a witness in any case tried in the Supreme Court. In its 2009 report the Australian Law Reform Commission considered the protections available to those who supply information to Commonwealth inquiries

including royal commissions. The bill will ensure that the protections for persons providing information to a New South Wales commission are the same whether the person provides the information in person, in writing, voluntarily or in response to a summons.

It is important to note that the New South Wales Government consulted closely with the royal commission in the preparation of this bill. Although the national royal commission schedule for hearings is yet to be published I encourage anyone with relevant information to contact the national royal commission so that their voice can be heard. Information can be found on the website *www.childabuseroyalcommission.gov.au* or by calling the national call centre on 1800099340. Also anyone with relevant information is encouraged to contact the New South Wales Special Commission of Inquiry. This inquiry can be contacted at GPO Box 25, Sydney, NSW 2001, by calling 0292245282 or by emailing *sisa@agd.nsw.gov.au*.

The establishment of the Royal Commission into Institutional Responses to Child Sexual Abuse marks a crucial time in the history of Australia. Whether they are government, non-government, religious or secular institutions does not matter. A child is a child, and a child should be protected. A child has the right to a childhood that is safe, secure and free from abuse. It does not matter whether a person wears a cloak, a dog caller or a badge; that person should provide a safe and secure environment in which our youngsters can grow up. I hope that at this time every organisation and institution that is engaged with children will take stock of how they conduct their business and will truly examine their operations to ensure that their policies, procedures, ethos and standards are of a level high enough to guarantee the safety of children.

The children are our future. Plenty of evidence indicates that child sexual abuse causes psychological and physical damage. I do not think there would be many people who do not know of someone who has been the victim of child sexual abuse. I certainly have many friends who live with those memories and scars. It is a heinous act and it should be eradicated from modern society. It should never exist—there is no reason or excuse for it to exist. I urge any person who has suffered child sexual abuse to raise their voice. Let us know, tell us your experiences, seek help. You are a victim, not a perpetrator. We want to help you and see your life restored. We want to give you the courage and strength to not allow these incidents to define you but to set the abuse aside and live your life to its full potential. I commend the bill to the House.

Debate adjourned on motion by Mr Rob Stokes and set down as an order of the day for a later hour.

<38>

HEALTH LEGISLATION AMENDMENT BILL 2013

Bill introduced on motion by Mrs Jillian Skinner, read a first time and printed.

Second Reading

Mrs JILLIAN SKINNER (North Shore—Minister for Health, and Minister for Medical Research) [4.40 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Health Legislation Amendment Bill 2013. As part of the Government's regular review of legislation, the bill seeks to make miscellaneous amendments to 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. I turn first to the amendments to the Health Care Complaints Act. As members will be aware, the Health Care Complaints Act established the Health Care Complaints Commission as an independent body to assess, investigate and prosecute complaints against health practitioners and health service providers. However, a 2012 Supreme Court decision, *Australian Vaccination Network Inc. v Health Care Complaints Commission*, has led to a limitation on when the Health Care Complaints Commission can investigate matters affecting public health or safety. The structure of the Health Care Complaints Act means the Health Care Complaints Commission has jurisdiction to investigate a matter only when a valid complaint has been made. Section 7 of the Act sets out whom a complaint can be made about and this list includes health service providers. However, the recent case in the Supreme Court found the Health Care Complaints Commission can investigate only if the

complaint shows that the health service in question affects the clinical management or care of an individual client.

The judgement has created significant concern that a complaint cannot be investigated by the Health Care Complaints Commission if the matter raises a real likelihood of impacting on public health or safety: There must be a specific case where an individual client is affected, thereby limiting the capacity of the Health Care Complaints Commission to act in the public interest. The bill therefore 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. Consequential amendments are also made to sections 25, 25A and 80 of the Act so as to ensure the language used is consistent. This important amendment will mean that if a 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, then the Health Care Complaints Commission will have jurisdiction to investigate a complaint against the health service provider.

I turn to the other amendments to the Health Care Complaints Act, which generally follow the recommendations of the 2010 joint parliamentary committee's report, "Operation of the Health Care Complaints Act 1993". The 2010 report considered the operation of the Health Care Complaints Commission with a view to ensuring its continued effectiveness. The report recommended that the power of the Health Care Complaints Commission should be expanded to allow the commission to conduct "own motion" investigations so as to help safeguard the public. The Government has adopted this recommendation in the bill. The bill amends section 8 of the Act to allow the Commissioner of the Health Care Complaints Commission to make a complaint, and therefore investigate a matter, if it appears to the commissioner that the subject of the complaint 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 client and, if substantiated, would be grounds for disciplinary action against a health practitioner or involves gross negligence on the part of the health practitioner. This important amendment will ensure that the Health Care Complaints Commission will be able to proactively initiate its own complaints in respect of serious matters affecting the health or safety of the public.

Another recommendation of the report was that a new section should be included in the Act that would set out the broad principles to govern the work of the Health Care Complaints Commission and other government agencies responsible for the healthcare complaints system. The Government supports this recommendation and the bill includes new section 3A (5B) that provides that the Health Care Complaints Commission and other government agencies are to have regard to a range of important principles in carrying out functions under the Act. These principles include accountability, maintaining an acceptable balance between the rights of clients and the rights of healthcare providers, efficiency and flexibility. The report also recommended, and this Government supports, amending the Act to expressly provide for the Health Care Complaints Commission to provide written reasons in relation to its post-assessment and post-investigation decisions. While it is the Health Care Complaints Commission's practice to provide written reasons, and the Act requires the Health Care Complaints Commission to do so, there are no current requirements to consistently provide information to parties to the complaint. Therefore, the bill amends sections 28 and 45 to expressly provide for the Health Care Complaints Commission to give written information to the parties to the complaint concerning the outcome of its assessment, investigation of the complaint and the reasons for the Health Care Complaints Commission's decision.

Following the recommendations of the report, the bill also inserts a new section 16A into the Act in order 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. However, as noted in the report, there will be times when early notification to employers is necessary to assist the Health Care Complaints Commission in assessing the complaint properly, or is necessary to protect the health and safety of the public. The report also recognised that notifying employers before a complaint has even been assessed may negatively affect health practitioners, such as in the case of vexatious complaints that may compromise a practitioner's employment. In order to appropriately balance those two interests, 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. However, the mandatory requirement will become discretionary if it appears to the Health Care Complaints Commission that notification would place the complainant or another person at risk of intimidation or harassment or unreasonably prejudice the employment or engagement of the health practitioner.

Another amendment to the Act has been included, which is unrelated to the recommendations of the joint parliamentary committee. The amendment relates to section 90B regarding the power of the Director of Proceedings. Following an investigation of a complaint, the Health Care Complaints Commission can refer a complaint to the Director of Proceedings, who determines whether to prosecute a complaint against a health practitioner before a health professional tribunal. Currently there is no power to refer the matter back for further investigation if the Director of Proceedings determines that further information is required before deciding whether to prosecute a matter. The bill will rectify this problem by amending section 90B 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 required in order to enable a prosecution to occur.

<39>

Amendments are also made to the Health Practitioner Regulation National Law (New South Wales) (National Law) regarding the Health Care Complaints Commission's duty to investigate matters. Section 150 of the national law sets out 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 150D provides that if such an emergency power is exercised under section 150, the matter must be referred to the Health Care Complaints Commission for investigation. Section 150D also provides that such a referral is to be treated as a complaint and must be investigated by the Health Care Complaints Commission.

However, there will be times when a complaint in respect of the same practitioner or matter has already been made to the Health Care Complaints Commission prior to the referral and an investigation may be underway or completed. Therefore, the amendment to section 150D of the national law will remove an unnecessary administrative burden so further investigation is not required if the matter is already in the process of being investigated or has been investigated. The bill also includes an amendment to schedule 5C of the national law to allow the Minister, rather than the Governor, to appoint a person as an acting member of a health professional council, which will ease the administrative burden of appointing acting members at short notice, such as when a member becomes unwell.

I turn now to the other amendments set out in the bill. Schedule 4 to the bill seeks to amend the Health Services Act to allow staff of the New South Wales Health Service to be suspended from duty without pay in limited circumstances. Staff are employed in the New South Wales health system under the Health Services Act, which is generally silent as to whether staff can be suspended from duty without pay, although the Health Services Regulation allows staff in the Ambulance Service to be suspended from duty without pay in limited circumstances. In order to bring the New South Wales health system into line with other public sector staff employed under the Public Sector Employment and Management Act 2002, such as teachers and police, regarding suspension without pay, the bill inserts a new section 120A into the Health Services Act to allow staff to be suspended without pay in limited circumstances.

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; where a staff member who is a registered health practitioner has had their registration suspended or conditions imposed on their registration under section 150 of the Health Practitioner Regulation National Law; or, in the case of an unregistered health practitioner, where the Health Care Complaints Commission has imposed an interim prohibition order or placed interim conditions on the unregistered health practitioner under section 41AA of the Health Care Complaints Act. These limited circumstances may suggest that there would be a significant risk in permitting that person to continue in their employment or being paid while suspended from duty while criminal proceedings are underway. Further, in the case of a registered health practitioner who has had an interim suspension order placed on their registration, it may be inappropriate for a public body to use public funds to continue to pay the officer who could not perform their employment role due to a health professional council suspending their registration.

The bill makes minor amendments to section 11 of the Health Administration Act 1982 to allow land held by the Health Administration Corporation to be disposed of notwithstanding a Crown grant if approval has been given by the Minister. This will allow the Health Administration Corporation to dispose of surplus land, notwithstanding Crown grant conditions, and use the proceeds for other health capital works projects that are more suited to the health service needs of the community. This will bring the Health Administration Corporation into line with existing provisions under the Health Services Act for land held by local health districts. The bill also amends the Health Administration Act to change the membership of the Medical Services Committee, which is a ministerial advisory body established to provide advice to the Minister on matters affecting the practice of medicine.

Currently, schedule 4 to the Act states that members may hold office for a period of four years and can be appointed for up to three consecutive terms. While this is generally appropriate, it is often appropriate to appoint a chairperson with experience. However, if a chairperson is appointed as chair while in their third consecutive term, that person can only serve out the remainder of their term. The current restriction has the potential to result in a loss of experienced members to act as chairperson of the committee. In order to ensure that the committee can have access to an experienced member as chair for a reasonable period, the bill amends schedule 4 to allow a person to serve four consecutive terms but only if that person is appointed as chairperson during their third consecutive term.

I turn finally to the amendments to the Mental Health Act and the Mental Health (Forensic Provisions) Act, which are set out in schedules 5 and 6 to the bill. These amendments are generally minor amendments aimed at tidying up or clarifying a number of existing provisions. For example, the bill inserts a new section 76HA into the Mental Health (Forensic Provisions) Act to expressly provide that a forensic patient who is on leave or on conditional release can be detained under the Mental Health Act as a civil patient. Forensic patients on conditional release are released into the community subject to certain conditions and are still subject to a degree of oversight by the Mental Health Review Tribunal and its treating team. However, such patients may become unwell while living in the community such that they need to be scheduled and detained under the Mental Health Act for treatment, as with any other person with a mental illness. There is nothing expressly in the Act that would preclude a forensic patient from being scheduled and detained under the Mental Health Act.

However, there has been some concern that the Mental Health Act does not apply to forensic patients. This would clearly not be appropriate as all persons in the community are entitled to appropriate mental care and treatment if and when required. Therefore new section 76HA makes it expressly clear that a forensic patient on leave or release can be detained and scheduled under the Mental Health Act. Of course, if a forensic patient is detained as a civil patient, the patient will continue to be a forensic patient and subject to the ongoing oversight of the Mental Health Review Tribunal. The bill amends section 69 of the Mental Health (Forensic Provisions) Act to clarify that if the tribunal issues an order for apprehension of a forensic patient who has breached their conditions of release or leave, that order authorises the apprehension and detention of the patient.

Amendments are also made to section 67 to 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 and for that community treatment order to continue in effect under the Mental Health Act. This change is aimed at lessening the administrative burden of the tribunal rather than changing practice. Currently, if the 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. This process is time consuming and administratively burdensome. The amendments to section 67 will overcome this administrative burden and make it easier for the tribunal to consider and make community treatment orders with respect to forensic patients.

The amendment in the bill to section 77A of the Mental Health (Forensic Provisions) Act relates to the power of the Supreme Court on appeal from a decision of the tribunal with respect to forensic patients. Under section 77A a patient and the Minister for Health may appeal a decision of the tribunal on a question of law or fact. The Attorney General also has a right of appeal but only with respect to questions of law. Under section 77A if an appeal is made on a ground of law, the court or the tribunal may suspend the operation of the order until the court resolves the appeal.

<40>

The ability to suspend orders does not currently apply with respect to appeals on a question of fact. Should an appeal against a tribunal decision be made, it should be open to the court to suspend the operation of that tribunal order until the court resolves the appeal, regardless of whether the appeal is made on a ground of law or fact. Therefore, the bill amends section 77A to ensure that the court and the tribunal can suspend the operation of an order if an appeal is made on a question of law or fact. Of course, should an appeal be lodged, it will remain a discretion of the court or the tribunal to consider whether to suspend the operation of the order while the appeal is heard. The bill before the House seeks to make minor but important amendments to various health Acts. These amendments are aimed not only at ensuring the continued smooth operations of the Act, but also at protecting the health and safety of the public. 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.

ROYAL COMMISSIONS AMENDMENT BILL 2013

Second Reading

Debate resumed from an earlier hour.

Mr STEPHEN BROMHEAD (Myall Lakes) [5.01 p.m.]: I support the Royal Commissions Amendment Bill 2013. On 11 January 2013 the Commonwealth Government established a Royal Commission into Institutional Responses to Child Sexual Abuse, with six commissioners. The New South Wales Government established an equivalent royal commission with the same commissioners under the New South Wales Royal Commissions Act 1923 to provide legal support for the operation of the national royal commission. Under amendments to the Commonwealth Royal Commissions Act 1902 the chairperson of a royal commission is to be given power to authorise one or more of the commissioners to hold separate and concurrent hearings, and to exercise other powers of the royal commission. The terms of reference recognise the seriousness of child sexual abuse and provide the royal commission with the scope to examine any public, private or non-government organisation involved with children, including those organisations no longer operational.

The New South Wales Government has supported the Commonwealth-initiated royal commission. This bill facilitates the support and cooperation of New South Wales government agencies. The Commonwealth bill also includes provisions to ensure that the normal protections of a royal commission will apply during informal conferences and private sessions where persons wish to tell their story to the national royal commission. The Commonwealth will rely on its legal powers for private sessions. At this time it does not appear necessary to include similar amendments to the New South Wales legislation. When the Premier introduced the bill he said:

> The New South Wales Government strongly supports the work of the royal commission, which will be based in Sydney.
>
> Only a national inquiry can gather all the relevant information about institutions that operate across State and Territory borders.

