



New South Wales

Legislative Assembly

**PARLIAMENTARY
DEBATES
(HANSARD)**

FIFTY-FIFTH PARLIAMENT
SECOND SESSION

TUESDAY 4 NOVEMBER 2014

Authorised by the
Parliament of New South Wales

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PARLIAMENTARY DEBATES

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Amendments cannot be accepted over the telephone.

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Scott Fuller
Editor of Debates

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LEGISLATIVE ASSEMBLY

Tuesday 4 November 2014

The Speaker (The Hon. Shelley Elizabeth Hancock) took the chair at 12 noon.

The Speaker read the Prayer and acknowledgement of country.

VISITORS

The SPEAKER: I draw the attention of members to the presence in the gallery of Mr Stephen O'Connell, President of the Association of NSW Regional Conservatoriums and Chief Executive Officer of the Murray Conservatorium in Albury; and Mr Graham Sattler, Vice President of the Association of NSW Regional Conservatoriums and Executive Director of the Mitchell Conservatorium in Bathurst, guests of the member for Albury. I also welcome Mrs Jeanette Collier, wife of the member for Miranda. Welcome to the Parliament of New South Wales.

CENTENARY OF FIRST WORLD WAR

The SPEAKER: In the first two weeks of November 1914 Australian eyes were turned towards the southern Indian Ocean and the port of Albany from where, on 1 November 1914, the first contingent of the Australian Imperial Force embarked for the other side of the world. Troops of the Australian Imperial Force paraded through Albany, making their way to ships anchored in St George Sound before they embarked. The convoy was escorted by three warships: HMAS *Sydney*, HMAS *Melbourne* and pride of the Japanese navy HIJMS *Ibuki*. It was not only troops who departed ports in the west heading across the Indian Ocean—that ocean was a lifeline for the "mother country" as supplies of vital food, wool, horses and other war material left these shores to sustain Britain and the war effort.

All ships crossing that ocean were vulnerable to the great raiders of the German navy; none of them more feared than the battle cruiser *Emden*, commanded by the legendary Karl von Müller. Since September that raider had shelled Madras and Penang, captured more than 20 merchant vessels and sunk two allied warships. However, on 9 November 1914, HMAS *Sydney*, fresh from escort duties for the Australian Imperial Force, surprised the *Emden* during a raid on the wireless station on Cocos Island and, in the first wartime action by an Australian warship, forced it aground and into surrender. German losses and casualties were 134 killed and 69 wounded, compared with four dead and 16 wounded Australians. The captured crew were sent to Malta as prisoners of war after an engagement redolent with a degree of chivalry so often lacking in other theatres of war. Lest we forget.

ELECTORAL DISTRICT OF CHARLESTOWN

Issue and Return of Writ: Election of Jodie Elizabeth Harrison

The SPEAKER: I inform the House that the writ issued on 3 October 2014 in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912 for the election of a member to serve in the Legislative Assembly for the electoral district of Charlestown in place of Andrew Stuart Cornwell, resigned, has been returned with a certificate endorsed by the Electoral Commissioner, advising of the election of Jodie Elizabeth Harrison to serve as member for the electoral district of Charlestown.

PLEDGE OF LOYALTY

Ms Jodie Elizabeth Harrison took and subscribed the pledge of loyalty and signed the roll.

ELECTORAL DISTRICT OF NEWCASTLE

Issue and Return of Writ: Election of Timothy Carson Crakanthorp

The SPEAKER: I inform the House that the writ issued on 3 October 2014 in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912 for the election of a member to serve in the Legislative Assembly for the electoral district of Newcastle in place of Timothy Francis Owen, resigned, has been returned with a certificate endorsed by the Electoral Commissioner, advising of the election of Timothy Carson Crakanthorp to serve as member for the electoral district of Newcastle.

PLEDGE OF LOYALTY

Mr Timothy Carson Crakanthorp took and subscribed the pledge of loyalty and signed the roll.

ASSENT TO BILLS

Assent to the following bills was reported:

Child Protection (Offenders Registration) Amendment (Statutory Review) Bill 2104
 Mine Subsidence Compensation Amendment Bill 2014
 State Revenue Legislation Further Amendment Bill 2014
 Water Industry Competition Amendment (Review) Bill 2014
 Crimes (High Risk Offenders) Amendment Bill 2014
 Crimes Legislation Amendment Bill 2014
 Health Services Amendment (Ambulance Fees) Bill 2014
 Constitution Amendment (Parliamentary Presiding Officers) Bill 2014
 Education Amendment (Not-for-profit Non-Government School Funding) Bill 2014
 Election Funding, Expenditure and Disclosures Amendment Bill 2014
 Multicultural NSW Legislation Amendment Bill 2014
 Protection of the Environment Legislation Amendment Bill 2014
 Rural Fires Amendment Bill 2014
 State Revenue Legislation Amendment (Electronic Transactions) Bill 2014
 Teacher Accreditation Amendment Bill 2014
 Criminal Records Amendment (Historical Homosexual Offences) Bill 2014

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

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QUESTION TIME

[*Question time commenced at 12.09 p.m.*]

LOCAL GOVERNMENT AMALGAMATIONS

Mr JOHN ROBERTSON: My question is directed to the Premier. Given his Treasurer's recent comments that there should be only five councils in Sydney, and the Government would have to "pull out the stick" on council amalgamations, will he rule out any forced council amalgamations before or after the election?

The SPEAKER: Order! The member for Oatley and the member for Canterbury will come to order. The Premier has the call.

Mr MIKE BAIRD: It is not surprising that there is another mess left behind by those opposite, but the Government is getting on with fixing it. The Government has outlined a very positive plan for councils with more than \$1 billion in incentives.

The SPEAKER: Order! The Leader of the Opposition will come to order.

Mr MIKE BAIRD: The Government has said to councils that they should be bold and grab hold of those opportunities to make sure they are fit for the future. We have consulted with local governments. We know that the current position is not sustainable, but those opposite do not care. However, losing a million dollars a day is not sustainable; it needs to be changed. The boundaries are old, but we need them to be new and fit for the future. We have passed this on to local government and we look forward to their plans to ensure that they are fit for the future.

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

STATE INFRASTRUCTURE

Mr GLENN BROOKES: My question is addressed to the Premier. How is the Government rebuilding New South Wales?

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

Mr MIKE BAIRD: I thank the member for East Hills for his question. He is an example of a great member doing an amazing job.

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

Mr MIKE BAIRD: There was great news for the City of Sydney and the great State of New South Wales today. This is another example of this Government getting on with the job and delivering the infrastructure promised by those opposite. That is the big difference: those opposite talk about it and we on this side deliver it. This morning I was very proud to be alongside the Minister for Roads and Freight, and the Prime Minister. The Federal Government is delivering funds to help get this city moving, and we appreciate that.

The Government has lodged a planning application for the new M5 tunnels as part of WestConnex stage 2 and the acquisition of the 16-hectare industrial site at St Peters, which will be a key interchange for the world-class motorway that the M5 and WestConnex will become. I do not think there is any argument in this House that the M5 East was the worst road project in the history of this country. Those opposite know that because they actually delivered the project to the people of south-west Sydney. They know of the congestion, which is not only in that area but across the city, but there is good news for the people of New South Wales: This Government is actually fixing it.

The SPEAKER: Order! The member for Keira will cease shouting.

Mr MIKE BAIRD: Those on this side of the House stand for less congestion, while those on the other side stand for more congestion. The speciality of those opposite is congestion: If they can make it hard, they make it even harder.

Mr John Robertson: Point of order—

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

Mr John Robertson: I am wondering if the Premier will use the opportunity to raise the budget, the general practitioner tax and the fuel tax, or will he again show he has no courage?

The SPEAKER: Order! The Leader of the Opposition will resume his seat. The Premier has the call. Members will come to order.

Mr MIKE BAIRD: We are delivering what the community wants, and this new project—

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

Mr MIKE BAIRD: I congratulate the member for Charlestown and the member for Newcastle on their election to this place. It is an honour to represent your community, but the bad news is their team. They should look at the team they have.

The SPEAKER: Order! I call the member for Bankstown to order for the first time. I call the member for Keira to order for the first time. I call the member for Toongabbie to order for the first time.

[*Interruption*]

The SPEAKER: Order! I call the member for Keira to order for the second time.

Mr MIKE BAIRD: Let us run through what this project is going to deliver: 52 sets of traffic lights will be removed, three thousand trucks a day will be taken off Parramatta Road and up to 40 minutes of travel time will be saved.

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

Mr MIKE BAIRD: There will be \$20 billion of economic benefit to the great State of New South Wales and 10,000 construction jobs will be created. That is what this side of the House is delivering. This morning I was surprised to hear the shadow Treasurer on the radio making an amazing revelation about this project. He said, "Governments can only build what they can afford." Those opposite have finally got it. While it is great to welcome new members into the House, we have to let them know in on a little secret, give them an insight into the costing process of those opposite. Did Opposition members tell the new members that there is no money to pay for their promises?

The SPEAKER: Order! I call the member for Canterbury to order for the first time.

Mr MIKE BAIRD: I also heard the shadow Treasurer—

The SPEAKER: Order! Opposition members will be removed from the Chamber if they continue interjecting. Members will cease shouting.

Mr MIKE BAIRD: The shadow Treasurer had another sound grab. It was a big morning for him.

Pursuant to standing order additional information provided.

Mr MIKE BAIRD: He said this about the WestConnex, "They have taken too long." Those opposite had 16 years to complete this project while the city waited. Those opposite looked at the M4 and the M5. We hoped they would do something, but what did they do in 16 years?

The SPEAKER: Order! I call the member for Fairfield to order for the first time. I call the member for Toongabbie to order for the second time.

Mr MIKE BAIRD: They did absolutely nothing.

Ms Linda Burney: Point of order—

The SPEAKER: Order! What standing order has been breached?

Ms Linda Burney: It is Standing Order 129. It might have been 16 years, but we never lost a billion dollars, as this Government has.

The SPEAKER: Order! There is no point of order. I call the member for Canterbury to order for the second time.

Mr MIKE BAIRD: Unfortunately for the new members, this is as good as it gets. Those on this side of the House are proud to keep delivering for the people of New South Wales. Every day is an opportunity to deliver, and that is exactly what we are doing. The WestConnex project will transform Western Sydney and this city. It will be an engine room of growth for the great State of New South Wales.

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

Mr MIKE BAIRD: While those opposite talk about projects, they never have the money to go with them. The difference between those opposite and those on the Government side is that we fund projects and we deliver them. There was great news about WestConnex this morning, a project that will deliver the congestion-busting this city deserves. Unlike those opposite, we have a proud record. They have a record they should be ashamed of, because they delivered absolutely nothing.

The SPEAKER: Order! I call the member for Maroubra to order for the first time. I call the member for Canterbury to order for the third time. I warn members that I will not tolerate the current level of noise,

interjecting and shouting. If members persist with that type of behaviour they will be asked to leave the Chamber for the rest of question time under Sessional Order 249A.

LOCAL GOVERNMENT AMALGAMATIONS

Ms JODIE HARRISON: My question is directed to the Minister for Local Government. Given reports the Treasurer recently told a business breakfast in relation to the Government's plans for council amalgamations, "I think eventually we're going to have to pull out the stick. We have offered up the carrot first up; we're going to have to pull out the stick", will he confirm the stick is forcing councils to amalgamate?

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The SPEAKER: Order! Government members will come to order. I will stop the clock and wait until members on both sides of the Chamber come to order. The Attorney General will come to order.

Mr PAUL TOOLE: I thank the new member for Charlestown for her question. It is like a light bulb has been turned on for Opposition members: They have realised there is a local government sector in New South Wales. It has taken the newbie to ask a question on local government. Let me give you an example. When was the last time a question was asked on local government? Was it two months ago? No. Was it four months ago? No. Was it eight months ago? No. Was it 12 months ago? No.

The SPEAKER: Order! The member for Wollongong will come to order. The member for Bankstown will come to order. The member for Cessnock will come to order.

Mr PAUL TOOLE: The last time a question was asked on local government was 13 months ago.

The SPEAKER: Order! The member for Bankstown will come to order. The member for Bankstown will remove herself from the Chamber until the conclusion of question time. If she continues to interject on her way out of the Chamber she will be removed from the Chamber for the rest of the day.

[Pursuant to sessional order the member for Bankstown left the Chamber at 12.20 p.m.]

Mr PAUL TOOLE: The last question on local government was actually asked on 15 October last year.

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

Mr PAUL TOOLE: And guess what? In 2013 those opposite did not ask one question on local government. Prior to that the last question those opposite asked on local government was asked on 14 October 2011.

Dr Andrew McDonald: Point of order: Standing Order 129. The question was about carrots and sticks, but the Minister has gone nowhere near answering it.

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

Mr PAUL TOOLE: The last question those opposite asked on this issue asked was on 14 October 2011. They are not even averaging one question a year on local government. Today I have finally been asked a question about what is an important part of New South Wales. I will take this opportunity to point out that the New South Wales Government is working hard—

The SPEAKER: Order! I call the member for Cessnock to order for the first time.

Mr PAUL TOOLE: Our financial discipline and economic performance over the past 3½ years has ensured that New South Wales is now number one in its economic performance.

Ms Linda Burney: Point of order: I am going to persist with Standing Order 129. The question was in relation to a statement—

The SPEAKER: Order! The Minister has remained relevant to the question he was asked. I have been listening carefully. The member will resume her seat.

Ms Linda Burney: Madam Speaker, I beg to differ.

The SPEAKER: Order! The member for Canterbury will not beg to differ with my ruling. If she persists she will be removed from the Chamber. The member will resume her seat. I remind Opposition members that their behaviour is not setting a good example for the two new members of this House.

[Interruption]

The SPEAKER: Order! The member for Toongabbie will remove himself from the Chamber until the conclusion of question time.

[Pursuant to sessional order the member for Toongabbie left the Chamber at 12.22 p.m.]

The SPEAKER: Order! Members will come to order before the Minister for Local Government continues his answer.

Mr PAUL TOOLE: I am sure that the member for Newcastle will ask for an extension of time so that I can continue my answer. There was not much happening when those Opposite were in Government. I can see now that they have no understanding of local government in New South Wales. During 16 years in government Labor did nothing to help the local government sector. For 16 years Labor watched infrastructure crumble around councils. During its 16 years in government, if Labor felt threatened it would appoint an administrator. Labor refused to modernise the sector.

Mr Ryan Park: Point of order: Standing Order 129. The question was about council amalgamations; it had nothing to do with infrastructure.

The SPEAKER: Order! The Minister's answer is relevant to the question he was asked. I presume the member for Keira knows the standing orders.

Mr PAUL TOOLE: That is why it is important that we partner with councils across New South Wales. There are 152 councils in New South Wales and they employ around 45,000 staff. They have a combined budget of around \$10 billion and look after assets worth around \$136 billion. That is why, as part of our Fit for the Future program, we have offered \$1 billion to support councils in New South Wales. Only two weeks ago the Premier and I travelled to Coffs Harbour to attend the Local Government NSW conference and to talk about that important package. It is a \$1 billion package to give councils incentives and opportunities to access the State financing authority. We are helping councils to get fit for the future.

RURAL AND REGIONAL INFRASTRUCTURE

Mr THOMAS GEORGE: My question is addressed to the Deputy Premier, and Minister for Regional Infrastructure and Services. How is this Government delivering better infrastructure and services to country and regional New South Wales?

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

Mr TROY GRANT: I thank the member for Lismore for his question. He is a member doing extraordinarily great work in his electorate. He is a man of absolute integrity, a man whom his community can trust and a man who is absolutely honest. He is fighting for his electorate to get the services and infrastructure that the community across the Lismore electorate deserves.

The SPEAKER: Order! The Leader of the Opposition will come to order.

Mr TROY GRANT: On coming to government we inherited a mess after 16 years of failed Labor government. The member for Lismore is already delivering better infrastructure in his electorate. He hosted the Premier last Friday and took him to the Lismore Base Hospital.

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

Mr TROY GRANT: Was the redevelopment of that hospital made a reality during the 16 years of Labor Government? No. We are delivering that. The story is the same in Wagga Wagga, Tamworth,

Port Macquarie and Dubbo: Right across regional New South Wales this Government is delivering infrastructure and services. We understand that health is one of the biggest issues in the Lismore electorate. The Liberal-Nationals Government is delivering infrastructure for those improved services. Recently I visited Queanbeyan, where another example of this Government delivering services was on display for the community. I am happy to inform the House that in mid-2015 Queanbeyan will have its first computed tomography [CT] scanner, funded and installed for the people of the Monaro. There are multiple benefits of having a CT scanner. These services allow patients to access state-of-the-art X-rays and associated services close to home.

The SPEAKER: Order! There is far too much audible conversation in the Chamber. Members who wish to have private conversations should do so outside the chamber.

Mr TROY GRANT: The CT scanner will not only assist in diagnosis for stroke patients but also reduce the length of stay in hospital for acute and rehabilitation patients as a result of early diagnosis and treatment. This is about providing patients in Queanbeyan and the Monaro with the best care as close to home as possible. We are delivering better infrastructure right across the State. It was not always like this. As I said, New South Wales had the worst-performing economy in the nation under Labor. Under this Government New South Wales is number one again.

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

Mr TROY GRANT: Front-line health, education and police services were run down under those opposite when they were in government. Under this Government those services have never been better equipped to provide for their communities. Regional hospital upgrades were promised under Labor but were never delivered. We have delivered them. This is a story of compare and contrast—what we had under Labor was darkness; what this Government offers is light.

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

Mr TROY GRANT: Under Labor the mining boom was wasted, with a lack of investment in local roads across regional New South Wales that put the lives of country people in danger on a daily basis. Under Labor dams and water security projects were cancelled and abandoned. Labor put its investment in a \$2 billion desalination plant—a white elephant that is barely used. We can compare and contrast the failure of those opposite with what this Government is delivering. The first dam in New South Wales in 20 years is now being scoped, and will soon be ready to be built, in the Central West. This is a Government that is listening to the community, and we are delivering for the community right across New South Wales.

After inheriting a mess from Labor we have created 165,000 jobs across the State. Treasurers in this Government, both the previous Treasurer and the current Treasurer, have maintained our triple-A credit rating, which is an important foundation of our economic security. Of all the States in Australia, we have the strongest economic growth—and we now have strong regions, which have contributed to having a strong New South Wales. We have also delivered more than 2,000 regional nurses. I congratulate the Minister for Health, who is doing extraordinary work for regional communities and we are eternally grateful. We are spending more than \$2 billion on building hospitals across regional New South Wales.

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We are spending more than \$1 billion each year to upgrade our regional roads and make them safer, with 75 per cent of the Roads and Maritime Services budget going to regional New South Wales. How much went to regional New South Wales under the former Labor Government? Nowhere near that. We are reinvesting more than \$200 million in infrastructure for mining-affected communities—that is \$47 million more than we promised. We are listening and understanding and the resources and the funding are going where they are needed. We have returned decision-making to the communities, whether that is in schools or health. The community has asked for it, we have listened and that is what we are doing.

Pursuant to standing order additional information provided.

Mr TROY GRANT: We are delivering the better infrastructure and services that the State's communities are asking for. We are a government that listens and then delivers—no pie-in-the-sky promises that are given by those opposite. Compare and contrast both sides of the House: Those opposite will promise what they had the opportunity to deliver for 16 years but simply did not do. They broke the hearts of regional communities right across this State because they raised communities' expectations that they would get the

services and infrastructure they are entitled to, but all those opposite did was break people's hearts on a weekly basis by not honouring their promises.

Nobody in New South Wales believes a word that Labor says. We have a track record over 3½ years of listening and then delivering. We understand there is a lot more work to do. We will continue to listen and to engage with our communities. We will then find the funding, design the plans, consult with our communities and then we will deliver. As the Minister for Racing it would be remiss of me not to reflect that Melbourne might have the Cup but New South Wales has the best economy and the best State government in this nation.

The SPEAKER: Order! I remind the Leader of the Opposition that he is on three calls to order. I remind the member for Keira that a new member of his party is waiting to ask a question. He should be afforded respect. Government members should also afford the member respect. The member will be heard in silence.

HUNTER TAFE HIGHER SCHOOL CERTIFICATE COURSE

Mr TIM CRAKANTHORP: My question is directed to the Premier. According to his Government's own figures, only six in 10 school students in the Hunter are currently completing year 12. Will the Government reinstate the Higher School Certificate course in Hunter TAFE campuses to ensure students are able to complete their Higher School Certificate studies in the future?

Mr MIKE BAIRD: I thank the member for his question. It is great for members to come in here and represent their community. Unfortunately, not all the information members get from headquarters over there is exactly right. We are doing a lot in the TAFE sector and in education. We are constantly looking at ways in which we can provide better courses and value for taxpayers. The Minister for Education knows the courses offered and I am sure he would be happy to talk to the member in detail about them. Unfortunately for the new members, it comes back to a costing issue because every single thing that Labor promised—

Mr Michael Daley: Point of order: It is not a question about costings—

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

Mr Michael Daley: It is Standing Order 129. The question was: Will the Premier reinstate the course he cut from Hunter TAFE?

The SPEAKER: Order! The Premier is being relevant to the question he was asked.

Mr MIKE BAIRD: The question is clearly about policies in the Hunter. We have answered that.

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

Mr MIKE BAIRD: The member should understand that it was almost like a scene from the *Wizard of Oz*: The curtains were shut and voices were coming from behind them saying, "There will be a convention centre in Newcastle."

The SPEAKER: Order! Government members will come to order. I call the Treasurer to order for the first time.

Mr Guy Zangari: Point of order: My point of order relates to Standing Order 129, relevance. The Premier is going nowhere near answering the question regarding Higher School Certificate TAFE courses in the Hunter.

The SPEAKER: Order! I am listening to the Premier's answer. I am sure the Premier will return to the question, and I advise him to do so. I call the Attorney General to order for the first time.

Mr MIKE BAIRD: Unfortunately for the member for Newcastle, with all Labor policies related to the Hunter, when you pull back the curtains the Leader of the Opposition was there and he made \$300 million worth of promises but did not allocate the money to do it. That is old Labor and that is what we can expect in every electorate across this great State. We are going to hold the Opposition to account. We are proud of what we have

delivered in the Hunter and we are very proud of what we delivered in Newcastle and Charlestown. I use the words of the member for Newcastle when he said in relation to our infrastructure spend:

This is by far the greatest amount of money ever committed by a state government to infrastructure in Newcastle.

That is why I like him. He told the truth.

Mr Ryan Park: Point of order—

The SPEAKER: Order! I call the member for Barwon to order for the first time.

Mr Ryan Park: My point of order is under Standing Order 129. The Premier must not be aware that he has cut the Higher School Certificate courses in the Hunter.

The SPEAKER: Order! I do not need the member for Keira to tell me what the Premier is or is not aware of. There is no point of order.

Mr MIKE BAIRD: As the member for Newcastle said, we are very proud of the infrastructure we are delivering on the ground—the urban renewal of that great city and the delivery of the inner-city bypass, which the people of Newcastle waited 50 years for. This Government is taking responsible decisions to improve services in the Hunter and Newcastle and to build the infrastructure the member for Newcastle spoke about. There is a stark difference in the delivery of infrastructure: We deliver it; those opposite talk about it.

TRANSPORT INFRASTRUCTURE

Mr GREG SMITH: My question is addressed to the Minister for Transport, and Minister for the Hunter. How is the Government improving transport infrastructure for the people of New South Wales?

Ms GLADYS BEREJIKLIAN: I take this opportunity to thank the member for Epping not only for his question but also for the outstanding contribution he has made to this Parliament. I note that he will give his valedictory speech this evening and I want to say that it has been an honour and a pleasure to sit alongside him. The member knows that whether it is heavy rail, light rail, electronic ticketing, new buses, new ferries or new rolling stock, we are delivering where those opposite failed. I am pleased to update the House that on Saturday the second North West Rail Link tunnel boring machine [TBM], Florence, joins the first TBM, Elizabeth, to start digging at Bella Vista. Yesterday I was especially pleased to be in Cherrybrook with the member for Epping and the member for Hawkesbury, who is the Parliamentary Secretary for Transport, to launch the massive tunnel boring machine from Cherrybrook—

Ms Noreen Hay: Shame.

Ms GLADYS BEREJIKLIAN: We are building infrastructure in New South Wales and the Labor Party says "Shame". We know that they do not know how to build anything and now their true colours are coming to the fore. The third tunnel boring machine, Isabelle, started work yesterday.

The SPEAKER: Order! I call the member for Kiama to order for the first time.

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Ms GLADYS BEREJIKLIAN: Isabelle is named after Isabelle Andersen, who is the daughter of one of the workers on the rail line. This is the time for us to pause and appreciate the dangerous work the workers undertake in the tunnels. I express my heartfelt gratitude to every single worker for all the work they are doing on the North West rail line. I also thank them for picking an inspirational young girl—the cutest little girl you have seen—as the namesake of tunnel boring machine number 3. When we came to government we promised to have one tunnel boring machine in the ground by the end of this year. We have three in the ground. It pains me on a day as good as this to mention another anniversary in this Parliament.

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

Ms GLADYS BEREJIKLIAN: It was six years ago today that members opposite scrapped the \$12 billion North West Metro rail link. That is a shameful anniversary. In fact, according to media reports at the time, one apparent Labor source said:

There was thinking among the ministers that it was a multi-billion dollar project that would take years to build and no one believed we were going to do it anyway.

That is Labor members' approach to infrastructure—even they do not believe they are taken seriously. Members on this side of the House know that not only are we investing in these types of new developments through the North West Rail Link; we are also investing in light rail. I am pleased to say that on the weekend another successful day of early construction works took place in George Street as part of our \$45 million early works contract. I am grateful to all the shopkeepers for again making positive contributions about it. Recently I was pleased to join the member for Parramatta in Parramatta to announce that Western Sydney will also get a light rail network. We have narrowed down the options from 10 to four different corridors and we look forward to future progress.

There is also light rail in the Hunter and Newcastle. On that note I extend my congratulations to the two new members but I warn them not to be duped by their colleagues. Those new members know only too well about what we have done in the past 3½ years in the Hunter versus what their colleagues failed to do for 16 years. It was confirmed to us that the vast majority of Novocastrians want us to get on with the job of renewing Newcastle to keep it the great city that it is and also allow it to reach its potential. Speaking of Newcastle, I note the Leader of the Opposition is taking a strong interest in ensuring that former member for Newcastle Jodi McKay will run for the seat of Strathfield.

Ms Sonia Hornery: Point of order: My point of order is taken under Standing Order 129. I listened carefully to the question and the comment the Minister is making has no relevance to transport.

The SPEAKER: Order! It was a very marginal straying from the question. The Minister has been relevant throughout her answer.

Pursuant to standing order additional information provided.

Ms GLADYS BEREJIKLIAN: As the member knows, I was talking about light rail in the Hunter and a former member for a Hunter area electorate who is being parachuted into Strathfield. No doubt the Leader of the Opposition is using the N40 rule. I say to the Leader of the Opposition: If it is good enough for Jodi McKay in Strathfield why is it not good enough for Barbara Perry in Auburn?

Mr John Robertson: Point of order: What about the member for Riverstone? What about the member for Londonderry? How about the Government save them?

The SPEAKER: Order! The Leader of the Opposition will resume his seat. I remind the Leader of the Opposition that he is on three calls to order. If he continues to take spurious points of order he will be removed from the Chamber. The Minister has the call.

Ms GLADYS BEREJIKLIAN: It is fair to say that members on all sides of this House love Barbara Perry. The Leader of the Opposition should take note.

Mr Ron Hoenig: Point of order—

The SPEAKER: Order! I call the Minister for Education to order for the first time. Members will come to order.

Mr Ron Hoenig: My point of order is taken under Standing Order 129. The member for Auburn is not remotely relevant to the question.

The SPEAKER: Order! The Minister has been generally relevant to the question she was asked. I ask her to return to the leave of the question.

Ms GLADYS BEREJIKLIAN: I will finish by saying that of course Ms McKay has no chance against the hardworking member for Strathfield, Charles Casuscelli.

LOWER HUNTER HOSPITAL

Mr CLAYTON BARR: My question is directed to the Premier. Last week the Premier announced that the Northern Beaches Hospital will be run by Healthscope—a private company run for profit. Will the Premier guarantee that the new hospital for the lower Hunter will not be handed over to a private operator?

Mr MIKE BAIRD: Where do I start with that question?

The SPEAKER: Order! Government members will come to order. I call the member for Macquarie Fields to order for the first time.

Mr MIKE BAIRD: When I was Treasurer the member for Cessnock—as opposed to the member for Maroubra—used to ask me questions in this place. The member for Cessnock is the only person on the other side of the House who reads the budget. Mind you, the questions came all year so it took him a year to get there, but I thank the member for doing that. The question mentioned the Northern Beaches Hospital. I remember when former Premier Morris Iemma stood here in 2006 and promised to build the Northern Beaches Hospital. Five years later in 2011 when we came to government how many dollars were in the bank account for that project? Absolutely none. That is the way Labor members deliver infrastructure: They talk about it, produce brochures and try to convince the community.

Mr Clayton Barr: Point of order: My point of order is taken under Standing Order 129. I appreciate the oratory—

The SPEAKER: Order! The Premier is being relevant to the question he was asked.

Mr Clayton Barr: Could you bring him back to addressing the hospital, please, Madam Speaker?

The SPEAKER: Order! The Premier is being relevant to the question he was asked, as the member for Cessnock knows. The Premier has the call. I call the Attorney General to order for the second time. I call the Attorney General to order for the third time. Government members will come to order.

Mr MIKE BAIRD: The member asked a question about infrastructure. It is not surprising to the member that we are taking decisions to deliver the infrastructure that the community has been crying out for. We are very proud of the WestConnex motorway, the completion of the Pacific Highway duplication and the Bridges for the Bush initiative. We are delivering infrastructure every place we can, including many hospitals. Under this Minister for Health we are spending a record amount to deliver the infrastructure for which people have waited for a long time. That is good news for communities. Look at all the members who can put up their hands to say that the construction of a hospital is underway in their electorates. The member for Blacktown should also have his hand up.

Dr Andrew McDonald: Point of order: My point of order is taken under Standing Order 129. The question was about the lower Hunter hospital and a private operator. I ask you to bring him back to the leave of the question.

The SPEAKER: Order! The Premier is being relevant to the question he was asked. There is nothing in the standing orders that gives me the power to direct the Premier to answer the question specifically in the way that the member wants.

Mr MIKE BAIRD: The member for Cessnock, whose hand was not up, knows that we are putting dollars towards helping facilities in his electorate. It is what communities expect and deserve from one end of New South Wales to the other and we are delivering. We are looking at models to deliver infrastructure in the best possible way for the community.

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

Mr MIKE BAIRD: Each day members opposite will run a scare campaign. If they think they can win an election on the basis of a scare campaign they have another think coming. They can create any scare campaign they want but—

Mr Michael Daley: Point of order: It is not about a scare campaign.

The SPEAKER: Order! If the member for Maroubra is at the microphone he should have a point of order. I have ruled that the Premier is being relevant.

Mr Michael Daley: I do have a point of order.

The SPEAKER: Order! What is the member's point of order? I ruled that the Premier is being relevant to the question he was asked.

Mr Michael Daley: My point of order is that after four minutes the Premier has not answered a simple yes or no question. Will he guarantee the hospital will stay in public hands, yes or no?

The SPEAKER: Order! The Premier remains relevant to the question he was asked.

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Mr MIKE BAIRD: Of course there will be a public hospital there. That is what we do: deliver great public hospitals across this State. The model will be determined on the basis of the best way to deliver for the community. Members opposite can pretend there is no public hospital but we will deliver public hospitals from one end of the State to the other. Members opposite can run whatever scare campaign they want, but we will get on with the job of delivering for the people of New South Wales. We will continue to deliver. We will deliver more hospitals and roads and better public transport. We are doing that because we are taking responsible decisions that deliver for the people of New South Wales, and we are proud of our record.

The SPEAKER: I welcome to the public gallery the Hurstville Chinese Women's Network led by Shirley Chan and local business women from Hurstville, guests of the member for Oatley.

PUBLIC HEALTH SERVICES

Mr JONATHAN O'DEA: My somewhat timely question is addressed to the Minister for Health. What is the Government doing to deliver first-class health services to New South Wales public patients?

Mrs JILLIAN SKINNER: Last Wednesday the member for Davidson joined me, the Premier and the member for Wakehurst in announcing that a new level five Northern Beaches hospital would be designed, built, operated and maintained by the preferred proponent, Healthscope. This is the first new greenfield site hospital to be built in 20 years.