In 2009 the Australia Law Reform Commission considered the protections available to those who supply information to Commonwealth inquiries, including royal commissions. In its report the commission stated:

> [it is] desirable to extend protection from legal liability to all those who supply information to inquiries, whether they are required to attend a hearing or otherwise. There is no reason to distinguish between the protection of witnesses summoned to a hearing, and others providing information in less formal ways. Both need to be able to provide information fully and frankly to an inquiry, without fear of legal action in relation to the information provided. Further, the extension of such protection will enable inquiries to proceed more informally …

The object of the bill is to amend the Royal Commissions Act 1923 to give the chairperson of a royal commission under the New South Wales Act powers similar to those to be given to the chairperson of a royal commission under the equivalent Commonwealth Act. The bill also amends the Act to ensure that a person who provides material voluntarily for the purposes of an inquiry has the same protections as a witness appearing before the royal commission. Lastly, the bill proposes to make the legal qualification necessary for a chairperson or sole commissioner to exercise special powers under the Act that are the same as those that apply for a person to be appointed as the commissioner of a special commission of inquiry or to other standing commissions, such as the Independent Commission Against Corruption.

As a detective I investigated far too many child sexual assaults, but not institutionalised assaults, and charged many offenders. Usually a detective does not maintain ongoing concern about child victims, but I remember one case well when I locked up a man who had sexually assaulted eight children, three of whom were two brothers and their sister. When I became a solicitor I had occasion to represent the two boys. The sexual assaults they had suffered left many psychological problems. One boy could not sleep in the dark and the other, even though he was 11 years of age, when he remembered what had happened to him would suffer faecal incontinence. As the boys grew older they developed drinking problems. During one drinking session one boy was killed in strange circumstances. The other developed anger and violence problems, which led to his being jailed a number of times. That case is just a sample of the sort of impact that sexual assault has on child victims. Those children were aged six, seven, eight and nine years during the court case and were all good kids, but their psychological damage was evident. Throughout my continued relationship with the brothers their ongoing problems were obvious. The bill contains a number of provisions. Schedule 1 to the bill amends the Royal Commissions Act 1923, and the explanatory note states:

> **Schedule 1 [1]** amends the definition of a ***royal commission*** under the Act and **Schedule 1 [3]** inserts proposed section 5A into the Act, with respect to the commissioners of a Royal Commission who may sit for the purposes of an inquiry. In addition to the existing provision with respect to a sole commissioner or all or a quorum of the commissioners, the amendments enable any of the following to sit for the purposes of any part of an inquiry:
>
> (a) the chairperson of the commission,
> (b) one or more commissioners authorised by the chairperson to sit for the purposes of that part of the inquiry.
>
> A commissioner or commissioners so authorised may sit concurrently for the purposes of the inquiry, and exercise relevant powers of the chairperson under the Act with respect to a separate sitting.

Schedule 1 [4] amends section 11 of the Act to ensure that a person who provides material voluntarily for the purposes of an inquiry has the same protections as a witness appearing before the royal commission. Schedule 1 [5] substitutes section 15 of the Act with respect to the legal qualifications necessary for a chairperson or sole commissioner to exercise special powers under the Act. The qualified persons authorised to exercise those special powers are a judge of the Supreme Court of New South Wales or any other State or Territory, a judge of the Federal Court of Australia or a justice of the High Court of Australia, a former judge or justice, or a person qualified to be appointed as a judge or justice of any such court, but only if the Governor declares that the person may exercise the special powers.

<41>

Schedule 1 [6] inserts proposed schedule 1 into the Act. The schedule provides that the amendments made by the proposed Act extend to the New South Wales royal commission into institutional responses to child sexual abuse. The proposed schedule also enables regulations under the Act to contain provisions of a savings or transitional nature consequent on the enactment of the proposed Act or any other Act that amends the Royal Commissions Act 1923. Schedule 2 amends section 17 of the Act to ensure that a person who provides material voluntarily for the purposes of an inquiry has the same protections as a witness appearing before the special commission.

Schedule 1 [6] includes provisions that ensure that this proposed amendment extends to the New South Wales special inquiry into the police investigation of matters concerning alleged child sexual abuse established on 21 November 2012. In closing, this is long overdue. It is something that should have the support of everybody in Australia, all sides of politics and every religion. Everybody in the community should get behind this royal commission. I commend the bill to the House.

Mr CHRISTOPHER GULAPTIS (Clarence) [5.11 p.m.]: In speaking on the Royal Commissions Amendment Bill 2013 I commend the Premier for participating with the Commonwealth on such an important matter. The abuse of children in institutions, whether they are government or non-government, is a despicable act that needs to be addressed in the most positive way that it can be. I understand that the inquiry will investigate where systems have failed to protect children. It will make recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions. The commissioners will investigate private, public or non-government organisations that are or were involved with children. This, of course, includes government agencies, schools, sporting clubs, orphanages, foster care and religious organisations.

The inquiry will extend to consider whether an organisation caring for a child was responsible for the abuse or for not responding appropriately, regardless of when the abuse took place. This is not a witch-hunt aimed at any specific institution but an open and public inquiry into the abuse of the most vulnerable in our community. These children were supposedly placed in what was described as a safe place. I am talking about children being placed in a government institution for their own care, or a religious organisation as part of their schooling or to enhance their spiritual wellbeing, or children participating in sporting groups. These are our most vulnerable and they have been preyed upon. Their abuse is a blight not only on those organisations but also on us because we all have a stake in our children's future and their well-being. We all have a responsibility to expose abuse when it is brought to our attention, to ensure that those people who have been abused are supported, to ensure that those who carried out the abuse have been brought to justice and to put in place appropriate measures and safeguards to ensure that this never happens again.

The purpose of the bill is to amend the New South Wales Royal Commissions Act 1923 to facilitate the operation of the Commonwealth's Royal Commission into Institutional Responses to Child Sexual Abuse. It is to complement what the Commonwealth has done. By way of background, the national royal commission was established on 11 January 2013 by Letters Patent issued by the Commonwealth Governor-General. Six royal

commissioners were appointed, led by the Hon. Justice Peter McClellan, QC, AM of the New South Wales Court of Appeal. The New South Wales Governor issued equivalent and concurrent Letters Patent under New South Wales laws on 25 January 2013 to support the legal basis of the national royal commission.

The Commonwealth has introduced a bill to give the chair of a multi-member royal commission the ability to authorise other commissioners to hold separate hearings which will have the same powers and protection as those held in front of the full commission. This bill proposes to make similar amendments to the New South Wales legislation in order to ensure that the powers of the national royal commission will be available to the national royal commission should it need to rely on its powers under the New South Wales legislation. The bill also includes provisions to ensure that the normal protections of a royal commission will apply during informal conferences with persons who wish to tell their story to the national royal commission. The Commonwealth will be relying on its own legal powers for the private sessions and at this stage it does not appear necessary to include similar amendments in this bill.

The content of the bill will enable the chairperson of a royal commission to authorise one or more commissioners to exercise certain powers on their own, including the power to conduct separate concurrent hearings and for the member presiding at the hearing to exercise the chairperson's power. It will clarify that a person who voluntarily submits information or documents to a royal commission or special commission of inquiry will have the same protections as witnesses who appear before the commission. It will change the legal qualifications that a commissioner is required to hold to exercise the special powers under division 2, part 2 of the Royal Commissions Act 1923, such as the powers relating to contempt, so that they are consistent with the legal qualifications required to be appointed as the commissioner of a special commission of inquiry or other standing commissions, including the Independent Commission Against Corruption. The qualifications will be extended so as to include both current and former judges and Australian lawyers rather than just legal practitioners of seven-years standing.

The amendment shows that the New South Wales Government is working cooperatively with the Commonwealth to address the heinous crime of institutional abuse of children. I commend the Premier for bringing this bill to the House and giving this Parliament the opportunity to show bipartisan support for the Commonwealth's Royal Commission into Institutional Responses to Child Sexual Abuse and the investigation of such a despicable crime. I am sure that the cooperation of the State and Federal governments will result in the practices of the past being eradicated and will provide some solace to the victims of such crimes. I commend the bill to the House.

Ms TANIA MIHAILUK (Bankstown) [5.18 p.m.]: I welcome the opportunity to speak on the Royal Commissions Amendment Bill 2013. Like many people in the community I have been deeply moved by the stories of horrific experiences of victims of child sexual abuse. I welcome the historic royal commission authorised by the Commonwealth Government in January. The New South Wales Opposition is strongly supportive of the Commonwealth Government's Royal Commission into Institutional Responses to Child Sexual Abuse. This is an important step towards achieving justice for the victims of child sexual abuse. I am pleased that this is an area of broad bipartisan consensus. Often in this place, when appropriate, debate can be quite colourful. This is not one of those times. Instead, this bill is an opportunity for both sides of politics in New South Wales, and at a Federal level, to work together to produce better outcomes for the community.

<42>

I am also pleased that the royal commission will investigate all institutions. There is an unfortunate tendency for discussions on this issue to lead to witch-hunts and the pointing of fingers. The object of the royal commission must be to bring justice to all victims—not to fulfil a political agenda. This legislation is essentially enabling legislation which duplicates the authority already approved by the Federal Government. The legislation will provide the royal commission with identical powers to those granted by the Commonwealth changes, as is required by New South Wales law. These changes will allow greater witness protection. In particular they will provide smaller hearings for sensitive witnesses.

The commission comprises six judges, led by Justice Peter McClellan of the New South Wales Court of Appeal. It will inquire into responses to child sexual abuse by public, private and non-governmental institutions, including those organisations no longer operating, and make recommendations to government on how best to prevent future abuses. As part of the royal commission, commissioners will independently preside over separate inquiries which will investigate specific issues or areas related to the main inquiry. This amendment will allow for similar inquiries to be conducted in New South Wales. The effect of this amendment will be to increase the

commission's capacity to investigate secondary issues in depth. An important result of this amendment will be to allow smaller commissions to hear evidence from victims that may be sensitive to larger public hearings.

Presently, under the Royal Commissions Act 1923, if a commissioner wishes to exercise the special powers of a royal commission, such as the ability to override privileges and to apprehend witnesses who fail to appear, the commissioner must also be a current member of the High Court, Supreme Court, Federal Court or a legal practitioner of seven years standing. The bill proposes an amendment to allow former judges of those courts, as well as senior lawyers eligible to be appointed as judges of any court, to exercise the special powers of the royal commission. Further, the amendment will allow the chairperson of the royal commission to confer those powers on a commissioner who does not meet the eligibility criteria above.

The bill will also extend the protections afforded to witnesses compelled to give evidence to those individuals that voluntarily give documents or evidence to the commission. Presently those who voluntarily give evidence to the commission are not afforded the protections of those who are compelled to do so. These protections include excluding legal liability emanating from breaching commercial or public confidence. If the royal commission is to succeed it is important it has the power, where appropriate, to override commercial and public confidences. All people, regardless of their age, faith or any other circumstance, have an interest in achieving justice for the victims of crime. This royal commission is essential to address horrific crimes committed in the past and help prevent further crimes in the future. I commend the New South Wales Government for its support of the Federal Government's royal commission and I commend this legislation to the House.

Mr DAVID ELLIOTT (Baulkham Hills) [5.22 p.m.]: I rise to make a brief contribution in support of the Royal Commissions Amendment Bill. Members will be aware that this is in fact a very delicate matter. No government lightly establishes a royal commission. Unfortunately, members of this House know plenty of examples of child abuse, particularly sexual abuse, occurring in their own communities. I have only recently had to deal with a very distraught family who are fighting for justice after the sexual abuse of their daughter by someone who was in a position of authority. That reminded me of the importance of making sure that government gets this legislation right.

Unfortunately, I have also had experience in royal commissions, having worked in the Police Media Unit during the Wood royal commission into police corruption. Those times were trying: they were a blot on this State's great history and certainly on the great history of New South Wales police. Later on in my contribution I will comment on the importance of ensuring that this royal commission does not become a witch-hunt. But I think it is a great message that we send out to the community, the victims of sexual abuse and, more importantly, the perpetrators of sexual abuse, that this Government, the Opposition and both sides of politics in the Commonwealth Parliament will stop at nothing to ensure we root out the evils of sexual abuse of minors.

This bill is about creating an efficient and effective means of conducting what will be one of the most significant royal commissions this country has ever seen, namely, the Commonwealth's Royal Commission into Institutional Responses to Child Sexual Abuse. This national royal commission will no doubt be of great interest to the community and it is essential that the processes involved in conducting the royal commission are consistent across Australian jurisdictions. It has been pleasing that there has been a degree of cooperation between the Federal and State governments on this important issue. I am quite certain that all members of this House and other Houses of Parliament across our country want to see this sensitive and concerning issue dealt with by the best processes possible.

In setting up the royal commission the Governor of New South Wales, Her Excellency Professor Marie Bashir, AC, CVO, has issued equivalent and concurrent Letters Patent under New South Wales laws to support the legal basis of the national royal commission. It is imperative that New South Wales legislation be consistent with the Commonwealth legislation to ensure that the national royal commission will have the same powers available to it should it need to rely upon its New South Wales Letters Patent and powers. It is clear that the New South Wales Government takes this issue very seriously. I pause there to commend the Premier on his very courageous approach to this matter. We have said in this Parliament before that Premier Barry O'Farrell is not one for turning. He is certainly not a leader who wants to turn his back to these difficult issues. The fact that the Premier was keen to implement a special commission of inquiry, even before the Commonwealth had determined a royal commission, is proof positive that he is committed to rooting out child sexual assaults and is also committed to ensuring the safety and wellbeing of the children of this State.

This royal commission, which has been set up in order to seek the truth in a matter that is very complex, involves several institutions and unfortunately an unknown number of individual cases. Child sexual abuse is one of the most abhorrent crimes that can be committed, made worse by the innocence of its victims. As a father of two young boys I, like many parents in this House, am disturbed and have a particular view about the way this crime has been covered up over the years, so I am very keen to see light shone upon this crime. Unsurprisingly, the entire community takes a very dim view indeed of child sexual abuse. It is important to note that it is not just parents who take a dim view of child sexual abuse: large-scale institutional involvement in such repugnant behaviour is alarming to every citizen in this State and across the nation.

I am very pleased that the Opposition is supporting the bill and the creation of the royal commission. I endorse the comments made by the Leader of the Opposition, the Hon. John Robertson, this morning, that this royal commission is not set up to target any particular institution. This royal commission has wide terms of reference which will no doubt ensure that the conduct of many institutions will be examined in this regard. That is exactly how it should be. I agree with the Leader of the Opposition, and I for one will stand beside him and monitor events to ensure that no unjust or misinformed accusations are made against innocent parties.

A royal commission is the highest form of inquiry that a government in this country can establish. It is a real indication of how seriously this matter is being taken that such a cooperative national royal commission is being established. The powers, independence and calibre of the commissioners of the royal commission will guarantee that the inquiry will be conducted in an impartial and judicial fashion, as is only befitting of such an important inquiry.

<43>

The amendments contained in the bill enable the chairman of the royal commission to authorise one or more commissioners to exercise certain powers and functions on their own, including the power to conduct separate concurrent hearings. The bill also amends the legal qualifications that a commissioner is required to hold in order to exercise the special powers of the commissions. That is a very important point. We cannot have just anybody holding the powers of a royal commission. People who understand the importance of fairness and transparency in our judicial system should lead these inquiries. These amendments will bring the qualifications requirement into line with those of other inquiries, such as the Independent Commission Against Corruption. The amendments will facilitate the operation of the royal commission and will tailor the commission's powers and functions to fit the requirements of this important inquiry. Naturally, many of the people involved in the inquiry will be quite vulnerable and a different approach will be required to conducting the investigation and the hearings.

For years child sexual abuse has been far too prevalent, with far too many instances being hidden by many institutions across the country. Far too many young lives have been destroyed. The member for Myall Lakes spoke about the unfortunate situation he found himself in when he was a member of the Police Force and how these abhorrent crimes have an ongoing effect on the victims. The community has called out for a definitive inquiry to get to the bottom of this long-running and very murky matter. The commission should be given every power, encouragement and opportunity to enable it to properly seek the truth regarding institutional responses to child sexual abuse. This bill is all about ensuring the commission can do its job in an impartial and effective manner. I commend the bill and the royal commission to the House.

Mrs LESLIE WILLIAMS (Port Macquarie) [5.31 p.m.]: I also welcome the opportunity today to make a brief contribution to the debate on the Royal Commissions Amendment Bill 2013. The bill is important because it supports the work of the Commonwealth royal commission and will ensure that victims of child sexual abuse in institutions during past decades will no longer have to suffer in silence and will have the opportunity to tell their story. Victims of child abuse need to know that despite the lack of response to their previous pleas they will now be taken seriously and each of us in this Parliament, no matter what our political persuasion, care. They need to know that we care.

These people have suffered long enough and we must acknowledge that the impact on their childhoods has been both destructive and irreparable. The perpetrators who preyed on their innocence must be brought to account. As a society we must also acknowledge that the establishment of this royal commission is long overdue. As the Premier explained in his second reading speech, the purpose of the bill is to facilitate the operation of the Commonwealth's Royal Commission into Institutional Responses to Child Sexual Abuse. That royal commission was established by the Commonwealth on 11 January this year. The New South Wales Government strongly supports the work of that royal commission and demonstrated its backing when on 25 January the New South Wales Governor issued the New South Wales Letters Patent, paralleling the

Commonwealth Letters Patent, and appointed the same six commissioners, led by the Honourable Justice Peter McClellan. The other five commissioners appointed are Mr Bob Atkinson, who was a former Queensland police commissioner, with some 40 years policing experience; former magistrate and judge, Justice Jennifer Coate; Mr Robert Fitzgerald, whose experience includes serving as Community and Disability Services Commissioner and Deputy Ombudsman in New South Wales; Professor Helen Milroy, who has experience in child and adolescent health and mental health; and Mr Andrew Murray, a former Australian Democrats senator.

This bill demonstrates clearly to the Commonwealth Government that it has our full bipartisan support and cooperation, and the amendments reflect the Commonwealth amendments to broaden the powers and authority of each of these appointed commissioners. The New South Wales Royal Commissions Amendment Bill 2013 will enable the chairperson of a royal commission to authorise one or more commissioners to exercise certain powers on their own, including the power to conduct separate concurrent hearings, and for the member presiding at the hearing to exercise the chairperson's powers.

As it currently stands, the New South Wales Royal Commissions Act 1923 allows only a sole commissioner or, in the case of a multi-member commission, only the chairperson to have certain powers and rights, including issuing a summons to a witness to attend to give evidence and to provide documents. The amendment bill being debated today will change that authorisation to allow the member of the commission presiding over a hearing to exercise the same powers as the chairperson. The Royal Commissions Amendment Bill 2013 will amend the Royal Commissions Act 1923 to ensure that a person who provides material to the inquiry voluntarily, whether that be in writing, in person or as documentation, has the same protections as a witness appearing before the royal commission. That is very important if we truly want victims to feel safe in telling their stories honestly and candidly, no matter how shocking and disturbing those stories will be. I have no doubt that we will be shocked, as we should be, when we learn from victims' personal stories the trauma and the appalling experiences they have endured. We will no doubt also feel outraged and upset that these victims have had to tolerate such pain and have had to bear such suffering alone for so long.

This is an extremely serious issue and I am pleased that the terms of reference are broad, allowing the royal commission to investigate public, private and non-government institutions, even if they no longer operate. The Royal Commissions Amendment Bill 2013 will also change the legal qualifications that a commissioner is required to hold to exercise the special powers under division 2 of part 2 of the Royal Commissions Act 1923 so that they are consistent with the legal qualifications required to be appointed as the commissioner of a special commission of inquiry or other standing commissions, including the Independent Commission Against Corruption. The qualifications will be extended so as to include both current and former judges and Australian lawyers—rather than legal practitioners—of seven years standing.

We all understand that this is going to be a difficult time for victims of abuse. Sharing the traumas, many of which occurred decades ago during their childhood, will take an unimaginable amount of courage and resolve. Reliving these horrific experiences will be challenging and confronting, and we understand the enormity of the task ahead for each of those who make the decision to speak out. We respect the decision of those who choose not to speak out and we understand why a person would make that choice. Many members in this House are ambassadors and advocates for Bravehearts, including the Speaker; the Acting-Speaker currently in the chair, the member for Kiama; and the member for Tweed, who is at the table.

Bravehearts has a very simple and direct mission statement: to stop child sexual assault in our society, and it has a vision to make Australia the safest place in the world to raise a child. It is not surprising, therefore, that the Bravehearts founder, Hetty Johnston, was elated at the announcement by the Prime Minister of a wideranging and extensive investigation into child sexual abuse in institutions nationally. Ms Johnston's excitement about the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse is summed up in her statement to the *Courier Mail* on 14 January, when she said:

> I'm so excited. I feel like a giggly little girl. I feel vindicated. Sixteen years slogging away, beating the drum, being ignored ... it's amazing. I can see light at the end of the tunnel. I can see we will actually achieve what we set out to achieve when my husband (Ian) and I started this whole campaign.

I congratulate Ms Johnston on her tireless and ongoing efforts to ensure that past victims of child sexual abuse can be heard and that our children's future is safe and secure and free of such grossly unacceptable behaviour. She has achieved many positive outcomes in the past during her journey, including changes to legislation and organising the first White Balloon Day, which is now a widely recognised day on the national calendar. But the beginning of this new chapter clearly brings with it renewed hope and the vehicle for real change. In the same article in the *Courier Mail* Ms Johnston says:

> It's going to be very traumatic for an incredible number of people but also very invigorating in that finally, their testimony is going to mean something. It's going to stop other children from being sexually assaulted and that is genuinely more important than anything. Silence, secrecy and shame—if we change that, we change everything.

In conclusion, the Commonwealth royal commission, with its broad scope, as outlined in the terms of reference and reflected in the amendments to the New South Wales Royal Commissions Act, will make public the misconduct of many people within institutions in the past and will make sure that we as leaders in our community, as lawmakers and as governments have the impetus to do whatever is in our power to better protect children and to address the impacts on past and future child sexual abuse victims and their families. I commend the bill to the House.

<44>

Mr JOHN FLOWERS (Rockdale) [5.39 p.m.]: The purpose of the Royal Commissions Amendment Bill 2013 is to assist the work of the Royal Commission into Institutional Responses to Child Sexual Abuse. The New South Wales Government strongly supports the work of the royal commission, which will be based in Sydney. The object of the bill is to amend the Royal Commissions Act 1923 to give the chairperson of a royal commission under the New South Wales Act similar powers to those to be given to a chairperson of a royal commission under the equivalent Commonwealth Act. The bill also amends the Act to ensure that a person who provides material voluntarily for the purposes of an inquiry has the same protection as a witness appearing before the royal commission.

The bill proposes to make the legal qualification necessary for a chairperson or sole commissioner to exercise special powers under the Act the same as those that apply for a person to be appointed as a commissioner of a special commission of inquiry or to other standing commissions, such as the Independent Commission Against Corruption. On 11 January 2013 the Commonwealth Government established a Royal Commission into Institutional Responses to Child Sexual Abuse with six commissioners. The New South Wales Governor issued equivalent and concurrent Letters Patent under New South Wales laws on 25 January 2013 to support the legal basis of the national royal commission. With the establishment of the royal commission six royal commissioners were appointed, led by the Honourable Justice Peter McClellan, QC, AM, of the New South Wales Court of Appeal.

Under amendments to the Royal Commission Act 1902 of the Commonwealth the chairperson of a royal commission is to be given the power to authorise one or more of the commissioners to hold separate and concurrent hearings and exercise other powers of the royal commission. The terms of reference recognise the seriousness of child sexual abuse and provide the royal commission with the scope to look at any public, private or non-government organisation involved with children, including those that are no longer operational. The New South Wales Government has supported the Commonwealth-initiated royal commission, and this bill facilitates the support and cooperation of New South Wales government agencies. The Royal Commissions Amendment Bill 2013 proposes to make similar amendments to the New South Wales legislation in order to ensure that the powers that the national royal commission will have under the amended Commonwealth legislation will also be available to the national royal commission should it need to rely on its powers under the New South Wales legislation.

The Commonwealth bill also includes provisions to ensure that the normal protection of the royal commission will apply during informal conferences, or private sessions, where persons wish to tell their story to the national commission. The Commonwealth will rely on its own legal powers for the private sessions and at this stage it does not appear necessary to include similar amendments to the New South Wales legislation. The New South Wales bill will enable chairperson of a royal commission to authorise one or more commissioners to exercise certain powers on their own, including the power to conduct separate, concurrent hearings, and for the member presiding at the hearing to exercise powers of the chairperson.

Currently under the New South Wales Royal Commissions Act 1923 certain powers and functions can be exercised only by the chairperson or a sole commissioner. Those powers include the power to grant rights of appearance at the inquiry, the power to issue a summons to a witness to attend and give evidence or to provide documents to the inquiry, and the power to excuse or release a person from attendance at the inquiry. The bill will also change the legal qualifications that a commissioner is required to hold to exercise the special powers under division 2 of part 2 of the Royal Commissions Act 1923, such as the powers relating to contempt, so that they are consistent with the legal qualifications required to be appointed as the commissioner of a special commission of inquiry or other standing commissions, including the Independent Commission Against Corruption.

The qualifications will be extended to include both current and former judges and Australian lawyers, rather than legal practitioners, of seven years standing. Finally, the bill will clarify that a person who voluntarily submits information or documents to a royal commission or special commission of inquiry will have the same protection as witnesses who appear before the commission. In particular the person will have the same protection and be subject to the same liabilities in any civil or criminal proceedings as a witness in any case tried in the Supreme Court. In its 2009 report the Australian Law Reform Commission considered the protections available to those who supply information to Commonwealth inquiries, including royal commissions. The commission stated in its report that it is.

> ... desirable to extend protection from legal liability to all those who supply information to inquiries, whether they are required to attend a hearing or otherwise. There is no reason to distinguish between the protection of witnesses summoned to a hearing, and others providing information in less formal ways. Both need to be able to provide information fully and frankly to an inquiry, without fear of legal action in relation to that information provided. Further, the extension of such protection will enable inquiries to proceed more informally ....

The bill will ensure that the protections for persons providing information to a New South Wales commission are the same whether the person provides the information in person, in writing, voluntarily or in response to a summons. The circumstances that have led to the Royal Commissions Amendment Bill 2013 are truly tragic. We all hope that the conclusion of the commission will mark the beginning of a brighter future for all those who have suffered. I commend the bill to the House.

<45>

Mr TONY ISSA (Granville) [5.49 p.m.]: I am pleased to have the opportunity to state my support for the Royal Commissions Amendment Bill 2013, which amends the New South Wales Royal Commissions Act 1923 to facilitate the operation of the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse. Child sexual abuse is never anyone but the offender's fault. It is perpetrated against children and young people of all ages and families of all types of backgrounds, religions and economic circumstances. Research on the longer-term impacts of child sexual abuse indicates that there is likely to be a range of negative consequences to mental health and adjustment in childhood, adolescence and adulthood. Not all victims experience those difficulties: Family support and strong peer relationships appear to be important in buffering against the impact.

Child sexual abuse is a crime that is not accepted by anyone in our community. There is no doubt about the violence that victims suffer, and they should be able to reach out to get the help they deserve. The New South Wales Royal Commission was established on 11 January 2013 by Letters Patent issued by the Governor-General. Subsequently six royal commissioners were appointed. The New South Wales Governor issued equivalent and concurrent Letters Patent under New South Wales laws on 25 January 2013 to support the legal basis of the national royal commission.

The bill will enable the chairperson of the royal commission to authorise one or more commissioners to exercise certain powers on their own. This includes the power to conduct separate concurrent hearings to clarify that a person who voluntarily submits information to the royal commission will have the same protection as witnesses who appear before the commission. This bill also will change the legal qualifications that a commissioner is required to hold to exercise the special powers under division 2 part 2 of the 1923 Act. The 1923 Act gives certain powers to the chairperson to issue a summons to a witness to attend, give evidence, or provide documents to the inquiry, and the power to excuse or release a person from attendance at the inquiries. Other special powers that can be exercised only by the chairperson or sole commissioner, if they have the prescribed legal qualifications, are special powers in division 2 part 2 of the 1923 Act.

This bill will allow the chairperson to authorise other commissioners to exercise the chairperson's powers. However, only a commissioner with the required legal qualifications will be able to exercise the special powers. To exercise the special powers, a commissioner must be a current judge of the High Court, the Supreme Court or the Federal Court, or a legal practitioner of at least seven years standing. This bill also changes requirements for legal qualifications so they are consistent with laws that apply to a person who can be appointed as a commissioner or a special commissioner of inquiry. The bill will enable current and former judges to exercise the special powers, if they are appointed as a royal commissioner. Senior lawyers who are eligible to be appointed as judges also will be able to exercise the special powers.

What I believe is important in this bill is that it gives protection to persons who voluntarily provide information or documents to the royal commission. Those persons will have the same protection as a witness before the royal commission and also will be subject to the same liabilities in any civil or criminal proceeding as a witness in any court case. By virtue of that protection, the legislation will encourage more people to come forward to give evidence, produce documents or report matters. In conclusion, I point out that before the bill was introduced to this House by the Premier, the New South Wales Government consulted closely with the royal commission on its preparation. I am pleased that many of my colleagues have had this opportunity to also support the bill. For the reasons I have stated, I commend this bill to the House.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [5.55 p.m.]: It is with pleasure that I contribute to debate on the Royal Commissions Amendment Bill 2013. I and a number of members who preceded me consider this bill to be one of the most important pieces of legislation introduced to this House. This bill will amend the Royal Commissions Act 1923 to facilitate the operation of the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse. The national royal commission was established on 11 January 2013 by Letters Patent issued by the Governor-General. Six royal commissioners have been appointed and will be led by the Honourable Justice Peter McClellan, QC, AM, of the New South Wales Court of Appeal. The New South Wales Governor issued equivalent and concurrent Letters Patent under New South Wales laws on 25 January 2013 to support the legal basis of the national royal commission.

The Commonwealth introduced a bill to give the chairperson of a multimember royal commission the ability to authorise other commissioners to hold separate hearings, which will have the same powers and protections as those held in front of the full commission. The Royal Commissions Amendment Bill 2013 proposes to make similar amendments to New South Wales legislation to ensure that the powers exercised by the national royal commission under the Commonwealth legislation will be available to the national royal commission, should it need to rely on its powers under New South Wales legislation. The bill also will enable a chairperson of a royal commission to authorise one or more commissioners to exercise certain powers on their own, including the power to conduct separate and concurrent hearings, and for the members presiding at the hearing to exercise the chairperson's powers.