The SPEAKER: Order! I call the member for Macquarie Fields to order for the second time.

Mrs JILLIAN SKINNER: After a rigorous evaluation process, the Government selected Healthscope, which is an experienced hospital operator, to be the preferred proponent—

The SPEAKER: Order! I call the member for Macquarie Fields to order for the third time.

Mrs JILLIAN SKINNER: —to build and operate a state-of-the-art, nine-storey hospital to contain 488 beds, 1,400 car spaces and a helipad. Some 1,300 staff will be employed, which is 400 more than are currently employed on the northern beaches.

The SPEAKER: Order! I call the member for Cessnock to order for the second time. The member will cease interjecting.

Mrs JILLIAN SKINNER: The total number of beds available to the northern beaches will increase to 554 by 2018, compared to the 300 that are there now. Importantly, public patients will access services at the new northern beaches hospital just as they do in any other hospital across the State now.

[*Interruption*]

The SPEAKER: Order! I direct the member for Macquarie Fields to remove himself from the Chamber until the end of question time.

[*Pursuant to sessional order the member for Macquarie Fields left the Chamber at 12.53 p.m.*]

Mrs JILLIAN SKINNER: I remind members that the member for Macquarie Fields said that the private sector should be involved in building our hospitals. Importantly, public patients will be treated in this hospital in exactly the same way as they are treated in other public hospitals, and as private patients are provided treatment in our public hospitals. The care will be free. People will no longer have to travel from the northern beaches to other hospitals for higher level care. I was looking at how local media reported this. I found an interesting article celebrating the new northern beaches hospital. Here it is! The article stated:

A new ... level five hospital will open at the north west corner of Warringah Road and the Wakehurst Parkway in Frenchs Forest in about four years' time.

Ms Linda Burney: There you go.

Mrs JILLIAN SKINNER: There you go.

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

Mrs JILLIAN SKINNER: The date is 31 March 2006. I did not think we were in Government until 2011. So who made this promise? Labor made the promise.

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

Mrs JILLIAN SKINNER: Members opposite make promises but they never deliver. What other things did they say? They said that the announcement is great news for the northern beaches. The hospital will provide a major new facility for people on the peninsula. This will mean the people of the northern beaches will have access to a level of services which they previously have not been able to access. That is Labor—empty words and hollow promises, and they do not deliver. Here it is: we have made the announcement, we have the partnership and we will deliver. And we will be delivering plus some.

As I said, we will deliver a nine-storey hospital valued at about \$1 billion, including \$400 million in much-needed local road upgrades. Seven hundred jobs will be created during construction. In partnership with one of Australia's leading health care providers, they will be contracted to provide public patients with performance indicators and outcomes exactly as are required to be reported to the Commonwealth, as we do in other public hospitals. The money that is saved from this project will be re-invested in front-line health services across the State, as we have been doing over the past four years. We have delivered hospitals across the State—Dubbo, Parkes, Forbes, Wagga Wagga, Tamworth and Bega, across the country and across the city.

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

Mrs JILLIAN SKINNER: I have not heard much from the Leader of the Opposition about what is happening at Blacktown. At the health awards last Friday night Blacktown won a major award for its infrastructure partnership. Has the Leader of the Opposition put out a congratulatory note about that? No. He could not care less. As I said, we are developing fantastic health infrastructure projects. The Northern Sydney Local Health District will enter a long-term partnership with Healthscope to provide public patient services over 20 years. Healthscope will be required to meet stringent Australian quality and safety health care standards and will be reporting on outcomes, just as we do in every other hospital in the State.

Pursuant to standing order additional information provided.

Mrs JILLIAN SKINNER: In terms of the reporting and performance outcomes, as we have been noting recently in reports from the Australian Institute of Health and Welfare, New South Wales is leading the country when it comes to improved performance in emergency department patients and in elective surgery.

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

Mrs JILLIAN SKINNER: It will be no different in our expectations for public patients in our new hospital on the northern beaches, which is due to open in 2015. Construction is due to begin early next year. I welcome this project as part of our major investment in upgrades that we have put in place to date, with upcoming works to commence at Westmead, Gosford, St George and Sutherland. Only the New South Wales Liberal-Nationals can be believed when it comes to our commitments on capital works.

WOMEN'S REFUGES

Ms LINDA BURNEY: My question is directed to the Minister for Family and Community Services. Last week the Minister reversed the Government's ill-founded decision to cut funding to five specialist women's shelters in inner Sydney.

The SPEAKER: Order! Government members will not answer for the Minister. She will have the call shortly.

Ms LINDA BURNEY: Will the Minister reinstate funding to shelters outside of Sydney, such as Katakudu Women's Housing in Wyong and Blue Gum Housing in Katoomba, which were forced to close their doors last Friday?

Ms GABRIELLE UPTON: I thank the member for Canterbury for her question and for the opportunity to talk about the most significant reforms in homelessness services across New South Wales in a generation. In June of this year we announced \$500 million of funding into specialist homelessness services. That funding will mean more and better services, more money to the regions and a restoration of funding to the inner city. That is for the people who are the most vulnerable in our community. Shame on members opposite for all the misinformation that we have across the community.

Mr Clayton Barr: So are they shutting their doors or not?

The SPEAKER: Order! I call the member for Cessnock to order for the third time.

Ms GABRIELLE UPTON: The scaremongering and falsehoods being peddled by members opposite are putting in jeopardy the people that these reforms are best assisting—

Ms Carmel Tebbutt: It is coming from the sector.

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

Ms GABRIELLE UPTON: —the people on the ground, the vulnerable, and women who seek out shelters which continue to provide valuable services across our community.

Ms Sonia Horner: Point of order: My point of order is Standing Order 129, relevance. The question was about whether the Minister would re-open women's services in the country which have closed.

The SPEAKER: Order! The Minister is being relevant to the question she was asked. The Minister has the call.

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Ms GABRIELLE UPTON: I thank the member for Wallsend very much for her interruption because no doubt she knows that for her area there are more dollars for the Illawarra. I welcome the member for Newcastle to this Chamber.

Mr Ryan Park: Point of order—

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

Mr Ryan Park: The member for Wallsend is not from the Illawarra; she is from the Hunter.

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

Ms GABRIELLE UPTON: Is the member for Wollongong not pleased that she has more services for the Illawarra? Is the member for Newcastle not pleased that he has more dollars and more services for the Hunter? In particular, the Leader of the Opposition should be thankful.

Ms Linda Burney: Point of order—

The SPEAKER: Order! The Minister is being relevant to the question she was asked. Does the member for Canterbury wish to take another point of order?

Ms Linda Burney: My point of order relates to Standing Order 129.

The SPEAKER: Order! The Minister remains relevant to the question she was asked.

Ms Linda Burney: The Minister has clearly been drinking the Kool-Aid. The question is about the Katakudu and Blue Gum housing in Katoomba.

The SPEAKER: Order! The Minister is being relevant to the question she was asked. I remind the member for Canterbury that she is on three calls to order. Taking a point of order is not an opportunity to come to the microphone and grandstand. The Minister has the call.

Ms GABRIELLE UPTON: It is unbelievable that Labor members of Parliament have the gall to oppose the reforms that provide more money and services to the regions, and serve the people we are here to serve. Those opposite have been happy to play politics with people's lives. They have preyed on the fears of the most vulnerable members of our community. Labor has not changed; Labor members are still willing to do whatever it takes for politics. I have taken pleasure in seeing firsthand the great work of many of the new providers who serve communities across New South Wales. A number of weeks ago I visited Carrie's Place in Maitland. I went to Southern Youth and Family Services in Wollongong. I also visited the Parramatta Mission in Parramatta. Those organisations do a fantastic job, and will continue to do so, for the most vulnerable members of our community. They are specialists who provide specialist services in our community.

Last week I visited Detour House in Leichardt, which is a young people's refuge. I spoke with Roxanne McMurray, who has been vocal in relation to reforms, and others including SOS Women's Services. It was clear that the decision made by the Government to restore funding to the inner city—giving accommodation services more time to adjust to these proper reforms—was the right one. Roxanne McMurray said, "We are extremely pleased that the New South Wales Government has recognised the important work of these services ... that we were also able to work closely with the Government on ensuring these essential services can continue into the future." That organisation is providing vital services to our vulnerable women and has worked with the Government to deliver major generational reforms in homelessness services. That is just one example of what the Government has done across the State to provide better services, more services and specialist services to those who need them most in the inner city and in the regions. [*Time expired.*]

SCHOOLS INFRASTRUCTURE

Mr CHRIS HOLSTEIN: My question is addressed to the Minister for Education. How is the Government delivering new and improved learning infrastructure for our students?

Mr ADRIAN PICCOLI: Fantastically—that is the answer to the question. I take this opportunity to make some comments relating to an earlier question about the Higher School Certificate [HSC] in the Hunter. I have some advice for new members: Be careful when your so-called leadership asks backbenchers to ask a question because that is when they are not so sure of the facts. Rather than embarrass themselves, they would rather embarrass the new members.

The SPEAKER: Order! I remind the member for Cessnock that he is on three calls to order.

Mr ADRIAN PICCOLI: I remind the House that prior to the 2011 election the previous Government increased the school leaving age. Who abolished the course for the School Certificate at TAFE NSW? It was the previous Labor Government that completely abolished that course.

Ms Carmel Tebbutt: You abolished the School Certificate altogether.

Mr ADRIAN PICCOLI: Then, as we do—as we all do—we encouraged people to stay on to year 12. Fewer people wanted to do that course and there was less demand for it. In the Hunter there were 307 enrolments in 2011 and this year there are 38, which represents a significant decline. Labor wants to spend resources on 300 positions for which there is no demand. Instead, the Tertiary Preparation Certificate is offered by the Hunter Institute at seven of its campuses—Newcastle, Glendale, Maitland, Belmont, Cessnock, Wyong and Gosford. Higher School Certificate [HSC] students are being well catered for.

But the question was about infrastructure and the HSC, which includes high schools that the government of the member for Marrickville neglected for 16 years in the Hunter Valley. When we went with the

Minister for Planning, and Minister for Women in her previous ministerial role to the Hunter Sports High School—which is in the heart of core Labor constituency—it could not be said that the school had declined over a couple of years; it had declined over a long period on Labor's watch. Labor said, "This is a safe seat; we don't have to do anything. There will be nothing spent in that electorate." But we have gone there and we are spending approximately \$20 million to upgrade that school. There is also a large high school in the Newcastle-Hunter area in which this Government is making a big investment.

In the Maitland electorate Rutherford High School will be the focus of another huge investment to the tune of approximately \$15 million. That is how you get kids to stay on to year 12—by giving them the modern facilities they need. It only ever happened under a Liberal-Nationals Government. It did not happen under a Labor Government. In Gosford, we spent approximately \$8 million on the Point Clare Public School, which desperately needs the work being done. Last week the Premier, the member for Drummoyne and I visited Powells Creek, where approximately \$35 million will be spent on a brand-new school. This Government negotiated a great deal with the local council. Some 694 new permanent classrooms have been committed to and will be built by this Government, and 10,000 additional public school places will be provided across New South Wales.

As I have stated many times before, this Government has committed to 18 new or relocated public schools and 44 upgrades. For examples of the neglect of the previous Government, I turn to places such as Walgett and Moree—which are a long way from the inner-city cafes where all the Labor people have their cups of coffee and glasses of chardonnay while talking about disadvantaged communities and Aboriginal communities. If we could build schools out of talk, Labor would have built a lot of them. But we cannot. We build schools with money and with will. That is what this Government is doing. Take a school such as Walgett High School, which the local member, the Minister for Natural Resources, Lands and Water, and Minister for Western NSW, has been to. He knows what it is like. It was never touched by the previous Labor Government whereas this Government is putting approximately \$8 million into that school. At Moree East Public School there are a couple of upgrades.

Mr Clayton Barr: What are your thoughts about closing schools?

Mr ADRIAN PICCOLI: In response to the member for Cessnock, we close schools whereas Labor wants to keep them open, even with zero enrolments. I remember that policy: Keep Mangoplah Public School open—with zero enrolments. If Labor members keep up that sort of high-quality policy, they will ensure they remain on the Opposition side of this House for a very long time. This Government is putting resources into the most needy and neglected schools in some of the most disadvantaged communities in the State. More than that, as people would have seen in the newspaper the other day, we have even built roads so that we can get buses into communities to bring kids to school. That is the sort of work we do to make sure that we support students across New South Wales.

Pursuant to standing order additional information provided.

Mr ADRIAN PICCOLI: I appreciate the extension, but I also appreciate that there is an important event being held later in Melbourne. I appreciate that members want to hear much more about this subject.

Question time concluded at 1.08 p.m.

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The SPEAKER: Order! Members who wish to have private conversations should do so outside the Chamber.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE

Report

The Speaker announced the receipt, pursuant to section 26 of the Commission for Children and Young People Act 1998, of the report of the Commission for Children and Young People for the year ended 30 June 2014, received 30 October 2014.

Ordered to be printed.

CHILDREN'S GUARDIAN

Report

The Speaker announced the receipt, pursuant to section 190 of the Children and Young Person's (Care and Protection) Act 1998, of the report of the Children's Guardian for the year ended 30 June 2014, received 30 October 2014.

Ordered to be printed.

OMBUDSMAN**Report**

The Speaker announced the receipt, pursuant to section 31AA of the Ombudsman Act 1974, of the report of the NSW Ombudsman for the year ended 30 June 2014, received 30 October 2014.

Ordered to be printed.

INSPECTOR OF THE NEW SOUTH WALES CRIME COMMISSION**Report**

The Speaker announced the receipt, pursuant to section 68 of the Crime Commission Act 2012, of the report of the Inspector of the New South Wales Crime Commission for the year ended 30 June 2014, received 30 October 2014.

Ordered to be printed.

INSPECTOR OF THE POLICE INTEGRITY COMMISSION**Report**

The Speaker announced the receipt, pursuant to section 103 of the Police Integrity Commission Act 1996, of the report of the Inspector of the Police Integrity Commission for the year ended 30 June 2014, received 30 October 2014.

Ordered to be printed.

INSPECTOR OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION**Report**

The Speaker announced the receipt, pursuant to section 78 of the Independent Commission Against Corruption Act 1988, of the report of the Inspector of the Independent Commission Against Corruption for the year ended 30 June 2014, received 30 October 2014.

Ordered to be printed.

INDEPENDENT COMMISSION AGAINST CORRUPTION**Report**

The Speaker announced the receipt, pursuant to section 78 of the Independent Commission Against Corruption Act 1988, of the report of the Independent Commission Against Corruption, entitled "Investigation into the Conduct of John Cassidy, then Chancellor of the University of New England, in Relation to the Sale of the Tattersalls Hotel", dated October 2014, received 30 October 2014.

Ordered to be printed.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Government Response to Report

The Clerk announced the receipt of the Government's response to report No. 4/55, entitled "Inquiry into the 2012 Local Government Elections", received out of session and authorised to be printed on 24 October 2014.

COMMITTEE ON ECONOMIC DEVELOPMENT

Government Response to Report

The Clerk announced the receipt of the Government's response to report No. 2/55, entitled "Skills Shortages in NSW", received out of session and authorised to be printed on 24 October 2014.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the Financial Audit Report, Volume Four 2014, received out of session and authorised to be printed on 28 October 2014.

PUBLIC FINANCE AND AUDIT ACT

The Clerk announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the Report on State Finances 2013-2014, received out of session and authorised to be published on 28 October 2014.

LEGISLATION REVIEW COMMITTEE

Report

Mr Stephen Bromhead, as Chair, tabled the report entitled "Legislation Review Digest No. 64/55", dated 4 November 2014, together with the minutes of the committee meeting regarding Legislation Review Digest No. 63/55, dated 21 October 2014.

Report ordered to be printed on motion by Mr Stephen Bromhead.

JOINT STANDING COMMITTEE ON ROAD SAFETY

Report

Mr Greg Aplin, as Chair, tabled the report entitled "Speed Zoning and its Impact on the Demerit Points Scheme" Report 4/55, dated November 2014.

Ordered to be printed on motion by Mr Greg Aplin.

LEGAL AFFAIRS COMMITTEE

Report

Mr Bryan Doyle, as Chair, tabled the report entitled "Debt Recovery in New South Wales" Report 2/55, dated November 2014.

Ordered to be printed on motion by Mr Bryan Doyle.

PETITIONS

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

Edgecliff Interchange

Petition requesting the upgrade of Edgecliff Interchange to provide full access for all passengers, received from **Mr Alex Greenwich**.

Sydney Electorate Public High School

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

Same-sex Marriage

Petition supporting same-sex marriage, received from **Mr Alex Greenwich**.

Pet Shops

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

Pig-dog Hunting Ban

Petition requesting the banning of pig-dog hunting in New South Wales, received from **Mr Alex Greenwich**.

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

Boarding House Regulation

Petition requesting increased power for local councils to determine boarding house applications under their own planning guidelines, received from **Mr Barry Collier**.

Inner-city Social Housing

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

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

The Hon. Gabrielle Upton—Women's Refuges—lodged 18 September 2014 (Mr Alex Greenwich)

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Order of Business****Motion by Mr ANTHONY ROBERTS agreed to:**

That standing and sessional orders be suspended to amend the resolution of 23 October 2014 to provide for the following routine of business at this sitting, after the conclusion of Government business:

- (1) Matter of public importance.
- (2) The House to adjourn, without motion moved, at the conclusion of the matter of public importance.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Order of Business for Wednesday 5 November 2014****Motion by Mr ANTHONY ROBERTS agreed to:**

That standing and sessional orders be suspended to provide for the following routine of business on Wednesday 5 November 2014 prior to 1.30 p.m.:

- (1) At 11.00 a.m. the Speaker takes the chair.
- (2) Private members' statements.
- (3) At 1.00 p.m. community recognition statements.
- (4) At 1.30 p.m. the Speaker shall leave the chair until 2.15 p.m.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Valedictory Speeches

Motion by Mr ANTHONY ROBERTS agreed to:

That the business of the House be interrupted:

- (1) Today at 6.00 p.m. to permit the presentation of valedictory speeches by the members for Epping and Miranda.
- (2) On Wednesday 5 November 2014 at 6.00 p.m. to permit the presentation of valedictory speeches by the members for Marrickville and Lakemba.
- (3) On Thursday 6 November 2014 at 4.50 p.m. to permit the presentation of a valedictory speech by the member for Murray-Darling.

GOVERNOR'S SPEECH: ADDRESS-IN-REPLY

Presentation

The SPEAKER: I inform the House that I have ascertained it to be the wish of His Excellency the Governor to receive the Address in acknowledgement of His Excellency's message at 4.15 p.m. on Tuesday 11 November 2014 at Government House.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business for Tuesday 11 November 2014

Motion by Mr ANTHONY ROBERTS agreed to:

That standing and sessional orders be suspended on Tuesday 11 November 2014 to:

- (1) Not consider motions accorded priority.
- (2) Provide for the following routine of business after the placing and disposal of business:
 - (a) the Speaker to leave the chair for the House to proceed to Government House for presentation of the Address-in-Reply at 4.15 p.m.;
 - (b) at 5.30 p.m. Government business;
 - (c) private members' statements;
 - (d) matter of public importance; and
 - (e) the House to adjourn without motion moved at the conclusion of the matter of public importance.

[The Speaker left the chair at 1.15 p.m. The House resumed at 2.00 p.m.]

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BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

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PRIVATE MEMBERS' STATEMENTS

GRANNY SMITH FESTIVAL

Mr VICTOR DOMINELLO (Ryde—Minister for Citizenship and Communities, Minister for Aboriginal Affairs, Minister for Veterans Affairs, and Assistant Minister for Education) [2.11 p.m.]: I draw the attention of the House to a recent celebration in the Ryde electorate—the Granny Smith Festival—a premier celebration of the diversity and strength of our local community that is now regularly attracting a crowd of in excess of 50,000 people. In 1868 Maria Ann "Granny" Smith by chance discovered a new apple cultivar growing amongst the ferns at the far end of her property in Eastwood where she had taken to dumping the cores of the French crab-apples she used for cooking. She allowed the rare, hybrid seedling to grow and when it presented itself as a productive apple tree she discovered it to be crisp, sweet and perfect for cooking; like the member for Epping—perfect and sweet. The Granny Smith apple is now internationally famous, being exported to the world.

On Saturday 18 October I was joined by my colleagues the Hon. Greg Smith, the member for Epping, the Hon. Anthony Roberts, the member for Lane Cove, John Alexander, the Federal member for Bennelong, and local Ryde councillors Mayor Bill Pickering and Craig Chung as we congratulated Isabella Laguzza on becoming the 2014 Miss Eastwood Granny Smith Queen. The crown was handed to her by the previous queen, Olivia Kierdal. Isabella was joined by Olivia at the front of the parade around Eastwood in a 1958 convertible. This is certainly an experience these young women will never forget, as is the thrill of receiving the wonderful prizes from the community sponsors.

As I walked along Rowe Street and Progress Avenue I was amazed by the colours and the scents circulating throughout the area from the various Cuban, Spanish, Vietnamese, Turkish, Thai, German, Chinese, Mexican and Hawaiian food stands and the complimentary barbecue run by Ryde Youth Council in Glen Street Reserve, assisted by many volunteers, including previous Young Citizens of the Year James Camilleri and Carla Kassab. Ryde's community organisations were well represented on the day. I was fortunate enough to ride in the parade in a vintage car, accompanied by my niece, Charlotte Francesca Gillies, and my mum. Everyone loves their mum and I, too, love my mum; she is great. I love you, mum.

Ms Katrina Hodgkinson: Go the mums.

Mr VICTOR DOMINELLO: Yes, here's to the mums; go mums. Falun Dafa, Zong De Chinese Dancing Group and the Tzu Chi group followed closely behind. Women from the Eastwood-Epping Country Women's Association, the Sydney Korean Women's Association, Ryde Midwifery Group and Mums @ Ryde demonstrated the valuable collection of local organisations devoted to the welfare of our mums, aunties, daughters and sisters. Our churches were out in ecumenical splendour, with Eastwood Uniting Church, Chinese Australian Baptist Church West Ryde, Northern Districts Chinese Christian Church Sydney, Young Life Ryde and the Church of the Good Shepherd joining the march and Macquarie Korean Baptist Church, Macquarie Anglican Church, St Philip's Eastwood Anglican Church, the Cornerstone Presbyterian Community Church and Christ Evangelical Church operating stalls. Marsden High School, Macquarie Community College and Kip McGrath Education Centre showed the strength of local education and my alma mater, Marist College Eastwood, embraced the occasion by selling delicious baked apple products.

Perhaps the loudest cheer, though, was reserved for the representatives from our emergency services—Ryde Local Area Command, Ryde State Emergency Service, Eastwood Fire Brigade and the New South Wales Mounted Police, the oldest operational mounted force in the world. Many local businesses recognised the importance of the Granny Smith Festival to the Ryde community and ensured a cheery presence by those manning the stalls. The festival is an icon for the broader community—not just the local community. I was amazed at the number of people who told me during the festival how far they had travelled to attend it; they came from all around the State. People attend because it is a genuine community event. People have put in the hard yards to sell their local produce or to become involved in local crafts and other enterprises. The festival is a great day for one and all, particularly families. The day concluded with rides for the kids and fireworks. The festival is one of those events that communities hold dear to their hearts and we are proud to have the Granny Smith Festival in Ryde.

VICTIMS OF CRIME ASSISTANCE LEAGUE

Ms SONIA HORNERY (Wallsend) [2.16 p.m.]: In 1989 the Victims of Crime Assistance League of New South Wales was officially incorporated. The league, known as VOCAL, has a long history. The case that drove VOCAL's founding is horrific. Nineteen-year-old Tracey Gilbert from Woodberry, near Newcastle, went

out with a man whose first marriage had failed. She decided to break things off, but he refused to let her go. She was stalked and threatened and her property was damaged. The police failed to take the matter seriously and did not find the required evidence to catch and convict the man. Shots were fired into the family home and her family, in constant fear for her life, seemed almost trapped in their home. And still the police did nothing. The rejected former boyfriend walked into the salon where she worked and, once she refused to leave with him, he shot her dead.

In memory of Tracey and other victims, VOCAL members decided to help themselves through the pain of their victimisation by helping others. It provided a space for those whose lives had been impacted by homicide to learn from and be supported by others who knew some of what they were going through because they were living in the aftermath of a violent killing. Since its founding VOCAL has expanded to other types of victims suffering from crime-related trauma. VOCAL has become a group lobbying for victim-friendly responses and services, and has contributed extensively to inquiries seeking to do just that.

VOCAL's work covers a number of complex areas—neighbourhood disputes, child abuse, sexual abuse, both recent and in the past, armed robbery, murder and manslaughter. VOCAL helps victims navigate the often complicated legal process. It is present for them in court, offers support, an ear to listen and a shoulder to cry on. Somewhat reflective of this broad remit, VOCAL has two mottos. The first motto represents the journey the group hopes to offer its clients, that is, "Victim-Survivor-Thriver-Inspirer." The second motto is perhaps more direct, more hopeful and offers a glimpse into the lingering impacts of crimes upon their victims. It is: "Alive for a reason." In 1994 VOCAL began to expand and in 1998, under the Carr Labor Government, started to receive government funding.

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Initially the organisation was provided funding for one worker but it has continued to receive government funding. Today VOCAL has five full-time paid staff who help to provide support to men, women and children affected by every type of crime but particularly violent crime. One staff member is located in Sydney and the others work in the Hunter. The victim support unit which is located in Newcastle has dealt with 78 new cases in the past month on top of its existing client base, so its staff members have been busy. Although it is a heavy burden for such a small organisation to bear I am happy to report that its staff manage with aplomb. "No two days are ever the same", said Robyn Cotterell-Jones, Executive Director of VOCAL. Robyn has provided me with a great deal of information that details what she and Vice-President Robert Brown get up to on a day-to-day basis.

In October Mr Brown attended court one Monday to support two young men who were victims in a serious sexual assault matter. The following day he attended a forensic case at the Mental Health Tribunal to make a submission on behalf of family members whose loved one had been murdered but the killer was found not guilty on the grounds of mental illness. On Wednesday he supported a young woman who lost a 32-week-old foetus as a result of criminal driving. Ms Cotterell-Jones spent the Tuesday with a man who has suffered ongoing mental illness after he was abused as a child. He has felt utterly betrayed by the system and she has advocated strongly on his behalf and is helping him deal with victims services. VOCAL must be acknowledged for its tireless commitment to the victims of crime. On behalf of all the people it has helped and the broader community I salute the staff at VOCAL.

GUNDAGAI MEAT PROCESSORS

Ms KATRINA HODGKINSON (Burrinjuck—Minister for Primary Industries) [2.21 p.m.]: Gundagai Meat Processors [GMP] is located in my electorate of Burrinjuck and was established in 1974 when the two sons of a local Gundagai butcher, F.W. Barton, decided to exercise their business acumen and build a small abattoir on Gocup Road on the outskirts of town. F.W. Barton had been operating his butcher shop since 1919 but Bill and Tony Barton had bigger plans. At that time, rural and regional New South Wales was booming, commodity prices were high and farmers and graziers were being paid good and fair prices for their meat, grain and fibre. The future for those who were involved in agriculture was rosy. This year Gundagai Meat Processors celebrates its fortieth year of operation and in 2019 the family will mark 100 years in the meat industry. Last month I was pleased again to visit this impressive family owned and operated business.

During the millennium drought times on the land were tough. Farmers have weathered drought, bushfire, shrinking returns on investments and poor commodity prices. Young people were leaving country towns such as Gundagai, seeking greater employment opportunities in larger regional towns and on the coastal fringe. Despite all this, Gundagai Meat Processors has been the beacon on the hill for the local population, keeping on keeping on. In fact the business has been growing. Gundagai Meat Processors currently employs

around 172 full-time employees, which is 13 per cent of Gundagai's population and 3 per cent of Tumut's population. According to a recent study by Neil Clark and Associates, the 172 full-time equivalent jobs provided by Gundagai Meat Processors generates a further 170 jobs in the local economy.

The Barton family's business currently processes in excess of 2,000 lambs per day or 600,000 lambs per year exclusively for Coles supermarkets; 97 per cent of which are sourced from around the Riverina and south-west slopes of New South Wales. The lambs are trucked to every mainland State in Australia, except Western Australia. Gundagai Meat Processors has a good relationship with Coles and has supplied it with meat for more than 14 years. Patriarch Bill Barton is still actively involved in the family business and his son, William, has recently returned from Sydney to undertake the role of chief executive officer. Together with Bill's nephew, Sam Barton, and niece, Philippa Halloran, chief financial officer of GMP, William is taking the business into the next phase. Four robots are used on the killing floor and a new efficient boning room has recently been established to keep pace with the order requirements of Coles. GMP has been the beneficiary of various government schemes over the years through payroll tax incentives and subsidies for trainee employees.

The business has always paid staff very well and it is at pains to treat its staff with respect because they are an integral part of the business. However, there is dark cloud over Gundagai Meat Processors. It is situated in the shadow of two large hills and a mobile phone tower is situated on the second hill. Although the mobile phone tower overlooks the valley of the nearby Murrumbidgee River and Gundagai, there is no mobile phone reception on the Gocup Road or at Gundagai Meat Processors, which also results in extremely poor connectivity to the internet. The poor connectivity has a negative and frustrating knock-on effect for the business and GMP has investigated many suggestions and also installed booster aerials to improve its connectivity. Apart from the irritation experienced by employees and staff who are unable to use their mobile phones, a more frustrating and serious issue is the difficulty that specialty robotic technicians from Melbourne face when they are unable to connect to the internet to download the necessary software to repair the computer-driven robots.

The breakdown and delay in repairing the robotic equipment on the slaughter room floor can lead to the whole business shutting down. Regional businesses such as Gundagai Meat Processors contribute to the regional economy on many levels and they deserve as much support and assistance as possible. I fully appreciate the difficulties of the non-existent internet reception that this dynamic, successful family-owned operation experiences in today's fast-paced world where communication is the means to success. I call on the relevant Commonwealth agency to do all it can to rectify this mobile phone blackspot to enable Gundagai Meat Processors and thereby the local district to continue to prosper and grow. The necessary infrastructure needs to be installed to allow this important business internet and mobile phone access.

NORTHERN BEACHES HOSPITAL

Mr JONATHAN O'DEA (Davidson) [2.25 p.m.]: Last week the local member for Wakehurst and I visited Frenchs Forest where Premier Mike Baird and health Minister Jillian Skinner announced the preferred hospital operator for a new northern beaches hospital. The new hospital has been talked about for decades but is now being delivered by a Liberal-Nationals Government. In 2006 former Premier Morris Iemma repeatedly stated that a high-level acute hospital would be built at Frenchs Forest. Despite Labor being in office for an additional four-year term, it was another case of Labor announcing projects it could not or would not deliver. However, the new level five hospital will now be designed, built, operated and maintained by Healthscope, providing health services for public and private patients.

The Northern Beaches Hospital has, in part, been modelled on substantial experience in Western Australia, which has seen a private operator successfully delivering public healthcare services for more than 15 years. Sharing infrastructure, construction and maintenance costs for the facility with Healthscope enables the new hospital to be delivered faster and at a reduced cost to taxpayers. Funding will be guaranteed for public patient services through a long-term 20-year contract to be finalised at the end of this year between the Northern Sydney Local Health District and Healthscope. The New South Wales Government is investing in the public portion of the facility, which can be handed back to the Government at no additional cost at the end of the contract period.

This will mean public patients will access excellent services at the new hospital in exactly the same way they do at any other public hospital in New South Wales. When the new hospital opens in 2018 it will work closely alongside Mona Vale Hospital, which will provide a comprehensive range of vital subacute hospitals, including palliative care, rehabilitation and aged care, as well as an urgent care centre that operates 24 hours a day, seven days a week. The Northern Beaches Hospital is the first new hospital being built on a greenfield site

in Sydney in 20 years. Those people who visited the site recently would have seen preparatory activities underway. More substantial construction will commence in 2015, following a stage two planning application.

The project, as the health Minister emphasised in question time today, is valued at approximately \$1 billion, including \$400 million in road upgrades to be completed before the hospital opens. The nine-storey facility will cover 69,800 square metres gross floor space with room onsite for further expansion. It will include a multistorey car park with 1,400 spaces for staff, patients and visitors, and a helipad for emergency patient transport. I note there will also be a helipad at the Mona Vale Hospital site. This level 5 hospital will have 488 beds, including more public beds, and will bring the total number of beds available on the northern beaches to 554, a 50-space emergency department, 14 operating theatres and six surgical suites.