The bill will clarify that a person, who voluntarily submits information or documents to a royal commission or special commission of inquiry, will have the same protections as apply to witnesses who appear before the commission. The bill also will change the legal qualifications that a commissioner is required to hold to be able to exercise special powers under division 2 of part 2 of the Royal Commissions Act 1923, such as powers relating to contempt, so that they are consistent with the legal qualifications required for appointment as a commissioner of a special commission of inquiry or other standing commissions. The qualifications will be extended to include both current and former judges as well as Australian lawyers of seven years standing, rather than legal practitioners.

<46>

This place is better off for having high calibre people such as the member for Dubbo; he never waivers from his commitment. I am honoured to be able to call him a colleague. This is a very sensitive and heart-wrenching subject. The member for Myall Lakes has also been actively involved in these cases and has gone through the heartbreak of dealing with children who have been subject to sexual abuse. Like you, Mr Acting-Speaker, the member for Wallsend, the member for Lismore, the member for South Coast and I are active members in Bravehearts. We actively support Hetty Johnston and her hardworking crew; she never waivers from the course of bringing justice to and protecting the most vulnerable in our community.

Last year I had the honour of attending a Bravehearts dinner at Rooty Hill RSL—which has become famous in recent times for other reasons. It was a packed house. I gave an address on behalf of the Minister for Police and Emergency Services. The Commissioner of Police, Andrew Scipione, was present. The subject of the address was Keep Our Children Safe. Later in the evening Hetty Johnston, the founder of Bravehearts, told the audience her life story and how she became involved in Bravehearts. She has shown incredible strength to campaign for many years to achieve justice.

I support this commission in its quest to bring perpetrators to justice, to break down the artificial barriers of institutions and to put forward a new standard. When the royal commission has completed its investigations and when governments have had a chance to develop their responses, we will probably see a raft of new raft of laws. What I feel most helpless about is that no matter what I do in this Chamber, no matter what I say and no matter what law we introduce, I can never give back the innocence those victims have lost. No

matter what governments of all persuasions do, whether they are State or Federal, we can never give back that innocence that was stolen from young people.

I have spoken with Hetty Johnston at length about the commission. She believes we are on a journey and that a very important part of the journey is to recognise what has occurred in the past. Also, it is important to set up a framework to prevent it happening from again, to protect those young children of future generations in our great land. I have mentioned several members who have been actively involved on the front line, but I also make special mention of the State Crime Command and also the hardworking men and women of the NSW Police Force. I cannot imagine what it would be like to investigate these types of cases and talk to victims of child sexual abuse, and then have to deal with the perpetrators of that abuse. I doubt whether I could control my temper—child sexual abuse is the most abhorrent crime one could possibly commit.

Young men and women of the Police Force who investigate these types of crimes have to face their own families, and undoubtedly imagine what it could happen to their kids. I take my hat off to members of the NSW Police Force. They are the finest; they are the best. Those in the State Crime Command and the child sex squads deal with these sorts of crimes regularly. I have met some of the men and women involved in those commands at various award ceremonies. I take my hat off to them. They are very brave, committed individuals and we are indebted to them. I am proud to be Parliamentary Secretary for Police, and proud of our hardworking men and women in the Police Force. I fully support this bill, which will set up the framework for further amendments once government has a chance to see the results of the royal commission. I hope the perpetrators of these crimes are brought to justice and get what they deserve. That is what my community in Tweed Heads is telling me, and I am sure they are saying the same things in the electorates of Kiama, Dubbo and Granville, and all over. People everywhere would be saying exactly the same: Bring them to justice and let justice deal with them. I commend the bill to the House.

Mr TROY GRANT (Dubbo—Parliamentary Secretary) [6.04 p.m.], on behalf of Mr Barry O'Farrell, in reply: I thank members for their contributions to the debate on the Royal Commissions Amendment Bill 2013. I thank the Leader of the Opposition and member for Blacktown for his considered and heartfelt contribution throughout the debate and for his bipartisan support for the special commission of inquiry. I also thank the member for Marrickville, who made a quality contribution to the debate, articulated the merits of the bill and outlined the abhorrent circumstances that confront us. In addition, I thank the member of Fairfield, the member for Cabramatta and the member for Lake Macquarie whom, I have been informed, said some very kind words about me in this place. I did not hear what he said, but I thank him for that although it is unnecessary. This bill is not about me, it is about victims. I also thank the member for Bankstown for her contribution.

From the Government side I thank the member for Granville and the member for Camden, as well as the member for Charlestown, whose electorate is very near to the epicentre of many of the issues raised in this debate. I know it will be weighing heavily on the wonderful work he does in his community, particularly supporting those who are victims. I also thank the member for Blue Mountains, the member for Mulgoa. As the final speaker, the member for Tweed alluded to, the member for Myall Lakes gave an insight into his personal experience, which makes this debate and the circumstances surrounding it very real for members who have not been exposed to those types of investigations or who have not been exposed to this issue. I also thank the member for Clarence and the member for Port Macquarie. The member for Baulkham Hills articulated this issue extremely well, and I thank him for his contribution. I thank the member for Rockdale and, finally, the member for Tweed and Parliamentary Secretary for Police.

The bill will assist the work of the national Royal Commission into Institutional Responses to Child Sexual Abuse. In their speeches the Leader of the Opposition and the member for Marrickville paid credit to the Prime Minister for calling the royal commission, and I join with them in congratulating her. That was the subject of a previous motion in this House, thanking her Government for finally committing to this issue. This is not a new or recent issue. Those advocates who were mentioned in many members' speeches, such as Bravehearts, child abuse advocacy groups, support groups, and welfare and counselling groups, have, day by day, supported victims of this abhorrent crime for decades upon decades. This is now vindication for the perseverance and resilience of all those groups.

The amendments will enable the chairperson of a multiple member royal commission—including the current national royal commission—to authorise one or more individual commissioners to sit and hold separate hearings. The bill also ensures that a person who voluntarily provides information or documents to a New South Wales royal commission or to a special commission of inquiry will have the same protections as a witness appearing before an inquiry. In addition, the bill changes the legal qualifications that a royal commissioner is

required to hold in order to exercise certain special powers, such as the powers relating to contempt, to make them consistent with the legal qualifications required to be appointed as the commissioner of a special commission of inquiry or other standing commissions. The Government is pleased with the support of members for the proposals in the bill.

<47>

The bill will assist the national royal commission in carrying out its inquiries expeditiously and will ensure that the commission can rely on similar legal powers to conduct separate hearings under Commonwealth and State legislation. The bill provides an opportunity for all those institutions on whom the attention will focus to no longer judge their responses and protocols on how they combat or deal with sexual abuse disclosures. The self-determination ends today because it has not worked. Too many children have suffered through poor decisions and institutions acting in their own interests. Those institutions should embrace this opportunity and learn from their past mistakes to ensure they are never repeated. Our kids cannot suffer anymore. This side of the House, I am sure joined by those opposite, will do everything possible to ensure the ongoing protection of those subjected to child sexual assault. 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 Troy Grant 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.

[*The Acting-Speaker (Mr Gareth Ward) left the chair at 6.11 p.m. The House resumed at 7.00 p.m.*]

LIQUOR AMENDMENT (SMALL BARS) BILL 2013

LOCAL COURT AMENDMENT (COMPANY TITLE HOME UNIT DISPUTES) BILL 2013

Messages received from the Legislative Council returning the bills without amendment.

PRIVATE MEMBERS' STATEMENTS

WYONG SHIRE COUNCIL AUSTRALIA DAY AWARDS

Mr DARREN WEBBER (Wyong) [7.02 p.m.]: On Thursday 24 January I had the privilege of attending the Wyong Shire Council Australia Day awards ceremony. This night brings together the community's most committed and valued volunteers to recognise their achievements across a range of fields. Volunteer work adds so much to our community in delivering services that assist the most vulnerable and at other times carrying out works on our beautiful local environment to take the pressure off government organisations. Australia Day and the events that fall around the nation's day of celebration remind us of who we are and what makes Australia the greatest country in the world: strong through our sense of community and great because everyday Australians put aside time outside work, education and family commitments to achieve and share a strong community bond that is the envy of the world.

The awards night recognised just some volunteers throughout my electorate and the neighbouring electorates of Swansea, The Entrance and Lake Macquarie, which all make up the Wyong Shire Council catchment. This night honoured 57 individual and group nominations. The following individuals won their specific categories presented at the ceremony: Citizen of the Year, Marlene Pennings; Volunteer, Allan Currie; Arts and Culture, Julie Smith; Sportsperson of the Year, John Gill; Business Person of the Year, Don Dagger; Community Service joint winners, TNC Lakes Foodcare and the Central Coast Outreach Service;

Environmental Award, Tim Silverwood; and Youth Award, Rachael Davis. The gathering was told stories about the volunteers, along with their achievements over the past 12 months. It was incredible to see the varying individuals and groups who had worked to achieve their goals, be they personal or community. Some recipients have lived in Wyong shire for more than 50 years while others in the youth category for fewer than 20 years. No matter the person or their achievement, clearly their sense of community was the driving force behind the great things they achieved.

I take this opportunity to extend special congratulations to the Wyong Shire Council Citizen of the Year, Mrs Marlene Pennings. Although Marlene lives in The Entrance electorate, her tireless efforts have an enormous impact in the Wyong electorate and the entire Central Coast. Previously in this House I have spoken about the Pioneer Dairy Central Coast Wetlands. This parcel of Crown land is a jewel for tourism and environmental conservation. Through Marlene, the Pioneer Dairy has grown into the Central Coast Wetlands not just in name but in asset. Since my election to this place I have shown the Deputy Premier and the Minister for the Environment the work done on the site by Marlene, members of the trust and the team of volunteers. Next month is the public grand reopening under its new name of Central Coast Wetlands. Marlene has also led the charge in Coastcare, Dunecare and Landcare groups up and down the coast in Wyong shire. From The Entrance through to Norah Head, Marlene's leadership has produced restoration protections and dune stabilisation in areas where coastal erosion threatens public and private landowners.

I cannot think of a more deserving recipient of Australian of the Year. Although it may pain my staff to say, I cannot think of any Central Coast constituent who is more effective in getting my electorate office to assist in her cause, whether seeking information, writing speeches, organising Ministers or, indeed, the Premier. She is worth her weight in gold. I was so happy for her to win such a prestigious award. I commend all nominees and award winners for their accomplishments and thank them for their often unheralded contributions that make Wyong such a tremendous place to live. I take this opportunity also to thank all volunteers across the Central Coast and New South Wales for their contributions to surf life saving, the State Emergency Service, Meals on Wheels or any local community group or organisation. Volunteers make our society what it is. In truth, they are all Australians of the year.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.07 p.m.]: I congratulate the member for Wyong on bringing to the House's attention the importance of volunteers in our communities. The member for Wyong works hard in his electorate and recognises those who make a valuable contribution to his community. When we talk about volunteers we talk about those from different walks of life, backgrounds, ages and genders. Volunteers are assets to their communities. They donate their time and make a tremendous effort to shape the communities in which we live. Volunteering brings communities together. Community life is important to volunteers and they are important in shaping our communities. I congratulate the member for Wyong on outlining to the House the tremendous efforts of all volunteers, especially those in his electorate.

TRIBUTE TO ALF CARPENTER

Ms SONIA HORNERY (Wallsend) [7.08 p.m.]: It is time to acknowledge the heroics of a generation who fought to guarantee the freedoms that we take for granted each day—a generation of soldiers who displayed bravery, honour, mateship and tenacity during World War II. Alf Carpenter is amongst the last of a generation who endeavoured to guarantee our nation's future during tumultuous times. This highly regarded war veteran has received many commendations, medals and certificates for his service, and rightly so.

<48>

The letters of gratitude that Mr Carpenter received from the Australian and Greek governments were bestowed upon him for no small reason. Mr Carpenter, a member of the 2/4 Australian Infantry Battalion, enlisted in the army in 1934 and was called into service when World War II began in 1939. During the Second World War Mr Carpenter fought on the front line in Egypt, Palestine, Libya and Greece. In Egypt Mr Carpenter played a defining role in his service for Australia at the battle of El Alamein in the North Africa campaign. El Alamein was the place where the Allies delivered a lethal strike against the Axis nations that led to their eventual defeat.

Seventy years later, 95-year-old Alf Carpenter returned to the El Alamein site with a contingent of veterans to commemorate the seventieth anniversary of the battle identified as a crucial turning point in the war. The Allied troops defeated the opposing army and consequently ended the Nazi's plans to control the Middle East. They dealt a crushing blow that turned the tide against the Nazis. Twenty-one veterans returned to honour the fallen soldiers of this battle, who are now rest at the El Alamein War Cemetery in Egypt. More than

7,000 fallen Commonwealth soldiers, including at least 1,000 Australians, are now buried at the El Alamein War Cemetery. In addition to these fatalities, the battle resulted in 200 Australians being listed as missing and 3,600 soldiers being wounded.

Mr Carpenter was fortunate not to suffer any injuries during that particular battle but his luck ran out whilst fighting in Crete later in the war. Mr Carpenter sustained an injury to his head while defending the Heraklion airfield against German paratroopers. The Allies were unable to hold the island. They evacuated on the HMS *Imperial*, which was attacked with German bombs. Mr Carpenter was transferred at sea to the HMS *Hotspur* and then joined his unit in Syria before returning to Australia. Prior to leaving for the seventieth anniversary of the Battle of El Alamein, Mr Carpenter said that he was terribly excited to return to North Africa to honour those who had served their nation. Mr Carpenter has made many trips to the Middle East since the war ended. He has certainly been active since his return from the front line. He said:

> I've been the president of the local RSL and the 2nd 4th Association. I've been around the world twice and I'm the over-90s swimming champ at the Diggers Swim Club. The key is: never stop.

That is certainly a lesson worth learning from Mr Carpenter. We cannot forget or take for granted the sacrifices these soldiers made for us. Mr Carpenter is from Georgetown in the Hunter and is one serviceman that deserves a moment's pause. Mr Carpenter says that Anzac Day is an important time for Australians to "remember all the comrades who paid the supreme sacrifice." All our returned service men and women deserve to be treated with the utmost respect; without their service our lifestyles would be completely different. Mr Carpenter stated:

> It's up to each and every one of us to try and do something about it, to make sure that the sacrifices paid by our fallen brethren are not made in vain.

It is time for the House to reflect on and remember the sacrifices of our fallen soldiers. It is time to acknowledge the heroics of those who are still with us and are working hard to keep the memory of fallen comrades alive. Mr Carpenter, I thank you for your service during the war and for ensuring that the Anzac Day spirit remains alive today.

ORANGE ELECTORATE WOMAN OF THE YEAR NOMINEES

Mr ANDREW GEE (Orange) [7.13 p.m.]: I pay tribute today to two wonderful women from the Orange electorate who are nominees for the 2013 Woman of the Year award. First, I will speak about Aimy Thorne of Molong, who is the Orange electorate Woman of the Year. Aimy is the mother of two young children, one of whom suffers from autism. Aimy has been a tireless volunteer, activist and fundraiser for autism research. Aimy has brought greater understanding of autism to the communities of western New South Wales. One of Aimy's visions is to see the day when there are custom-built facilities for autism sufferers. Aimy has been a great supporter of the charity Technical Aid to the Disabled [TAD], which provides bicycles to children with disabilities. Her son William, who attends Molong Central School, has received one such bicycle.