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The hospital will employ 1,300 staff, increasing the existing workforce by 400, and a further 700 jobs will be created during construction. This four-star Green Star healthcare facility will also incorporate energy conservation and efficiency in its design and building operation. What wonderful news. I congratulate the Minister for Health, who is seated at the table, the Premier, the Baird Government and other relevant stakeholders, including my fellow members of Parliament on the northern beaches, and the staff of the health department and elsewhere who have worked so hard and will continue to work hard, to deliver this magnificent project. This is a tremendous initiative for the northern beaches, northern Sydney and Sydney generally.

TRIBUTE TO MR JOHN PAPAKOSMAS

Ms NOREEN HAY (Wollongong) [2.30 p.m.]: Today I pay tribute to Mr John Papakosmas, an active member of the electorate of Wollongong. I first met John many years ago when I was working as a union official for what was then the Miscellaneous Workers Union but now the United Voice, and he was a delegate at the University of Wollongong. At that time he was also very active in assisting the migrant resource centre to deliver support and help newly arrived migrants—namely, those struggling with language problems and feelings of isolation as they settled into their new homes.

Over the years I have nominated John for a number of awards for his many achievements in the community. He is a life member of the Australian Labor Party. He first joined the Wollongong branch of the Australian Labor Party in 1964 and over the years he has held many positions on the executive. John is a truly dedicated member and has always demonstrated unwavering support for his community. He does lots of voluntary work. His wonderful wife, Niki, deserves a medal because until recently John was never at home. Sadly, in recent times neither John nor Niki have been terribly well. Niki said that she is not too comfortable with John being round the house so much as it is not the lifestyle to which they are accustomed.

Although John comes from a Greek background he is involved with the local Multicultural Communities Council. I have been very proud to nominate John, as well as support his nomination on a number of occasions, for Wollongong Citizen of the Year. He is someone who has done so much for the community but, unfortunately, many a deserving person goes unrewarded because there can only be one successful nominee. John and Niki Papakosmas deserve to be recognised for all they do for our community. John may not have been the 2014 Wollongong Citizen of the Year winner but he is my citizen of the year. I and those with whom I work want John to know that he is appreciated. We also recognise the sacrifice made by Niki and their family whilst John is doing so much for others. John Papakosmas is a great asset to the Wollongong community and on behalf of everyone in my electorate I thank him and his family for their dedication and hard work.

GUNNEDAH SOUTH PUBLIC SCHOOL PARENTS AND CITIZENS ASSOCIATION

Mr KEVIN ANDERSON (Tamworth) [2.35 p.m.]: Today I recognise the outstanding efforts of the Gunnedah South Public School Parents and Citizens Association. Each year the association holds a fete and every dollar raised is used to provide additional resources for students or to fund much-needed building projects around the school site. On Friday 31 October I had the pleasure of attending this year's fete. Indeed, it was probably one of the most well attended fetes in recent years—it has been estimated that 2,000 people were there. I take this opportunity to thank the organising committee, including Scott Clarke, Mel McCulloch, Amy Marmara, Roxanne Milne, Stina Heath and a host of others, including parents and teachers, who all worked so hard.

In past years money raised has enabled the school to purchase computers, schoolbooks, outdoor play equipment, soft-fall surfacing and musical instruments. It is the policy of the Gunnedah South Public School Parents and Citizens Association that all money raised at fetes must be used to benefit the children. This year

approximately \$20,000 was raised. Events on the day included a haunted house, a pillow fight, jumping castle, face painting, chocolate wheel, a talent quest and a trading table. Various community and charity groups also contributed to making the event a huge success, including the GS Kidd Memorial Special School, which ran a white elephant stall. There was a wonderful barbeque and the very popular dunking machine—where kids line up to throw a ball at a target and a direct hit will land a bucket of water on the head of the victim seated below. I was invited to participate in the dunking machine. I could not believe how good the aim was of the large number of kids who lined up to take a shot.

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Thankfully it was about 35 degrees centigrade that day so it was quite refreshing when the water poured down. Indeed, the president of the Gunnedah South Public School Parents and Citizens Association did a wonderful job in putting out feelers to find people willing to participate in the dunking machine. He wanted respectable people for the job so he got a paramedic, a policeman, a teacher and then he dragged the bottom of the barrel and came up with me—a politician. The kids lined up, took aim and hit the target on many occasions. Parents and citizens associations across the State do a wonderful job for their schools. This particular association, the Parents and Citizens Association of Gunnedah South Public School, does an outstanding job. I acknowledge their great effort and congratulate the parents and citizens association on a very successful 2014 fete. I thank them for their invitation to be part of the dunking machine, and I look forward to being part of this great school in the years to come.

SNOWY MOUNTAINS EMERGENCY SERVICES

Mr DARYL MAGUIRE (Wagga Wagga—Parliamentary Secretary) [2.40 p.m.]: On the last two weekends I have had the great pleasure of joining the communities of Batlow and Tumut for the opening of a new NSW Rural Fire Service shed in Batlow and a new NSW State Emergency Service [SES] building in Tumut. Indeed new Rural Fire Service sheds were opened in Darlow and in Batlow. I joined for that occasion Chief Superintendent Ken Hall; Captain Ian Robson; the Mayor of Tumut, Councillor Trina Thomson; Federal Member for Riverina, Michael McCormack; and of course Superintendent Ian Stewart. Sheds were opened at Darlow and at Batlow. It was a big occasion. There were further openings at Tumbarumba, in the electorate of my good friend the member for Albury. So it was a big occasion for those communities in the Snowy Mountains, and this investment was welcomed.

The Rural Fire Service does a magnificent job of protecting family farms from the ravages of fire. This area has forestry as a primary industry so it is important that the local brigades are well equipped. I am delighted to say that on that day also a new fire tanker, a category 1 tanker, was handed over to the Batlow community. It is a welcome addition to the equipment that they now have. An enormous crowd turned out to support the firefighters, the Rural Fire Service volunteers and of course the paid management and staff. It was a great community event. The shed itself replaces one built by the community many years ago with volunteer labour, and volunteers also participated in the construction of this new shed. The cost of the new shed at Batlow was \$64,717. The cost of the new facilities at Darlow was \$60,075. Those figures do not include the fit out and things that were paid for by the community.

Last Thursday I joined the Tumut community at the opening of their new State Emergency Service shed. Additions were made to the existing State Emergency Service shed. At this occasion I again joined the Mayor of Tumut, Councillor Trina Thomson; General Manager of Tumut Shire Council, Bob Stewart; SES Assistant Commissioner Andrew Edwards; SES Acting Region Controller Jon Gregory; SES Tumut Shire Local Controller Scott Fisher, SES Chaplain Steve Hall, and SES members. I have spoken previously about the great work of the SES in Tumut under the command of Jon Gregory, who is now Acting Region Controller. He is acting in that position because James McTavish has been appointed as the Cross-Border Commissioner, and he will do a wonderful job. Jon directed the response when we had two flood emergencies. He did a magnificent job and is now leading the entire region.

This development was brought about because of the need to upgrade the headquarters. I understand that about \$300,000 was allocated for the construction of a new emergency meeting room, new communications rooms as well as other facilities. It has been a major improvement. It was a great partnership between the SES, the local council and the State Government. I was honoured to represent the Minister for Police and Emergency Services, the Hon. Stuart Ayres, at that function and officially open this building. I could stand here and talk all day about the great efforts of the SES and the Rural Fire Service in the Tumut shire in the towns of Batlow, Adelong, Brungle and Tumut, and other towns and villages in the shire. I put on record my appreciation for the work they do.

In the brief time I have left I also want to acknowledge those people at home helping those volunteers—the people who make the sandwiches and answer the phones; the people who get little mention. I want to show my appreciation for the work that they do. This was a great initiative. It was a great example of a cooperative development. I acknowledge everyone involved and thank them sincerely for helping to bring about better facilities in the form of this infrastructure which was recently opened.

CALLAN PARK SITE

Mr JAMIE PARKER (Balmain) [2.45 p.m.]: I speak today about mental health month. This is the first opportunity we have had since the end of October to come together in this place, and I want to take this opportunity to stress the importance of understanding, engaging with and supporting all of those with mental health issues. We know that over 40 per cent of people in Australia will experience a mental health disorder at some point in their lifetime. We know that at least one-third of young people will have had an episode of mental illness by the age of 25, with depression and anxiety the most prevalent disorders. Over three million Australians will suffer from mental illness this year.

Recent statistics indicate this will cost our economy around \$20 billion in lost productivity each year. We know that people with mental illness are over-represented in prisons and among the homeless. We know that in Australia as many as six people die every day from suicide. This country is still failing those suffering from mental illness. Mental Health Australia says that funding should be shifted from hospitals to community-based services, which are "far cheaper and more effective than treating people in hospital". And this brings me to an important and pressing issue in my electorate.

Callan Park is a site of some 60 hectares in Lilyfield on the Iron Cove foreshore. It contains nearly 40 buildings of exceptional heritage significance. It was home to a hospital for those with mental illness, under various names, from 1878 until its closure in 2008. At this time all services and patients were moved to Concord Repatriation General Hospital. Since then, the site has remained predominantly dormant. The psychiatric hospital was closed under the guise of deinstitutionalising those suffering from mental illness. However, what we have found is that the Government has not then compensated for closing hospitals by adequately funding and supporting community services.

What is happening in so many mental health cases is that those who are not so fortunate to have strong family and financial networks are being discharged from hospitals into homelessness. This is not acceptable in a supposedly civilised society. It is something which I encourage all members to seek to address as a priority. It is especially concerning given there is, lying dormant at Callan Park, purpose-built, cottage-style accommodation for people recovering from mental illness. This ignored jewel of Sydney, as it has been described by the *Australian Financial Review*, has been the subject of attempts by various State Governments to subdivide it, to sell it or to develop it—all of which were defeated by widely-supported public campaigns.

I take this opportunity to thank the Friends of Callan Park, a community advocacy group, for their work. I note the work of the President, Hall Greenland; the Vice President, Councillor Michelle McKenzie; Mr Philip Marsh; Sue Steedman; Romy Baker; Carole Allen; Peter Gray; Fergus Fricke; Roger Parkes, the great-grandson of Sir Henry Parkes himself; Margaret Armstrong; two fantastic activists in my community, Cynthia Nadai and Roslyn Burge; Paul Power; and Liberal local councillor Vera-Ann Hannaford. All of these people, regardless of their political persuasion, have been fighting to make this place new again.

In 2011 stakeholders, community representatives and local government presented the Minister for Planning and Infrastructure with the Callan Park master plan. This document was developed through extensive research and consultation—to develop a vision that is sensitive to the history, heritage and environmental factors of the site. The master plan provides for a trust. The master plan was specified in the Callan Park (Special Provisions) Act 2002. As the former State Labor Government failed to undertake a master plan process, Leichhardt Municipal Council took it up. It provides for a trust, with strong local and independent representation, to manage the site and aims to foster mental health, community and educational uses, while protecting the character and heritage of these wonderful parklands.

One of the significant and important recommendations made by the master plan is for a day centre and wellness centre for those transitioning from acute mental health care. The need for this facility cannot be overestimated. Of course we are concerned that, again, this has been shunted to another committee. Les Wielinga, the former head of Transport for NSW, is now the head of the Sydney Harbour Foreshore Authority (SHFA), which has carriage of this site. They are developing what they call a strategic plan for

Sydney and the areas managed by SHFA. I call on the Minister for Planning not to put this off—this matter does not require yet another inquiry. In 2011 the planning Minister was given the master plan. This is a win-win opportunity for the Government. The Coalition has had a good position on Callan Park that could lead to it reaping the benefits of a positive outcome in line with the master plan. I encourage the Minister to continue to consider that.

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I urge the Government to step up and meet its responsibility to the people of New South Wales. After three years of inaction it is time that the Government adopted and implemented the award-winning master plan for Callan Park. If it does not, these rolling parklands and heritage buildings that could serve our State and its people so well will face demolition through neglect. I thank and pay my respects to Dr Jean Lennane, who was a founder of Friends of Callan Park and its first president. As a psychiatrist working at Callan Park she campaigned tirelessly to retain its therapeutic role in helping people with mental illnesses in their recovery. Dr Lennane's passing was an emotional time for everyone. I was proud to attend a memorial meeting in her honour on Friday 17 October. She will be sadly missed.

KAMAY BOTANY BAY NATIONAL PARK

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [2.50 p.m.]: Last week I joined the Minister for the Environment, the Hon. Rob Stokes, to inspect \$255,000 worth of improvements that are almost complete in the Kurnell section of Kamay Botany Bay National Park. The work includes renovation of the viewing platform at Cape Solander, which is one of the State's best whale watching sites. New bollards for visitor safety have been installed, the entrance has been re-concreted and new signs and educational information have been put in place. About 2,600 animals passed by when heading north earlier this year, which is a slightly higher number than those recorded earlier in the decade. The work also includes new footpaths and landscaping at the visitor centre forecourt and resurfacing and landscaping of the Burrawang Walk.

Lastly, the Burrawang Walk soundscape has been upgraded with new speakers after the old ones were damaged by termites. Along the walk motion-activated speakers play interviews with local Aboriginal people who give an insight into cultural life. As the Minister and I walked along the Burrawang Walk we could imagine how Kamay Botany Bay National Park looked in 1770 when James Cook and his crew arrived on the *Endeavour*. Along the way there were interpretive signs displaying information about culture and natural history. We saw the native plants that would have been growing in the area in 1770 and experienced the fantastic soundscape that highlights the Aboriginal connections to the area. But it is not just our Indigenous and natural heritage that one can appreciate on the Burrawang Walk. The walk also passes by various historical sites including Banks Memorial, Ferry Shelter Shed and Captain Cook's Landing Place.

The upgrades that I have described have been made ahead of the World Parks Congress, which will be held in Sydney between 12 and 19 November and will attract more than 4,000 visitors from around the world to discuss protected area management. Botany Bay National Park will be an important stop for a number of the delegates. Apart from the upgrade ahead of the World Parks Congress, these works are also important as a step towards making Kamay Botany Bay National Park a truly world-class visitor experience in the lead-up to the 250th anniversary of Captain Cook's landing, which will be celebrated in 2020. There are, of course, many other possible improvements and they have been widely canvassed. The construction of a new ferry wharf is at the top of my agenda because the park has been without a wharf since 1974 when the previous one was destroyed by storms. Between now and 2020 I look forward to more reports of good news for Kamay Botany Bay National Park, the birthplace of modern Australia located on a peninsula of incredible biodiversity.

CAMDEN SHOWGIRL BALL

Mr CHRIS PATTERSON (Camden) [2.53 p.m.]: Recently Vicki and I attended the Camden Showgirl Ball. This wonderful function was held at the Camden Agricultural Show Hall and is a true country ball. For the past 128 years the Camden Show Society has been part of the Camden community and is one of the oldest show societies in Australia. The Camden Show Society encourages the young people of Camden to get involved in our community and contribute to rural Australia. The winner of the Camden Showgirl is announced at the annual ball.

The showgirl competition is judged on personality, confidence, ambition, knowledge, presentation and speech. For the past 53 years the Camden Showgirl has represented the Camden district at the Royal Easter Show and she competes in the very prestigious Royal Showgirl Competition, including the Royal Agricultural Society [RAS] Rural Achiever Award. I will now speak about the contestants for this year's award.

Emily Jansen is 23 and currently studying a Bachelor of Medicine and Bachelor of Surgery at the University of New South Wales [UNSW]. Emily is part of the UNSW Medicine Rural Program. Tegan Hudson is 19 and currently studying diagnostic radiography at the University of Sydney. Kate Boardman is 23 and has a long family history in the Camden area. The Boardman family are very well known as a highly respected farming family. With a strong background in agriculture and a Vocational Education and Training [VET] Certificate II in Agriculture, Kate was awarded the Regional VET Student of the Year.

Moire O'Shea is 23 and has strong family ties to the Camden area. She grew up experiencing life on her grandparents' local dairy farm. Moire has completed a Bachelor of Arts (Politics) through the University of Wollongong. Ashleigh Smith is also 23 and comes from a background of agriculture and animal nutrition. Ashleigh is currently completing a Masters of Teaching through the University of New England and she previously completed a Bachelor of Music through the Australian Institute of Music. Madeleine Green is 19 and currently studying a Bachelor of Entertainment Management at the Australian Institute of Music. She seeks to achieve her goal of securing an internship in the music industry and continuing her professional development in London. I am sure everyone is hanging on to hear who won. I am pleased to report that Kate Boardman was announced as the Camden Showgirl for 2015.

The Carmel Foti Encouragement Award is also given out at the ball. In 2011 the Camden Show Society lost a dear and treasured friend in Carmel Foti. Carmel was passionate about the showgirl competition and her continuous generous sponsorship donating the major prize for the past 43 years was greatly appreciated. As the principal owner of Jetset Travel Camden, Carmel was the ball's most loyal and committed long-term major sponsor. With the blessing of Carmel's family, the Carmel Foti Camden Showgirl Encouragement Award was introduced. This year's winner was Tegan Hudson.

All showgirls participated in the Showgirl Development Day where they were hosted by John and Edwina Stanham of Camden Park House, the former home of John and Elizabeth Macarthur, Tony and Debbie Biffin, owners of one of the oldest dairies in Camden, Biffin's Dairy, and at the home of the show President Hugh Southwell and Janine Southwell. Of course, the night and the awards would not be possible without the help of supportive sponsors. I thank Jetset Travel, Henning Jewellers, Sarita's Emporium, National Australia Bank, Fowlers Carpets, Butterflies Florist, Marsdens Law Group, Sada Group, Togs Swimwear, Camden Valley Inn, Barenz, Cupcakes in Camden, The Epicure Store, Eden Spa, Looks Natural, Horseland, Oaks Sport Horses, That's Natty, Absolutely Fabulous, TRB Group, D and R Stockfeeds, Antico Restaurants, the Foti family, Jeni Nagy Photography, Perfection Hair, Razorback Ridge Winery and Ultimate Paintball. I thank all who contributed to make the night such a success.

The Camden Show Society has an active committee and it would be remiss of me not to mention them. I thank President Hugh Southwell, Immediate Past President David Head, vice-presidents Tony Biffin, Brett Hayter, Gary Hilt, Jason Sharpe and Jason Williams, Treasurer Katie Deska and Secretary Jo Martin. Jo has replaced Lyndy Cornwell, who did an outstanding job working in the show society office for many years but has recently retired. I look forward to Jo taking on the role. I thank honourable vice-presidents Paul Bowring, Jim Davies, Edgar Downes, Mr Eagles, John Hodge, Mr McDonald, Ron McIntosh, Rowan Moore, OAM, Peter Oxford, Lu Papi, Ken Sharpe, John Southwell, OAM, and Mark Stanham. I also thank Honourable Veterinary Surgeon Dr Venkatesan and Honourable Historian John Wrigley. The Camden Showgirl Ball is an outstanding community event. So too is the Camden Show, which has been running for the past 128 years. I look forward to next year's show in March.

PRINCE OF WALES HOSPITAL

Mr BRUCE NOTLEY-SMITH (Coogee) [2.58 p.m.]: I bring to the attention of the House what I believe to be an oversight. A collection of historic buildings that make up the original Prince of Wales Hospital are not listed on the State Heritage Register, which I find bizarre. The largest building on the site was built between 1856 and 1858. It was built as an asylum for the relief of destitute children. The Society for the Relief of Destitute Children was set up in 1852 and it had a property, Ormond House, in Paddington. In the first year of its operation in 1852, the society took in 52 children but by 1856 the number of children had increased to 150, and the accommodation capacity of the house had been outstripped.

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With help from the New South Wales government of the day, which granted 60 acres of land in Randwick, and a major bequest of 11,000 pounds from the estate of Dr Cuthill, who had been murdered a few years earlier, the society set out to build what is now the Prince of Wales Hospital. Building commenced in 1856 and was completed in 1858. The original building had the capacity to accommodate 400 children and the

number of children later increased to 800. The building is significant not only for its social and historical significance for Randwick and New South Wales but also because it played a role in the formation of local government in New South Wales. Simeon Henry Pearce is a name that everybody who knows the history of Randwick would know. He was the first Mayor of Randwick.

Mr Barry O'Farrell: But not the best mayor.

Mr BRUCE NOTLEY-SMITH: No, not the best mayor but the first. Randwick and Wollongong were incorporated as the first municipalities under the Municipalities Act 1858. Randwick was proclaimed on 22 February 1859. To show a significant number of residents of Randwick, Simeon participated in what could only be one of the earliest forms of electoral voting because he included a number of the children who were in the destitute children's asylum. Although it was pointed out to the Colonial Secretary that perhaps the petitions were fraudulent for the purposes of gaining incorporation, he nonetheless signed the Randwick municipality into existence. Randwick was therefore the first municipality under the Municipalities Act 1858. Simeon Pearce was a colourful character. He emigrated from England in 1842 and became the Crown Lands Commissioner. In some ways he was one of the earliest environmentalists because he realised that the sand dunes between Sydney and Randwick were being denuded. He knew that had to be stopped or Sydney would be covered in sand as a result of sandstorms and denuding also would have led to degradation of the natural environment.

The Prince of Wales Hospital buildings are extremely significant. I will be working to have them added to the State's heritage register. As much as possible they have been lovingly cared for through the great help of the Prince of Wales Hospital Foundation, particularly, the chief executive officer of the foundation, Leanne "Lulu" Zapala, and Wendy Farrow, who worked very hard to ensure that the buildings remain in tip-top shape. However, as ever for buildings that are approximately 160 years old and need constant attention, there is more work to be done. Recently a new slate roof was added at great expense, but the balconies are in need of urgent work. I will be lobbying the Government for funds and for the buildings to be added to the State heritage register, where they deserve to be.

REPOWER SHOALHAVEN

Mr GARETH WARD (Kiama) [3.03 p.m.]: I am delighted to present my private member's statement as the horses are coming around the outside in the Melbourne Cup 2014. In my inaugural speech I spoke about the importance of conservationism and to this day I remain committed to the principles of ecological sustainability. Ecological sustainability refers to the capacity of the biosphere to meet the needs of the present generation without hindering future generations from being able to meet their needs. This means using our natural resources wisely in the short term so that these resources are available in the long term. When studying economics at the University of Wollongong, there were many concepts that needed greater comprehension, but one that I immediately understood was the tragedy of the commons. The tragedy of the commons is an economic theory by Garrett Hardin according to which individuals, acting independently and rationally according to each one's self-interest, behave contrary to the whole group's long-term best interests by depleting some common resource. What does this have to do with sustainability?

Pollution from more resource-intensive power generation is an example of the tragedy of the commons whereby something available to everyone can be abused without control. It is with this in mind that I am delighted to talk about a group of people from my electorate who are leading lights in the area of sustainability and who are proving to our community that there is a suite of options available to industry for power generation needs. I am proud of the fact that the New South Wales Government is committed to a renewable energy target in our 2021 plan and I am even prouder of the work of Chris Cooper and Repower Shoalhaven who demonstrate that a clearer energy future is not just an aspiration. It is available, affordable and extremely beneficial.

On Thursday 30 October 2014, a 100-kilowatt solar system was mounted on the Shoalhaven Bowling and Recreation Club's roof, boasting the first of its kind in a community ownership model in Australia. Repower Shoalhaven is a not-for-profit association that develops community solar projects and organises the installation to benefit the community, the economy and of course most importantly our local environment. Its president, Chris Cooper, is someone I have known for a very long time. Not only were we neighbours growing up but his father was my year 4 primary school teacher—and a wonderful teacher he was. In speaking to the *South Coast Register*, Mr Cooper made it clear that whilst the achievement of good environmental outcomes is the motivation, there is a sound business model behind this initiative. The association is finding businesses that want to benefit from solar but do not want to spend their capital on installation. Mr Cooper told the *South Coast Register*:

We also find local people who want to invest in clean, local renewable energy but until now had nowhere to invest it ...

We raised \$120,000 in 10 days to install the bowling club's solar system.

It will save the club \$300-400,000 over its lifetime.

We hope to roll out this model to many other local buildings in the coming year.

Repower Shoalhaven also received \$10,000 from the New South Wales Government to help develop the community renewable energy models, and I was delighted that my good friend and parliamentary colleague the Minister for the Environment, the Hon. Rob Stokes, was on hand to assist with promoting this great new initiative. Indeed, Minister Stokes used this perfect opportunity to announce applications had opened for \$700,000 worth of funding for community energy grants, which will help local groups like Repower Shoalhaven with the start-up costs associated with renewable energy. The grants mean communities across New South Wales can unlock the full spectrum of energy on offer, own their source of energy and secure the cleaner, safer future renewable energy that Repower Shoalhaven offers, and importantly growing part of the energy mix across the State.

The grants encourage community leadership across New South Wales and strike the right balance between energy needs, community needs and ensuring a stable environment. Eight community renewable energy grants in 2013 helped to establish organisational and legal structures, develop business and financial models and conduct feasibility assessments for projects around New South Wales. Towns powered solely by renewable energy are happening in other parts of the world like Germany, and there is no reason that households, businesses and cities across New South Wales should be left behind. Indeed, having spoken with German politicians about their *Energiewende*, which means energy transmission, it is interesting to see what our European cousins are capable of achieving.

This is an exciting time for renewable energy in New South Wales because we are forging ahead with investment and creating models for the rest of Australia to follow. We must meet the needs of today without jeopardising the needs of future generations. That is the power of renewable energy and that is the power and philosophy behind Repower Shoalhaven—a group of people who love our local environment, who are committed to our local community and want to make programs like this work. When I attended the launch with Minister Stokes, Chris Cooper and supporters from across the Shoalhaven there was a sense of enthusiasm in the room that the community had made this happen. It will be a great investment—not just in the club's future financial sustainability but also in its environmental sustainability. I congratulate Repower Shoalhaven and commend their efforts to the House.

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WESTERN SYDNEY WANDERERS

Mrs TANYA DAVIES (Mulgoa) [3.08 p.m.]: On 2 November 2014 the Western Sydney Wanderers made Australian football history. On this date the Wanderers became the first Australian football team to win the Asian Football Confederation Champions League. In a nail-biting, knife-edge game against Al-Hilal in Saudi Arabia, in front of a sea of blue Al-Hilal supporters, the Wanderers valiantly defended their home goal, secured in their first leg of the finals, to deliver a nil-all result. In spite of a continual barrage of lasers aimed at the eyes of the Wanderers goalie, Ante Covic, deliberate spitting and even a headbutt, the Wanderers prevailed. The never-say-die spirit of the players, coach Tony Popovic, assistant coach Trevor Morgan, CEO John Tsatsimas, all support and administrative staff and the Western Sydney community, delivered a dream come true. Ante Covic, deservedly voted player of the tournament, protected our 1:0 advantage with a fervour and desperation as if his life depended on it.

Ante Covic played brilliantly all season but played to a whole new level in the final. His reflex response to a low shot for goal, when the ball was past him, will go down as the save of the century, according to Mark Bosnich. Debates will be had over the refereeing, the behaviour of the Al-Hilal supporters, players and their bombastic coach, but no debate will be had over the final score. The Western Sydney Wanderers are Asian Football Champions. It was just under three years ago that the Western Sydney Wanderers were formed. They are such a young club for what has been an extraordinary list of achievements. In their first two years they reached the A-League finals and in their third year became Asian Football Champions. This is the stuff of Hollywood films. The underdogs continually defied self-titled experts and disrespectful international coaches. The Wanderers do not like being disrespected, but they thrive on it. When Al-Hilal coach Reghecampf was interviewed he said:

The only thing I can promise is that we are going to win this cup.

When asked whether it would be humiliating for the lavishly funded Saudi giants to lose to a small team of modest means that has existed for just two years, Reghecampf was indignant:

No, I promise you we don't lose tomorrow.

Adding:

And (Western) Sydney are going to stay a small team.

It was at that moment that the Al-Hilal coach unleashed the great Aussie fighting spirit. The Wanderers just do not know when to give up. As coach Tony Popovic said in the aftermath interview:

We don't have the same resources or funding. We have something money can't buy—a desire to win, resilience, willingness to play for each other and do what it takes to win.

Such was the bewilderment of the Al-Hilal supporters over the final score that they fled the stadium as quickly as a Tomi Juric goal. Their bruised pride, fanned by the arrogant comments of the Al-Hilal coach, resulted in a near empty stadium for the presentation ceremony. Only the 14 visiting fans were applauding the players, but tens of thousands of Western Sydney Wanderers fans back home at Parramatta, in Club Marconi and around their TVs in their lounge rooms, joined in the celebration. It has been a triumph of belief, and desire, and resolve, and unshakeable confidence in a mission that began when the club was formed less than three years ago.

Western Sydney Wanderers coach Tony Popovic is at the heart of it, creating a culture of sacrifice, and building on it. Building a physical and mental strength, and close family bond amongst the players, and earning the respect of the team has been Popovic's hallmark as coach. Less than three years ago nobody would have imagined they would be champions of Asia at the first attempt. The Wanderers know their historic victory was built on an unfashionable defensive effort and not attacking prowess—none of which mattered to captain Nikolai Topor-Stanley, who summed up the mood of the group when he said:

I don't care how we played, I've got this medal. All that matters is that we are champions.

It has been an incredible journey so far with everyone playing their part, from the players who joined the team midway through the competition to those who left at the end of last season, and of course every fan who has attended at Wanderland, travelled to Asia or huddled around a television late at night. This club revolves around the Western Sydney community and the Wanderers played this Champions League Final representing our great Western Sydney family. I pay special tribute to the glorious Western Sydney fans and supporters, the Red and Black Bloc [RBB]: You are a truly uplifting and inspiring core part of the Wanderers story. Your passion and unflinching loyalty are worth bottling. As coach Tony Popovic has said:

Money cannot buy you loyalty like this.

Congratulations to club chairman, Paul Lederer, and the Western Sydney Wanderers organisation. You have lifted the Australian football bar higher. You have ensured that Western Sydney Wanderers cannot be ignored. The Wanderers have changed Australian football forever. May the unleashed giant continue to roar. Who do we sing for? We forever sing for Wanderers.

OATLEY RAILWAY STATION

Mr MARK COURE (Oatley) [3.13 p.m.]: A major revamp of Oatley station moves another step closer with planning approval now received. The Oatley station upgrade will include an overhead footbridge, connecting both Oatley Parade and Mulga Road to the platform via new stairs and lifts, as well as redesigned station forecourts and new landscaping. These improvements will transform Oatley station and make catching the train easier for people in my electorate, particularly people in wheelchairs, parents with prams and strollers—I am not one of those parents—and the elderly. I am pleased to announce that, as a result of community input, we have made a number of improvements to the station design. These include reducing the visual impact of the new footbridge and the station forecourts by using different materials and finishes that better reflect the heritage significance of the station. It is important that we maintain the existing look and feel of the station and the area.

I thank everyone who took the time to provide much-needed input during the many consultations that have occurred on the redesign and upgrade of Oatley railway station. Many attended feedback sessions, and many came to my office and informed us of better ways to upgrade the station. My constituents have had their say and I have actively listened. Some minor works began back in December last year, with drilling on both sides of the station to determine the depth of the pylons. As well, early works had begun on Oatley Parade in preparation for the major construction, which will start sometime this year. I acknowledge the Minister for Transport, Gladys Berejiklian, for her work and assistance in the upgrade of Oatley railway station.

I turn my attention to a recent announcement in Oatley of a brand-new 100-space car park for Oatley station customers as the major upgrade of the station takes shape. I fully understand how frustrating it is for customers to have to drive round the streets looking for a car parking spot near their local railway station. That is why we announced last week a brand-new upgrade of the station car park that will see 100 new spaces for railway commuters. We will build the new 100-space car park right next to the existing Oatley station car park, making it extremely convenient for customers and a real difference to them in their daily commutes. This is the latest investment in Oatley railway station. Today I wrote to the Minister for Transport as well as the Minister for Local Government, and also to the mayor of Hurstville, Councillor Con Hindi, calling for departments and councils to work together when it comes to commuter car parks in my electorate.

I have spoken to many of my constituents, and they are eager to have commuter car parks in suburbs like Narwee, Beverly Hills, Mortdale and Penshurst extended. We should be encouraging people to use public transport. We have a great rail system in this State led by a great Minister, and we want to encourage my local community to use it more, and in so doing make it easy for them to get to the station and park. That is why my letter and the petition of local residents have been part of my campaign for the upgrade of commuter services across my electorate. We find it very hard at times to park near local railway stations. It is about time that we planned for the future by building car parks in parts of my electorate. My letter to both Ministers and the mayor of Hurstville seeks to ensure that they sit down together and work for a better solution for my local community.