Last year Aimy inspired thousands across inland New South Wales as she undertook an 804-kilometre walk from Broken Hill to Wellington in order to raise awareness of, and funds for, autism. Accompanied by her mother, Valerie Newall, and friend Michelle Glannis, Aimy set off from Broken Hill on 18 July last year and walked an average of 45 to 50 kilometres every day—and on occasions up to 70 kilometres per day—in her quest to increase awareness of autism in remote parts of this State.

After meeting with other parents of autistic children at a fundraising market stall in mid-2011 and hearing of their struggle to access autism medical specialists, Valerie suggested the walk to Aimy. Aimy decided that there was a clear need to inform and educate people about the problems that autism sufferers and their parents have to deal with on a daily basis. Aimy spent nine months planning the walk. Unperturbed by sore feet and cold nights, Aimy and her supporters made their way east, stopping in roadside camping areas and towns along the way to talk to locals and travellers alike. Almost $10,000 was raised through fundraising and donations received during the walk. The walk ended with a rousing reception in the picturesque central western town of Wellington.

In addition to raising awareness of autism in the communities through which the walkers passed, Aimy also managed to gain wide media coverage in both print and electronic media, thereby reaching all corners of this State and the nation with her message. Aimy Thorne is a deserving and worthy recipient of the 2013 Orange electorate Woman of the Year award. It was a pleasure to welcome Aimy and her partner, Adam Hogg, to Parliament House last week for the formal awards presentation.

My nomination for the Premier's Woman of the Year award is someone who has volunteered her time for the past six years to raise funds so that cancer sufferers attending the new hospital at Orange will have a home away from home. I speak of Jan Savage, one of the driving forces behind the Western Care Lodge at Orange. It is hard to believe that in this day and age there are people in western New South Wales who turn down the opportunity of cancer treatment simply because it is too hard to attend for that treatment. Jan Savage is a driving force behind the formation of the Western Care Lodge along with committee chair John Carpenter, a highly respected local solicitor, and vice chair Dr Stuart Porges.

In the years leading up to November 2011, when Western Care Lodge at Orange was officially opened, Jan travelled all over western New South Wales to places such as Cobar, Walgett, Brewarrina, Coonabarabran and Mudgee—and all points in between—letting communities know about the lodge and also seeking funding. Ms Savage spoke to businesses, members of the public and service clubs to garner support to make the project a reality. Land was provided by the New South Wales Government and funds were allocated by the Federal Government. Just seven months later, in June 2012, it was announced that the bunker for a second linear accelerator was to be fitted out at Orange hospital, so Jan once again was back on the road fundraising to extend the lodge.

In the nine months since that announcement, under Jan's leadership the fundraising effort has already achieved more than $750,000 of the approximately $1.2 million needed to build the extension to the lodge. There have been many generous donors and sponsors over the years but few would be able to match the value in time that Jan has spent raising the funds needed for this vital project. For more than six years Jan has averaged 25 volunteer hours a week fundraising for the project. She is a fitting nominee from the Orange electorate for the Premier's 2013 Woman of the Year award. We are lucky to have women such as Aimy Thorne and Jan Savage in the Orange electorate. I thank them both for their outstanding contribution to the communities west of the Great Divide.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.18 p.m.]: I thank the member for Orange for his contribution and commend him for the work he is doing in his electorate. As the member said, there are incredible women west of the Great Divide who work hard in the community. The member for the Orange was with me when Leonie Schumacher, coordinator of Bathurst Community Transport Group, was recognised as the Bathurst electorate nominee for Woman of the Year. Leonie has started a bus service that operates from Bathurst to Orange to enable access to Orange hospital's new linear accelerator and radiotherapy program. It is inspiring to meet these motivated women who do so much to improve services in their communities. I congratulate the nominees for Woman of the Year from both the Bathurst and the Orange electorates.

<49>

ACTING-SPEAKER (Ms Melanie Gibbons): I thank the member for Orange for mentioning Technical Aid to the Disabled, my old workplace, and a very inspirational cause.

PUNCHBOWL RAILWAY STATION EASY ACCESS UPGRADE

Mr ROBERT FUROLO (Lakemba) [7.19 p.m.]: One of the great privileges of being a member of Parliament is having the opportunity to stand in this place and advocate the issues of concern to our communities. I rise today to discuss an issue that affects the thousands of local families in my community and to plead with the O'Farrell Liberal Government to hear their voices and deliver the much-needed easy access upgrade for Punchbowl train station. At the outset, I must acknowledge the work of the former Premier, and member for Lakemba, Morris Iemma, who worked hard to provide easy access services for local families. Stations in the Lakemba electorate that have been upgraded include Lakemba, Belmore, Beverly Hills and Riverwood. In fact, under the former Labor Government more than $400 million was invested upgrading stations and making them accessible for the elderly, the frail, the disabled and parents with prams. That works out at an average of $25 million per year on this critical transport program. Let us compare that with the investment of the O'Farrell Liberal Government, which is currently spending only $15 million per year—a paltry sum compared with that of the former Government, and a gross underspending given that costs have continued to rise over the years.

I read with interest the media releases of the Government announcing with fanfare and glee that upgrades will be occurring at numerous stations around the network, including at Oatley and Waterfall. I welcome this investment, but it got me thinking. How do these stations compare with Punchbowl, and why did they receive funding instead? On patronage figures—a reasonable measurement of how well used a station is—

Punchbowl station is ranked eighty-ninth, with nearly 6,000 commuters. It is not the biggest station, but it is well used—especially compared with Oatley and Waterfall stations, which are ranked 125th and 194th respectively. To compare raw numbers, Punchbowl's nearly 6,000 commuters are 650 per cent more than Waterfall's 880. Yet Waterfall has been favoured by this Liberal Government and the families of Punchbowl have been ignored. The suburb of Punchbowl is home to 18,400 people, Oatley has 10,000, and Waterfall a whopping 483—that is, according to Census data. There are families in Punchbowl who are bigger than the population of Waterfall.

But my request to the Minister today is not just about logic and raw numbers; it is essentially about need, equity and people—the priorities that should be driving our decision-making. Punchbowl, by any measure, is a disadvantaged suburb. Let us look at the facts. The proportion of the population aged zero to four years—those likely to be transported in prams—in Punchbowl is 8.2 per cent, in Oatley it is 5.8 per cent, and in Waterfall it is 7.2 per cent. The number of people aged 60 years and over—those likely to have difficulty with stairs—in Punchbowl is nearly 2,700, in Oatley it is just over 2,300, and in Waterfall it is 73. Nearly one-third of households in Punchbowl live on a combined income of $600 or less per week. Families in Punchbowl need access to good, affordable, reliable public transport. This Government is denying the elderly, the frail, the disabled and those with prams access to their local station. But do not take my word for it; listen to the residents of Punchbowl. Nearly 800 people have signed a petition calling for a lift. They include people like Aldo Breda, a year 8 student from Holy Spirit College who has muscular dystrophy. Aldo said:

> It is essential that a lift be built at Punchbowl station which will allow me to independently catch the train instead of relying on my parents and siblings for transport to and from school on a daily basis.
>
> At the moment I feel I am a burden to my mum as I am constantly relying on her to transport me to and from school. This in turn takes her away from her full-time job and places her under a lot of stress in having to catch up her work.

That is a big responsibility for a 13-year-old boy. Or there is Mr Knight of Punchbowl, who said:

> I am nearly 77 years of age. I cannot climb the stairs, they're so high. Should have been finished a long time ago.

Another local wrote of the installation of a lift at Punchbowl station, saying:

> Well overdue. Population of Punchbowl has increased yet facilities have not changed to reflect growth.

I am pleased that the 483 people of Waterfall will have access to a lift at their local station, and I think it is terrific that the 10,000 residents of Oatley also will have access to a lift at their local station. But I cannot understand why a suburb with more than 18,000 residents and a station with nearly 6,000 commuters continue to be ignored by the O'Farrell Liberal Government. The hardworking families of my electorate deserve an easy access lift as a priority.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.24 p.m.]: I would like to respond to private member's statement made by the member for Lakemba. I would also like to make the point that it is wonderful that finally we have a Minister for Transport who is listening to the needs of our communities, a Minister who is addressing and ensuring that those in areas of transport shortfall are being heard. It was hypocritical of the member for Lakemba to make a private member's statement in which he told the Government what needs to be done. The shutting down of bus services and rail services by the former Government indicates that it did not care about the rest of New South Wales. A classic example is that for 20 years we in the Bathurst area fought for a rail service, but Labor buried its head in the sand and ignored our pleas for years.

DENI BLUES & ROOTS FESTIVAL

Mr JOHN WILLIAMS (Murray-Darling) [7.25 p.m.]: Tonight I recognise the great work of a group of volunteers in the town of Deniliquin. Deniliquin Play on the Plains Festival Limited was established by a group of volunteers. For the past 12 years that group has run the Deni Ute Muster, which has been a well-attended and great event, held on the Labour Day weekend. It has been run in a very professional manner by volunteers, by people who have their heart and souls in Deniliquin and its future. This well-run event has provided great entertainment for all those who attend it. That organisation has now moved to the running of the inaugural Deni Blues & Roots Festival, to be held over the Easter weekend, on 30 and 31 March. Any member of Parliament who has a camper trailer or tent and wants to go there and camp could not go wrong. This Government has certainly shown its support, with a contract over the next five years to ensure the success of the inaugural Deni Blues & Roots Festival.

The organisation has gone into partnership with Michael Chugg of Chugg Entertainment and Rob Potts of Entertainment Edge. The festival will come out of Ballina and move around the southern Riverina. We will see a line-up of international artists second to none. I will name just a few of them: Santana, the Steve Miller Band, Bonnie Raitt, Chris Isaak, Tony Joe White, Jimmy Cliff, Chris Russell's Chicken Walk, the Chris Wilson-Geoff Achison Band, and Gallie and Shannon Bourne. It was announced recently that they have been able to attract the international Zac Brown Band from America.

I can absolutely guarantee the success of this festival, based on what I have seen of the Ute Muster translating across to this new event. We will undoubtedly see those volunteers make a success of another great event. It aims to hold three major events a year in Deniliquin. I have no doubt that this next step, the inaugural Deni Blues & Roots Festival, is a great move. I wish the organisers all the very best with the staging of this event in the township of Deniliquin. We look forward to seeing great support for it in the southern Riverina. People from Victoria have the opportunity to attend this festival. Attracting Victorians to Deniliquin is nothing new; it happens with the Deni Ute Muster. We certainly hope and expect that that will translate into the Deni Blues & Roots Festival being held beyond this Easter weekend.

<50>

Children under 14 are admitted free and camp sites are easily available. People are well catered for and there is an assurance that no-one will miss out. The organisers are hoping 10,000 people a day will attend. I look forward to seeing this event as a great success for the organisation and the community of Deniliquin and I look forward to seeing this being the inauguration of a great festival—a festival that will become an institution just like the Deni Ute Muster.

CAMPBELLTOWN CITY CHALLENGE WALK

Mr BRYAN DOYLE (Campbelltown) [7.30 p.m.]: It gives me great pleasure to inform the House of the twenty-second Campbelltown City Challenge Walk, which was held on Sunday 10 March. An amazing 2,300 walkers of all ages participated in one of Campbelltown's favourite events. More than 90 groups registered for both the six-kilometre and the 11-kilometre Challenge Walk. My team was MDS—Macarthur Disability Services—and I walked with Anne Thorne, Angus Ng, Caitlyn Pearson and Kara Dario. The slogan on our T-shirts was "Defying Boundaries". For 30 years MDS has provided innovative services for the disabled, people with mental illness, the aged and their families and carers.

We were all graced again, for the third year in a row, with the presence of our wonderful Premier. He is a regular and most welcome visitor to Campbelltown. It was amazing to see him receive a rock-star welcome at the start, with the 2,300 walkers ready to go at the starting line—the serious walkers at the front. It was almost a false start but we managed to hold the line, the starter's gun cracked and we were off. It was amazing to see so many people at 8 o'clock on a Sunday morning out enjoying the beautiful Australian Botanical Gardens at Mount Annan. It is one of the most beautiful places in Campbelltown—the opal of the south west and the best part of the Macarthur. One of the first things we did when we came into government was to provide free entry to the park—after 16 long years of people having to pay an entrance fee. The number of people who have since enjoyed this wonderful facility so long denied to them is astronomical.

The park has beautiful outlooks from the walking paths, the mountain bike tracks, the picnic areas and the gentle lakes where the water fowl just glide in, disturbed by the surge of walkers. Walking through the beautiful Campbelltown Scenic Hills and looking across the Campbelltown valley and the beautiful gardens—all those places where those opposite would have had coal seam gas mining wells but which were stopped by the O'Farrell Government—highlights the great community spirit, which is one of the wonders of Campbelltown. The community knows who has been looking after them.

The winners of the six-kilometre walk were Davor Zailac and Isabella Sund. The winners of the 11-kilometre walk were Mark Wallington and Denise Nadis. In the six-kilometre walk corporate section Volvo was one of the top three finishers together with Aquafit Fitness and Leisure and the Marsdens Law Group—a well-known suburban law group that punches well above its weight. In the 11-kilometre walk corporate section the top three finishers were Bodywar Outdoor Group Fitness, the Aquafit Fitness and Leisure team and Tulich. In the politicians handicap I was the only finisher in the 11-kilometre Challenge Walk. I was very pleased to be accompanied by not only the Premier but also my colleagues the member for Wollondilly and the member for Camden, and Councillor Penny Fischer from Camden.

It was great to see our mayor of Campbelltown, Councillor Sue Dobson, presenting the winners with their various trophies. Master of ceremonies at the event was Steve Wisbey. No event in Campbelltown is ever complete without Steve Wisbey's energy and drive. If anyone embodies the spirit of Campbelltown it is Steve Wisbey. For 22 years the people of Campbelltown have gathered for the Challenge Walk at the Australian Botanical Gardens at Mount Annan—perhaps the most beautiful gardens in the southern hemisphere, which will most certainly be known as the centennial gardens of the Macarthur. The walk is a wonderful event, a tribute to the people of Campbelltown and I commend it to the House.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.35 p.m.]: I commend the member for Campbelltown for raising this important community initiative in the House. I congratulate him on his participation in the event. I notice that he is looking fitter and I note that in the politicians' challenge he was the one who finished the event. What a great event to be very proud of as a local member—an event that has been bringing the community together for 22 years and which promotes a healthy and fit community. Anybody could have got a group together to take part in this event—it could have been a local sporting organisation or a family. Having six-kilometre and 11-kilometre events catered for all ages and all groups and it encouraged the community to be involved. I commend the member for Campbelltown for informing the House about this important event. Next year I hope other politicians take part in the Campbelltown Challenge Walk.

ST JOSEPH'S COWPER ORPHANAGE CENTENARY

Mr CHRISTOPHER GULAPTIS (Clarence) [7.36 p.m.]: Private members' statements are a little bit like happy hour and tonight I am happy to acknowledge the successful centenary of St Joseph's Cowper orphanage. On Sunday 3 March, St Joseph's Cowper orphanage celebrated its 100th anniversary. I was very pleased to be one of the attendees at the celebration. Included in the more than 300 attendees was the Bishop of Lismore, Bishop Geoffrey Jarrett. Also in attendance were Sisters of Mercy who worked at the orphanage over an extensive period, former residents of the orphanage, the current board members and Mayor Richie Williamson. I especially acknowledge the chief executive officer of St Joseph's Orphanage Cowper, Sue McKimm, who worked very hard arranging the centenary and helped to make it such a success.

The story of St Joseph's Cowper orphanage begins in 1884 when the Sisters of Mercy first arrived. It was their skills at operating hospitals, orphanages and schools that led to the then Bishop of Lismore, Bishop Carroll, asking the Sisters of Mercy to convert their boarding school into an orphanage in 1913. At the time the boarding school had quite a reputation as a finishing school for young ladies. Initially, in 1913 when it opened as an orphanage, only four children were in residence but the numbers grew quickly to a maximum of 120. More than 100 Sisters of Mercy have worked at St Joseph's since 1913 as teachers, carers and administrators and they have looked after the needs of more than 2,000 children over the past 100 years.

In its early days the orphanage was only licensed to take in children from the age of three, but after World War II the regulation was relaxed to allow children as young as six months to be accepted. The high school was opened in Cowper in 1950 but was closed four years later and the girls then travelled to St Mary's in Grafton to complete their secondary education. At the same time the boys went to Marist Brothers in Westmead in Sydney. This prompted Bishop Satterthwaite to look at building a new home in Grafton. At that time the number of children in care had fallen to 40, and in January 1972 the sisters and children moved to their new premises in Grafton. The children were raised in four cottages with one sister in each. The sisters taught at the local school during the day while caring for the children at night.

<51>

There have been many regulatory changes since 1970 regarding the provision of residential care for children. Today children and young people are referred to St Joseph's by Family and Community Services, and most of its funding comes from this service. St Joseph's Cowper is an integral part of the social fabric of the Grafton region. This rich history includes volunteers who, in the early days, provided services such as ironing, sewing, haircuts, and gardening. More recently the board members and business houses have donated their time, energy and money to keep the facility functioning.

The centenary celebrated this tradition of volunteerism and community support. Many Clarence Valley businesses have provided Christmas presents to St Joseph's every year for over 40 years. On the day we also celebrated the Sydney family that stumbled on the St Joseph's ad in the phone book and wanted their own children to grow up with an awareness of those less fortunate than themselves. Each year they provide equipment to allow the young people to enjoy new experiences. We also acknowledge all the people who have generously donated to St Joseph's over the years to assist in the provision of excellent standards of care for each

of the young persons in its care. The mission statement of St Joseph's calls on those involved to endeavour, in the Mercy spirit, to empower disadvantaged young people and their families through service provision, support and advocacy in a safe and nurturing environment. I congratulate all those involved in making the centenary celebrations so special. I acknowledge the wonderful work carried out for the past 100 years by the Sisters of Mercy that is so intrinsically ingrained in Grafton's history.

POLICE LEGACY WALK

Mr CHRIS SPENCE (The Entrance) [7.41 p.m.]: Mr Martin Luther King Jr said:

> Human progress is neither automatic nor inevitable. Every step toward the goal of justice requires sacrifice, suffering and struggle; the tireless exertions and passionate concern of dedicated individuals.

At approximately 8 a.m. on Friday 2 March 2012, only a day after the Sea of Blue March in Sydney, which proudly celebrated 150 years of the NSW Police Force, Senior Constable David Rixon was gunned down during a routine traffic stop in Tamworth. His sudden and devastating death stunned the police and Tamworth communities and tragically left behind his grieving wife and six children. The police community selflessly rallied around those who struggled to come to terms with the shock. A number of police from other local area commands travelled to work in the Tamworth command. With the blessing of Tuggerah Lakes Local Area Command and at the behest of Superintendent Clint Pheeney, Duty Officer Chief Inspector Tim Winmill went to Tamworth to support and relieve their duty officers. Speaking of Tim's support and presence, an officer from Tamworth said:

> Our job is hard and we may be quick to criticise it, but it's moments like this that make you realise you are not alone... We're all in it together.

Moved by these words and determined to ensure that the sacrifice of Senior Constable David Rixon does not fade, Superintendent David Swilks, Tuggerah Lakes Local Area Commander, spent the past year working tirelessly to organise a walk from Wyong Police Station to Tamworth in support of the Rixon family and the NSW Police Legacy. I recall the first time Superintendent Swilks spoke to me about his concept for the walk, his passion for the cause, and his great determination to honour those who have given their lives in service to the community through the NSW Police Force. His idea touched and inspired me as it has many others.

At 6am on Monday 25 February 2013 I, together with Superintendent Swilks and a contingent of New South Wales police officers, including Chief Inspector Tim Winmill, departed Wyong Police Station to walk approximately 350 kilometres to the Tamworth Police Station. Our arrival in Tamworth at 8 a.m. on Saturday 2 March coincided with the commemoration of the first anniversary of Senior Constable David Rixon's death. We walked through six local area commands across the northern region towards Tamworth. We were joined by others along the way and more than 100 police officers arrived in Tamworth. Touchingly, Senior Constable David Rixon's daughter, Probationary Constable Jemma Galea, who is now stationed at Gunnedah, joined us from Wyong to Tamworth. What had originally been seeded as a walk has gained such support that out of it was born the maxim: Our Mates, Our Families. It emphasises that the NSW Police Force is not simply an organisation of law enforcement, its members are a family. When tragedy and difficult circumstances strike they band together to strengthen and support one another. Sponsorships, donations and an overwhelming willingness to contribute echoed across communities as the news travelled of Our mates, Our Families.

My colleagues the member for Charlestown and the member for Newcastle organised a benefit night in Newcastle to assist in the fundraising. I thank them for their efforts. The Central Coast also held a benefit night to further the fundraising efforts at the Mingara Recreation Club. I thank those who attended and generously contributed to this wonderful cause. The fundraising of Our Mates, Our Families will support not only the Rixon family but NSW Police Legacy at large. NSW Police Legacy is a not-for-profit organisation that provides emotional and financial support for the widows, widowers and dependent children of deceased police officers. For the past 26 years, irrespective of the fallen police officer's passing, whether they were serving, formerly serving, or retired, their obligation is to their partners and children who are left behind to ensure they remain a part of the wider police family. Legacy's vision is that no widow, widower or child of the deceased serving or formerly serving police officer will ever feel forgotten or in need. It is the true police spirit.

I was honoured to embark on this incredible walk. I was present to acknowledge and pay tribute to the sacrifice of 250 police officers in the history of the NSW Police Force, particularly Senior Constable Rixon. I thank all those who participated in the walk, particularly the volunteers from St John's and all of the support vehicle drivers. I have said in this House before that our police often deal with the worst in our society every

day. Whilst I was on the walk the updates that were placed on Facebook were being criticised by some members of the community. Some people posted comments such as, "Why aren't the police out catching criminals." I remember that on the Wednesday morning while I was walking with Superintendent Swilks he said something that I will never forget. When I raised with him my disgust at the comments and attitudes of the people in the community he quickly said to me, "These are the people we hear from on a regular basis. It is the silent majority in the community that we as a police force don't hear from on a regular basis. The one thing I am most pleased about is that my police officers who are walking are hearing from the silent majority."

Children waited outside schools to hand over money. A freight train driver who took a kilometre to stop his train handed over $10 and then apologised that he did not have more money. These people are the silent majority that the police do not hear from. They are the silent majority who stepped up to be heard and showed the support, trust and integrity that members of the community have in our police. We would all like to leave a legacy of which we can be proud. Superintendent David Swilks is one man who is leaving a superb legacy for police officers and others to follow. I am honoured to have walked with him, worked with him and have him as my local area commander.

Mr TROY GRANT (Dubbo—Parliamentary Secretary) [7.46 p.m.]: On behalf of the Government, I pay tribute and thank the member for The Entrance for his wonderful effort to support the Rixon family, whom I know well. I commend the member for Newcastle and the member for Charlestown and pass on my thanks to the member for Tamworth, who was unable to be a part of the walk because of his parliamentary duties. From all reports, he gave one of the most touching, emotional and incredible speeches ever to be heard when the troops arrived and the plaque was unveiled at the Tamworth police station. The level of community support for not only Senior Constable David Rixon, which has been demonstrated by the member for The Entrance, but his colleagues and the wider community he spoke about is something that the police involved in the walk and the wider police community will never forget. I know they will be forever grateful and thankful. I congratulate you all on behalf of the Government. Well done.

Private members' statements concluded.

POWERS OF ATTORNEY AMENDMENT 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 future day.

BLOOD CANCER RESEARCH

Matter of Public Importance

Ms ANNA WATSON (Shellharbour) [8.03 p.m.]: The World's Greatest Shave, to be held this year from 14 to 17 March, is a great opportunity for us in this place to throw our support behind blood cancer research. Did you know that the Leukaemia Foundation receives no Government funding, so moneys raised through the efforts of individuals and groups in the World's Greatest Shave fundraiser provide practical and emotional support for people and their families with blood-related diseases as well as investing millions of dollars in important research.

<52>

We acknowledge and thank all those who have raised money for the foundation and note their incredible support for this important research.

Every day 31 Australians receive the devastating news that they have leukaemia or a related blood disorder. That is more than 11,500 people each year. Blood cancer is the second biggest cause of cancer death in Australia. The Leukaemia Foundation is dedicated to find a cure and to care for patients living with leukaemia and blood disorders. By working with patients, doctors and social workers the foundation can find the best way to care for patients and their families. It is important to note that the families are just as affected as the patient. The practical support offered includes accommodation and transport and, in special circumstances, much-needed financial support and assistance. Guidance is also offered on nutrition, coping with childhood leukaemia, addressing the practical and emotional issues that come with living with the disease, and understanding transplants. In acute or aggressive cases a patient can require immediate and intensive treatment, often within 24 hours of diagnosis. The foundation is there to support the patient and their family every step of

the way. That is vitally important. I commend the Leukaemia Foundation for its ongoing work with people living with leukaemia and their families and especially for its fundraising for further research, advocacy and education services.

It is encouraging to see the many people who support the cause by joining in or sponsoring a participant in the World's Greatest Shave. People in the Illawarra, particularly in the Shellharbour electorate, have really taken this event on board. Many people will either shave their head or dye their hair a different colour to support the cause. No matter where we live, many of us are affected by this disease in one way or another. Most people will know somebody or have a family member or a loved one who has been touched by this insidious disease. The World's Greatest Shave is all about shaving your head or colouring your hair for an extremely worthwhile and important cause. We should all give it our support.

Every hour of every day somebody in Australia is diagnosed with leukaemia, lymphoma or myeloma. Every two hours somebody dies from blood cancer. The money raised will go towards important research which is needed to find better treatments and cures for leukaemia and other blood diseases. Each year the Leukaemia Foundation invests millions of dollars into blood cancer research to improve treatments and find cures. It also supports thousands of Australians by providing a range of free services including information, emotional support and advocacy. The foundation also runs educational programs to help people live with their disease and provides safe transport to and from hospital for treatment. It also provides regional families that are required to relocate to the city with fully furnished homes away from home for as long as needed. These are important issues for the families and the patients affected by this insidious disease.

Every year in the Illawarra the Leukaemia Foundation helps hundreds of people to navigate their way through their treatment and recovery. That support is crucial to the day-to-day lives of patients with blood cancer. I cannot speak highly enough of the foundation and the way in which it supports patients, families and carers in relation to this insidious disease. I thank the staff of the foundation for the time and care they take and the love that they show.

Mr CHRIS PATTERSON (Camden) [7.54 p.m.]: I support the Leukaemia Foundation World's Greatest Shave. We all hope our loved ones will never be affected by this insidious disease, but the tragic reality is that one in three people will be diagnosed with cancer by the time they are 85 years old. I mention my brother-in-law John Dooner. In May 2011 John passed away at the age of 38, leaving behind his wife, Jacky, and their three beautiful children, Brianna, Olivia and William. They and those around them still feel his loss daily.

The Leukaemia Foundation is a national not-for-profit organisation dedicated to the care of patients and their families living with leukaemia, lymphomas, myeloma and related blood disorders. One in 56 males and one in 86 females will develop leukaemia by the age of 85. It is the most commonly diagnosed cancer in boys and girls under 15 years of age, although the majority of new cases are diagnosed in people aged 65 years or older. I am pleased to say that one of the great successes of modern cancer control has been the improvement in survival rates for children with cancers. In Australia leukaemia affects 11,500 people each year and blood cancer is the second biggest cause of cancer death.

The aim of the World's Greatest Shave, which began in 1998, is to raise funds so that the Leukaemia Foundation can continue its important work of providing emotional support to leukaemia patients as well as offering a free place to stay near hospitals and free transport during treatment for patients with blood cancers such as leukaemia, lymphoma and myeloma. The foundation also aims to fund research into better treatments and cures for those blood disorders. The Leukaemia Foundation reported that in 2011-12 its volunteer drivers gave 39,310 hours of support, travelled 985,004 kilometres on 22,270 trips and transported 2,892 people to and from hospital for treatment. The foundation also produces a range of booklets, facts sheets and resources that are available in nine community languages as well as English.

The Leukaemia Foundation World's Greatest Shave has raised an impressive $138 million over the past 14 years. To show the Government's support for raising not only money but also awareness among our communities, next Thursday the Hon. Jillian Skinner in her capacity as the Minister for Health will shave my head. I challenge all members to show their support by donating to this great cause or by joining in and having their heads shaved as well. Clearly, the members for the electorates of Blacktown, Campbelltown, Murrumbidgee and Terrigal will only be able to contribute by making a donation. Purely for medicinal purposes, I suggest that the Minister for Health have a whiskey or two next Thursday to ensure a straight hand.

Unfortunately, having had my head shaved many times, I can say from experience that it is a myth that the hair grows back thicker.

I bring to the attention of the House a remarkable young lady who lives in my electorate, Grace Howle. Grace is seven years old and will dye her hair pink this Saturday at the Mount Annan Hotel to raise money for the World's Greatest Shave and in memory of her grandfather Bruce Howle, who died from cancer in 2011. I congratulate Grace on her awareness and support for this initiative at such a young age. I also acknowledge the Camden Rotary Relay for Life. Camden Rotary has organised and run this event since 2009 to assist our community in recognising and supporting survivors of cancer and by providing an opportunity to acknowledge and honour those who have lost the fight. Funds are raised at this event for the Cancer Council and last year's event raised a whopping $150,000. This year the event will again be held on the weekend of September 14 and 15 at the Camden Showground.

The 24hr Fight Against Cancer Macarthur is another wonderful event in our area. This year it will be held on the weekend of 19 and 20 October at the Campbelltown Sports Ground. The event was started in 2005 and has so far raised a fantastic $1.8 million, with all money raised being spent locally and going directly to cancer patients in my area. I am proud to say that the Premier has opened the event for the past two years. I commend the Leukaemia Foundation for its wonderful effort. I commend the member for Shellharbour for bringing this matter of public importance to the House this evening. She is clearly passionate about it; we are all passionate about it. The House supports the Leukaemia Foundation.