KU-RING-GAI ELECTORATE SCHOOLS

Mr BARRY O'FARRELL (Ku-ring-gai) [3.18 p.m.]: Schools are the main industry within my electorate or Ku-ring-gai. Ku-ring-gai schools are not only the most productive enterprises within my area, providing quality education for thousands of students each year, students who then contribute significantly to all facets of our society, but they are also significant employers—employers of teachers and other teaching professionals, and the myriad ancillary and support staff who are found at every school. Ku-ring-gai is blessed with fine public and non-government schools.

It has always seemed to me that, whilst in other parts of this city and State people get excited about a pointless ideological debate around government versus non-government schools, parents across my community have always understood that the important issue is the quality of education being offered to our young people. They, like so many, understood that an education unlocked the opportunities on offer in this country—something I have always observed across New South Wales amongst those who have come to these shores from so many other places. These parents provide encouragement to their children to take every advantage of the fantastic education facilities and opportunities found in New South Wales.

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It is always a pleasure to join Vietnamese, Lebanese and other communities at their annual celebrations honouring high achievers amongst their school leavers in a very public way to encourage other young students to follow their lead. Perhaps growing up in multicultural Darwin and being the first in my family to attend university explains my commitment to education—a commitment shared by this Government, especially Adrian Piccoli, the Minister for Education and son of a migrant. The reforms effected over the past 3¾ years have been about improving the quality of schooling on offer in New South Wales schools, and doing so fairly. That principle underpinned our commitment to the Gonski proposals, was reflected in our changes to the Resource Allocation Mix and drove the Minister to ensure that funds left over from the Building Education Revolution were used to rebuild Schools for Specific Purposes [SSP] across New South Wales, including one at Lindfield.

It also is the basis of our Connected Communities program, which is designed to bridge the education gap between Aboriginal and non-Aboriginal young people. Of all this Government's achievements surely none is more important than the fact that a Liberal-Nationals Government ensured that, for the first time, funding has been provided for every Aboriginal student in New South Wales. The Minister for Education has ensured that investment and maintenance in public schools has also been a focus of his administration. Tomorrow I will join the Minister, the member for Davidson and Principal Jane Dennett for the official opening of the improvements

to Killara High School. This school, while located in the Davidson electorate, serves both communities and is one of the State's most successful comprehensive, co-educational high schools. With that success comes problems, albeit good ones—principally overcrowding as more parents seek to enrol their children at this school. Demountables, the sure sign of a school's growth, became so numerous at the school that they virtually obliterated much of the open space.

Thanks to the Minister, a new building is being opened. Block G comprises three floors, all accessible by lift, and includes eight general learning spaces, a new woodwork workshop and a new outdoor woodwork workshop, a new metal workshop, a darkroom, two visual arts workshops, and a kiln room along with staff offices and facilities. Block B has been refurbished to provide seven general learning spaces, a seminar room, a kitchen with a storeroom and a change room. The new facilities will replace 14 demountable classrooms, and existing technology and visual arts workshops. The only regret I have about tomorrow's wonderful event is that Dr Mark Carter is no longer Principal of Killara High School. Dr Carter was principal from 2002 until 2013. A product of local schools, including Killara High School, Dr Carter was a terrific leader of the school. Its success was due in no small way to his leadership and focus, and his increasing promotion of the school at public schools within the catchment.

Mark is the only bloke I know who went to more school presentation days each year than the local member of Parliament. Like any good principal, Dr Carter also was active in lobbying local members pushing for this project. Indeed, Mark had to lobby too long; ideally, the project should have been undertaken a decade ago, but efforts to secure funding at that time fell on deaf ears. Happily, a change of Government in 2011 saw a renewed commitment to public education, which, in part, also has benefitted Killara High School. I thank the Minister for Education for the \$7.9 million investment in Killara High School that will come to fruition tomorrow. This well-spent money will be returned many times over as those who benefit from the upgraded facilities go on to make their mark on the world. Above all, I thank Dr Mark Carter for all his efforts and leadership of Killara High School, and through him thank all those teachers who have contributed to the quality education available at this great local school.

DUBBO RHINO AWARDS 2014

Mr TROY GRANT (Dubbo—Deputy Premier, Minister for Trade and Investment, Minister for Regional Infrastructure and Services, Minister for Tourism and Major Events, Minister for Hospitality, Gaming and Racing, and Minister for the Arts) [3.23 p.m.]: I congratulate the very worthy recipients of the Dubbo Rhino Awards. The Dubbo Chamber of Commerce and Industry Incorporated presents the Rhino Awards each year to honour the city's most outstanding businesses. The Rhino logo reflects not only that the Taronga Western Plains Zoo is well known as the rhino-breeding capital of the world, but also symbolises the strength of our local business community. The presentation night is one of the city's most prestigious annual events when the business community and industry honours its most outstanding performers across a number of categories.

This year the Gold Rhino, the premier award, went to the EMS Group—a business that has kept an eye on growth opportunities in the mining, construction, earthmoving and agricultural industries. It has modelled itself on supporting each of those strong industries in the Dubbo city region. Starting out as two blokes with a ute and a few grand ideas, this business has grown to be the epitome of the awards theme this year: Fast Forward. It has looked to the future and grown to meet demand. EMS Group won a number of other key award categories, including Apprentice of the Year being awarded to Ryan Rooke—a very impressive young man who has impressed all his work colleagues and those across the Dubbo business sector.

Other awards of note include the special Dubbo Rhino Roll of Honour Award—the Jean Emile Serisier Roll of Honour—which recognises the contributions of Dubbo's most-respected business leaders. This year this prestigious award went to Geoffrey Holland, the former Secretary Manager of the Dubbo RSL Club. He led the club for about 16 years and was credited with changing the perception of the business in Dubbo. He led the club to win the Gold Rhino Award in 2012. The Gold Rhino trophy hung proudly in Dubbo RSL club, which is going from strength to strength. Much of its success has been built on the foundation attributed to the hard work of Geoffrey Holland. Excellence in Business Ethics and Customer Service was awarded to Trike Adventures; Business Leader went to Michael Adams from Golden West Holden, a well-respected Dubbo community member; the Silver Rhino for New Business went to Dubbo Landscaping; and highly commended for new business went to Fitness Focus Dubbo, a great entrepreneurial business that provides quality fitness services.

I took a keen interest in the hospitality award, which was won by Thar Indian Cuisine restaurant. The owners migrated from India to Dubbo a few years ago and I was one of the first people they spoke to when they

settled into our city. This couple told me they were keen to pursue their dreams of owning their own business. Only a few short years later I am enormously proud to say that they are the winners of the Excellence in Hospitality Award. A wonderful Indian meal awaits anyone who visits Dubbo. The Excellence in Innovation Rhino Award went to the Regand Park Early Childhood Education Centre, which also received a highly commended acknowledgement for the Excellence in Sustainability Award for services to the kids and associated families that are second to none.

Excellence in Presentation and Marketing Award went to ImajenIT Commercial Photography. We had some great winners also across the Dubbo kitchen and joinery businesses that received highly commended awards. The evening's special award was for Excellence in Products and/or Service, which went to the Westhaven Association. This industry-based group helps those with disabilities by providing employment opportunities. It also makes the best Ugg boots in Australia. This award was well received by the whole community. All of these awards show how local businesses and industries contribute not only to keeping our community growing strong, but also to helping make New South Wales number one again.

Private members' statements concluded.

Pursuant to resolution government business proceeded with.

**CROWN LANDS AMENDMENT (PUBLIC OWNERSHIP OF BEACHES AND COASTAL LANDS)
BILL 2014**

Discharge of Order of the Day and Withdrawal of Bill

Order of the day discharged and bill withdrawn on motion by Mr Troy Grant.

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BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2014-15

Debate resumed from 16 October 2014.

Mrs LESLIE WILLIAMS (Port Macquarie-Parliamentary Secretary) [3.29 p.m.]: Previously when I contributed to the take-note debate on Budget Estimates and Related Papers I highlighted some key infrastructure projects that were included in the 2014-15 budget. I am pleased to report that the construction of a significant infrastructure project—the Lake Cathie Public School—is underway in the electorate. In fact, some significant milestones are being achieved. The local parent group is being established and soon it will show off its new school uniform to the community, as well as hold its first fundraising event that is sponsored by the local Lions Club and Woolworths. I also spoke about the Stingray Creek bridge. The Camden Haven community has been waiting for decades for this significant infrastructure project. We will be pleased to see this project get underway and await council's decision to appoint the successful tenderer.

I take this opportunity to highlight other important aspects of the 2014-15 budget and its positive implications for the Port Macquarie electorate. I refer to the Community Building Partnership grants. All members in this House will understand that these grants are important to local organisations and councils. I am pleased that a number of well-deserving projects have been completed in the Port Macquarie electorate. An extra \$100,000 was allocated in the 2014-15 budget, taking the total grant allocation to \$400,000, which will allow more projects to be implemented. Some of those projects that have been successfully completed included a grant of almost \$5,000 to the Port Macquarie Art and Craft Centre, which enabled it to install more equipment and make improvements to its local establishment. The Harrington Men's Shed, which is due to commence, was allocated \$25,000. The Rotary Club of Port Macquarie Sunrise is doing a magnificent job of constructing a pedestrian walkway at Tacking Point Lighthouse. This project has been warmly welcomed not only by the community but also the many visitors who frequent the area.

An additional \$9 million was allocated in the budget for local road improvements. We all know that local councils are under financial pressure. Regional areas have kilometres of roads that need to be maintained, and it is pleasing to note they will be supported by this budget. An amount of \$835,000 was allocated for routine and minor safety works on local roads; \$750,000 was allocated for repairs to the Dennis Bridge over the Hastings River; almost \$500,000 was allocated for pavement resurfacing works on the Pacific Highway; and \$250,000 was allocated to resurface for Rawdon Island Road to improve the curves. It would be remiss of me

not to include the allocation of \$370,000 for the demolition of the old power station on Lord Howe Island. The old diesel power station, which was quite noisy, was once situated in the centre of the village on Lord Howe Island. After it was burnt down it was relocated to the other side of the island, but the site of the old power station needs to be remediated and the funds allocated will allow the board to commence with that project.

Last month local community members in the Port Macquarie electorate were asked to make comment about the proposed installation of the Offshore Artificial Reef, which will be situated off the coast of Port Macquarie. The \$900,000 project was announced earlier this year by the Hon. Katrina Hodgkinson, the Minister for Primary Industries. This is an incredible project. We know from other artificial reefs installed in New South Wales that this is a significant attraction to the tourism sector and it has positive impacts for the local economy. I welcomed the announcement and have encouraged the community to be part of the consultation process, which will allow them to have input into the best position of the reef. It is proposed that the reef will be constructed using large purpose-built artificial reef habitats that will provide a total volume of more than 1,600 cubic metres.

The Department of Primary Industries is undertaking an environmental assessment of the proposed recreational fishing reef and has recently completed detailed site mapping to identify potential deployment areas. The Port Macquarie Offshore Artificial Reef is being implemented using funds from the Recreational Fishing Trust and is another example of the New South Wales Government reinvesting money from the sale of the New South Wales recreational fishing fee to benefit fishers and the broader community. I turn now to mental health. I was pleased that the Hon. Jai Rowell, Minister for Mental Health, was in the Port Macquarie electorate last week. He not only took the opportunity to meet with some mental health consumers but also with Stewart Dowrick, Mid North Coast Local Health District Chief Executive Officer and John Leary, Director of Mental Health and Drug and Alcohol Services. They discussed what is needed for the provision of local mental health services.

The future of Elimatta Lodge was raised. I took the opportunity to accompany the Minister on a visit to inspect the facility and to discuss with him the options of the facility to deliver better mental health services, particularly for young people. Its use will enhance the range of services available for young people living with mental health and will provide for a greater range of treatments outside of the hospital setting. I also took the Minister to meet with the Endeavour Clubhouse committee, which assists people with mental health needs in our area. I am determined to help the committee to achieve the best possible outcome for our local community. I assure the committee that I and the Minister fully understand the frustrations that surround this particular project. Like them we want to ensure that the facility is opened to members of the community who need it and I will continue to advocate on their behalf to see how we can assist with funding.

In the past I have expressed the view that it would be in their interest to develop partnerships with non-government service providers to allow them to operate from the building. That model has been adopted successfully by other clubhouses in New South Wales. I am pleased to note that they are heeding my advice and it is developing partnerships with non-government organisations. In August I inspected the Billabong Clubhouse at Tamworth and I am arranging to visit the Pioneer Clubhouse on the Northern Beaches to see how they fund their services. The depth of community support for the Endeavour Clubhouse was obvious when Minister Rowell and I met with the committees and some of the consumers at the centre last week. The Port Macquarie Police Citizens Youth Club [PCYC] was also allocated funding in 2014-15 budget.

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For too long the Port Macquarie community has been without a PCYC. In May 2012 the New South Wales Liberal-Nationals Coalition Government announced \$2.5 million had been allocated for a new PCYC and the Federal Government committed \$2.8 million to further enhance the current sport stadium where the PCYC would be co-located. Indeed, our local community is waiting with bated breath for the Port Macquarie-Hastings Council to commence work on this much-needed local project. Young people and families have told me how excited they are about this new facility; we are looking forward to its opening in the very near future.

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [3.40 p.m.]: Whilst this take-note debate affords the opportunity to speak about budgetary outcomes over the past year, today I take the opportunity to advise the House of the funding that I have been fortunate enough to secure on behalf of my electorate of Hawkesbury over the past 7½ years. This is not a valedictory speech because it is not my intention to leave this Parliament—that will be a matter for the electors in my area to decide in March next year—but it gives me an opportunity to advise the House of the reason for my electoral change.

Following a redistribution of electoral boundaries, rural areas that I have represented over the past 7½ years will be retained in the Hawkesbury electorate. I have made the difficult decision to continue to represent the majority of my constituents—almost 70 per cent of current residents and 85 per cent of the area will now be contained within the new seat of Castle Hill—and given that I have lived at Rouse Hill all my life and my office is in this area, it seemed only appropriate to continue my representation of the residents for whom I have been a member of Parliament or councillor since 2003. It has been a difficult decision to make because the people who live in areas such as Oakville, Pitt Town, Maraylya, Maroota, Tennyson, Cattai, Ebenezer, Wilberforce, Kurrajong, Bilpin, Colo Heights, Mountain Lagoon, Wisemans Ferry and St Albans are some of the loveliest people a member could ever hope to represent.

Together those people have helped to make the electorate of Hawkesbury the safest Liberal electorate in this country—with an 84.7 per cent margin. I do not take that lightly. Indeed, each morning when I wake I feel absolutely blessed and honoured to represent an area that had just under a 30 per cent swing at the last election. Today I thought it only appropriate to inform the House of some of the significant infrastructure funding I have been able to secure on behalf of this area. In 2007 I commenced my representation in this place in opposition and funding for important projects was always difficult to obtain. But through the use of the media I was able to secure funding for many important projects by shaming the then Labor State Government into action.

On my first day in the party room in 2007 I raised the importance of the North West Rail Link—it had been promised and cancelled so many times by our predecessors that people had lost count. I am proud to say that today, under Ms Gladys Berejiklian, who I believe will go down in history as the best Minister for Transport this State will ever have, the \$8.3 billion North West Rail Link is underway. Once completed, it will provide relief to the long-suffering commuters in the north-west of Sydney, with rapid driverless trains at four minute intervals directly to Rouse Hill.

Also early in 2007 I raised the fact that rural residents were not permitted to access the State Government water tank rebates. I believed this to be extremely unfair given that people already on tank water, like me, are the true water harvesters and would gladly install another tank and save more water if given the opportunity. After shaming the previous Government into action, residents who were not connected to mains supply could access the available rebates, which was only appropriate given the drought we were suffering at the time. Anyone purchasing a tank could claim a \$500 rebate.

Another early issue I addressed was the need for traffic lights at Hastings Road and Old Northern Road, a difficult process when in opposition. This intersection had been the scene of some terrible and fatal accidents over many years and was an important issue worth fighting for on behalf of my community. Vehicular traffic, including regular bus services from the city, was spending up to 15 minutes negotiating this intersection in peak times. After raising this issue in the press, almost \$2 million was included in the budget for a new set of traffic lights, incorporating priority signals for the neighbouring fire station. This greatly improved the safety aspects of this intersection and brought welcome relief to the many thousands of commuters who travel in this area daily.

In 2007-08 the intersection of Old Pitt Town Road and Boundary Road had also been the scene of two fatal accidents. I once again raised the issue publicly to get Black Spot funding. Eventually, working with my Federal colleague and the local council, \$500,000 was provided for a new roundabout. This has significantly improved the safety of this intersection. To date there have been no further incidents and certainly no further loss of life. This Government has continued to provide a remarkable list of outcomes for the communities of the Hawkesbury through the Community Building Partnership. Indeed, my electorate has been the recipient of millions of dollars in funding to support worthy projects and to improve the lives of residents.

In 2009 I supported a request for \$180,000 for the upgrade of Mountain Lagoon Road. As I have said many times before, I was very proud to provide this funding, together with Hawkesbury City Council, to completely upgrade 10 kilometres of Mountain Lagoon Road. This road provides emergency access to Mountain Lagoon in times of bushfire. In 2009 the road was impassable and, following representations from the community, funding was provided; the road is now in excellent condition. During the State Mine fire, almost a year ago now, the containment line that brought that fire to a halt was put in at Mountain Lagoon. Of course, that was done with the help of many of the wonderful volunteers of the Rural Fire Service and members of the Mountain Lagoon brigade.

At the same time I supported the provision of \$30,000 for the installation of an irrigation system at Woodlands Oval, Wilberforce, and a further \$20,000 for the Kellyville Kolts Soccer Club to increase lighting on

fields 1 and 3 at Bernie Mullane Reserve. I have always paid particular attention to the needs of our youth and the importance of youth undertaking healthy outdoor activities. Indeed, there is no better way of doing that than by improving these sorts of facilities. In 2009 I also provided almost \$200,000, together with the Hills Shire Council, to help upgrade some Crown roads in the rural areas of the shire that were in very poor condition. Chilvers Lane and Manning and Smallwood roads were but a few of the roads to receive government funding to help with upgrades.

In 2010 I supported the Anglican church at Kenthurst to upgrade their internal facilities, at a cost of \$45,000. My very special friend Nick Papallo, president of the Associazione San Giorgio Martire di Sydney requested \$100,000 for the construction of a new hall at Kenthurst, which has provided a state-of-the art facility on behalf of not only his community but also the broader community. On winning office in 2011 the Government provided \$5 million for the replacement of old timber bridges across the Hawkesbury. Old and dilapidated bridges benefited from \$5.26 million through the New South Wales Government's Local Infrastructure Renewal Scheme. The Hawkesbury project brought forward the replacement of seven existing timber bridges that were in very poor condition, including Stannix Park Road bridge; almost \$1 million was spent on three bridges on Upper Colo Road; more than \$2 million dollars will be spent on two bridges on Upper MacDonald Road and a further \$1.7 million spent on the West Portland Road bridge.

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Putty Road has also received record funding under this Government, including slope stabilisation works completed by Roads and Maritime Services at a cost of \$730,000 at Central Colo. Those essential works were carried out about 3.5 kilometres west of the McDougall Drive intersection. In 2014 safety work was undertaken to widen the road shoulder on sections of Putty Road between Colo Heights and Howes Valley Creek. A nine-week project was carried out to widen the road shoulders to improve safety and increase visibility of vehicles stopped ahead for other motorists. The 2012-13 budget featured \$600,000 for pavement resurfacing on Putty Road from two kilometres to 2.5 kilometres south of Colo. And this week I was able to announce a \$1 million project which will involve resurfacing Putty Road between Packer Road and Morilla Road for a stronger, more durable road and to improve road safety.

Further funding through the Community Building Partnership over the past four years has been provided to Baulkham Hills Shire Netball Association to upgrade their netball courts, at a cost of \$80,000; and an additional \$40,000 has been provided to upgrade the lighting. Hawkesbury City Council upgraded seating, installed a second shelter and undertook landscaping at Wilberforce Park at a cost of \$24,000. The cost was shared with the State Government. Hawkesbury Sports Council desperately needed to upgrade the car park at Woodlands Oval, and I was pleased to be able to secure \$20,000 of funding for this worthy project. The Hills Brumbies, who provide the elite level soccer competition in the Hills area, wished to create a new four-tier grandstand at Russell Reserve, and I was more than happy to support that project, which cost \$10,550. A Community Building Partnership grant of \$20,000 to the Kellyville Kolts Soccer Club allowed them to install drainage on field 3, thereby providing better outcomes for their players. I believe there are currently 1,500 soccer players registered with Kellyville Kolts, which is a remarkable achievement.

A Community Building Partnership grant of \$60,000 was awarded to my great friends the Rivergum Christian Community Church for the construction of a multipurpose facility for their community, and a grant of \$15,000 was provided to the Rotary Club of Dural to construct an outdoor shelter at the Salvation Army grounds at Dural. Further grants were awarded to: the Rouse Hill Learning and Community Partnership, who constructed new training rooms at Rouse Hill town centre for educational purposes for people who could not afford to further their education, at a cost of \$20,000; the Rouse Hill Rams Sports Club Little Athletics to construct a new long-jump pit at a cost of \$41,000; and the Sydney Off Road Racing Association, who have a facility at Colo and wanted to upgrade their septic system at a cost of \$5,000.

In 2010 I was also able to secure funding for the installation of school zone flashing lights at Arcadia Public School and Maroota Public School. Once again I had to raise this matter in the press, because there is no more important issue than to provide flashing lights for our schools. This was in 2010. As the Parliamentary Secretary for Roads and Transport, working under the Minister for Roads and Freight, the Hon. Duncan Gay, I can say that we will complete the rollout of flashing lights to every school in New South Wales by the end of 2015. It was a pledge we made when we came to government, and it is a promise that we will ensure we keep.

In 2011 the Country Women's Association at Wilberforce replaced their asbestos roof and installed weatherboard cladding on the exterior of the building at a cost of \$14,496, The Dural Country Club Men's Bowling Club constructed sun protection shades for their members at a cost of \$12,000. Both of these projects were supported under the Community Building Partnership grant program. Also supported was the construction

of new coach and media boxes at Bruce Purser Reserve by the Sydney Hills Eagles Australian Rules Football Club at a cost of \$20,000. This is the very ground where the Sydney Swans played one of their preliminary games some years ago.

Kellyville Girl Guides extended their hall, with a new space to play, create and grow, at a cost of \$37,150. Kellyville Girl Guides has grown significantly over the past five years, with numbers now totalling well over 110 girls. They had certainly outgrown their old hall—the extension to their hall was much needed. Following requests from their president at the time, Michelle Lincoln, I was happy to support the funding, which has led to a doubling of the size of this community facility. The new extensions, funded through the Community Building Partnership grant program, provide a vastly improved facility. Local builder and dad to two of the girl guides Michael Dolly did a remarkable job on the building. Further Community Building Partnership grant program funding was provided to the Kurrajong Girl Guides to upgrade their hall at a cost of \$1,693.

I am always happy to support the horses and I congratulate the connections of Protectionist, winner of today's Melbourne Cup. This is a German horse which has taken home the Melbourne Cup. The Glenorie Horse and Pony Club rebuilt their cross-country jumping course, which was destroyed by bushfire, with \$6,000 from a Community Building Partnership grant. The Glenorie Preschool car park was refurbished at a cost of \$10,000 thanks to a Community Building Partnership grant. Hawkesbury City Council requested funding to upgrade the intersection of Lelia Avenue and Raymond Street at Freemans Reach, with intersection improvements and pavement rehabilitation at a cost of \$68,261. I was happy to support this project. It has provided a much-improved intersection for Freemans Reach residents.

After finding a home for the Hawkesbury Woodturners at the Wilberforce Scout Hall, through my connections who look after the scouts in Western Sydney, located right next to Woodlands reserve, the woodturners requested funding to install a new dust extraction system. They create wonderful things in wood. Although it is not a men's shed, it does offer the opportunity for guys to get together, especially older guys, to tinker, get their hands dirty and have a bit of yarn. It is an opportunity for some really good blokey activity in a wonderful environment, and certainly the dust extraction unit improved the air quality. Hornsby Shire Council requested a grant of \$10,000 in support of a new BMX track at Wisemans Ferry on behalf of the young kids in the area. This has provided a great outdoor facility for this area.

The Living Choice Glenhaven Estate Residents Forum installed a new audiovisual projection system in the village auditorium at a cost of \$6,400. This provided a great facility for the elderly residents at Glenhaven. I was particularly pleased to support the Maroota Public School Parents and Citizens Association in their \$25,000 grant for a playground upgrade. I have mentioned many times before in this House the Riding for the Disabled Tall Timbers Centre at Box Hill, which is minutes from my home. I am always happy to support any request for funding made by them, and I was very happy to provide \$28,000 of Community Building Partnership grant funding to the association to construct a new multipurpose building to accommodate in-house training, meetings and secure storage. The project manager and volunteer for that project was Jimmy Moreland, a great old friend of mine. He did a wonderful job in constructing much of that facility and saving much-needed funds for Riding for the Disabled.

The Rotary Club of Rouse Hill received \$6,000 for their graffiti removal project, which involved building a new trailer and equipping it with all the necessary chemicals to remove graffiti in our area. The electorate is now spotless thanks to this great group of dedicated volunteers, who value our lovely area. A grant of \$35,000 was awarded for a right-hand turning bay and footpath construction at Wisemans Ferry. A grant of \$12,000 was made to the Rotary Club of Kenthurst to convert an existing scout hall in Kenthurst for use as a men's shed. A grant of \$35,000 was awarded to the Anglican church at Rouse Hill to improve community access. A grant of \$36,000 was awarded to Care and Concern Ministries for their "Out of the woods, into the works" program, in conjunction with the Dural Men's Shed.

A grant of \$6,000 was awarded to Cattai Public School to support the building of a new storage shed for the school's BMX program. I also gifted to the school two of my own old BMX pushbikes. A grant of \$2,695 was awarded to Hawkesbury Independent School for their new kitchen garden. A grant of \$24,600 was awarded to the Kellyville Kolts Soccer Club to build a new meeting room, storage shed and first aid room. A grant of \$3,804 has helped Healthy Harold and Life Education deliver life education to children in the Hawkesbury electorate. Scouts Australia were awarded a grant of \$36,000 for their scout hall extension and upgrade at Oakville. This is a wonderful extension and has created a vastly-improved facility. The Friends of the Australiana Pioneer Village were awarded a grant of \$30,746 to upgrade their facilities. Also in the 2012 budget

this Government upgraded the old timber bridge over Macdonald River at St Albans, at a cost of \$500,000. We also provided pavement rebuilding on the Old Northern Road west of Maroota, which was valued at \$400,000.

The long-awaited Priority Sewerage Program has provided Freemans Reach, Glossodia and Wilberforce with sewerage provisions that have precluded the continued use of onsite management systems, or septic tanks as they are known. In these areas residents were forced to pay for expensive pump-outs each week from their systems. The Government has now completed this program at a cost in 2013 of \$1 million. In 2013, \$15,000 was provided to Annangrove Public School for a new sensory garden; \$22,948 was provided to Guide Dogs NSW-ACT for the construction of a roof over the kennel holding area at the Guide Dogs facility at Glossodia; and \$8,761 was provided for the installation of drainage at existing sports fields at Woodlands Oval in Wilberforce. I was pleased to secure grants of \$13,800 for Hillside Public School, to install shade sails in the playground; \$20,000 to Kenthurst Public School, to upgrade playground equipment and provide a sunshade; and \$28,000 to Maroota Public School, to renovate and extend an existing classroom, fencing and playground to relocate Forgotten Valley mobile preschool.

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Also in 2013 an amount of \$20,000 was provided to Rous Hill Rams Sports Club Little Athletics for the construction of a new storage shed at Hills Centenary Park and \$20,000 was provided to Rouse Hill Sports Club for the construction of training nets at Russell Reserve. Scouts Australia sought funding for the removal of asbestos and repairs to Kurrajong Scout Hall at a cost of \$8,000, repairs to Glossodia Scout Hall at \$7,147 and a fire servicing and safety audit report for Annangrove Scout Hall at a cost of \$1,325. An amount of \$30,000 was provided in partnership with The Hills Shire Council for repairs and upgrades to the Wisemans Ferry Park kiosk and \$5,000 was allocated to Wilberforce Cricket Club to purchase a new cricket pitch roller. Bells Line of Road has been neglected for a generation. It is an important link between the Sydney metropolitan area and the central west. [*Extension of time agreed to.*]

This is all good news so I am sure members are pleased for me to continue. Recently I was proud to join the Minister for Roads and Freight to announce record funding of \$43 million to build seven overtaking lanes on the Bells Line of Road. The Minister and I opened the first stage of those works just a few short weeks ago. The 2012-13 budget also included pavement widening on Bells Line of Road from Bilpin to Mount Tomah at a cost of \$1.6 million. As I said, as Parliamentary Secretary I also serve the Minister for Transport. She has not only provided my electorate with \$8.3 billion for the North West Rail Link but also provided 100 extra weekly bus services, with express services such as the 607x and 617x services from Rouse Hill to the city and Parramatta. They are part of the 10,500 new transport services this Government has provided across New South Wales since 2011, which is a remarkable outcome when we consider our predecessors cancelled 1,500 services in one week.

We have invested more than \$20 million in the Hawkesbury electorate for further wastewater works, including an \$11.5 million allocation to the Priority Sewerage Program at Glenorie to connect around 246 households by mid-2015 and expand the general wastewater infrastructure required as a result of significant local urban development. Sydney Water has invested more than \$50.7 million to date in its infrastructure network in the Hawkesbury electorate. In the Hawkesbury several ferry services link communities across the Hawkesbury River. The Government has provided \$2.5 million for replacement of the hull of Ferry 55. There are now four ferry crossings over the Hawkesbury River providing important access for those communities. The Government is providing three of the services through Roads and Maritime Services [RMS]. The other service, being the Lower Portland ferry, is provided by the Hawkesbury and Hills Shire councils.

A couple of years ago the old wooden hulled ferry was decommissioned, leaving the community without a ferry. I am proud to say that after making representations to the Minister our community and the two councils were gifted a steel hull ferry that they agreed to upgrade at a cost of around \$300,000. The ferry will secure the service for the next two decades and I greatly appreciate that donation by the Minister for Roads and Freight. It will save our community the almost \$2.5 million it would have cost to buy a new ferry. A new ferry is also under construction for Webbs Creek. At a cost of \$3.5 million, this larger ferry will provide improved access.

There has been continued resurfacing of the Putty Road pavement at a cost of \$1 million. Another \$429,000 was provided for pavement rebuilding on Old Northern Road from River Road to the ferry crossing at Wisemans Ferry and \$117,000 was provided for pavement resurfacing on Wilberforce Road from Freemans Reach Road to Putty Road. Green Hills Drive is the missing road link that will soon be constructed in Rouse Hill to link that suburb to the new town centre. A financial contribution of \$2 million from the State Government together with the Hills Shire Council has secured that outcome.

Annangrove and Maraylya received \$170 million for road safety upgrades to help reduce the road toll and improve safety. More than \$140 million in funding will be provided statewide for road safety engineering work. Parts of the Annangrove and Maraylya areas have been identified as having poor crash history. In response, \$500,000 has been secured for Annangrove Road and Pitt Town Road to improve safety outcomes. While the road toll has reduced during the past decade there are still far too many people dying on our rural roads.

In 2011 the Government announced \$50,000 for the Hear the Children Early Intervention Centre at Kellyville to support the development of children who are deaf or hearing impaired. I thank the then Minister for Disability Services, Andrew Constance, who provided that support. The Government has provided \$23 million to help with the rollout of 4,300 new interactive whiteboards. Schools in my area that will be the beneficiaries of a whiteboard include Arcadia Public School, Beaumont Hills Public School, Comleroy Road Public School, Glenhaven Public School, Hillside Public School, Kellyville Public School, Kurrajong East Public School, Maraylya Public School, Oakville Public School, Rouse Hill Public School, Sherwood Ridge Public School and Wilberforce Public School

Wisemans Ferry Preschool provides a vital service for the formative education of children in remote areas as far away as St Albans and the lower Macdonald Valley. Falling enrolment numbers had placed the future viability of the preschool in serious doubt, with an expected shortfall in the budget for next year. I am pleased to say that after taking the case to the Minister for Education funding of \$107,000 was continued for that program. I greatly appreciate the support I received from local parent Liz Templeton, who advocated on behalf of the preschool.

The East Kurrajong School of Arts received \$20,000 for improvements to its facility, which sits on a Crown reserve, out of the \$16.9 billion Public Reserves Management Fund Program of this Government. Major repairs have been undertaken on the northern end of St Albans Bridge at a cost of \$1.5 million and \$2.1 million has been allocated for further works for the Glenorie Priority Sewerage Program. North Kellyville Cattai Creek carrier will allow 2,000 dwellings to connect to Sydney Water's wastewater system at a cost of \$17.17 million. Finally, Kellyville and Rouse Hill sports fields have been upgraded at a cost of \$288,000.

I have given a list of the significant outcomes and funding that the Government and I have been able to provide to my area. As I said, this is not a valedictory speech but it outlines what a wonderful area I represent. It has been my pleasure to work hard on behalf of the vastly rural part of my electorate. I leave them in March next year with a heavy heart because they have been wonderful people to represent, but I look forward to continuing to represent 70 per cent of my current electorate. I appreciate the significant funding the Liberal-Nationals Government has given for improving quality of life through the provision of infrastructure in these areas.

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

WORK HEALTH AND SAFETY (MINES) AMENDMENT BILL 2014

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

ABORIGINAL LAND RIGHTS AMENDMENT BILL 2014

Second Reading

Debate resumed from 21 October 2014.

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Ms LINDA BURNEY (Canterbury) [4.08 p.m.]: On behalf of the Opposition I lead in debate on the Aboriginal Land Rights Amendment Bill 2014. The Opposition will be supporting this bill but I feel duty bound to explain the lead-up to the Opposition taking that position. Opposition support for this bill was conditional upon the Coalition withdrawing the Crown Lands Amendment (Public Ownership of Beaches and Coastal Lands) Bill 2014. If that bill had remained on the table, it would have been very difficult for the Opposition to support the Aboriginal Land Rights Amendment Bill 2014 introduced by the Minister for Aboriginal Affairs. Immediately preceding the contributions by two members to the debate the Leader of the House moved a motion to discharge Order of the Day No. 3, the Crown Lands Amendment (Public Ownership of Beaches and Coastal

Lands) Bill 2014, and the bill was withdrawn and discharged. On that basis I indicated to Minister Dominello that the Opposition would support the Aboriginal Land Rights Amendment Bill 2014.

I make it very clear that the Labor Party's opposition to the Aboriginal Land Rights Amendment Bill 2014 was not because of the content of the bill or the process undertaken by the Minister for Aboriginal Affairs in preparing to introduce the legislation. It was based on the actions of the member for Barwon, the Minister for Natural Resources, Lands and Water, and Minister for Western NSW, and the manner in which he put forward a bill concerning Crown lands that was completely unacceptable not only to the Opposition but also to the crossbenchers in the upper House as well as, most importantly, the entire New South Wales Aboriginal land councils network, including, crucially, very senior members of the New South Wales Aboriginal Land Council. I will deal with that in greater detail later. The land council has made its views very clear. My consultations with the Minister and his office have been very good.

I understand that the Minister and his agency have undertaken a very long process of consultation and negotiation with the State land council to bring forward a set of amendments to land rights legislation that do a number of things that I will outline in greater detail later. I am sure other members who participate in this debate will remind us that New South Wales land rights legislation has been law in this State for 30 years. That is very important. Frank Walker was the Minister in the Wran Government who in 1983 introduced revolutionary legislation based on a brilliant model of financing involving 7.5 per cent of New South Wales land tax. Half of that was to be invested for 15 years—which the member for Liverpool confirms—and the other half was used for administration and for funding local Aboriginal land councils.

There are 115 local Aboriginal land councils in the State. Mr Deputy-Speaker, I know that you would be very familiar with land councils in your community and surrounding areas, as would members opposite such as the member for Myall Lakes and the member for Wagga Wagga and Parliamentary Secretary, who is at the table. Those entities have been part of the New South Wales landscape for 30 years. The capacity of that legislation and the rights conferred by it have sat comfortably with other land tenure in this State for 30 years, based fundamentally on the principle that Aboriginal land councils should be able to claim vacant Crown land. Apparently that was not understood by the member for Barwon. It means vacant Crown land that has not been set aside for public purpose could be subject to a claim.

One unfortunate aspect of the actions taken by the member for Barwon in the party room, the Cabinet and certainly in this House was his failure to explain to his colleagues the Red Rock decision. I believe the fundamental flaw in the introduction by the Minister for Natural Resources, Lands and Water, and Minister for Western NSW of the Crown Lands Amendment (Public Ownership of Beaches and Coastal Lands) Bill 2014 and its subsequent examination by the Legislation Review Committee was the failure to explain that the Red Rock determination meant there was no adverse impact upon public interest from the land claim being granted with an ambulatory easement over the State's coastal lands and waters, and that the Coffs Harbour and District Local Land Council was very much about ensuring that that land was accessible by the public. I have a copy of the judgement, if members wish me to read it to them. I also have clear legal advice from Corkhill's in relation to public access.

Mr Stephen Bromhead: Point of order: We are debating the Aboriginal Land Rights Amendment Bill 2014, not the Crown Lands Act. The member for Liverpool is speaking to the Crown Lands Amendment (Public Ownership of Beaches and Coastal Lands) Bill 2014.

Mr Paul Lynch: The member for Liverpool has not said a word.

Mr Stephen Bromhead: The member for Canterbury has been referring to an amendment to the wrong Act. Mr Deputy-Speaker, I ask you to direct her to confine her remarks to the leave of the bill.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I have been listening to the shadow Minister and gained the impression that her comments were a prelude to addressing the bill. I am sure that she will confine her remarks to the leave of the bill.

Ms LINDA BURNEY: Thank you, Mr Deputy-Speaker. I will conclude my statements, but it is important for me to outline some of the issues and concerns underlying the Labor Party's support for the Aboriginal Land Rights Amendment Bill 2014. I will state quickly that I have received good legal advice that strongly defines a beach for public purpose and public access. I simply say it is unfortunate that the lead-up to the Labor Party's support for and debate on this legislation has been marred by totally unnecessary and, I hasten

to add, discriminatory legislation that targeted one group within the community whose rights under New South Wales law have been supported by this Parliament and everyone in it for more than 30 years.

I acknowledge the Minister for Aboriginal Affairs whose process and good intentions were evident in the preparation of this bill. The Minister released a position paper in regard to Aboriginal land rights amendments and consulted widely. He met repeatedly with Aboriginal people. His office briefed me on two occasions and he took key stakeholders with him. That process was not adopted with respect to the legislation I mentioned previously. After the Opposition's extensive consultation with stakeholders and briefings given by the Minister, the Opposition's position is to support the bill. However, the trust that was developed and the consensus that was needed were destroyed by the actions of the member to whom I referred earlier. As I said before, the Opposition's support for this bill was contingent upon withdrawal of the Crown Lands Amendment (Public Ownership of Beaches and Coastal Lands) Bill 2014, which has occurred.

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The bill amends the 1983 land rights legislation. I read onto the record the purposes of the proposed amendments, which are clearly outlined in the bill. They include: to provide for Aboriginal land agreements to be made between the Crown lands Minister and the Aboriginal land councils as an alternative to land claims under the Act. I will return to what I think that is, because from my perspective it is the most significant aspect of this legislation. The purposes include also to clarify the functions of local Aboriginal land councils in relation to business enterprises; to simplify matters that are required to be included in a community, land and business plan of an Aboriginal land council; to clarify the reporting obligations of local Aboriginal land councils; to provide for disciplinary action; importantly, to authorise the registrar to apply for search warrants in relation to contraventions of the Act; to increase the maximum penalties for offences under the Act; and to provide for the appointment by the registrar under the Act of administrators and investigators in respect of local Aboriginal land councils. The bill proposes further minor amendments.

By working together to win cooperation, this bill seeks to strengthen Aboriginal Land Councils by improving accountability, efficiency and economic capacity. The bill sets out further reforms in the areas of housing and land claims and the regulatory framework for Aboriginal Land Councils which build on the 2013 amendments. The bill will streamline and improve the existing lands claim determination process as well as allowing the New South Wales government and Aboriginal Land Councils to enter into agreements relating to land transfers and land use without having to go through existing land claims processes, a matter that I will return to briefly. The aim of the provisions is to address delays in determinations and the backlog of undetermined claims.

I understand that the number of unresolved land claims is now about 26,000. That is an enormous backlog. But Labor does not hold its head up there; I think when we left government it was about 16,000, but it has increased now by about 10,000. Delays in determinations and the backlog of undermined claims result in uncertainty for government, industry and Aboriginal communities. The bill will give government and land councils flexibility and enable negotiation of the settlement of multiple land claims simultaneously. It is a measured approach that obliges both parties to work together in good faith.

I conclude by making two points. The measures to streamline management of social housing by Aboriginal land councils are welcomed, particularly the removal of the existing two systems of compliance and their replacement with a single framework for housing—another example of what can be done when there is cooperation. The bill enables Aboriginal land councils to take advantage of economic opportunities. I had some misgivings about this part of the bill. I had a discussion with the Minister and what he related to me has dealt with those misgivings: that is, there is an intention by the Minister to include an amendment to the bill to restrict local Aboriginal land councils to the use of corporations incorporated under the Corporations (Aboriginal and Torres Strait Islander) Act 200—or the CATSI Act, as it is known as.

I was not comfortable with that; nor, I understand, was the land council. However, the Minister has assured me that by way of regulation land councils will have flexibility to opt out of that provision and be able to look at other ways of incorporation. I understand that to be the case. If it is, then the Labor Party will support that component of the bill. I finish by speaking about a very significant part of this legislation: the capacity for the development of Aboriginal land agreements by way of cooperation and agreement, not thumping the table and demanding that there be agreement. The Aboriginal land agreements are known in other places as ILUAs—Indigenous land use agreements. They are not an innovation in the Aboriginal Affairs space across the country, but they are very new for New South Wales.

Aboriginal land agreements can give government and land councils flexibility to step outside existing land claims determination processes, as the Minister explained in his second reading speech. He said that the process to negotiate the settlement of multiple land claims simultaneously has the potential to significantly reduce the amount of undetermined land claims; and that the amendments also allow the parties to agree on a range of alternative outcomes to the transfer of claimable Crown land in fee simple, enabling outcomes better aligned with strategic interests of both government and land councils. That will be an exciting new adventure and day for land councils and the Government. I note that it will be in consultation and by agreement and negotiation.

I finish my contribution to this debate by once again stating that the Opposition will support the bill. I have outlined clearly that our support for this bill is dependent on the member for Barwon, and Minister for Natural Resources, Lands and Water, and Minister for Western NSW withdrawing the Crown Lands Amendment (Public Ownership of Beaches and Coastal Lands) Bill 2014. That withdrawal has taken place. Therefore, the Labor Opposition will be supporting the bill before the House.

Mr ANDREW GEE (Orange) [4.25 p.m.]: I support the Aboriginal Land Rights Amendment Bill 2014. I welcome the bipartisan support for the bill expressed in this House today. I congratulate all parties who were involved in clearing the way for that bipartisan support, which I regard as very important. I preface my comments on the bill by acknowledging the traditional custodians of the land on which we meet: the Gadigal people of the Eora nation. I acknowledge also the Wiradjuri people, who are the traditional custodians of the land on which not only I but many other members of this place reside. I also pay my respects to the elders, past and present.

As the Minister for Aboriginal Affairs, the member for Ryde, has noted already, these amendments are ground breaking and will further enhance the immense potential that the Aboriginal Land Rights Act provides for the great State of New South Wales and, most importantly, its Indigenous people. In particular, this bill is critical to realising a key goal of Opportunity, Choice, Healing, Responsibility, Empowerment [OCHRE]—the Government's plan for Aboriginal Affairs in New South Wales—which is the economic empowerment of Aboriginal peoples. As is well established, economic participation is essential to closing gaps in health, social and financial outcomes people. A strong economic base brings not only wealth but also security, health and confidence to communities. OCHRE drives concrete initiatives in the areas of education and employment, in recognition of their importance to increasing economic participation. OCHRE also recognised that land rights, and how land assets are used, have significant potential to build community and individual wealth and strengthen economic independence in Aboriginal communities. It is this recognition that is embedded at the core of the Aboriginal Land Rights Act.

The preamble to the Act acknowledges that "Land is of spiritual, social, cultural and economic importance" to Aboriginal people. The Aboriginal community celebrated the thirtieth anniversary of the Act only last year, and in that span of time the Land Rights Act has made significant inroads in delivering on its promises of social, cultural and economic value. Together with the New South Wales Aboriginal Land Council—the peak Aboriginal body in New South Wales—120 local Aboriginal land councils have been constituted across the State. These councils create a network of representative, self-determining bodies corporate for the Aboriginal community that provide many benefits to their members and the Aboriginal people living within their boundaries.

Also in that time, particularly over the past 15 years or so, New South Wales has witnessed an extraordinary property boom. The majority of Aboriginal land councils hold alienable land in freehold title, once granted by the Government under the Act. Much of the land owned by Aboriginal land councils is now highly valuable and is often situated within areas of growth and development. Shortly, I will tell the House about one such example in Orange. This affords immense opportunities for Aboriginal land councils to leverage their land assets for economic development. However, the journey towards enabling communities to take full advantage of their land assets has taken some time to reach maturity.

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The first major step to realising the economic potential and wealth available for the Aboriginal communities of New South Wales was made in 1990 when the Greiner Liberal Government amended the Act to make lands owned by Aboriginal land councils alienable—that is, allowing land councils to sell, mortgage or otherwise dispose of land if certain requirements are met. This meant that land councils could use and develop their land to produce economic and social outcomes for their communities. The Minister's statutory review of the Aboriginal Land Rights Act that produced the reforms contained in this bill revealed further matters that needed addressing for the economic potential of land to be fully realised.

The first issue was that, while the Act provides a process whereby certain Crown lands in New South Wales can be claimed by and vested in Aboriginal land councils, the land claims determination process is both lengthy and costly because of legislative requirements. This Government inherited a land claims backlog of more than 26,000 undetermined claims. This backlog impedes the timely delivery of land assets for Aboriginal land councils, resulting in uncertainty regarding the use of land and loss of economic development opportunities. Contesting land claim determinations results in costly litigation for land councils. The backlog is also a practical and financial liability for government. The management of the Crown land estate is closely tied to the land claim process as Crown land under claim generally cannot be dealt with until the claim has been determined.

Moreover, all land claims have to be assessed individually against specific statutory criteria relating to use and purpose as at the date the claim was lodged. Crown lands Ministers cannot take into account the Government's current intentions for the land in determining to grant or refuse, and have limited ability to negotiate with the land council regarding the claim. One way this bill aims to improve the capacity of land councils to generate economic outcomes is by introducing a new way forward for land rights delivery in New South Wales through agreement making rather than the cumbersome claims determination process. This bill is all about enabling land councils to develop their economic base to use the land and other assets to operate businesses or engage in commercial land development.

Earlier I mentioned that I would refer to a wonderful initiative in Orange developed by the Orange Local Aboriginal Land Council. Before explaining the project, I should like to mention the members of that Aboriginal land council. The chief executive officer is Annette Steel, who does a wonderful job. The chairperson is Selina Wilson, who currently works at Bowen School doing some great work. The secretary is Lynne Warren, who is undertaking her first term as a member of the board. Board member Jamie Newman—whom I now know very well since becoming the member for Orange—is the chief executive officer of the Orange Aboriginal Medical Service, chairperson of the Orange Aboriginal Working Party and member of the Charles Sturt University Board, and is highly respected in my community. I acknowledge also Sandra Kilby, who has been a board member since 2009. Sandra has been involved in the local community for 30 years.

Board member Debbie Spicer is employed as an Aboriginal case manager with the Benevolent Society. Kylie Tarleton has just completed her second term as a board member and holds a degree in education, and is employed by TAFE NSW as a chief executive officer. Board member Mary Parker has been involved in the Orange community for more than 20 years, and Gail Fuller, who is undertaking her first term as a board member, has been an advocate for children and spent many years working in the early childhood arena. The land council's exciting project is developing a brand-new motel with conference facilities at a cost of about \$14 million. This will provide opportunities to increase Indigenous employment. Everyone is excited about this wonderful development, called Yugaway, which means Sleeping Place in the Wiradjuri language.

The motel will feature 110 accommodation rooms, a 300-seat function centre, a cultural centre and an art gallery. It will be located on Forest Road opposite Jack Brabham Park. This project is a wonderful example of a land council seizing an opportunity. Of course, there are added benefits for the whole Orange economy, particularly as Orange faces some great economic challenges with the closure of Electrolux. The project is just one way our community will get through that. A development application has been lodged for the motel. The Orange Local Aboriginal Land Council has won accolades for its great work, most recently for excellence in economic development. The New South Wales Aboriginal Land Council Biannual Conference recognised our region for a number of projects that created employment and training opportunities. [*Extension of time agreed to.*]

The local Aboriginal land council has been recognised also for a biodiversity and regeneration project. It received \$2.26 million over five years under the Federal Biodiversity Fund to go towards regenerating 1,900 hectares of land across Orange. These are very exciting times for land councils across New South Wales. I look at the wonderful work that my local Aboriginal land council is doing and admire the energetic and positive way it operates. Minister Dominello was in Orange only recently to see the project and its plans, and to find out firsthand what is happening on the ground. It is fair to say that he was very impressed, as we all were. Whilst in Orange he went to the Canobolas Rural Technology High School, which offers a number of different programs for all students. We visited the didgeridoo class with Tim Bennett, and the Minister and I were presented with a didgeridoo.

The DEPUTY-SPEAKER (Mr Thomas George): Have you learnt to play it?

Mr ANDREW GEE: In the words of the member for Toongabbie, I gave it a red hot go over the airwaves on radio 2GZ and maybe even 2EL as well. The problem is that I have not developed the circular breathing necessary to master the instrument, but I think I am well on the way. I am told that the internet and YouTube have plenty of people who can teach how to do circular breathing. I congratulate Canobolas Rural Technology High School on its immense energy. We were very impressed by it. The principal is Chad Bliss and deputy principals are Stuart Riles and Kate Wootten. The whole staff do a wonderful job and do not receive the accolades they deserve. They are some of the most dedicated teachers in New South Wales. It has been a great privilege to visit that school and see the wonderful work of the students. I conclude my contribution by reading the corporate vision of one local Aboriginal land council in the Sydney-Newcastle area, as set out in its community, land and business plan. It states:

To engage and provide a strong economic and social environment for our community that builds and strengthens our cultural values and our identity.

This goal is entirely consistent with the Government's aim of not just fostering development, but also ensuring that Aboriginal people and communities have genuine ownership of their futures, destinies and development. The amendments I have outlined will provide a robust and durable tool for such communities to achieve their vision of a future that is as strong economically as it is socially and culturally. I commend this bill to the House and commend Minister Dominello for his hard work in getting this legislation together and working with a number of different groups, including with the member for Canterbury to address some of her concerns. Minister Dominello did the right thing. He has done a wonderful job as Minister for Aboriginal Affairs and I congratulate his hardworking staff. They have put a huge amount of effort into getting the legislation before the House.

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The DEPUTY-SPEAKER (Mr Thomas George): I am sure that if the member for Orange put as much effort into learning the didgeridoo he would do well at it.

Mr Andrew Gee: It is all in the circular breathing.

Mr PAUL LYNCH (Liverpool) [4.40 p.m.]: I acknowledge the traditional owners of the land on which we meet, the Gadigal people of the Eora nation, and pay my respects to their elders past and present. I also pay my respects to the elders of the other first nations of this land. I make a comparatively brief contribution on the Aboriginal Land Rights Amendment Bill 2014. As the member for Canterbury has indicated, the Opposition does not oppose the bill. The objects of the bill amend the Aboriginal Land Rights Act 1983 in a number of ways. One amendment allows agreements rather than formal land claims between the relevant Minister and Aboriginal land councils. The Aboriginal land councils include the statewide body, the New South Wales Aboriginal Land Council [NSWALC], and local Aboriginal land councils [LALCs].

The proposed amendments also seek to clarify aspects of the capacity of LALCs to enter into business enterprises; to make changes in relation to community land and business plans; to clarify some of the reporting obligations of LALCs; to provide for disciplinary actions against defined officers of LALCs and NSWALC; to allow the registrar to apply for warrants and injunctions for breaches of the Aboriginal Lands Right Act; to provide for the appointment by the registrar of administrators and investigators into LALCs; and to make some changes in relation to quorums at meetings of LALCs.

The Aboriginal Land Rights Act 1983 is an important and extraordinary achievement. The system of land rights that it instituted was described by then Justice Kirby in the High Court case of *Wagga Wagga* as "almost revolutionary"; it was. It delivered far more substantial benefits such as the native title claims under the Mabo doctrine. Coming out of the Keane committee, the Act was an impressive innovation by the Wran Government that was introduced by then Minister Frank Walker. It was opposed by the then Opposition, but even it came around to being more sympathetic to the scheme and indeed said it supported it. It has been noted that the purported vandalism by Minister Humphries leads one to have some doubts about that. Indeed, if his attitude is anything to go by, one would have to think that some elements of this Government support Aboriginal land rights in the same way that a rope supports a hanging man.

For as long as there has been a land rights Act there has been a need for amendments. That stems from the inevitable complexity of the system and from the fact that it is a unique system; it is not based upon another model. Changing events and circumstances inevitably provoke legislative change; that is unavoidable. The fact that we are dealing therefore with further amendments to the Act is thus not great cause for surprise. These amendments stem from the statutory review of the Act, carried out in 2012 by a working group chaired by the

Registrar of the Aboriginal Land Rights Act. The report of that group is on the web. There were recommendations made by the working group that have not been included in this bill or previous legislation.

I seek the Minister's advice about his intentions regarding those other recommendations in the nearly 200-page report that are not included in the bill. That report demonstrates the significant work and effort by the participants. It is appropriate, therefore, for it to be placed on the public record as to the future of the other proposals. I note the Minister's concession that not all amendments are supported by NSWALC. I ask him to specify exactly which those are in his reply speech. The report of the working group was handed to the Minister in 2012 and two years later we have the bill in the Chamber. In light of the two-year hiatus, it seems a little odd, but I understand it is nonetheless correct, that the final bill is a little rushed.

One would have thought that the two-year delay would have allowed ample time for completeness but, regrettably, that is not the case. I understand there was an expectation—some have said a promise—that there would be a draft exposure bill and indeed a joint drafting group. That did not happen, which is regrettable. In the lead-up to previous legislation it has been my experience that the drafting group model was undoubtedly a positive contribution to the final outcome. The representatives of NSWALC know more about the Aboriginal Land Rights Act than anybody else and they are experts on drafting issues. Their contribution to previous groups was inevitable.

One of the sets of provisions in the Act relates to business enterprises and corporations. It is made clear that NSWALC can enter into the formation, acquisition, operation and management of an entity. In his second reading speech the Minister referred to corporations and trusts. The bill is wider than that and also includes partnerships, joint ventures, syndicates and other bodies. The real issue is about members of LALCs knowing what is happening to their assets, especially those that are not subject to the land dealings scheme; that is for non-land assets. There is a danger that people will get caught up in the debate on the amendments and miss the central point.

New section 52 (5B) prevents LALCs from establishing and acquiring a corporation under the Corporations Act but requires it to be done under the Corporations (Aboriginal and Torres Strait Islander) Act. There are some exceptions but that seems to run the risk of a degree of paternalism, although I note the earlier discussion in the debate about proposed amendments. An alternative approach might have been to remove that prohibition and to focus more on what members might know about the assets and what is happening to them. New section 57A deals with inactive members. It is a complex, unwieldy and ugly provision to solve the problem of a lack of quorum—a lack of sufficient members turning up to transact business. It will probably achieve its aim and deal with the quorum problem, but the solution is anything but elegant. The problem it aims at is, I concede, quite real and the cure in the bill is effective but not pretty.

There are also some changes to the provisions concerning community land and business plans. The requirement for NSWALC to approve community land and business plans of LALCs is removed. Now they will merely be noted. Although I am slightly uneasy about that I do not put it any more highly than that. In 2006 amendments were introduced to the Act that changed some of the structure and governance of LALCs and reduced the role of members in voting. There was a move away from what many described as a tennis club model of governance. I do not argue that those changes were wrong, but the trade-off was that members were able to vote on the community land and business plan that the LALCs were then to implement. This amendment seems to derogate from the importance of such plans and, as I say, I am a little uneasy about that.

I am also inclined to speculate about a scenario where NSWALC does not want to approve a land dealing because it is not in the business plan to which the LALC concerned might quite rightly say that that now has nothing to do with it. Some changes such as the power to seek warrants are attempting to turn the registrar into a deputy sheriff. If Mr Wright was here I would ask if he had brought his six-shooter. On the other hand, the role of the registrar with investigations and administrators is interesting. It is certainly worth a trial. That clearly has been a problematic area within the system and within the Act, and moving in that direction makes some sense. The obvious change in addition to that is around land claims.

There are two points to be made. The first is that the proposed changes do not do as much in reference to mediators and third party participants as it could. It seems to be an old-fashioned way of looking at a dispute resolution where you simply have two parties. The changes might have been more innovative and more stress could have been given to the use of alternative dispute resolution. That is the way of the future, rather than two parties banging their heads together. Having said that, I do not oppose what has been proposed, but it could have gone further. The second point is that none of that matters if the sorts of things that Minister Humphries wanted

to achieve had happened. They were an abomination and had no rational place in a proper discussion about land rights. Thankfully the bill has been withdrawn and hopefully we will not have to have the fight again. Certainly if it does happen again, the fight will be on.

Mr CHRIS HOLSTEIN (Gosford) [4.47 p.m.]: I support the Aboriginal Land Rights Amendment Bill 2014. I acknowledge the traditional custodians of the land on which we meet, the Gadigal people of the Eora nation and pay my respects to elders past and present and also pay my respects to the other first nations of New South Wales, which includes the Darkinjung people on the Central Coast from the Deerubbin, the Hawkesbury River, to the Awaba, Lake Macquarie, from Mount Yengo to the sea. I acknowledge the Darkinjung Land Council board members Chairperson Joshua Toomey, Deputy Chair Tina West, Christina Hammond, Jenny Ronning, Robyn Sutherland, Kevin Duncan known as Gabby—if the member for Orange needs a didgeridoo lesson, Gabby is a great teacher and the best didgeridoo player I have ever heard—Barry Duncan, Desmond Benton, Gail Lake, Jenny Hayes and dedicated Chief Executive Officer Sean Gordon.

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As the Minister for Aboriginal Affairs the member for Ryde outlined in his second reading speech, the proposed amendments represent this Government's ongoing commitment to better empower Aboriginal people to shape their own futures. The reforms in the bill recognise that the Aboriginal land councils are moving into a new era of social and economic development. I direct my contribution to the aspects of accountability. Reforms in the bill will assist Aboriginal land councils in achieving these goals by freeing up a lot of the overly onerous regulation around compliance and reporting. I am excited about the possibilities this represents for the Aboriginal people of New South Wales. The amendments will also foster the capacity of Aboriginal leaders and members of land councils to deliver concrete outcomes from the land assets they hold. However, with greater power comes greater responsibility.

In the 31 years since the commencement of the Land Rights Act, Aboriginal land councils have grown from small community organisations to a network with significant assets. The improved land value for the entire network was estimated at more than \$820 million as at 30 June 2011, with approximately 127,000 hectares of land transferred to Aboriginal land councils. The value of the Statutory Investment Fund, into which a percentage of the State's Consolidated Revenue Fund was paid during the first 15 years of the Act, has grown from \$480 million in 1998, when payments stopped, to \$661 million in mid-2014. These assets are community owned. It is vital that Aboriginal land councils manage and use their assets carefully to ensure long-term benefits for their communities.

Accountability is a key plank of OCHRE: the New South Wales Government's plan for Aboriginal affairs. OCHRE responds to calls from the Aboriginal community and reports from both the New South Wales Auditor-General and Ombudsman for greater transparency in the design and delivery of programs and services to Aboriginal people by setting up an accountability framework, including the establishment of the position of Aboriginal Deputy Ombudsman earlier this year. The call for greater accountability is shared by the Aboriginal community in relation to the operation of the land council network. Community consultation undertaken during the statutory review of the Land Rights Act showed that many members of the network were concerned that freeing up local land councils to engage more with the free market, particularly in land development, would also result in greater risk to community assets. Many believed that a strong accountability framework was important to protecting the legacy for future generations from present wrongdoers.

The amendments in the bill recognise this need for effective mechanisms to protect the community if land councils are to move into a new era of economic development and engagement with the free market. They do this through a suite of improved enforcement powers for the Registrar of the Aboriginal Land Rights Act, one of the key regulators under the Act. One of the new powers in the bill is directed towards the difficulties currently faced by regulators of the Land Rights Act in enforcing the requirements to provide information in the Act. Consistent with other regulatory regimes, the registrar will have the power to apply for a search warrant to obtain information if he or she has reasonable grounds to believe that there is a contravention of the Act, or the regulations or documents sought by administrators or investigators appointed to land councils have not been provided.

The bill also inserts additional grounds for the appointment of administrators to local Aboriginal land councils, specifically, the failure to comply with a compliance direction given by the registrar. This will improve the deterrent effect of a compliance notice and will make clear the progression between substantial failures to comply with the Act and administration. The bill will also increase the maximum penalties for offences in the Land Rights Act in line with penalties in similar legislative regimes. A new offence will be created for an individual who knowingly breaches or causes a land council to breach a term of a notice by the registrar

prohibiting a land council from exercising certain specified functions pending the appointment of an administrator. The registrar will also be given an express power to seek an injunction preventing a person or a land council from contravening the Land Rights Act. This will assist the registrar to act quickly to stop assets leaving the control of members when there has been a breach of the Act.

The power to appoint administrators and investigators to local Aboriginal land councils will be transferred to the Registrar of the Aboriginal Land Rights Act, in line with the other compliance mechanisms in the Act, and will ensure that it is exercised independently. Although the measures being introduced, such as search warrants and increased maximum penalties for offences, may appear to be a strong reaction to limited cases of wrongdoing, the resources of the land rights network are too precious to be made vulnerable to the greedy and the unscrupulous. Land councils hold these resources on trust for future generations. Further, the measures being introduced are actually comparable to similar regulatory regimes such as those governing general and Indigenous corporations at the Commonwealth level, and community organisations formed as associations and cooperatives in New South Wales.

The bill will also ensure that there are mechanisms to protect against the abuse of these new enforcement powers. Procedural fairness requirements will be mandatory with respect to the appointment of administrators to Aboriginal land councils. The registrar will also be required to report annually to the Minister on the exercise of his or her powers under the Act. As well as improving enforcement powers for the Registrar of the Aboriginal Land Rights Act, the bill will also introduce reforms to provide a clearer framework for managing misconduct of councillors, board members and staff of Aboriginal land councils. Part 10 of the Act currently sets out a disciplinary regime for councillors, board members and staff of land councils who engage in "misbehaviour" or breach the duty to disclose conflicts of interest. The existing system was adapted from the then disciplinary provisions of the Local Government Act 1993, which has since undergone change.

Public consultations and consultations with the network indicated that the current regime set out in part 10 is too complicated, making it easy for complaints to be made against the undeserving and difficult to bring to account those whose behaviour justifies sanction. The bill updates this regime to replace the framework of "misbehaviour" with one of "misconduct", consistent with recent changes to the Local Government Act 1993, provides for clearer definitions of what is "misconduct" and streamlines the procedures for dealing with complaints. In order to strengthen the disciplinary framework both the registrar and the NSW Civil and Administrative Tribunal will also be able to impose harsher penalties once misconduct has been established. To complement these amendments, the registrar will also be asked to develop a clearer and more detailed model code of conduct in the regulations for councillors, board members and staff so everyone understands the standards of conduct expected of officers and staff. [*Extension of time agreed to.*]

In order to ensure that members are also aware of what is acceptable behaviour at land council meetings, a members' code of conduct will be introduced to make the grounds on which members can be suspended from attending meetings clearer and fairer. A model code of conduct applicable to members that can be adapted by each land council will be developed by the registrar in consultation with the land council network for inclusion in the regulations. Finally, in recognition that community oversight and transparency is key to an effective accountability framework for Aboriginal people, a number of provisions in the bill will ensure that members have greater access to information about their land council's activities.