<53>

Dr ANDREW McDONALD (Macquarie Fields) [8.00 p.m.]: The World's Greatest Shave has enormous credibility because of the wonderful work of the Leukaemia Foundation. It is a worthy organisation that does a brilliant job raising money for research and providing practical help to people who have some form of blood cancer, be it leukaemia, lymphoma or myeloma. Over the past 38 years there has been a revolution in the treatment of cancer. I pay special tribute to the father of one of my political heroes, Andrew Tink, the former member for Epping. In the early 1960s Dr Arnold Tink was one of the first doctors in Sydney to treat children suffering from leukaemia. He was a pioneer and sowed the seeds of the advances we have made to the point that about three-quarters of children who suffer from leukaemia now survive.

Every year in Australia about 3,000 people are diagnosed with some form of leukaemia, 4,300 with lymphoma and 1,100 with myeloma. That is 31 new diagnoses every day of every year. Modern research has taught us much about cancer, but we have so much more to learn. Most of the research into childhood leukaemia is focused on reducing the intensity of treatment for those who will survive and increasing the intensity of treatment for those who in the past would not have survived. The cure rates for some forms of childhood leukaemia are now nearly 90 per cent, which demonstrates how far we have come in the treatment of this disease.

The World's Greatest Shave also raises money to provide practical help. Those suffering from leukaemia or lymphoma must have some form of intensive therapy. That poses problems for patients living in rural and regional areas because they must be within 30 minutes of a hospital during treatment in case complications develop. The Leukaemia Foundation steps in in those situations and provides transport and accommodation. As the member for Camden said, since 1998 the foundation has raised $138 million. The research commitment for 2011 alone was $20 million, but so much more needs to be done. If it were not for the Leukaemia Foundation we would not have made the progress we have. I pay special tribute to Tracey Bell, who is from my electorate and whose children are involved in the World's Greatest Shave. I wish them well.

Ms ANNA WATSON (Shellharbour) [8.03 p.m.], in reply: In cases of acute and aggressive leukaemia, patients require immediate and intensive treatment, often within 24 hours of diagnosis. The Leukaemia Foundation is there to support them and their families every step of the way. I thank the member for Camden and the member for Macquarie Fields for their contributions. I particularly thank the member for Macquarie Fields, who is so in tune with this issue and who has been very willing to have conversations with me about constituents of mine who are dealing with leukaemia. It is encouraging to see members supporting the World's Greatest Shave either by joining in or by sponsoring someone who is participating. It has my 100 per cent support and I encourage those who are not participating to sponsor someone who is. Leukaemia affects everyone; we all know someone, whether it be a loved one, a friend or a comrade, who has been impacted by this insidious disease.

While these events can be fun for participants, it is always good to know how the funds raised will be spent. Every hour of every day someone in Australia is diagnosed with a blood disease and every two hours someone dies from a blood cancer. We are talking about human lives being lost. That is far too many deaths. Each year the Leukaemia Foundation invests millions of dollars in blood cancer research to improve treatment and to find cures. However, it also supports thousands of Australians every year by providing a range of free services, including information, emotional support and advocacy. Emotional support and advocacy cannot be underestimated. Leukaemia has a profound effect on not only its victims but also their families, and the foundation provides them with information about what is going on and what they can expect. It also provides transport and accommodation during treatment and information about transplants. These are very important issues that impact patients on a day-to-day basis. I thank members on both sides of the House for their support and I encourage everyone to be involved in Leukaemia Week.

Discussion concluded.

EVIDENCE AMENDMENT (EVIDENCE OF SILENCE) BILL 2013

CRIMINAL PROCEDURE AMENDMENT (PRE-TRIAL DEFENCE DISCLOSURE) BILL 2013

Bills introduced on motion by Mr Greg Smith, read a first time and printed.

Second Reading

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [8.07 p.m.]: I move:

That these bills be now read a second time.

The Government is pleased to introduce the Evidence Amendment (Evidence of Silence) Bill 2013 and the Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill 2013 as cognate bills. The purpose of the Evidence Amendment (Evidence of Silence) Bill is to allow an unfavourable inference to be drawn against certain accused persons who refuse to cooperate with the police during official questioning and who later seek to rely on a fact in their defence at trial that they could reasonably have mentioned during this questioning. The purpose of the Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill is to reform the case management provisions in part 3, division 3 of the Criminal Procedure Act 1986. It expands the scope of mandatory disclosure requirements in criminal trials and allows an unfavourable inference to be drawn by a jury against a defendant who fails to comply with a pre-trial disclosure requirement under the division.

The new provisions will apply to all trials in the District and the Supreme Court. The Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill is intended to complete the reforms in the Evidence Amendment (Evidence of Silence) Bill. The bills provide opportunities for an accused to provide information and thereby facilitate the course of justice, first, when an accused is spoken to by the police and, secondly, at a time when the prosecution will have outlined its case before trial. The bills also allow an unfavourable inference to be drawn against an accused at trial.

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I will first deal with the Evidence Amendment (Evidence of Silence) Bill. The provisions in the bill are targeted at seeking information in the first stages of an investigation from a suspect during police questioning. They aim to identify the defences and the facts that the suspect will later rely on at court, if the suspect is charged and contests the matter at trial. Early identification of the issues in the case will later assist in the efficient management of the trial process under the proposed changes to the Criminal Procedure Act. The provisions in the Evidence Amendment (Evidence of Silence) Bill will apply to serious indictable offences. The bill makes it clear that juveniles and people who are incapable of understanding the consequences of remaining silent are exempt from the provisions. It also removes none of the protections afforded to vulnerable people.

For example, the provisions will not prevent a vulnerable person from being provided with the assistance of a support person during any investigative procedure; nor will they apply to Indigenous people who have exercised their right to speak to the Aboriginal Legal Service over the telephone. However, it will apply to suspects who have their lawyer present at the police station. Such people will be given a special caution explaining the consequences of not mentioning a fact during questioning that they later rely on in their defence at trial. They must also be allowed to consult with their lawyer in private about the effect of the special caution.

If after doing so they fail to mention something during questioning that they could reasonably have been expected to mention in the circumstances existing at the time and on which they later rely at their trial, then an unfavourable inference can be drawn against them. The Evidence Act currently precludes the making of any unfavourable comment in relation to a defendant who refuses to answer police questions.

I say it is simply a matter of common sense that a jury should be allowed to consider drawing an unfavourable inference against such a defendant who relies on something at trial the defendant could have mentioned during questioning, subject to certain safeguards. This bill represents a targeted and balanced response to community concerns and has been the subject of considerable community, police and Government concern. Before I turn to the detail of the Evidence Amendment (Evidence of Silence) Bill, I thank all the individuals and organisations who provided submissions in response to the Government's exposure draft bill. As a result of the submissions received, changes have been made in the bill to reflect a number of issues raised. In particular, the bill provides more detail regarding what amounts to an opportunity to consult an Australian legal practitioner. It also redefines those persons who are exempt from the provisions by reason of their inability to understand the consequences of failing or refusing to mention a fact later relied on at trial.

I now turn to the main detail of the bill. Item [1] of schedule 1 amends section 89 of the Evidence Act so that the general prohibition on drawing an unfavourable inference in relation to silence is subject to proposed new section 89A. This new section allows an unfavourable inference to be drawn against certain defendants. Item [2] of schedule 1 contains new section 89A, which sets out the circumstances in which an unfavourable inference may be drawn against a defendant in criminal proceedings for a serious indictable offence and the threshold criteria that must be met. New subsection (1) of section 89A differs from the exposure draft bill put out for consultation. Under the provisions of this bill, an unfavourable inference may be drawn in relation to the failure or refusal to mention a fact during official questioning. It does not require the failure or refusal to be in relation to a specific question or representation from the investigating official.

This will prevent a defendant from using silence to hide behind the absence of a particular question or representation being put to elicit the fact later relied on. This bill focuses on the defendant being given an opportunity to explain what happened when spoken to by the police. The onus placed on the defendant to mention all relevant facts is balanced by the safeguard that it must have been reasonable to mention the fact during questioning. If it is reasonable for it to be mentioned, then the defendant should not be permitted to rely on the absence of a particular question being asked in the interview to excuse the failure to mention the information. New subsection (2) specifies the circumstances in which new subsection (1) applies. It also specifies in what circumstances and when a special caution can be given. A special caution is defined in new subsection (9) as a caution to the effect that saying or doing nothing may result in an inference being drawn that may harm the person's defence because of their failure or refusal to mention a fact that is later relied on at trial. It also incorporates the words of the current standard police caution. Proposed subsection (3) provides that the special caution need not be in a particular form of words.

New subsection (2) (a) specifies that for the provisions in new subsection (1) to apply, the special caution is to be given by an investigating official who has reasonable cause to suspect that the person has committed a serious indictable offence. New subsection (2) (b) specifies that it must be given before the suspect fails or refuses to mention the fact later relied on at trial. New subsections (2) (c) and (d) set out what access to legal advice is required at the time of official questioning for an inference to be later drawn against a defendant. The special caution must be given in the presence of the Australian legal practitioner who is acting for the defendant at the time. Presence is not defined, but its everyday interpretation means that the solicitor must be physically present. They are not present if they are simply in contact by telephone or some other electronic means.

The defendant must also be allowed a reasonable opportunity to consult with that legal practitioner in the absence of the investigating official about the general nature and effect of the special caution. The opportunity must be given before the failure or refusal to mention a fact. Through these provisions, the bill targets the higher end of criminal activity where suspects are more likely to bring their lawyers along when they are questioned. There is concern that some of these accused may seek out ways to frustrate the investigation process and later draw out the criminal trial process. Some, given the effect of these provisions, may not bring their lawyer to the police station. This is their choice. However, the new case management provisions in the Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill 2013, which I will discuss in further detail later, will provide a further opportunity to require accused persons in higher courts to provide information.

New subsection (4) makes it clear that the special caution may only be given in circumstances in which the investigating official is satisfied the offence is a serious indictable offence; in other words, an offence that is punishable by five years imprisonment or more. It does not have to be given in all cases in which a serious indictable offence is being investigated and is a matter for police discretion, depending on the circumstances of the investigation. New subsection (5) provides important exemptions from the provisions for defendants who, at the time of official questioning, were under 18 years of age or were incapable of understanding the general nature and effect of the special caution.

After listening carefully to the issues raised in consultation about the cognitive impairment exemption in the exposure draft bill, the provision has been replaced in the bill with an incapable person test. That is a test that is familiar to the police as it is currently used to assess whether a person is capable of giving informed consent to the carrying out of a forensic procedure. It also reflects the objective behind the exemption, which is to protect those who are unable to understand the nature and effect of the special caution. New subsection (5) provides that the unfavourable inference cannot be drawn when evidence of a failure or refusal to mention a fact is the only evidence that the defendant is guilty of the serious indictable offence.

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Proposed subsection (6) confirms that the provisions in the section are in addition to any other provisions requiring a person to be cautioned. For example, the Law Enforcement (Powers and Responsibilities) Act requires a custody manager to give the standard police caution to all persons when they arrive in detention at a police station. Additionally, the Evidence Act requires the standard caution to be given to a person before they are questioned, otherwise any evidence gained during questioning will be deemed to have been obtained improperly. The special caution can be given after or in conjunction with the standard caution. Proposed subsection (7) confirms that the provisions in the section do not prevent the drawing of any inference that could be drawn from silence apart from this section. Proposed subsection (8) deals with an issue raised during consultation concerning the admissibility of evidence gained in response to the giving of the special caution where the offence later changes.

For example, a charge may be changed from an assault occasioning actual bodily harm to the less serious offence of common assault. In such a case, an unfavourable inference could not be drawn against the defendant, as the criminal proceeding is no longer for the serious indictable offence. However, it is appropriate that any evidence obtained during questioning may still be used. The proposed subsection therefore provides that the giving of the special caution in accordance with the section does not, of itself, make the evidence inadmissible. However, its use will be subject to the ordinary safeguards found in the Evidence Act. I have previously referred to the definitions found in proposed subsection (9). They differ from the exposure draft bill in that reference to cognitive impairment has been removed, with the incapable person test replacing it in proposed subsection (5). The bill also removes the definition as to what an inference may include. The nature of an inference will be decided at trial on ordinary legal principles and will not be constrained or dictated by the bill.

Items [3] and [4] of schedule 1 deal with savings, transitional and other provisions in the Evidence Act and the Evidence Regulation 2010, consequent to the amendments to the Evidence Act in proposed section 89A. The provisions in proposed section 89A will apply to offences committed prior to the commencement of the section. However, they will not apply to hearings that have already commenced, or to a failure or a refusal to mention a fact which occurred before the commencement of the section. The new provisions must be reviewed after a period of five years from their commencement.

I now turn to the changes proposed to the Criminal Procedure Act in the Pre-trial Defence Disclosure Bill. This bill provides consequences for choosing to remain silent once criminal proceedings have been committed for trial. Its provisions operate independently of the amendments to the Evidence Act. However, they will complement those changes as they represent a second opportunity for an accused to provide information and thereby facilitate the course of justice. The primary purpose of the new case management regime is to narrow the contested issues at trial. This will lead to shorter trials and will prevent inconvenience to those witnesses whose evidence can be agreed beforehand. Importantly, however, the provisions will also provide a consequence for accused persons who frustrate the criminal justice process by not engaging with the court and the prosecution in identifying the issues in dispute before their trial.

The trial efficiency working group was reconvened at the end of last year to develop the legislative model, which forms the basis of the new case management provisions in the bill. The working group was first

formed in 2008 by the previous Government in response to an increase in the average length of trials conducted in the District Court, which hears the overwhelming majority of the State's criminal trials. In the Sydney District Court, for example, the average length of trial increased from 8.3 days in 2002 to 9.03 days in 2008. Today I saw figures that showed it was more than 11 days, on average, in 2011. The working group's 2009 report concluded that the case management provisions in the Criminal Procedure Act been little used since their introduction in 2001. It identified ineffective management and the failure to identify the issues early in the trial process as the major problems affecting trial efficiency, and recommended changes to the Act that commenced in February 2010.

Notably, mandatory disclosure for the prosecution and the defence was introduced for the first time in all District Court and Supreme Court criminal trials, where previously they had been applied at the discretion of the court and only in complex cases. Provisions for discretionary pre-trial conferences and hearings were also introduced. There is little evidence to suggest that the provisions are being used, especially in the District Court. The average length of trials has continued to increase in that court, rising to 11.62 days for trials conducted in Sydney in 2011. I recall in the late 1980s when I became a Crown Prosecutor the average trial was about four days and in the 1970s when I first got involved in prosecution work in criminal law it was about 2.5 days, so times have changed and the trials have become longer.

I now turn to the main detail of the bill. Item [1] of schedule 1 amends section 136 of the Criminal Procedure Act to remove the requirement for the presiding judge, at the first mention of proceedings before the trial court, to make a direction as to the time by which the prosecution and defence must comply with their mandatory disclosure requirements. In practice, the courts have not applied this part of section 136, as standard directions in practice notes issued in the District Court and the Supreme Court dictate the time frames for service. The amended section 141 in item [5] of schedule 1 includes a note to this effect. Items [2] and [3] of schedule 1 omit the current mandatory requirements for disclosure in the Criminal Procedure Act. They are replaced by the amended and expanded sections 141, 142 and 143 in item [5] of schedule 1. Item [4] of schedule 1 amends section 139 (3) (c) to reflect the change in the bill from discretionary to mandatory disclosure. Previously at a pre-trial hearing the court had the discretion to make orders for disclosure. Given the expansion of the mandatory obligation under this bill, the court now only sets a timetable, if required, under section 141.