The bill will also introduce greater protections for members and community assets when Aboriginal land councils form or operate separate entities. Undertaking activities, particularly business ventures, through separate entities assists a land council in managing commercial risk and operating in the marketplace, but conflicts with the regulatory emphasis on member accountability and oversight in the Act. Currently, the Act does not make clear how these conflicts should be managed. In recent years, these uncertainties have led to continuing issues with local Aboriginal land councils establishing corporate structures, the legality of which is unclear under the Act. This can result in potential liabilities for these land councils, as well as increased costs for governments in managing the regulatory uncertainty.

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The bill provides that where land councils enter into an arrangement that includes the formation, acquisition operation or management of an entity such as corporations or trusts, they must comply with certain requirements. These requirements include an obligation to report on the operations carried out under such an arrangement in the accounts and records of land councils currently required to be kept under the Land Rights Act. The amendments also impose an obligation on a council to take reasonable steps to ensure that the council will not be prevented from complying with such reporting obligations in connection with such an arrangement.

This ensures that members and the regulators under the Act are informed about activities conducted through separate entities after assets have been transferred.

In certain instances, land councils will be required to conduct risk assessments before transfer of land council assets in connection with an arrangement involving separate entities. In other cases, they will additionally be required to obtain the approval of members of the Local Aboriginal Land Council for those transfers. Details relating to the content of risk assessments, and when risk assessments and member approval are required, will be prescribed in the policies of the New South Wales Aboriginal Land Council, allowing flexibility to adjust the obligations to the practical realities of business development. These proposed amendments aim to maintain a balance between keeping the business environment for local Aboriginal land councils competitive and protecting member interests and land council assets.

Finally, it will be clarified that local Aboriginal land councils may incorporate entities under the Corporations (Aboriginal and Torres Strait Islander) Act 2006, which is known as the CATSI Act, and the Corporations Act 2001. However, the proposed amendments will enable policies of the New South Wales Aboriginal Land Council to prohibit local Aboriginal land councils from incorporating entities under the Corporations Act regime in certain circumstances. This recognises that the CATSI Act regime is specifically designed for community-based Aboriginal organisations and that the Corporations Act regime may not be appropriate as a vehicle for certain types of land councils or certain activities.

The regulations to authorise local Aboriginal land councils to establish, acquire or operate a corporation under the Corporations Act regime will mean that there will be flexibility to allow land councils to do so in appropriate circumstances. The measures provided for in this bill answer the demand by Aboriginal people in New South Wales for greater accountability in the organisations that hold their land and other assets in trust. The bill will benefit the land rights network by affording greater protection and control to its members. I commend the bill to the House.

Mr STEPHEN BROMHEAD (Myall Lakes) [5.01 p.m.]: I support of the Aboriginal Land Rights Amendment Bill 2014. I acknowledge the traditional custodians of the land on which we meet, the Gadigal people of the Eora nation. I pay my respects to the elders past and present. I also pay my respects to the elders of my local area, the Biripi and Worimi people. As the Minister for Aboriginal Affairs and member for Ryde, the Hon. Victor Dominello, outlined in his second reading speech, the proposed amendments represent this Government's ongoing commitment to improve the strength of the Aboriginal Land Rights Act to provide Aboriginal people with the power to determine their own future.

This bill is the final outcome of the Minister for Aboriginal Affairs' five-year statutory review following extensive collaboration with key stakeholders and statewide consultation, which included the receipt of public submissions. The bill contains a number of major reforms to improve the economic development capacity and accountability of local Aboriginal land councils. In addition to these "big ticket" items the bill includes a number of procedural reforms to assist Local Aboriginal land councils to conduct their operations with greater ease and common sense. As the good people of New South Wales know, this Government was elected to "Make New South Wales Number One Again". The member for Orange made a great speech. He spoke well of his Local Aboriginal Land Council and the people in this area. What a great job he is doing for them.

This Government is making New South Wales number one again, and that includes the electorate of Orange and the electorate of Myall Lakes. It is more than just an election slogan—this is the essence of our business. The people of New South Wales are guaranteed a prosperous future. This has involved reform across all facets of Government and regulation. In particular we are committed to cutting unnecessary and onerous red tape. As part of its election commitments, the Government introduced a target to reduce regulatory costs for business and the community by 20 per cent by June 2015. This is important because an effective and efficient regulatory environment creates the climate for a competitive and productive economy. This has been borne in mind in conducting the statutory review of the Aboriginal Land Rights Act.

The Government made its first step towards streamlining the regulatory framework in that Act midway through last year, with the introduction and passing of targeted amendments contained in the Aboriginal Land Rights Amendment Bill 2013. Those amendments represented an initial suite of reforms recommended by the working group on the review of the Aboriginal Land Rights Act to improve the administrative efficiency of the Act. This bill delivers on a more fundamental reform and review of the regulatory efficiency and effectiveness of the Act. The changes to the Aboriginal Land Rights Act in the past three decades have imposed increasing

levels of regulatory obligation on local Aboriginal land councils to strengthen external accountability and transparency in the exercise of their functions. However, there is a growing tension between the desire to allow local Aboriginal land councils to unlock the benefits from their land, and the need to ensure that cultural values are given their due consideration and that sound governance is maintained.

When the Minister for Aboriginal Affairs conducted his statutory review of the Aboriginal Land Rights Act it became apparent that many aspects of the regulatory framework governing local Aboriginal land councils were not in keeping with the Government's commitment to better regulation, accountability and efficiency. Concerns were expressed in consultation forums that local Aboriginal land councils have been saddled with a blanket of regulation left over from the era of mission management and paternalism. Network members raised the current regulatory regime, which they said places too much strain on the resources of the Local Aboriginal Land Council network. For less-well-off land councils, the burden of meeting their compliance obligations under the Act are not proportional to their operations, and many find that the cost of complying with reporting and other requirements uses up most of the funds allocated to them by the New South Wales Aboriginal Land Council, instead of being directed to helping their communities.

For example, all local Aboriginal land councils, regardless of their size or complexity of operations, are required to fulfil the same annual and financial reporting requirements applicable to Government departments. This is despite the fact that many land councils receive little more than their annual grant of about \$130,000 a year and have low-value land assets. This is not smart regulation. Further, the Aboriginal Land Rights Act contains a number of requirements for external approval of matters already considered and supported by the elected land council board or the land council's members. Stakeholders expressed concern about the extent to which some of these requirements overrode local decision-making in favour of external oversight.

For example, the New South Wales Aboriginal Land Council is currently required to approve a Local Aboriginal Land Council's community, land and business plan and its budget even though these are strategic planning documents reflecting community goals and objectives. These requirements undermine the ability of Aboriginal communities to retain ownership over their decisions. The resources of the network are too precious to waste on red tape and unnecessary regulation. We must create a system that appropriately balances the need for accountability and transparency with the ability of land councils to deliver real social, economic and cultural benefits.

The bill introduces amendments to achieve this balance. In particular, it contains amendments to provide the New South Wales Aboriginal Land Council with flexibility and discretion in relation to the financial and administrative reporting obligations of local Aboriginal land councils in policy rather than in legislation. This will allow the level of reporting to be tailored to the size and complexity of operations of the Local Aboriginal Land Council. It will also remove the requirement for the New South Wales Aboriginal Land Council to approve Local Aboriginal Land Council budgets, and community, land and business plans—although these will still need to be submitted to the State land council. Further, the requirement for the lodgement of development applications to be approved by members of local Aboriginal land councils and the New South Wales Aboriginal Land Council will be removed, unless specifically prescribed by the regulations.

Currently, these approvals are required for the making of all development applications, regardless of the scale of the development or its impact on the land. This means that even the making of low-value, low-impact improvements to property on the land is captured by this section, which impedes the ability of Local Aboriginal Land Council boards to make routine land management decisions. The enabling power for regulations to prescribe types of development applications to which these approval requirements still apply recognises that some large-scale developments may have the potential to diminish the value of the land asset of a Local Aboriginal Land Council.

The bill will also remove the requirement in the Aboriginal Land Rights Act for the New South Wales Aboriginal Land Council to specifically "supervise" Local Aboriginal Land Council community benefit schemes in recognition that this requirement is uncertain and an unrealistic resource burden for the State land council. Not only will these changes empower Local Aboriginal Land Councils with more independence, they will also mean a less onerous and costly regulation burden on the New South Wales Aboriginal Land Council as the chief regulator. Similarly, the bill streamlines regulation in the critical reform area of social housing management by local Aboriginal land councils. Currently multiple separate schemes exist for the approval of Local Aboriginal Land Council social housing schemes.

Under the Aboriginal Land Rights Act, the New South Wales Aboriginal Land Council has to approve any social housing scheme that a Local Aboriginal Land Council establishes, while the Aboriginal Housing Office also administers a performance-based approval process under the Aboriginal Housing Act 1998, compliance with which is required to be eligible for Government subsidies. Local Aboriginal land councils can also apply for registration as a community housing provider under the national regulatory code. This results in an unnecessary duplication of work between Government and non-government organisations. There is also a lack of clarity currently concerning the consequences for breaching the requirement to obtain approval for operating social housing schemes.

This amendment bill will streamline the regulation of Local Aboriginal Land Council social housing by, first, removing the additional requirements imposed on social housing schemes over and above the ordinary community benefit schemes, and providing that local Aboriginal land councils that have obtained registration as an Aboriginal housing organisation under the Aboriginal Housing Act, or as a community housing provider under the national regulatory code, are exempt from having to separately obtain approval from the New South Wales Aboriginal Land Council for their social housing schemes.

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The bill will also spell out the repercussions if land councils fail to obtain relevant approvals by a certain time by providing for additional grounds for the appointment of an administrator to land councils to assist in achieving housing management approval. It will also be an additional ground for the dissolution of land councils if an administrator appointed under the Act fails to achieve the appropriate housing management approval within a certain period.

Ensuring that land councils obtain appropriate housing management approval results in a reduced administrative burden on the network and more efficient and improved asset management. The bill will further save the resources of the network by exempting local Aboriginal land councils from the proactive mandatory disclosure requirements under the Government Information (Public Access) Act 2009, known as GIPAA. This recognises that local Aboriginal land councils do not have the resources of government departments to meet these requirements. All other disclosure requirements under GIPAA will remain the same and the NSW Aboriginal Land Council will still have to comply with all aspects of GIPAA with respect to its organisation.

Other amendments proposed in the bill make improvements to the governance arrangements of local Aboriginal land councils and their operational procedures. These come from feedback from members and board members of Aboriginal land councils that the requirements for meetings, board terms and other aspects of land council procedure made it difficult for local Aboriginal land councils to operate effectively or did not sufficiently protect member interests and rights. The bill makes uniform the notice and procedural requirements for member meetings considering significant decisions such as member approval of land dealings and community land and business plans. Currently these requirements differ depending on the nature of the business to be decided at the meeting, making it difficult for land councils to comply.

The bill will also address difficulties that the boards of local Aboriginal land councils have had in meeting quorum requirements for meetings and the lack of participation by members by allowing the chief executive officers of land councils to declare a member inactive if that member has not attended a prescribed number of meetings. Inactive members are not considered as voting members for the purposes of determining a quorum, but the amendment does not affect the voting rights of those members. This amendment will assist in the management of quorum requirements and encourage greater member participation in the affairs and decision-making of their Aboriginal land council. Board member terms will be extended from two to four years in order to allow board continuity, long-term capacity building and sufficient time to implement longer term strategic goals. The measures provided for in this bill are the result of a comprehensive review of the Aboriginal Land Rights Act. I commend the bill to the House.

Ms TANIA MIHAILUK (Bankstown) [5.11 p.m.]: Before I begin my contribution to debate on the Aboriginal Land Rights Amendment Bill 2014 I acknowledge the traditional owners of the land on which we meet, the Gadigal people of the Eora nation, and pay my respects to their elders past and present. I acknowledge the traditional owners of the land in the Bankstown electorate, which is country of the Daruk people, and pay my respects to their elders and descendants past and present. I also pay my respects to the elders of other first nations throughout New South Wales. I reiterate the words of the member for Canterbury and the member for Liverpool and remind members that the Opposition has always been a strong supporter of land claims and Indigenous rights in New South Wales.

We recognise and respect the rich cultural heritage and beliefs of Indigenous people. We also specifically respect the relationship Indigenous Australians have with their land and their rights in respect of it. The Aboriginal Land Rights Act is a legacy of the Wran Labor Government, which the Minister acknowledged in his speech. He then said it has been 31 years since the Act was reviewed. I do not question the Minister's commitment to working genuinely with the Aboriginal people but it is interesting that when the Act was passed 31 years ago it faced opposition from Coalition members in this House. Sadly, I note that sentiment still exists given the lame attempt by Minister Humphries to introduce the Crown Lands Amendment (Public Ownership of Beaches and Coastal Lands) Bill, which has been withdrawn today.

I note that the member for Myall Lakes spoke in this debate a moment ago but failed to mention the debate that took place earlier today during the Legislation Review Committee deliberations. The committee report on the Crown Lands Amendment (Public Ownership of Beaches and Coastal Lands) Bill does not make mention of the trespasses, personal rights and legal rights that the committee should have commented upon in accordance with its functions under section 8A.

Mr David Shoebridge moved a motion that I seconded to amend the record to clarify that it should have been considered that if the bill had been passed it would have voided all Aboriginal land claims on beaches and coastal land thus extinguishing valuable and longstanding personal and legal rights. That motion was lost because Coalition members—being the member for Myall Lakes, the member for East Hills, the member Parramatta, the member for Rockdale and upper House member the Hon. Dr Peter Phelps—voted against it. It is important to put on record precisely what happened during the meeting this morning. I will raise it again at a different time but it will be interesting to see what was in the original report because I believe it has been amended by its author.

The Opposition does not oppose the Aboriginal Land Rights Amendment Bill and I will highlight a number of aspects that we support. The object of the Aboriginal Land Rights Amendment Bill 2014 is to amend the Aboriginal Land Rights Act 1983. It aims to strengthen Aboriginal land councils by improving their accountability, efficiency and economic capacity and to provide a regulatory framework for Aboriginal land councils specifically in housing and land claims. The bill will introduce various provisions aimed at streamlining and improving the existing land claim determination process.

The New South Wales Government and Aboriginal land councils will be enabled to enter into an agreement regarding the transfer of land and land use without the need to go through the existing land claim process. These provisions will save Aboriginal land councils from having to wait several years—and in some cases decades—to process a land claim. Delays in the determination of claims result in significant uncertainty for all stakeholders including the Aboriginal communities lodging the claim, industry and government. Once enacted the bill will enable government and Aboriginal land councils to have the flexibility to negotiate the settlement of multiple land claims simultaneously, which will assist in clearing the backlog of undetermined claims.

The bill also contains measures to restructure the management of social housing by Aboriginal land councils by ensuring that Aboriginal housing organisations under the Aboriginal Housing Act or community housing providers under the national code only have to comply with the requirements of the single housing scheme. Other measures in the bill that will improve the efficiency of the regulatory environment of Aboriginal land councils include reduced reporting and compliance requirements and the removal of certain mandatory disclosure requirements under the Government Information (Public Access) Act.

The bill will also introduce various provisions and measures to better enable Aboriginal land councils to undertake business ventures and seize economic opportunities. For instance, clause 15 will expand the function of Aboriginal land councils to "facilitate business enterprises" and under proposed section 52 (5) (c) it will include "establishing, acquiring, operating or managing business enterprises". Aboriginal land councils will be permitted to conduct their activities through separate entities such as trusts or corporations but with certain risk assessment requirements prior to the transfer of assets to the new business entities.

The final aspects of the bill that I will highlight are the provisions that will strengthen enforcement mechanisms for the protection of Aboriginal land council assets and the accountability of councils to their members. Under the bill the Registrar of the Aboriginal Land Rights Act will be provided with the power to obtain search warrants to gather information if he or she has reasonable grounds to believe that there has been a contravention of the Act or the regulations or if certain documents have not been provided.

The bill also includes new provisions regarding the appointment of an administrator to local Aboriginal land councils if there is a failure to fulfil a compliance direction given by the registrar. The bill also increases the maximum penalties for offences under the Aboriginal Land Rights Act. These new measures will assist in enhancing the accountability of Aboriginal land councils and preventing the misuse of a council's assets. I note also that the Legislation Review Committee's digest referred to the bill trespassing upon personal rights and liberties, particularly with respect to access to justice. The report states:

Providing the Registrar with the power not to refer a claim for land by the Aboriginal Land Council to the Crown Lands Minister may be a barrier to the Council's access to justice. However, given that the Council would have a statutory right to appeal this decision to the Court, the Committee makes no further comment on this issue.

The committee's also commented on double punishment. The report states:

The Committee notes the general principle that an individual is entitled to be treated equally before the law after he or she has served a judicial punishment. However, given the nature of the work of Local Aboriginal Land Councils, and that the prohibition relates to [a] narrow and clearly defined class of people, the Committee makes no further comment on this issue.

I commend the bill to the House.

Mr JOHN WILLIAMS (Murray-Darling) [5.20 p.m.]: My purpose in contributing briefly to debate on the Aboriginal Land Rights Amendment Bill 2014 is to point out to the House that during the time that the Hon. Victor Dominello has held the Aboriginal Affairs portfolio he has been very focused on these reforms. I compliment the Minister on the manner in which he has undertaken the reforms. There is no doubt that for reforms in this area of government to be successful, they have to be built upon trust. The Minister, with his integrity and commitment, always has been focused on forming a relationship of trust with the Aboriginal people and working towards achieving reforms that directly benefit them.

During my term as the member for Murray-Darling and dealing with Aboriginal communities, I know of people who have endured some frustration in dealing with land councils in particular. Some of the reforms in this legislation have been recognised by the silent majority—those in Aboriginal communities who understand how things work but who, unfortunately, are not always leading the pack. They are the people who can see things happening and the disadvantage created by some individuals who choose to use the assets that belong to all Aboriginal people for their own benefit.

This reform bill begins to address some of those issues. We are embarking on a pathway whereby land councils will be able to operate for the benefit of the whole of the Aboriginal community, not just a chosen few. That is a very important part of ensuring we have a greater future. We must ensure that the assets belonging to communities remain within the communities and are not used to benefit only some people. The unfortunate part of a reform process is the reluctance of the silent majority to speak in every instance. During occasions when I accompanied Minister Dominello around my electorate while he spoke to Aboriginal communities, it certainly was obvious he had the ability to gain the cooperation of the silent majority, speak with them and get them involved. Obviously the involvement of as many people as possible as well as the wider Aboriginal community in formulation of these reforms has been essential to the outcome. There can be no doubt that as much as we reform Acts in Parliament and make changes, there will always be something that remains to be addressed. But that is an issue for debate on another occasion.

I can only say where we are going today with the changes presented in the bill and point out that the legislation has not been the subject of a short consultation process; rather, work commenced on this bill from the time the Minister took over this portfolio and progressed through the Minister's absolute commitment to making meaningful changes to the Act that would provide benefits to the people it affects. I totally support the changes and this legislation. I can only say that the Aboriginal community of New South Wales has been well served by this Minister.

Mr VICTOR DOMINELLO (Ryde—Minister for Citizenship and Communities, Minister for Aboriginal Affairs, Minister for Veterans Affairs, and Assistant Minister for Education) [5.25 p.m.], in reply: I thank all members who contributed to the debate, in particular the members for Canterbury, Orange, Liverpool, Gosford, Myall Lakes, Bankstown and Murray-Darling. I will deal with some of the concerns they expressed up front. Firstly, the member for Canterbury, who led for the Opposition in the debate, asked about the requirement for land councils to be registered under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 [CATSIA]. I indicated to her privately and now express publicly that the default position will be that land councils will be registered under CATSIA. However, in the event that the New South Wales Aboriginal

Land Council [NSWALC] develops a policy that enables there to be a departure from that, so that land councils can be registered under the standard Corporations Act, that can subsequently be approved by regulation. I expressed the same view in my second reading speech when I stated:

Finally, it will be clarified that if local Aboriginal land councils wish to establish, acquire or operate a corporation they will be required to do so under the Corporations (Aboriginal and Torres Strait Islander)—the CATSI Act—rather than the Corporations Act 2001, unless authorised by an applicable policy of the New South Wales Aboriginal Land Council or, in the absence of such a policy, in the regulations.

I make it abundantly clear to allay any concerns in that regard. The member for Liverpool asked whether there are any areas in the bill with which the NSWALC disagreed. I can say that the only area of disagreement was in relation to this CATSI provision. I subsequently spoke to the NSWALC and I do not wish to state on the record the details of the conversation, but I left the conversation with a degree of comfort that they understood where the Government was coming from and that ultimately they had power to formulate some type of policy that would enable land councils to utilise the provisions of the Corporations Act in the appropriate circumstances. I think that is the way to go.

I reiterate to the House that the reason we departed from the model—that is, going with the default of the CATSI legislation rather than the Corporations Act—is because of advice I received from the Registrar of the Office of the Registrar of Indigenous Corporations [ORIC], which was that it would be far more beneficial to the land council network to be governed under the CATSI legislation. The registrar was of that opinion because under that legislation they have the additional resources available to them—in particular, free legal advice and free governance advice that can be offered through the CATSI regime. Hopefully that explains why we have gone down that path.

The member for Liverpool also asked why this bill was not preceded by an exposure draft. The answer to that is because of the extensive consultation that had been undertaken in relation to the bill. I remind the member for Liverpool that the final form of amendments in this bill was informed by extensive consultation. I cannot recall legislation that has been the subject of such a heavy consultation process with the community at large as has this bill. Nine public consultation forums were held from August to September 2013 administered by the registrar of the Aboriginal Land Rights Act on my behalf and independently facilitated.

The forums were attended by more than 300 people. In addition I inform the member for Liverpool that I personally attended countless land councils right throughout the consultation period and asked them personally for their input in relation to the proposed changes. Indeed many of the amendments were informed through instruction given by various land councils. I thank them for their valuable input. At the end of the day we all need to recognise that they are the ones working day in, day out, in the field, as it were. They realise the challenges and the difficulties. Many of the amendments put forward in this bill have been included as a result of the advice we received from various land councils.

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For the benefit of the member for Liverpool, I reiterate that that is the reason the bill has not gone through the process of an exposure draft. To allay any residual concerns, I might say that this process was undertaken in consultation with the NSW Aboriginal Land Council. I asked the land council whether it was content for the Government to proceed immediately with the bill in its current form, without the need to go through a second exhibition draft, and the land council gave the Government its blessing in that regard.

I thank the member for Orange for his contribution. He is an excellent member. Within his electorate is the Orange Local Aboriginal Land Council, an excellent land council that is genuinely providing leadership. This land council has outstanding vision and application, and I wish them all the very best in relation to their proposal, because that will provide enterprise for the land council as well as providing enterprise and job opportunities within Orange more generally and in particular for Aboriginal people. As well, if the land council's proposal goes ahead, it will provide a centre of excellence for culture.

I also express my appreciation and highly commend the Canobolas Rural Technology High School, which I visited with the member for Orange. I agree with the member that this is a school that is worthy of high commendation. It is a very passionate school, and the work it is doing with Indigenous students, particularly regarding culture and language, is deserving of commendation. I thank the school for the hospitality it extended to me when I visited, and I continue to speak highly of the school and what it is achieving. I thank also the member for Murray-Darling for his very generous comments on the partnership that we have developed with the land councils and the NSW Aboriginal Land Council in relation to this bill. In the member for Murray-Darling

they have someone who is unbelievably passionate and compassionate. I regard him as a friend. We are very lucky to have him as a member of Parliament, and I thank him for his friendship.

As those who have participated in the formation of OCHRE—Opportunity, Choice, Healing, Responsibility, Empowerment, the New South Wales Government Plan for Aboriginal Affairs—may know, I am committed to ensuring that opportunity and empowerment lie at the heart of Aboriginal Affairs policy. My core focus is to create opportunities, enable communities to take responsibility for their own future, and promote the role that a strong and vibrant Aboriginal culture can play in the Australian identity. I believe that Aboriginal land councils are uniquely positioned as one of the major vehicles for this change. The purpose of the Aboriginal Land Rights Act was not only to provide compensation for historic dispossession and to recognise the ongoing disadvantage suffered by the Aboriginal communities; land rights also promised a basis for economic, social and cultural revival of the Aboriginal community in New South Wales.

At the heart of the reforms contained in this bill is the shared goal of building an Aboriginal land council network that drives greater social, economic and cultural outcomes for all Aboriginal people. The bill does this in three ways: by improving the efficiency, accountability and economic capacity of the New South Wales Aboriginal land council network. The bill improves the regulatory efficiency of the Aboriginal land council network and delivers on the Government's promise to cut red tape. Significantly, it gets rid of an outdated system which imposes one-size-fits-all reporting and compliance requirements on Aboriginal land councils in favour of smarter regulation that will allow the regulator to tailor reporting and compliance requirements to the size and complexity of operations of a land council.

Importantly, the bill provides a mechanism to reduce the current backlog of land claims, through a voluntary, agreement-making alternative to the current land claim determination process. The potential for agreements to cover a range of outcomes other than the granting of claimable Crown land means that Aboriginal land councils will have greater power to negotiate on outcomes that align with their strategic objectives. This is different from the model, which in many ways has been successfully pioneered by the registrar, which dealt with land claims being negotiated directly with Crown Lands. What is proposed under this bill gives far greater scope for negotiation. So it is not just Crown Lands at the table; at the table are other agencies that may propose a beneficial outcome to the resolution of a claim.

Further, there is scope to negotiate on outcomes outside land transfers, such as land use and co-management opportunities, which can deliver critical economic outcomes and employment opportunities for their communities. This reform not only has the potential to reduce the backlog of land claims, it is also a significant step towards giving Aboriginal people ownership over their economic futures, in the same vein as successful agreements negotiated in other jurisdictions such as Canada, New Zealand and the native title regime at the Commonwealth level, which have delivered greater benefits for Indigenous groups than litigating over rights. It will also benefit the State of New South Wales as a whole, by providing more certainty through potential bulk settlement of land claims.

In relation to improving economic capacity, the bill clarifies the current ambiguity around the establishment and management of separate entities by Aboriginal land councils. As many in this Chamber already understand, many Aboriginal land councils have established entities and transferred assets in the pursuit of land council functions. The amendments in this bill provide a strong regulatory framework around those Aboriginal land councils that have, or wish to establish or enter into, arrangements involving separate entities. In order for an Aboriginal land council to enter into an arrangement that includes the formation, acquisition, operation or management of an entity, such as corporations or trusts, it must comply with certain regulatory requirements.

These requirements include an obligation to report on the operations carried out under such an arrangement in the accounts and records of Aboriginal land councils currently required to be kept under the Aboriginal Land Rights Act and the regulations. In certain instances Aboriginal land councils will be required to conduct risk assessments before the transfer of land council assets in connection with an arrangement involving separate entities. In other cases they will be required additionally to obtain the approval of the members of the Aboriginal land council for those transfers. I think this is absolutely essential.

The amendments in the bill will also require that if local Aboriginal land councils wish to establish, acquire or operate a corporation they must do so under the Corporations (Aboriginal and Torres Strait Islander) Act 2006—the CATSI Act—rather than the Corporations Act 2001, unless authorised by an applicable policy of the NSW Aboriginal Land Council or, in the absence of such a policy, in the regulations. The CATSI Act

regime is specifically designed for Aboriginal organisations and provides support—such as governance training and pro-bono legal assistance—and, importantly, protections for members of those corporations not necessarily available under the Corporations Act, making it more appropriate as a vehicle for a community-based organisation such as a local Aboriginal land council.

The bill improves the accountability of the Aboriginal land council network by, amongst other things, introducing new enforcement powers for the registrar of the Aboriginal Land Rights Act and bolstering the existing compliance mechanisms under the Act. Most importantly, the registrar will have the power to apply for search warrants under the Act to obtain information from Aboriginal land councils, bringing the land rights regime in line with other corporate regulation systems in Australia.

I thank the key personnel that have invested their time and expertise in the development of this bill, including the NSW Aboriginal Land Council, the registrar of the Aboriginal Land Rights Act, staff of Aboriginal Affairs and officers of other New South Wales government agencies that have provided input on the bill. Most importantly I offer my thanks to the community members who attended the public consultations in August and September last year, and those who made written submissions to the review on the bill, who have generously provided their insight and knowledge to inform the development of the bill. This bill is testament to the commitment of the New South Wales Government to work in genuine partnership with Aboriginal people. In this vein, I make special mention of the two representatives from local Aboriginal land councils on the 2012 Working Group on the Review of the Aboriginal Land Rights Act, Mr Sean Gordon, Chief Executive Officer of Darkinjung Local Aboriginal Land Council, and Ms Stacey Meredith, Aboriginal Owner and member of Griffith Local Aboriginal Land Council.

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Without local input and knowledge, we would not have been able to deliver these amendments. They will provide a platform that helps Aboriginal land councils of today lead the Aboriginal people and the broader New South Wales community into a better future. I conclude by again personally thanking all those associated with this bill, not just the land council members who were involved in its preparation and drafting but particularly the land council members who have passed away and not seen this bill come to fruition. They did the heavy lifting over the past 30 years. This bill stands on their shoulders, and future generations will reap the benefits. I commend everybody for their support of the bill and I wish all land councils all the best for the future.

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 Victor Dominello 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.

YOUTH WITH A MISSION

The ASSISTANT-SPEAKER (Mr Andrew Fraser): The Speaker has asked me to remind all members that she is currently hosting a reception for Youth With a Mission and its Medical Ships program. Members are invited to attend if possible. The function is being held in the Speaker's garden.

SURVEILLANCE DEVICES AMENDMENT (POLICE BODY-WORN VIDEO) BILL 2014

Second Reading

Debate resumed from 22 October 2014.

Mr PAUL LYNCH (Liverpool) [5.41 p.m.]: I lead for the Opposition in debate on the Surveillance Devices Amendment (Police Body-Worn Video) Bill 2014. The Opposition does not oppose the bill in this

place, but reserves its right to amend it in the other place concerning a review of the scheme and the reporting of the review. The object of the bill is to amend the Surveillance Devices Act to allow for the use of body-worn video by police officers. The bill excepts police use of body-worn video from offences that prohibit the use of surveillance devices to record private conversations and to record the carrying on of certain activities.

The bill follows the trial of body-worn video by police officers that is presented as having been carried out in accordance with the current provisions of the principal Act, the Surveillance Devices Act. The trial is reported by the Government to have been successful and therefore is being extended, with consequent amendments as contained in this bill to extend the range of things that can be captured legitimately on video. Some people would argue that this is perhaps a logical development from the current use of in-car video under the Law Enforcement (Powers and Responsibilities) Act, or the use approved by section 7 of the Surveillance Devices Act in relation to tasers.

There are two, almost dramatically opposed, justifications for this legislation. One is that the behaviour of citizens, in their interactions with the police, will be better because behaviour is being videoed. People will not act up, as it were, because their behaviour will be caught on video. The other view is that police will behave better because their behaviour will also be caught on video. Of course, if the video is not turned on it will not have that impact; and if it is conveniently not turned on no doubt that will create comment and inferences in itself. In practical terms, it means that there is likely to be less court time required to determine the facts of particular situations. I suspect, for example, that the Coroner's inquest into the death of Roberto Laudisio Curti may well have been shortened if images from police body-worn video had been available. There must be advantages to everyone if the facts of particular situations are able to be easily established. There is a powerful parallel with the introduction of electronically recorded police interviews.

I was in practice long enough ago to remember the days before police electronically recorded interviews. There were indisputable cases of police verballing suspects and a plethora of allegations by defendants of having been verballled by police. It was seen as a pro-defendant step at that time to proceed to electronic recording of interviews. At the time I thought it simply made sense to have clear what suspects actually did or did not say, which would not only end verballing but also end unmeritorious allegations of verballing. Certainly the end result was an improved criminal justice system, with less time spent on arguments about admissibility of evidence. I think the same perspective should be brought to the consideration of police body-worn video.

The principal Act, the Surveillance Devices Act, prohibits and criminalises some instances of recording another person's speech and behaviour, especially in private settings. Section 7 of the principal Act deals with the installation, use and maintenance of listening devices. Section 8 deals with the installation, use and maintenance of optical surveillance devices without consent. Both sections are relevant because a body-worn video is both a listening device and an optical surveillance device under the Act. Amendments to sections 7 and 8 exclude from the prohibitions of those sections the use of police body-worn video if it is in accord with new section 50A.

The new section requires that the video be used by police in the execution of their duty, that the use is overt and, in the case of recording a private conversation, that the police officer is in uniform or provided advice they were police. One way to establish that the use is overt is if the officer informs those relevant that it is to be used. New section 50A provides also that the use is in accordance with the section if the use is inadvertent or unexpected or if it is incidental to the otherwise authorised use. Restrictions are created on the use of such material obtained by body-worn video. Protected information as defined is subject under part 5 of the principal Act to restrictions on use, communication and publication. Section 39 is amended to include video material.

New section 40 (4A) provides some exceptions so that such material can be used in connection with the exercise of a law enforcement function by the New South Wales police or in connection with the education and training of New South Wales police. Other exceptions can be prescribed by regulations. I ask the Attorney General to indicate in his reply whether those exceptions are broad enough to allow video caught by these mechanisms to be used in media releases and releases to television news reports. I would have thought that was probably not the intent, but I am interested to know whether that is proposed. Also in that context, I am interested to know, if it were allowed and there were images, for example, of innocent children caught on the video, would it be released to television stations? I would have thought that is inappropriate, but I am interested in the Attorney General's response. For completion, I note that body-worn video is defined to mean "equipment worn on the person of a police officer that is capable of recording visual images or sound or both".

I also seek a response from the Attorney General to two other points when he replies to the debate. His second reading speech indicates that an implementation committee has been established and will report apparently after the videos have been in operation for 12 months. Who is on the committee and to whom will it report? We are interested in exploring that by way of amendment in the upper House, but early clarification might avoid that option. The second issue relates to the precise use of the videos. I understand the relevant equipment is the RS3-SX camera from United States-based Reveal Media that is distributed by Defence Systems Australia. Is it correct that the cameras have only 2½ hours recording time? If so, are steps being taken to extend that, or is consideration being given to such extension? Finally—and especially for the benefit of the member for Mount Druitt and Opposition Whip—I direct the member's attention to the Attorney General's comment in his second reading speech that video devices are a "modern-day equivalent of a police notebook". The Opposition does not oppose the bill, apart from reserving its position regarding the amendment.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [5.47 p.m.]: I make a brief contribution to debate on the Surveillance Devices Amendment (Police Body-Worn Video) Bill 2014. As we have heard, the purpose of the bill is to amend the Surveillance Devices Act 2007 to allow for the use of body-worn video cameras by front-line police. In July 2013 the New South Wales police commenced trials of body-worn video devices. These devices were integrated with audio and visual recording capability, and fall within the definition of both a listening device and an optical device under the Surveillance Devices Act 2007. During these trials the police officers selected to participate were encouraged to record incidents with body-worn videos to support their professional observations and complement the information recorded in their notebooks. Those who participated in the trial provided positive feedback.

I have patrolled with a number of front-line police and seen this equipment in action. It receives a positive response from our hardworking men and women in the NSW Police Force. This is an ongoing program and I applaud the Attorney General for introducing this bill to do all we possibly can to support our hardworking police in the field. The old saying is that a picture paints a thousand words, and there is nothing better than watching video evidence. More often we are seeing video footage of local service stations being robbed, international event or natural disasters.

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I am supportive of the bill. It contains amendments to facilitate the use of body-worn video cameras by exempting police from the relevant offence provisions of the Act where body-worn video cameras are used overtly in the lawful execution of their duties. Guidelines will be developed to support the operational use of body-worn video cameras and to outline the procedures for retention, access and disposal of recordings. A communications strategy will be developed to ensure that the community is educated about the use of body-worn video cameras by police. The amendments support the broader use of body-worn video devices by police officers and recognise that police encounter a broad range of circumstances every day when they execute their lawful duties.

As long as the use of the devices is overt there should be no impediment to the police being able to use them when they are lawfully performing their duties. I compliment the Ministers involved in bringing the bill forward. There may be some changes as technology continues to progress but it is important that legislators in this place are aware of the advancements and take advantage of them while protecting the hard-won privacy rights of individuals and protecting police officers. Without relevant video footage of a number of recent incidents a different public perception of them may have been created or different outcomes produced at trial. Video cameras are great tool. I am confident that the NSW Police Force will develop operational procedures to ensure they are used correctly. I commend the bill to the House.

Mr STUART AYRES (Penrith—Minister for Police and Emergency Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Western Sydney) [5.52 p.m.]: I support the Surveillance Devices Amendment (Police Body-Worn Video) Bill 2014. I am pleased that New South Wales is taking the lead in Australia in equipping our front-line police officers with the tools and legislation they need to do their job better. Police body-worn cameras are no doubt a game changer. Overseas experience tells us that they deliver some fantastic results, such as stronger prosecution cases leading to early guilty pleas and better conviction rates, a reduction in assaults on police officers, a reduction in complaints against police officers, and greater public confidence in law enforcement through increased transparency and accountability.

More specifically, some key findings of evaluations of body-worn cameras undertaken in the United States include an overall 88 per cent decline in the number of complaints filed against officers using cameras in Rialto, California, and a 60 per cent reduction in the use of force by police officers in Rialto, California. In the United Kingdom key findings include an increase in early guilty pleas. In Scotland, camera

cases were 71 per cent to 80 per cent less likely to go to a defended trial than the average case; in Plymouth, there was a 22 per cent reduction in police time spent on paperwork and file preparation when cameras were used; and also in Plymouth, there was a 9 per cent increase in officer time spent on mobile and foot patrols, which is equivalent to 50 minutes for every nine-hour shift.

Other Australian jurisdictions have trialled the use of body-worn cameras, and I am advised that the Queensland police force recently purchased 70 cameras to be used by officers in the upcoming G20 summit. But New South Wales will be the first jurisdiction in Australia to commit to a major rollout of cameras to be used by front-line police. Importantly, this legislation will give them the power to use body-worn cameras in the full range of operational situations. The legislation enables police to use the cameras in the same places and situations as they are used in the United Kingdom. The cameras will be used where appropriate and when necessary. As in the United Kingdom, police officers will be guided by operational guidelines as to when it is appropriate to use the said cameras. Generally police will use the devices when interacting with the public and, for example, when they have to exercise a police power such as a stop and search or an arrest.

As an evidence-gathering tool, cameras will be used on the same occasions that police record something in their police notebook. This marks a progressive shift in our policing methods to match the technological advances under this Government. The legislation will also ensure that police are able to overtly use the cameras on private premises and will not need to seek consent to record conversations. The police force has advised me that perhaps one of the greatest benefits of the cameras will be prosecuting domestic violence cases. Cameras will help police capture compelling evidence and will encourage early guilty pleas. The trial of body-worn cameras in Plymouth, England, found that police taking legal action for domestic violence offences increased by 40 per cent. In the same trial, a domestic assault case was finalised from arrest to sentence in 17 days due to the strength of the video evidence.

Together with the Government's legislation to correct the failure of those opposite to allow video statements of domestic violence victims to be used in court, these reforms have the potential to transform how domestic violence is dealt with in this State. This legislation will enable police to move forward with the tender process for the initial rollout of cameras from July 2015. We can expect the rollout of body-worn video cameras to have benefits for police, the criminal justice system and the wider community. There is no doubt that this Government is investing in new technology to ensure that the hardworking police officers of New South Wales do their job more efficiently. This is an important piece of legislation that will have significant benefits across the entire justice system and which the NSW Police Force has been working incredibly hard towards. We talk constantly about the need for improved technological advancements and efficiencies across policing. The Government has committed \$4 million to rolling out body-worn video cameras. It will have a profound impact and this legislation supports that technology.

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [5.57 p.m.]: I support the Surveillance Devices Amendment (Police Body-Worn Video) Bill 2014. The bill amends the Surveillance Devices Act 2007 to allow for the use of body-worn video cameras by front-line police officers. At the moment, the Surveillance Devices Act 2007 limits the recording of conversations and images using surveillance devices, including body-worn video cameras. The bill will amend that Act and facilitate the use of body-worn video cameras by exempting police from the relevant offence provisions of the Act where body-worn video cameras are used overtly in the lawful execution of their duties.

The bill will establish a legislative regime that allows for a broad rollout and use of body-worn video devices by police as an operational tool. Previous speakers have identified the scope of this and the exemptions. In effect, body-worn video cameras will operate as a technological update of the old police notebook and will allow for a contemporaneous record of observations and events in the field. The reforms recognise that these devices are already broadly available and widely used in the community. I support the bill. It is a great technological update for the police force to ensure that they are well equipped in the twenty-first century.

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

VALEDICTORY SPEECHES

Mr GREG SMITH (Epping) [6.00 p.m.]: About eight years ago I was preselected to run for the seat of Epping after my friend Andrew Tink announced that he would be retiring at the 2007 election. I was then the Senior Deputy Director of Public Prosecutions and my job had become more difficult after it was known that I intended running for the Liberal Party in the seat of Epping. Indeed, within 36 hours of my preselection I was

being attacked in the media. This was my baptism of fire into politics and it steeled me for future attacks—and there were plenty of those. I thank then Opposition Leader Peter Debnam, his successor, Barry O'Farrell, and my colleagues for the great support they gave me through this difficult period. Curiously, the intense media coverage for several weeks did not seem to damage me in the electorate of Epping.

Indeed, while I doorknocked most of the electorate over the next six months only one constituent, an elderly lady, mentioned it to me. The exchange went something like this: "I know who you are. I have seen you on TV. I think you've been naughty." I said "No, I haven't; it's all garbage." She said, "Are you sure?" I said, "Yes, of course." She replied, "Okay, fair enough", and we carried on a friendly conversation. I doorknocked my way through a very hot summer and apart from long driveways with steep grades, scores of angry dogs, and walking in on, and rapidly leaving, a naked man sunbathing behind his front bracken fence, it was uneventful—except I shed about 10 kilograms. At the 2007 election I was elected with a slight swing to the Liberals.

An issue that prompted me to run for Parliament was the counterproductive law and order auction, which had been a feature of elections over the previous 20 years or so. The constant creation of aggravated offences and the large increases in penalties had led to big increases in the prison population and made the sentencing laws more and more difficult to apply consistently. The bail laws needed serious attention. I drove the O'Farrell-Stoner Opposition to commit to staying out of a law and order auction in the 2011 election and the Government followed suit. My background as a senior prosecutor made it easy for me to adapt to criminal justice, civil law, and adult and juvenile corrections issues. Until April 2014, when there was a reshuffle, I held shadow ministerial positions then ministerial positions. My experience helped form views that, while common among legal practitioners, went against the trend of recent political culture.

Crime rates in this State had been falling consistently for years—and continue to fall—and overseas jurisdictions such as the United Kingdom and many states in America were moving away from what has been simplistically called "the hard line", partly because of cost and partly because reoffending was rising among those who had been exposed to hard-line criminals in prison. Clearly my views, whilst well received by many and supported by evidence, were anathema to those who wanted to continue the tough law-and-order line. My opponents largely ignored the reforms I made to toughen laws against violent behaviour.

I mark as some of my successes the new consorting offences to assist police in their campaigns against members of outlaw bikie gangs—these laws were recently upheld by the High Court, replacing Labor's Crimes (Criminal Organisations Control) Act 2009, the anti-bikie legislation, which was ruled invalid in the case of *Wainohu*—new laws imposing a life sentence for persons convicted of murdering a police officer; a new Bail Act that looked at the case itself rather than imposing artificial presumptions; extending the Crimes (Serious Offenders) Act to high-risk violent offenders, thus increasing protection of the public from dangerous un-rehabilitated criminals; face-covering legislation that allows police and other officials to require people wearing face covering to remove it to confirm identification; laws to allow work and development orders where disadvantaged offenders may be able to clear their fines by community service and in other ways; and the Youth on Track pilot, which seeks to identify potential juvenile offenders before they are charged and brought before a court, and tries to save them from a life of crime.

Other successes include the intensive drug treatment program at John Maroney men's prison and Dilwynnia women's prison; the intensive learning programs in the correctional system aimed at helping prisoners learn skills to assist them in obtaining employment on release; the new, specific drug- or alcohol-fuelled "one punch offence", with a mandatory sentence of years imprisonment; laws that allow the victim impact statements of the families of homicide victims to be taken into account during sentencing; and the creation of the NSW Civil and Administrative Tribunal [NCAT], which consolidated more than 20 tribunals into one. As a conservative politician I wanted to maintain traditional values protecting the family, the unborn, and the aged and infirm. But I was also pragmatic, not intending to initiate law reform on social issues unless I had majority support.

There were numerous opportunities to exercise a conscience vote, particularly when we were in opposition from 2007 to 2011. In keeping with my values I spoke against bills—which were all passed—concerning embryonic cloning; the drug injecting centre at Kings Cross; a bill that allowed homosexual couples to be registered as parents on birth certificates but which initially removed the descriptors "father" and "mother" from the certificates; the Relationships register; same-sex adoption, which only passed by two votes as the Labor Party also had a conscience vote—it was interesting sitting next to Noreen Hay and behind Joe Tripodi and Richard voting against that bill—and surrogacy, which included rights for same-sex couples.

In 2013 my department submitted an opinion from eminent constitutional silk David Jackson, QC, to the Legislative Council committee considering the draft Same-Sex Marriage Bill 2013, which concluded that the bill was invalid as it was inconsistent with the Commonwealth Marriage Act. Later, a same-sex marriage bill was debated in the Legislative Council and defeated. The High Court subsequently ruled similar legislation enacted by the Australian Capital Territory Legislative Assembly to be invalid. I voted in favour of the Crimes Amendment (Zoe's Law) Bill 2013 (No.2), which passed the Legislative Assembly by an overwhelming majority. I congratulate the member for The Entrance, Chris Spence, and Zoe's mother, Brodie Donegan, on their great efforts to win legal protection for unborn babies who are capable of being born alive. Women like Brodie Donegan and Jacqueline Sparks, mother of baby Mia—who was the subject of a sentence recently imposed by Judge Paul Conlan—deserve justice for their babies and for themselves.

As to Epping issues, I established rapport with local groups, including civic trusts at Epping, Beecroft, Cheltenham and Pennant Hills. While some of our infrastructure projects may have aroused opposition—that is a bit of an understatement—I have no doubt the majority of constituents will appreciate the rapid transit system on the North West Rail Link, which is progressing well after years of unfulfilled Labor promises, and the NorthConnex tunnel, which will take thousands of trucks daily off a gridlocked Pennant Hills Road. I fought against inappropriate high-rise developments at Beecroft, Carlingford, Pennant Hills and Thornleigh, and continue to fight for better traffic solutions, parking and a wider bridge in the Epping town centre. I am convinced that the Government's 10-50 vegetation clearing code of practice goes much too far and have called for a moratorium while the code is reviewed. Last night I attended a very angry meeting at Pennant Hills where I was given a rousing cheer—but I will not say what I said.

I am known as the "singing MP". I am proud to say that The Tokens, a band to which I belong, continues to entertain and give much enjoyment to older people in the Epping electorate and across Sydney in a voluntary capacity. The weekend before last we entertained a group of seniors on a harbour cruise for the seventh successive year for Epping Rotary. Each year prefects from Cheltenham Girls High School and Epping Boys High School get involved and the oldies enjoy their company—and, of course, dancing with them. I have found that getting people to sing along helped me form a rapport with many of my senior constituents. I have enjoyed entertaining as a soloist various groups of all ages. I will be performing at the Beecroft Christmas Carols in the Village Green again this year—I can give those who are interested the date and time. I think this is my fifth year performing at that event. I have enjoyed singing *Danny Boy*, *Waltzing Matilda* and *Give Us Back Our Epping Road* at the Anzac Day breakfast at the Epping Club each year since my election.

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One of the highlights for me was the St Patrick's Day fundraisers—the best way to make money for election campaigns. My singing has helped me to bond with members of the Korean-Australian and Chinese-Australian communities. We have had great fun raising money for some wonderful charities. The songs I have sung, although in English, are universally popular and help build bridges to make a united community. There are so many people I need to thank, and I will thank at least some. First, I thank my wife, Julianne; my children and their spouses—our eldest, Benedict, and his wife, Julianna; Dominica and her husband, Matthew; Nathaniel, or Nat as a lot of people know him, and his wife, Christine; Jerome and his fiancée, Siobhan; and Philomena and her husband, Adrian. I thank also Juli's family for their support, and some of whom are here now in the public gallery. Juli is my soulmate, my inspiration, my main adviser and my comforter. No man could wish for a better wife, or sons, daughters and spouses. No family is more loyal.

I thank also my staff, the longest-serving being my Epping electorate office manager, the redoubtable Zorica Kaye-Smith, who has been with me since 2007. Her warmth and charm have made her so many friends, which has greatly added to the goodwill of our office. Scott Gumley has been a loyal assistant to her. His skills at photography and writing for our newsletter have been a great help to me and my campaign. Others who have worked faithfully for me in Epping include part-timers Lieutenant Colonel Paul Kim, Joan Wilcox, Vivien Lor, Ed Dya, Michael Todd, Joseph Del Duca, Min Wei Ji, Andrew Selwyn and Scott Fowler. Paul Kim has been my liaison officer with the Korean-Australian community, which has been very supportive of me. There is a group called the "Korean Friends of Greg Smith". We are going to have a dinner again soon. Joan represented me on the Parramatta Traffic Committee and did a sterling job. She was also an important link with various local groups, including church groups.

My ministerial staff and departmental liaison officers made up a happy and talented team. Chief of Staff Damien Tudehope has been preselected and endorsed to replace me as the Liberal candidate for Epping. Now he can appear as the candidate. I wish him well and am confident that he will be an excellent member for Epping. Head of Policy Garry Travers worked with me from 2007 and provided great assistance in formulating policy issues. He is also a talented musician and an important member of the Tokens. He wrote the song

Give Us Back our Epping Road, a well-known hit in the Epping area. People keep repeating it to me—saying, "Where's Epping Road. Why haven't you given it back?"

Geesche Jacobsen was a very skilful and calming media adviser, who mostly kept me out of trouble. She succeeded Michael Pelly, who also assisted me considerably in this tricky area. Lynn Taye, my personal assistant and a lady with great organisational skills, was the person who, more than anyone, kept the office happy and together. Andrew Selwyn, our super-efficient office manager, made sure we had necessary back-up and with our receptionist, Maja Nogic, handled the difficult callers. Agnes Kang, Audrey Eschevarria, Nick Santucci and Ed Clapin provided good advice and good cheer on a daily basis. Our corridor often rang with laughter. It was a very happy place to work.

Thanks also to Noel McCoy for his expertise. Helen Bauer, who was a friend from my days at the Independent Commission Against Corruption and later a director general, worked as a volunteer and gave sound advice on policy matters. Steve Davis was a very reliable driver and a good bloke for a submariner. Departmental liaison officers from Corrections, Shannon Bateman and Therese Downes, and from the Attorney General's Stephen Bray, Andreas Heger and Lauren Judge made sure I kept my correspondence and decision-making up to date. It took some effort sometimes for them to whip me into line. They were also a source of sound advice.

My Attorney General's departmental heads, Laurie Glanfield and Andrew Cappie Wood, and their assistant director generals Brendan Thomas and Maureen Tagney, and their staff gave excellent assistance. Peter Severin, the very able Commissioner for Corrective Services, has provided excellent leadership and advice in that difficult role. John Paget is a very able Inspector of Custodial Services. I was privileged to recommend for appointment three lawyers of outstanding reputation and ability to high positions—Tom Bathurst, as Chief Justice; Margaret Beazley, the first woman to be appointed President of the Court of Appeal; and Lloyd Babb SC, the Director of Public Prosecutions. They have all worked with great distinction in their important positions. I have been involved in appointing many excellent judges and officials and thank them and others I worked with for the betterment of this State. Two appointments I am particularly pleased with are Bill Grant, who returned to the role of Chief Executive Officer of Legal Aid New South Wales, and Justice Robertson Wright, President of the NSW Civil and Administrative Tribunal [NCAT], which is working very well.

I will say something about my parliamentary colleagues, and thank the many friends I have made on all sides of the Parliament. I am happy that my old sparring partner, Barry Collier, is following me in this valedictory speech tonight. I admired and respected Barry O'Farrell's strong leadership. His departure seemed so unfair, but his legacy will live on for many years. Mike Baird has been a friend since I arrived and he has made an impressive mark already as Premier. I wish him well. Sadly, some of my closest colleagues remain under a cloud, but whatever, if anything, is found against them, in my view they have served their electorates and the State well during their terms in Parliament. I thank those who have served or acted as Speakers and Whips during my time here; there are too many to mention.

I thank the Clerks; the attendants; and the officers of the Committee on the Independent Commission Against Corruption Helen Minnican, Carly Maxwell, Dora Oravec and Jenny Whight. I also thank my colleagues who served with me on that committee, including Deputy Chair Andrew Gee. I thank the catering staff, the IT staff and all the other staff of the Parliament. They are a terrific lot. I have been assisted in the electorate by many loyal branch members, some of whom are here tonight. I will remain forever grateful for the assistance I have been given over the past eight years by party members.

The wise State Electoral Conference President Ross Barwick, former Secretary Michael McAuley, vice presidents John Smibert and Robert Kennaugh, and present and former treasurers John Little and Janine Orban have worked well with me and the Liberal Party. I conclude with an edited version of the words with which I concluded my inaugural speech, calling on the example and inspiration of Saint Thomas More, who had told his executioner, "I die the King's good and loyal servant—but God's first". My words were as follows:

I am inspired by the life and death of Saint Thomas More, the Patron Saint of Lawyers and Politicians, whose statue is located in the Speaker's Garden ... Lord Rawlinson of Ewell, the former British Attorney General, said at a Congress in Sydney in 1978:

Thomas More was the first man in modern times to show the way. He taught all men, but public men in particular, that be the cost never so dear, that be the consequences to position, ease, repute and even family never so great, a man must choose the spirit. Each man, to be a man, must be God's servant, first and always.

In my service to the people of Epping and the State of New South Wales, I have tried to live up to these wise words. Thank you and God bless you. I invite all to sing along with me:

♪ We'll meet again,
don't know where, don't know when,
but I know we'll meet again, some sunny day.

Keep smiling through,
just like you always do,
till the blue skies drive the dark clouds far away.

So will you please say hello,
to the folks that I know,
tell them I won't be long.

They'll be happy to know,
that as you saw me go,
I was singing this song.

We'll meet again,
don't know where, don't know when,
but I know we'll meet again, some sunny day. ♪

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The DEPUTY-SPEAKER (Mr Thomas George): On behalf of all members I thank you for your contribution not only as the member for Epping and to the Epping electorate but also as the Attorney General and as a member of this House. We ask that God will bless you and Juli with good health and happiness in your future.

VALEDICTORY SPEECHES

Mr BARRY COLLIER (Miranda) [6.20 p.m.]: Tonight—in what I am advised by the Parliamentary Library is something of a first in recent times—I make my second valedictory speech upon my retirement from Parliament and political life. As one of my supporters said lightheartedly, "The comeback kid has come back and gone again!" Many of the constituents to whom I have spoken since announcing my retirement have understood my reasons for doing so and have wished me well. Some have asked me, "Are you sorry you came back?" My answer is an emphatic no! However hard or long the journey, no-one in our democracy should ever regret the great honour of being chosen by his or her community to serve them in this, the first of our Australian Parliaments.

At the outset I thank the people of Miranda for giving me the extraordinary privilege of doing so again after having served them previously for the 12 years from 1999 until my retirement at the 2011 State election. The circumstances that brought me back to this House from political retirement in 2013 were extraordinary. I have spoken about the reasons for the by-election result and the messages for both sides of politics in my second inaugural speech—if there is such a thing. I do not elaborate on those here. Nor do I recount my first 12 years in Parliament. Suffice to say, however, that the many local achievements of successive State Labor governments in Miranda and the shire over those 12 years had not been forgotten by the people of Miranda when they cast their ballots on 19 October 2013.

I know that there are those in the community who say that, given the historic 27 per cent swing in the by-election, I have an obligation to run again as a candidate for Miranda in 2015 and that, because I am not running again, I really should not have put my hand up for the by-election in the first place. There is even the ridiculous notion that I am "doing a Graham Annesley" by leaving early. I reject all of these ideas. I answered the call of many in my community to come back and give them the representation and the voice in Parliament they felt they deserved for the 18 months remaining in this term of government. They wanted someone with experience who they believed they could trust to stand up for them on the urgent issues confronting them. Were that not so, we would not have overcome what appeared to so many to be the insurmountable margin of 21 per cent.

Having returned, we quickly got on with the task of calling the Liberal-controlled Sutherland Shire Council to account on the major issue of overdevelopment, seeking a public inquiry into its latest local environmental plan [LEP]. With the assistance of then planning Minister Hazzard we broadened that inquiry's terms of reference to include an examination of the controversial mayoral minute of 29 July 2013. Despite widespread community concerns across the shire about overdevelopment and the LEP, I was the only local member of Parliament to personally attend and make an oral submission on behalf of my constituents at the

public hearing in addition to tendering my written one. I have also made a written submission about the council's last draft LEP—version 3—and even today lodged a petition with more than 500 signatures with our Clerk that raises community concerns on the rezoning of parts of Miranda for boarding houses.

Since coming back I have been able, by taking a bi-partisan approach and with the assistance of Minister Stokes, to take positive steps towards minimising, if not eliminating, the serious health risks posed by the 18,000-strong Kareela flying fox colony to the highly vulnerable special needs children of Bates Drive School, Sylvanvale, Autism Spectrum Australia [ASPECT] and Mikarie Child Care Centre. While it is still early days, the 20-metre buffer zone we have cleared looks to be producing positive results for the children, their teachers and nearby residents. I have also continued to stand up for my constituents as I said I would in calling for changes to the rail timetable, an end to fire station closures and the restoration of TAFE funding.

To those who criticise my retirement, I believe I have done what was asked of me. I have done what I saw as my duty to the best of my ability with all the experience I could muster to represent the same community as I had previously for 12 years. I reject the idea that I must stand again, sincerely believing I have achieved everything I reasonably could for my community in the time available, from Opposition and in the current political environment of the shire. I did, of course, contemplate standing again. But looking at the faces of my young grandchildren during a recent holiday and knowing that politics is a 24/7 commitment over four years I knew in my heart that it was time for me to retire from politics and spend more time with my wife and family.

Of course, when we say that we are leaving to do that there will always be some cynic, somewhere, seeking to portray such decisions as somehow odd or as a cover for some yet undiscovered skeleton lurking in some distant closet. But, in reality, for most of us retiring at a time of our own choosing it is our families that take centre stage—as they should. All 93 of us in this place know full well the role each of our families plays and the sacrifices each of our families makes time and again in allowing us not just to achieve our political aspirations but also to continue serving each of our communities to the best of our abilities. We see the photographs of our family members at that special event we missed because of some electorate commitment we just had to attend elsewhere. While our families appreciate and accept our reasons for not being there with them, we know what they give up and we know what we give up.

I know I could not have achieved any of the things I have in politics or served the people of Miranda with the commitment they deserved—either in those first 12 years or this time around—without the continuing love and constant support of my wife, Jeanette, who is in the gallery tonight. Jeanette has always been there by my side, privately and publicly, providing the wise counsel and honest feedback of the kind each of us in this place know we often need and which only those very close to us who know us best can truly give. I love you, Jeanette. I am privileged to have you beside me throughout my time in politics and throughout my life. To my son, Michael, who is in the gallery, my daughter, Sarah, their respective spouses Anna and Jason and to my three beautiful grandchildren, Taylah, Lucia and Joseph I express my love and my gratitude for your support, your patience and your understanding. Both dad and pop are looking forward to being around a little more.

Beyond my family I am also sincerely grateful to the local Australian Labor Party branch members—especially those in the Miranda branch—for their consistent and enthusiastic support. Some like Bob "Paddy" Rogers, Tony Iffland, John McLean Junior and Bob White have supported me throughout every campaign since I first sought pre-selection as the Labor candidate for Miranda nearly 15 years ago. I know that they, along with all other local branch members, will join me in supporting our endorsed Labor candidate for Miranda, Greg Holland, every inch of the way in 2015.

Family and party members aside, all of us in this place know that we cannot serve our community effectively without the assistance and consistent hard work of committed front-line staff who are caring, compassionate and ever willing to go that extra mile, day in and day out, for our constituents. In this, I am indeed fortunate to have a first-class staff of Kim Hall, Maree Shepherd, Stefanie Jones and Jackie Lloyd working with me at my electorate office for the people of Miranda. Kim had worked with me for 10 years and Maree for more than four years during my first 12 years as member for Miranda, and both came back to job-share after the by-election.

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It was their experience and outstanding commitment that saw the Miranda electorate office back up and running so quickly after last year's by-election, not only assisting me in tackling the new issues but in clearing the backlog of constituent matters left behind in the wake of my predecessor's sudden departure. Stefanie and Jackie, both of whom are much more "tech savvy" than yours truly, are just as committed and hardworking—

and I cannot speak highly enough of each of them. To Kim, as well as Maree, Stefanie and Jackie, who are in the gallery tonight: A big thank you from the people of Miranda and from me. I could not have done the job without you all. It was, of course a great privilege for me to return as the twenty-first Labor member of the Legislative Assembly and, in the finest traditions of this House I join in welcoming the arrival of our twenty-second and twenty-third members today.

There are, of course, many in this place I wish to thank and acknowledge. I thank all my Labor colleagues for their camaraderie and hard work since my return. I acknowledge the consistent and committed hard work of our leader, the Hon. John Robertson, and all members of the shadow Cabinet. I wish them, and all other Labor candidates, the very best as they go to the polls in 2015. I thank our very popular Labor Whip, the Hon. Richard Amery, for his friendship and, despite his attitude to lawyers, I shall miss the regular banter with him both outside and inside the House. Indeed, as one who watched the Muppets with his children, I cannot help but chuckle every time I recall Richard and I sitting together during question time and being dubbed "the Waldorf and Statler of the Chamber" by the member for Pittwater! In thanking our Whip, I also thank his ever diplomatic secretary, Jan Clifford, for her work and I acknowledge the important and supportive role she plays in the day-to-day functioning of the House.

I thank my parliamentary colleagues on the other side for their courtesy, the Speaker, our Clerks, Hansard, our very friendly telephonists, and all the parliamentary staff in every capacity for the work they do in helping keep the wheels of democracy turning here in Macquarie Street. With the closing of my political career in sight, I often come across constituents who ask me what I will do when I retire. I tell them I am not retiring from life. I say I believe I can serve my community in other ways, as I did as President of Kareela Public School Parents and Citizens Association and as a member of the Rookwood Cemetery Trust Board during my 2½ years absence from this place. But I do not know what the future will bring in that regard. I do not have any jobs or board appointments lined up and I do not have any plans at this stage.

Some of my supporters, though, tell me I should write a book about my life in politics. I will give that some serious thought. After all, our acknowledged Australian Labor Party historian, Rodney Cavalier, agreed that when it came to my career as a Labor politician, I was something of an anomaly. Last week, in my electorate of Miranda at the Port Hacking High School, I gave a lesson to year 9 commerce students about government and elections. In a throwback to my days as a teacher at the same school, if not in something akin to a time warp of the first degree, I did so in the very same classroom in which I taught the subject more than 30 years ago. Towards the end of the hour-long class, one student said, "What attracted you to politics and to the Labor Party?" The answer, like many of those of my generation, was simply two words: "Gough Whitlam". As the school bell went soon after, there was virtually no time to elaborate.

In Mr Whitlam we had a national leader with enormous passion and a great vision for our country—a politician with courage, a determination to change and who, as Prime Minister, did in fact change Australia for the better. Like so many, I mourn the passing of Mr Whitlam and I cannot now leave political life, on the eve of his commemoration service, without some mention of the important role he played in mine. How can I forget attending my very first political meeting at the Cronulla Odeon theatre during the "It's Time" campaign late in November 1972 with Jeanette, my wife of just 10 months, to hear Gough Whitlam speak? The extraordinary charisma and powerful oratory of the great man in that electrically charged atmosphere left us all in no doubt that it really was time and that, after 23 years, the Federal Government would indeed change. Gough Whitlam was sworn in as Prime Minister of Australia on 5 December 1972—my twenty-third birthday.

The symmetry not lost on me. As a newly-wed who had just completed his university studies, but had been conscripted and was due to go into the Army in January 1973 with every prospect of going to Vietnam, Gough Whitlam had given me the best birthday present I could have ever hoped for—my future. Not surprisingly, perhaps, I wrote to Mr Whitlam care of Parliament House. I had never met him and I congratulated him on winning the 1972 election, wishing him well as our Prime Minister and thanking him for the difference he had made to my life. Little did I envisage that the day would come, 30 years later, when, as the State member of Parliament for Miranda, I would have the honour of sitting next to Mr Whitlam at a local Labor function and thanking him in person. He has been the inspiration to me and, I know, to others who have served in this place. His legacy lives on.