Item [5] of schedule 1 replaces sections 141, 142 and 143 with new provisions containing the mandatory disclosure requirements and the new procedures for both the prosecution and the defence. Subsection (1) of the amended section 141 sets out the sequence of disclosure. The prosecution is first required to provide a notice of the prosecution case to the accused person, and in response the accused must provide a notice of defence response to the prosecution. The prosecution must then provide its notice of response to the defence response. Section 149 of the current Act remains unchanged. It makes it clear that all notices given under the division on behalf of the accused person are taken to be with their authority, and all notices must be filed with the court. This is an important requirement that remains in the division, as the intent of the provisions is to put the parties and the court in the best position to understand the issues to be debated at trial.

Subsection (2) of the amended section 141 confirms that disclosure must take place before the date set for trial and in accordance with a timetable determined by the court. In practice, the relevant timetable is set out in court practice notes. It is intended that this practice continue, with a period out from trial being nominated. These time frames have been set because it is anticipated that trial counsel for the prosecution and the defence will have been briefed by that stage, and will be able to undertake the tasks of drafting and settling the notices, as well as identifying and hopefully resolving issues in dispute between the parties. Subsection (3) of the amended section 141 allows the court to vary the timetable where it is in the interests of justice to do so. Subsection (4) of the amended section 141 allows regulations to be made providing for the timetable for service.

<56>

Subsection (1) of the amended section 142 sets out what is required in the prosecution's notice. It includes the material that is currently required to be served under both the mandatory and court-ordered discretionary provisions. It has been expanded to reflect the extended coverage of mandatory defence disclosure, for example, in now requiring the prosecution to include a copy of any information that is adverse to the credit or the credibility of the accused. Subsection (2) of the amended section 142 allows for regulations to provide for the form and content of the statement of facts required to be included in the prosecution's notice. The statement of facts is a summary of the prosecution allegations and evidence.

Subsection (3) provides a definition of the term "law enforcement officer" used in subsection 1 (i). This amendment is required as the duty of disclosure found in section 15A of the Director of Public Prosecutions Act was recently amended to apply to officers of the Police Integrity Commission, New South Wales Crime Commission and the Independent Commission Against Corruption, as well as police officers, all described in that Act as law enforcement officers. The definition in subsection 3 matches the definition of "law enforcement officer" now found in the Director of Public Prosecutions Act.

The amended section 143 sets out the mandatory and discretionary disclosure requirements for the defence. Subsection 1 requires the notice of the defence response to include the current mandatory material, such as the name of the accused's legal representative and a notice in relation to any evidence that can be agreed. However, it also requires disclosure of the nature of the accused's defence, including particular defences to be relied on, the facts, matters or circumstances on which the prosecution intends to rely to prove guilt—as indicated in the prosecution's notice—and with which the accused intends to take issue, and points of law that the accused intends to raise. These additional mandatory requirements draw on what the court can currently require the defence to disclose on a discretionary basis in the existing version of section 143. Drawing on the language of the existing provisions may assist practitioners in understanding and complying with the new defence requirements.

As I have already set out, this information is not required to be disclosed until after the prosecution notice has been served, and a number of weeks out from trial. This will likely be some months after committal from the Local Court, by which time it is expected that the prosecution will have served all of the evidence it seeks to rely on at trial and disclosed all material that would reasonably be regarded as relevant to the defence case. In such circumstances, it is reasonable to expect the defence to disclose the matters set out in the amended section 143. It will enable the parties to focus on the real issues that will be in dispute at trial, with the result that trials are likely to be shorter in length and witnesses will not be called unnecessarily to give evidence from the witness box that can be reduced to writing or tendered in a statement.

Subsection (2) of the amended section 143 sets out what material the court can order the defence to disclose in the same notice, in addition to the mandatory requirements. It includes the same material provided for in the current discretionary defence disclosure provisions, excluding that material captured by the three additional mandatory requirements in paragraphs (b), (c) and (d) of proposed section 143 (1). Keeping certain elements of defence disclosure discretionary is suited to the practicalities of the conduct of trials in New South Wales's higher courts, which can range from simple single-issue cases with one accused, to highly complex cases involving many months of evidence and with multiple accused. Any mandatory model must reflect this reality and be capable of adapting to the circumstances of each case. The new discretionary defence provisions in the bill will allow the courts to tailor requirements on a case-by-case basis to avoid unnecessarily causing delays in the management of trials.

Proposed subsection (2) (b), for example, requires the defence to confirm whether the prosecution is required to call witnesses to corroborate any surveillance on which it is intended to rely. Surveillance evidence within the meaning of the subsection is intended to have a broad meaning. It can include traditional surveillance evidence, such as physical observations of suspects recorded in logs by the police, as well as that obtained under warrant, such as evidence resulting from the placing of a listening device in a particular location. This evidence may not be relevant in some cases, and allowing the court to make an order means that the judge can tailor its terms to fit the type of evidence in question.

Item [6] of schedule 1 amends section 144 to remove a reference to "court-ordered pre-trial disclosure". Currently a prosecution response is required only to a court-ordered defence response, and not to a mandatory defence response. A prosecution response will now be required in all cases where the accused person has given a defence response under the amended section 143, irrespective of whether that response includes mandatory or discretionary material. Item [7] of schedule 1 amends subsection (2) of section 145 so that it now refers to the new mandatory defence requirement to set out the prosecution facts, matters or circumstances with which the accused takes issue. This is instead of the current discretionary requirement to give notice as to whether the accused proposes to dispute the admissibility of any evidence, as that requirement will now be captured by the requirement in the bill to set out the prosecution facts, matters or circumstances with which the accused takes issue.

If the accused fails to identify any issue with prosecution evidence of a fact, matter or circumstance, then the prosecution may be permitted by the court to dispense with formal proof in accordance with subsections (1) and (2) of section 145. For example, the prosecution may be allowed to ask leading questions of a

prosecution witness where the accused has failed to take issue with that evidence in the defence response, or the prosecution may be allowed to adduce evidence impugning the credibility of a defence witness, which would otherwise be excluded by the Evidence Act, where the accused has failed to take issue with that evidence.

Item [8] of schedule 1 introduces a new section 146A into the Criminal Procedure Act that sets out the circumstances in which comment can be made and an unfavourable inference drawn against an accused at trial. Proposed subsection (1) (a) confirms that the section will only apply when the accused person has failed to comply with a disclosure requirement imposed on them by the division. This may happen where the accused simply fails to serve a response to the prosecution case. Alternatively, the accused may serve a response, but then seek to rely at trial on a defence that was not mentioned in that response, or take issue with a prosecution fact, matter or circumstance that was not addressed in the response.

Proposed subsection (1) (b) specifically states that the new section 146A also applies if the accused fails to serve a notice of alibi, as required by section 150 of the Criminal Procedure Act. Section 150 requires a notice to be served in the period after committal and 42 days before the trial is listed for hearing. This means it should have been served before the defence response is due. The response itself requires the accused to state whether they intend to serve an alibi notice, or to state that a notice has already been given under section 150. These provisions do not alter the existing time frame in section 150, or the limitations that can be placed on the adducing of alibi evidence if the notice is not served in time.

If the new section 146A applies, then two steps are set out under proposed subsection (2). First, the court, or any other party with the leave of the court, may make such comment at the trial as appears proper. "Any other party" is likely to mean prosecution counsel, who may wish to bring the accused's failure to raise relevant matters in their response to the prosecution case to the attention of the jury during his or her closing. It could also refer to counsel for a co-accused. The party seeking to make comment will not be allowed to invite the jury to draw an unfavourable inference. They are only permitted to highlight the failures of the accused, and will need to seek the judge's permission in the absence of the jury before doing so. Only the trial judge will be permitted to comment to the jury about the availability of the unfavourable inference. It is intended that the Judicial Commission's Bench Book Committee will prepare material for judges giving guidance on how to make such comment to the jury.

<57>

Secondly, once comment has been made, the court—if it is sitting as a judge-alone trial without a jury—or the jury may then draw such unfavourable inferences as appear proper. In considering what inferences appear proper, the court or the jury will take into account the circumstances of the particular case in which they are being asked to give a verdict. New subsection (3) of the new section 146A states that an accused cannot be found guilty solely on an inference drawn under the section. This is an important safeguard for accused persons, as it ensures that there must be other evidence of the accused's guilt, besides the unfavourable inference, before the jury can be satisfied beyond a reasonable doubt and return a guilty verdict.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! The member for Heffron will have an opportunity to make a contribution to the debate. It is customary for members to listen intently, without interjection, when the Attorney General is giving a second reading speech. The Attorney General will be heard in silence.

Mr GREG SMITH: A further safeguard for defendants is found in new subsection (4), which confirms that comment cannot be made, or an unfavourable inference drawn, if the prosecution has not complied with its disclosure requirements under the Act. This is only fair. If the prosecution has not outlined its case properly to the accused in the notice of its case then it would not be fair to allow an inference to be drawn. An example of such a failure would be if the notice of the prosecution case did not include information that is relevant to the reliability or credibility of a prosecution witness. However, it should be pointed out that the prosecution can only include in its notice the information and material that it has in its possession at the time the notice is served.

If, for example, any information that is relevant to the reliability or credibility of a prosecution witness came into the possession of the prosecution after it had given its notice to the accused, then the prosecution will not have failed to comply with its disclosure requirements under the division if it gives the information to the accused as soon as practicable after receiving it. In this circumstance, the prosecution would be complying with its ongoing duty of disclosure under section 147 of the Act. Also, existing provisions make it clear that the prosecution or the defence are not required to include in a notice material that has been previously served. It is

sufficient, for example, to provide a list of statements held. Neither is either party required to include in a notice a copy of material that is impracticable to copy, as long as details are provided of where and when it can be inspected.

These amendments, read in conjunction with the existing division, take a practical approach to the exchange of notices. They have been drafted with reference to the existing practices of prosecution and defence agencies in mind, and reflect the operational demands of the trials seen day in, day out in our courts. It is not the intention of the bill to clutter the courts with technical disputes. It is not expected that these notices will be lacking if, say, a line of a statement is lost. These notices are about setting out the respective parties' cases and what is in dispute. It does not remove the professional responsibility placed on a lawyer to make sensible inquiries for a full or clearer copy of a statement.

New subsection (5) of section 146A confirms that new section 146A does not affect the operation of section 146, which sets out existing sanctions for failures to comply with disclosure requirements. By way of example, section 146 may operate to prevent a party from adducing evidence at trial that the party failed to disclose to the other party in accordance with the Act's disclosure requirements. It also allows the other party to apply for an adjournment of the trial listing date in order to consider that evidence. Those sanctions will remain in the current form of section 146 and will continue to apply equally to the defence and the prosecution.

Item [9] of schedule 1 amends section 147 of the Act to include a new subsection (3), which allows the accused, with the court's leave, to amend the defence response given under the new section 143 if new material is later obtained from the prosecution that would affect the content of the defence response. As I have said already, if as a result of its ongoing duty of disclosure the prosecution serves new material after it has given its notice to the accused, then that will not be a failure under subsection (4) of new section 146A. However, it is only fair in such circumstances to allow the defence an opportunity to seek leave to amend its notice of response where the material affects its contents.

Section 147 is also amended with new subsection (4), which confirms that any amended response must be given to the prosecution. This reinforces subsection (5) of section 149, which states that a copy of all notices required to be given by a party under the Act's disclosure requirements must also be filed with the court. Such a requirement is necessary to the effective management of cases, as it allows the court to be kept informed of the parties' compliance—or lack of—with the Act's provisions, and for any remedial action to be taken by the court. Item [12] of schedule 1 amends section 149 to include a reference to amended notices under the provisions.

In keeping with the theme of the giving and filing of notices, the Trial Efficiency Working Group considered during its discussions the issue of the cross service of defence responses between co-accused in multi-defendant cases. The group's report concluded that court practice notes would be the more effective way of regulating such conduct, and that practice notes should be developed in both the District Court and Supreme Court. The practice notes should give guidance as to how cross service will take place and allow for directions to be made to reflect the particular circumstances of each case.

Item [10] of schedule 1 amends section 148 of the Act, which allows the court to waive any of the pre-trial disclosure requirements. The court can make an order on its own initiative, or it can be sought by the prosecution or defence. As I have discussed previously, there are mandatory as well as discretionary elements to defence disclosure requirements, which necessarily allow for flexibility in applying the provisions to the circumstances of each case. However, in order to reflect that compliance with the mandatory disclosure requirements should always be the starting point, the bill amends the existing section 148 (1) by introducing an "interests of the administration of justice" test. This test must be applied to any possibility of waiver. Furthermore, the court will also be required to give its reasons when it makes such an order, pursuant to section 148 (5).

New subsection (4) requires the court to take into account whether the accused is legally represented when considering a waiver order. Currently, the court can only order further defence disclosure where the accused is represented. That requirement is now removed from the provisions. This will ensure that the Act's provisions are not automatically avoided by an unrepresented defendant, as instead it will be a factor to be taken into account when the court considers waiving the provisions. It will also ensure that there is no impediment to the accused engaging and instructing counsel at the earliest opportunity.

<58>

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! The member for Mount Druitt has been in this place long enough to know that he should be seated whilst in the Chamber and not interject on the Attorney General while he is delivering his second reading speech. Even though the member's past occupation required him to pace around certain places in Sydney I would ask him to remain seated during the Attorney General's speech.

Mr GREG SMITH: Items [13] and [14] deal with savings, and transitional and other provisions in the Criminal Procedure Act. The new provisions in the amending Act will apply only in respect of proceedings in which the indictment has been presented or filed on or after the amending Act has commenced. The new provisions must be reviewed after a period of two years from their commencement. The changes to the Evidence Act and the Criminal Procedure Act will assist in breaking down the wall of silence put up by accused persons seeking to frustrate the criminal justice process and cause delay. Such people wait until their trial to inform the court and the prosecution of the defences they seek to rely on, evidence that is in dispute and the witnesses that the prosecution is required to call in order to prove its case.

The changes to the case management provisions in the Criminal Procedure Act will also help to ensure the smooth running of criminal cases in the higher courts through effective and efficient case management, as well as complementing the Evidence Act changes by offering a second opportunity for the accused to provide information to the prosecution by way of disclosure obligations, or run the risk of an unfavourable inference. It is a long-held truism that justice delayed is justice denied. All accused persons are entitled to a fair trial. Equally, the prosecution is entitled to an opportunity to present its case against the accused properly and fairly. These reforms will help to reduce delays in the criminal justice process and therefore promote fairness to both prosecution and the accused. For too long, criminals have sought to hide behind a wall of silence in criminal proceedings. These bills break down that wall. I commend the bills to the House.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I remind the member for Mount Druitt of Standing Order 54. I suggest that he read it. It relates to movement around the Chamber and being seated when debate is taking place.

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

The House adjourned, pursuant to standing and sessional orders, at 8.53 p.m. until Thursday 14 March 2013 at 10.00 a.m.