Throughout my time in office, I have had the great privilege of meeting and knowing some of the finest men and women this State has to offer; distinguished men and women of high standing and high principle; men and women who give so much to their communities so unselfishly and so generously time and time again; men and women who bring their passion, commitment and leadership to bear in seeking to change their communities

for the better. I am not just talking about the many magnificent volunteers we each acknowledge in our private members' and community recognition statements. I am also talking about individual men and women I had the privilege of knowing on both sides of this House. You see, like Gough Whitlam, I believe that politics is an honourable profession and I believe that politics should be regarded as such by the wider community. And yet how often do we hear someone say to us, "I wouldn't do your job for quids." True it is, politics is not for the faint-hearted. But neither is it a profession for the selfish, the self-centred, or the shallow personality.

I believe that now, more than ever, it falls to each of us and to those who follow us, to change the perception of politics from something to be avoided at all costs to something to which men and women with talent, vision and life experience all aspire. Perhaps I am preaching to the converted when I say that, rather than being derided, politics and indeed politicians should be respected for the essential role they each play in our precious democracy and the potential they have to make our communities and the world in which we each live a better place. Now, more than ever, I believe we need to restore that respect. Certainly the media will not help us in that regard and we cannot do that by legislation alone. At end of the day, it really is up to us, in what we do and we do not do, and what we say and we do not say, in the decisions we make and in the judgements we exercise as professional politicians day in, day out.

Throughout my political career, I have been inspired by great Labor Prime Ministers like Whitlam, Keating, Chifley and Curtin and outstanding New South Wales Labor Premiers like Lang, McKell and Wran. But of course, like my colleagues, I read the biographies and the speeches, and look up the quotes taken from these. But I will share one quote that has served me well throughout my political career, particularly when some very, very tough local decisions had to be made. In fact, I wrote this quote in a short letter that I left in an envelope addressed to my successor on my desk in Miranda just before I left the office and retired in 2011. The quote is from a speech by the great Irish statesman, Edmund Burke, in his "Speech to the Electors of Bristol ...", on 3 November 1774—exactly 240 years ago yesterday. He said this:

Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

If I have learnt anything during my 13½ years in Parliament and in politics, it is the fundamental truth of this statement. But it is now time for me to leave political judgement to others, and in so doing it is my fervent hope that in exercising their judgment, members will do so in ways that restore respect across the community to the honourable profession of politics and to this House, of which I am so privileged to have been a member for so long. I thank the members present for their courtesy tonight. I leave this place, for the second time, with goodwill to all. And so, for the second—and for the last—time, it is goodbye.

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The DEPUTY-SPEAKER (Mr Thomas George): Barry, I commend you not only for your contribution to the electorate of Miranda but also—as a member of the class of '99, with a short break—for your contribution to this House. May you be blessed with health and happiness in the years ahead.

ELECTRICITY SUPPLY AMENDMENT (BUSH FIRE HAZARD REDUCTION) BILL 2014

Message received from the Legislative Council returning the bill with an amendment.

Consideration of Legislative Council's amendment set down as an order of the day for a later hour.

SURVEILLANCE DEVICES AMENDMENT (POLICE BODY-WORN VIDEO) BILL 2014

Second Reading

Debate resumed from an earlier hour.

Mr BRAD HAZZARD (Wakehurst—Attorney General, and Minister for Justice) [6.42 p.m.], in reply: I thank the members representing the electorates of Liverpool, Tweed, Penrith and Cronulla for their contributions to this debate. This bill makes amendments to the Surveillance Devices Act to permit the overt use of body-worn video devices by police officers acting in the execution of their duty. Police will be able to overtly record in premises where they are lawfully present, and overtly record private conversations when a party being recorded knows that they are talking to a police officer. By allowing police to utilise this modern technology as a contemporary law enforcement tool, the reforms in this bill will ensure police officers are properly equipped

and supported in the field as they perform their everyday duties and maintain peace and security in the State of New South Wales.

The member for Liverpool raised an inquiry about media access to the video. I advise the House that the media can gain access to the video after it has been tendered in court, consistent with current practice. The member for Liverpool also raised concerns about the appearance of children in videos. As one would expect, the Government is sensitive to these issues, and they will be covered by the relevant police guidelines. I will address the issue of what measures are to be taken to ensure that the introduction of body-worn video devices runs smoothly. I can advise the House that a body-worn video implementation committee, consisting of representatives from law enforcement and justice agencies, is to be established to oversee and monitor the implementation of these reforms.

The implementation committee will be consulted in relation to both the guidelines for the operational use of body-worn video devices and the communication strategy, which are to be developed by the NSW Police Force. In particular, the implementation committee will examine how a body-worn video is being used in practice by police officers and how the recorded information is subsequently used. Any necessary operational and guideline changes needed to support the ongoing use of the devices will be considered. I can also advise the House that the implementation committee will report back to government after the reforms have been in operation for a period of approximately 12 months. With those comments, I think I have addressed each of the issues that have been raised, and accordingly 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 Brad Hazzard 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.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT BILL 2014

Second Reading

Debate resumed from 22 October 2014.

Mr RON HOENIG (Heffron) [6.45 p.m.]: I lead for the Opposition on the Environmental Planning and Assessment Amendment Bill 2014. I indicate that the Opposition supports the bill but proposes to move an amendment in the other place in respect of a transparency provision relation to the e-planning portion to be added to the legislation. The Opposition supports the bill because it cannot oppose increased penalties for those who infringe the Environmental Planning and Assessment Act. Since 1979, the date of enactment of the principal legislation, this State has faced the continual problem of enforcing conditions of consent in a way that gives effect to either the consent authorities' planning decisions or alternatively the implementation of the conditions.

On too many occasions consent authorities—whether they be the State or one of its allegedly independent organs, such as the Planning Assessment Commission, justice representatives, councils or others operating consents under the Environmental Planning and Assessment Act—have granted consents in the belief that the conditions that would give effect to those operations would ensure minimum inconvenience or harm to the environment, only to find those conditions of consent are not being adhered to, and that there is a convoluted approach to enforcement.

There also have been flagrant breaches of the Act and consents by proponents who have had no intention of complying with the conditions of consent; they have simply ignored those conditions. Too often,

people have conducted their operations without obtaining consent under the Environmental Planning and Assessment Act and the penalty provisions have not been sufficient to deter them from so operating. Most importantly, and most significantly, one issue in the planning system that has caused considerable consternation to all citizens of New South Wales has been a systemic misleading of consent authorities, either knowingly or otherwise, as to the environmental impacts of a proposed consent. It is only subsequent to the giving of such consents that the community discovers the major environmental impacts of those consents.

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It does not just relate to simply building commercial, residential or high-density buildings. It relates also to a range of mining, coal seam gas and other activities that require consent under the Environmental Planning and Assessment Act where authorities have been induced to give consent, on the presentation of environment impact statements and on the basis of allegedly independent opinions, only to discover down the track significant damage to the environment. Let us hope that by increasing penalties and creating separate tiers of offences, the penalties contained in this bill constitute a deterrent.

The objects of the Environmental Planning and Assessment Amendment Bill 2014, which gives effect to amendments to the principal Act, are difficult to impose. They are to increase substantially the maximum penalties for offences against the principal Act and the regulations; to create additional offences, including providing false and misleading information in connection with planning matters, which goes directly to the matter to which I have just referred; to consolidate and expand the investigative powers of councils and departmental officers in enforcing the provisions of the principal Act; to require the secretary of the department to establish and facilitate the online delivery of planning services—effectively to create an e-planning system to get our planning system up to date as best as any information technology [IT] people within the New South Wales Government can do; and to make provisions and penalties for failing to declare political donations relating to planning matters.

I shall address each object, but commence by saying that in the attempt by the Government to model penalties along similar lines to the Protection of the Environment Operations Act, this bill fails miserably. Initially, I thought it may have been a policy decision in that the Government perhaps made a deliberate decision not to impose for breaches of the Environmental Planning and Assessment Act penalties of the magnitude under the Protection of the Environment Operations Act. Then I looked at the Minister's second reading speech. The Minister asserts that the three-tier penalty framework comes from a recommendation of the May 2012 Review of the NSW Planning System by Moore and Dyer. Chapter 13 of volume 1 of that review dealing with enforcement provisions shows that Mr Dyer's and Mr Moore's recommendations have been made on a wrong premise.

Mr Dyer and Mr Moore did not seem to appreciate something that the Minister for the Environment also did not appreciate regarding my private member's bill, which involved amendments to the Protection of the Environment Operations Act. Under the Protection of the Environment Operations Act, major tier 1 offences carry maximum penalties not just of fines but also imprisonment for seven years. That seven-year penalty can be imposed providing the offender is convicted on indictment in the Supreme Court. Of course, those offences are reserved for significant damage to the environment in breach of the Protection of the Environment Operations Act. My major criticism of the Environment Protection Authority [EPA] and its application of the provisions of that Act was that there were no instances where the Environment Protection Authority ever indicted anybody for offences of that seriousness. It relegated itself to prosecuting in the Land and Environment Court's summary jurisdiction where maximum penalties of only two years imprisonment applied.

Consequently, the Moore and Dyer review recommendations regarding the Environmental Planning and Assessment Act were premised on the basis that prosecutions for tiers 1, 2 and 3 offences simply were prosecutions that were always in the Land and Environment Court. They did not give appropriate consideration to what those maximum penalties should be. The significance of that is this: if what is proposed is a tier 1 offence that attracts a maximum penalty of \$5 million for a corporation, the most serious offence is carrying out a development without approval, or contrary to existing approvals or contravening a development control order, and is committed intentionally and caused or was likely to cause significant harm to the environment or death or serious injury to a person.

A similar offence that causes significant harm to the environment prosecuted on indictment in the Supreme Court under the Protection of the Environment Operations Act carries a maximum penalty of seven years imprisonment for an individual. It is extraordinary that this House would pass legislation that does not carry a sentence of imprisonment for a person's action that may cause death or serious injury. In fact, for an individual the penalty is only \$1 million with no penalty of imprisonment. As I said, I thought it may have just

been an error, which could have been committed easily because legislation providing for the implementation of penalties normally comes from the Attorney General's Department. This bill seems to originate from the Department of Planning. Therefore, I thought it may have been an error until I read the Moore and Dyer review.

That being the case, whilst anybody would support the increased penalties for the serious tier 1 offences, one should give consideration as to whether anybody who causes significant harm to the environment or the death, serious injury or illness of a person should face a similar provision to that provided in the Protection of the Environment Operations Act and should attract a penalty of seven years imprisonment in order to be consistent. It will not involve a simple amendment to tier 1 offences in the Act because the bill has failed to set up a similar regime to enable a prosecution on indictment. I would be the last person to suggest to the House that somebody should face a penalty of seven years imprisonment without being prosecuted on indictment and without having their guilt or otherwise determined by a jury. This change cannot be simply added to the tier 1 offences provisions. The Government needs to make a policy decision having had its attention drawn to the matter.

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In respect of the enforcement of the planning provisions, was the intention not to jail people who are in breach of this Act? Alternatively, is it simply an adoption of the Moore and Dyer recommendations in volume 1, chapter 13 of the report? If tier 1 offences are to act as a deterrent to serious deliberate breaches of the planning legislation that affect the health or life of a human being, there should be serious consequences. I acknowledge that the Minister expressed her clear views to proponents on what the planning system is about. Some corporations make large financial gains from the offences that they commit and it is appropriate that there be higher penalties, which will send a clear message to them.

The tier 2 offences under the proposed structure of the bill apply where the acts are unintentional or are not likely to cause significant harm to the environment or cause death or serious injury to a person. Tier 2 provides for only financial penalties. Under the Protection of the Environment Operations Act, individuals who have acted negligently are liable to a lesser period of imprisonment of five years. I cannot assert that persons should be subject to penalties of imprisonment for tier 2 offences, but I suggest that they should be in respect of tier 1 offences. Interestingly, the tier 3 offences, which are described as lesser procedural or administrative offences, provide for an approach that I welcome. Corporations will face penalties of \$1 million and individuals will face penalties of \$250,000. If this bill is enacted, for the first time the planning legislation will make it an offence to provide false and misleading information in connection with a planning matter. That is a significant and important reform.

Too often in the planning system, as I indicated at the beginning of my speech, proponents or those in their employ have induced consent authorities to make decisions on the basis of information that is intended to be misleading. Not only is that new offence created but also it will be extended to applicants as well as their consultants who provide false and misleading information in environmental impact statements. That is an important and significant reform that should be supported. Too often in the past environmental impact statements have been brought into disrepute because they have contained material that has induced authorities to grant consent or place inappropriate conditions on consent only to find subsequently the material was misleading or deceptive because it contained false information. The community has a right to be suspicious of some environmental impact statements because of past environmental impact statements that have contained false and misleading information.

An accreditation scheme for environmental consultants who prepare environmental impact statements was considered in the green paper but was withdrawn from the white paper because the department considered it to be too hard. Major development and investment in this State is at stake and one reform that should be progressed as part of any future planning policy is an accreditation scheme similar to that of other professions to ensure that people are licensed to prepare environmental impact statements. It is essential that the public have confidence in these documents being placed on exhibition. Ministers, governments and councils are often attacked as they embark upon the planning process because of the contents of environmental impact statements. In respect of tier 3 offences a note in schedule 1 [13] at the end of subsection 4 of proposed section 148B states:

The *Crimes Act 1900* contains other offences relating to false and misleading information: section 192G (Intention to defraud by false and misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).

Effectively the tier 3 offences in the proposed amendments to the Environmental Planning and Assessment Act do not provide for penalties of imprisonment, but there are equivalent provisions in the Crimes Act that provide for maximum penalties of five years imprisonment for false and misleading information, so there is an

inconsistency between the two. The two are complementary but a situation is created in the way the bill is worded where tiers 1, 2 and 3 offences do not provide for a sentence of imprisonment. However, if an individual commits a tier 3 offence, they are probably committing an offence under section 192G of the Crimes Act, which contains a sentence of imprisonment. Therefore, a course of conduct arises that allows a backdoor method to create penalties of imprisonment.

What is relevant to the planning process and should be considered—I probably should not say this because it will be used by proponents in planning—is that I can envisage people protesting about development approvals going to the Local Court and commencing their own criminal proceedings against individuals for false and misleading information. The commencement of those criminal proceedings is a relatively inexpensive process. In that respect there is an inconsistency in penalties.

One important reform is that the bill provides for alternate sentencing options when dealing with what the Minister describes as criminal proceedings for tier 1, tier 2 and tier 3 offences, and that is to provide courts with a wide range of powers beyond monetary penalties. Those provisions are consistent with the Protection of the Environment Operations Act. There are some details about publishing but naming and shaming individuals or corporations does not tend to work in planning and environment. Certainly, having powers that will restore the damage done to the environment, provide additional environmental enhancement, recover monetary benefits, or recover profits gained is not a bad suggestion.

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The other object of the bill, which is supported by the Opposition, has been sought by local government for some time—namely, to increase councils' investigative and enforcement powers. Currently, if refused entry, councils can only carry out an inspection by giving notice and in so doing illegal operators are often tipped off. Councils and other government officers will now be able to enter non-residential premises without first having to give notice. This will allow them to build cases against those alleged to be acting in breach of the Act. The bill will give enforcement officers very wide power—perhaps even greater powers than those sought by local government. Nevertheless, powers of entry, powers of search and things of that nature, for the noblest of reasons, can intrude upon the fine balance. I note that the bill contains a variety of protection mechanisms in the granting of those powers—for example, new section 119K, which sensibly gives investigative officers the power of recording evidence.

The greater access to public information contained in the ePlanning principles are a welcome addition. As the Minister indicated in her second reading speech, being able to use three-dimensional visual tools will allow ePlanning to be effective. A couple of years ago whilst in Israel I saw some software development that quite remarkably enabled a person to click a mouse on an area of proposed development and see the view or impression of it. Providing greater information in the planning process and modernising the submission of applications will enable greater public scrutiny. On the whole, the Opposition supports the objects of the bill but, as I indicated earlier, there is something wrong with the structure of the tier 1 to tier 3 offences. It is either a policy decision that the Government has made or, alternatively, it is an error built upon an error of law. Other than those issues, the Opposition supports the bill.

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [7.13 p.m.]: I support the Environmental Planning and Assessment Amendment Bill 2014. The bill will amend the principal Act, the Environmental Planning and Assessment Act 1979, in three principal ways: It will establish a three-tier penalty regime, implement other enforcement reforms and introduce ePlanning. I turn first to the three-tier penalty regime. The bill introduces a three-tier regime, modelled on a similar approach under the Protection of the Environment Operations Act 1997. This will make the maximum penalty clear on the face of the legislation, unlike the current system where there is only one maximum penalty for all offences.

Tier 1 will apply to the most serious offences—for example, carrying out development without an approval or in breach of conditions of an approval. It will apply where the offence was committed intentionally and caused or was likely to cause significant harm to the environment or the death or serious injury or illness of a person. The maximum penalty will be \$5 million for corporations—more than four times the current penalty—and \$1 million for individuals. Tier 2 will apply to the same offences but not include the aggravating factors of intention, environmental harm, death or serious injury or illness. The maximum penalty will be \$2 million for corporations and \$500,000 for individuals. Tier 3 will apply to lesser procedural or administrative offences—for example, failing to comply with notification requirements relating to part 4A certificates. The maximum penalty will be \$1 million for corporations and \$250,000 for individuals.

The second general area of reform relates to enforcement reforms. The Land and Environment Court will be given alternative sentencing options to deal with offences against the Environmental Planning and Assessment Act, including the power to make orders requiring an offender to prevent environmental harm or make good any environmental damage resulting from the offence; to pay an additional penalty representing profits made by the offender from the commission of the offence—it is important to make sure that, notwithstanding the penalty, it is not good business for someone to breach the Act—to publicise the details of the offence and its consequences; to notify certain persons of the offence, including in annual reports or other notices to shareholders; to carry out an environmental restoration or enhancement project; and to attend or establish a training course.

The court will also be able to make orders stopping power, water and gas service to prescribed residential or tourist premises that breach enforcement orders, in particular illegal backpacker and student accommodation. This order power currently applies to breaches of brothel closure orders only. The Act will contain a new offence for providing false or misleading information in connection with a planning matter. The offence will now apply to consultants engaged by applicants, as well as the applicants themselves. The bill will consolidate the investigative powers of councils and the department. This will increase the ability of local councils to investigate suspected breaches of the planning legislation. It will enable them to enter non-residential premises without first having to give notice, to require information or records before entering premises, to use reasonable force to enter premises without first having to obtain written authority, and to seize things connected with an offence where premises are entered for investigation purposes.

The bill clarifies that it is an offence not to disclose political donations made by directors of companies related to applicants for planning approval or who request changes to planning controls. The third and final area is ePlanning. The bill will bring planning into the twenty-first century by facilitating ePlanning and giving statutory force to the New South Wales planning database and New South Wales planning portal. The New South Wales planning database will be an electronic repository of current and historical planning information. The New South Wales planning portal will be a website providing public access to documents and other planning information. The bill also makes amendments to other parts of the Environmental Planning and Assessment Act to identify notification requirements that are satisfied by publication on the New South Wales planning portal.

In summary, the bill contains three main areas of reform: a three-tier penalty regime, the implementation of enforcement reforms and the introduction of ePlanning. This will make the enforcement regime one of the toughest in Australia. It will instil greater public policy in our planning system, overcome problems with the absence of deterrence to breaches of the Environmental Planning and Assessment Act, and go a long way to ensuring that the punishment fits the crime. I commend the bill to the House.

Ms PRU GOWARD (Goulburn—Minister for Planning, and Minister for Women) [7.18 p.m.], in reply: I thank all members for their contributions to debate on the Environmental Planning and Assessment Amendment Bill 2014. In particular, I thank members representing the electorates of Heffron and Cronulla. The bill will restore public confidence in the planning system by getting tough on offenders and making them more accountable when they cause environmental harm. The new three-tier offence regime and increased penalties will make New South Wales the toughest State enforcement regime in the country for planning offences. But it is not just about toughness. The Land and Environment Court's alternative sentencing options will enable it to better deal with the real consequences of planning offences, in line with the community's expectation that the punishment fit the crime and address it.

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The bill contributes to the integrity of environmental impact statements and increases public confidence in the assessment of planning applications by creating a new, stronger offence for false or misleading information in planning documents. Local councils will have the tools to better respond to suspected offences by increasing their investigation powers, and ensure better compliance by being able to ask the court to switch off the power, gas and water services to illegal backpacker and student housing operations. This is important not only for the health and safety of occupants but also for the State's reputation as a destination for tourists and students.

The bill also delivers the necessary statutory backing for ePlanning, which will deliver modern, twenty-first century planning services at the click of a button and get more people involved in the planning process. This ePlanning will make it easier to do business by dramatically reducing the time and resources spent on producing hard-copy planning material. In response to the comments of the member for Heffron regarding tier 1 penalties, I note other Acts that include prison terms may also apply to circumstances where there has

been a tier 1 offence under the Environmental Planning and Assessment Act. These other Acts include the Protection of the Environment Operations Act and the Crimes Act. It would be a matter of determining which is the appropriate Act to bring an action, having regard to evidentiary requirements. I commend the bill to the House.

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

Bill read a second time.

Third Reading

Motion by Ms Pru Goward 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.

ELECTRICITY SUPPLY AMENDMENT (BUSH FIRE HAZARD REDUCTION) BILL 2014

Consideration in Detail

Consideration of the Legislative Council amendment.

Schedule of amendment referred to in message of 4 November 2014

No. 1 **Oppn No. 1 [C2014-121]**

Page 5, schedule 1 [1]. Insert after line 39:

- (3) Any dispute about the reasonable cost of doing the work may be referred to the Energy and Water Ombudsman NSW for resolution.

Motion by Mr Anthony Roberts agreed to:

That the House agree to the Legislative Council amendment.

Legislative Council amendment agreed to.

Message sent to the Legislative Council advising it of the resolution.

FISHERIES MANAGEMENT AMENDMENT BILL 2014

Bill introduced on motion by Ms Katrina Hodgkinson, read a first time and printed.

Second Reading

Ms KATRINA HODGKINSON (Burrinjuck—Minister for Primary Industries) [7.24 p.m.]: I move:

That this bill be now read a second time.

The purpose of the Fisheries Management Amendment Bill 2014 is to amend the Fisheries Management Act 1994 to provide fishing industry participants with improved access to information held by the Department of Primary Industries about their business, licences and fishing activity; to enable industry participants to carry out many transactions directly, in real time and on a 24-hour, seven-day-a-week basis; to replace the highly prescriptive provisions in the Act surrounding share management fisheries with provisions that provide improved flexibility within the regulations and share management plans; and to make various miscellaneous amendments aimed at improving the effectiveness and efficiency of the management arrangements for the State's fisheries resources. Amendments in this bill address many longstanding issues, which will allow for improved fisheries management into the future.

Broadly speaking, the bill offers the commercial and charter fishing industries greatly improved convenience in administration; provides for commercial fishing and charter fishing industry participants to tailor their businesses to suit anticipated fishing activities; reduces red tape; and further promotes providing for Aboriginal people's cultural fishing and broader interests related to fisheries resources. Overall, the bill provides mechanisms for ensuring the sustainability of the fisheries resources for present and future generations, and for appropriate sharing of the fishing resource. To be more specific, there will be flexible and streamlined administrative processes for commercial and charter boat fishers through amendments that allow full operational implementation of FishOnline.

FishOnline is the new administration system that will be accessible to fishers through a computer or internet-enabled mobile device. Commercial fishing and charter fishing operators will have access to their administration accounts and will be able to undertake a variety of operational and business-related transactions, report their fishing activities, as well as review and pay accounts related to the transactions. Access to the system will be available at all hours, every day of the week. If desired, access can be delegated to agents working on an account holder's behalf. This is about convenience for business owners; it is about providing immediate transactions to allow businesses to move quickly on operational decisions; it is about keeping up with other areas of business in a contemporary business and general societal context.

Commercial fishing and charter fishing operators will be able to transact and report on certain fishing activities when it best suits them. Renewal of licences, transferring of entitlements and quota, authorising or revoking nominated fishers, updating contact details, and submitting catch and effort reports are all examples of the functionality that will be available. FishOnline also incorporates technologies to relay, in real time, particulars of when and where certain fishing activities are proposed, as well as estimates and confirmation of catches at the conclusion of fishing. Such pre- and post-fishing reporting will not be needed in all fisheries; but where it is, the new system will provide an easy and efficient way for fishers to comply.

It is fully appreciated that not all industry participants will want to undertake online transactions, so they will have the option to do transactions through the existing application processes. The ability to nominate an agent to do online transactions on their behalf provides a further option. This Government is working with commercial fisheries stakeholders to finalise the most significant reform of commercial fishing undertaken since the Fisheries Management Act was enacted in 1994. This bill addresses aspects of commercial fishery management explored in the 2012 Independent Review of Commercial Fisheries Policy, Management and Administration. In November 2012 the Government announced its support for the majority of recommendations arising from that review, including a recommendation to make the necessary legislative changes to implement significant reforms. This bill fulfils that commitment.

The changes proposed in this bill do not lock in any matters that are subject to continued consultation as part of the commercial fisheries reform program. Rather, they provide the machinery that will allow for the implementation of commercial fishing reforms once the details of the reform proposal have been settled between Government and stakeholders. It is important that further work and consultation is undertaken on reform options before the final decisions are made so that we get the structure right and make sure we end up with a sustainable and viable fishing industry in the long term.

As a primary industry, commercial fishing contributes directly to the social health and economic wealth of communities, which is multiplied by the activities of other businesses and industries in New South Wales that service the industry or draw from the activities of commercial fishing. This Government is committed to supporting and promoting viable fishing industries. This bill ensures that we have the framework to support the fishing industry through crucial reforms. Previously, there were about 20 fisheries-related advisory bodies and committees on the books. These committees provided wideranging advice directly to the Minister. Whilst our fisheries are managed on a sustainable basis, this process was neither sustainable nor efficient.

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The 2012 independent review clearly documents the significant problems that were associated with the previous consultation structure. The bill provides for the establishment of expertise-based advisory groups to replace commercial fishery management advisory committees. This is just another example of this Government's commitment to ensuring that the people with the best and most relevant expertise provide advice on key industry management issues. The new expert advisory groups will be appointed by the Secretary of the Department of Trade and Investment and will also provide their advice directly to the secretary.

The ability to create groups on an as-needs basis and having flexibility as to the participants is key to addressing issues effectively and efficiently. For instance, if a problem with a particular species of fish becomes

evident the new structure will enable the engagement of fishers and experts who are identified as having specific knowledge of, or experience with, that species. A key limitation with the existing management framework in the Act is that the capacity to set and allocate total allowable catch determinations is limited to commercial share management fisheries only. In recognition of the increased focus on determining both total allowable catches and total allowable fishing effort, the bill introduces the term "fishing determinations" and renames the Total Allowable Catch Committee as the Total Allowable Fishing Committee.

To facilitate a variety of potential share linking options and to provide for further quota management of fisheries generally, amendments in the bill will enable the Total Allowable Fishing Committee to determine a total allowable catch in relation to one or more species of fish; any fishery or class of shares; any class of persons; any type of fishing method; and any area or time period. In addition, fishing effort could be determined in relation to one or more methods of fishing; one or more species of fish; any fishery or class of shares; any class of persons; and any area or time period. The bill introduces more flexible mechanisms for the making of fishing determinations. Regulations, a fishery management plan or the Minister may require either the Total Allowable Fishing Committee or the Secretary of NSW Trade and Investment to make a fishing determination. When making a determination the secretary must have regard to any relevant scientific assessment. The secretary may also seek advice from the Total Allowable Fishing Committee or conduct public consultation when making a fishing determination.

Also, it will no longer be the case that the whole of a determined catch must be allocated to the commercial fishing sector. This change recognises the fact that in some circumstances it may be desirable to only partially allocate a fishing determination or not allocate any of the determination. For example, shares may have been surrendered to reduce harvest pressure. Reallocating the proportion of the fishing determination associated with those shares would be at odds with the objective of the surrender. In such a scenario, pursuing a partial allocation of a fishing determination could be a more appropriate course of action. Further, in other cases a fishing determination may be carried out simply to help guide the management of fisheries. In this case it is not intended that any part of the allocation should be formally allocated. The bill includes provisions that will ensure that this is possible. In many cases, regulations will provide for how much of a determination is to be allocated, the manner in which it is to be allocated and to whom the allocation is to be made.

Existing constraints in the Act only permit the transfer of quota between commercial fishery shareholders in the same fishery. Changes proposed in the bill will enable quota to be traded between a new group called "commercial fishing authority holders". This group includes commercial fishers and any other person or class of persons declared by the regulations. Any restrictions deemed necessary on the trading of quota will also be imposed by the regulations. The bill also puts in place provisions to improve debt management by building on the existing policy of refusing the transfer of quota if there are outstanding fees or charges associated with a particular shareholding allocated to the quota. Under proposed changes the Minister could order that quota or a portion of quota for the period is forfeited in circumstances where a fee, charge or contribution required under the Act has not been paid.

The bill also provides for the Minister to put forward a redefinition proposal in respect of commercial share management fisheries. A redefinition proposal may involve a change to a fishery description, the amalgamation of two or more share classes or replacing existing share classes with new share classes. Under existing arrangements, if a fishery description is omitted from the Act—including for the purpose of redefining a fishery—all shares in the fishery are cancelled and compensation is payable. Changes proposed in the bill provide for the implementation of a redefinition proposal without triggering compensation provisions provided the redefinition proposal has majority support from affected shareholders. Majority support would be determined by the conduct of a poll, as provided for in the bill.

Further, the Act currently provides for two classes of share management fishery: a "category 1" share management fishery and a "category 2" share management fishery. There are no longer any category 2 share management fisheries since the conversion of all category 2 share management fisheries to the more secure category 1 share management fisheries many years ago. Accordingly, the bill includes a simple amendment to remove references to these categories. Key features of category 1 share management fisheries, including the issue of shares in perpetuity and compensation provisions, are unchanged.

The bill will amend the way that commercial fishery shares are managed more generally, including removing maximum shareholding requirements, changes to minimum shareholdings and increasing options available to the Minister for issuing new shares and dealing with shares that have been forfeited or surrendered. To improve management flexibility, changes proposed in the bill will remove the default maximum

shareholding of 5 per cent of shares in a fishery from the Act and provide that the relevant fishery management plan may fix the maximum shareholding. In addition, it will be possible to apply different maximums to each class of share within a fishery. The bill will also remove the need to meet minimum shareholding requirements when a fishery management plan does not set a minimum shareholding. Any new share linkages to catch or any effort to improve the link with resource access in certain circumstances will see minimum shareholding requirements become unnecessary.

The bill will also clarify that public consultation is not required to amend a fishery management plan or supporting plan. Importantly, however, this does not prevent consultation occurring for amendments likely to attract broad public interest, and the clear intention is for consultation to occur in such cases. Provisions in the bill will also provide flexibility in the way that any new classes of shares are issued. Amendments clarify that the detailed provisions associated with issuing shares in a new share management fishery do not apply to issuing further shares to current shareholders. This will ensure significant reductions in red tape.

Greater scope will be afforded to the Minister to manage shares forfeited due to outstanding debt or certain contraventions. Under current arrangements forfeited shares can be cancelled or sold. Changes proposed in the bill will provide the Minister with the further options of being able to reissue or retain such shares. Furthermore, the Minister will no longer be required to sell surrendered shares at the request of the shareholder. Instead, the Minister will have the options to sell, cancel, reissue or retain surrendered shares in the same way the Minister has discretion to manage forfeited shares. It is envisaged that one use of reissued shares would be to reissue shares to Aboriginal communities to enable their participation in the State's commercial fishing industry.

The bill provides for a simpler, more flexible licensing system for commercial fishing boat licences by separating the licence from the physical boat. Regulations will detail fishing boat activities for which a fishing boat licence will be required. Licensing provisions will be applied only where they are needed for resource management. Where they are not needed, steps will be taken to reduce the boat licensing related administrative burden on fishery participants. The bill clarifies that option is available to be applied for payment of fees by way of instalments for both restricted and share management fisheries. New provisions requiring commercial fisher cooperation will help to facilitate the operations of a scientific observer program required under commercial fishery management strategies. Capacity to collect information on catch composition, retained and discarded catch as well as biological information on important species taken in each fishery stands to be enhanced as a result of the new provisions.

Improvements have also been made to the system of special endorsements and permits. At present, the Act provides for the Minister to issue a special endorsement to take fish for sale in a commercial share management fishery, which can be issued for a maximum period of six months. In future, there will not be a time limit for the validity of these endorsements. In addition, the bill provides for the relevant fishery management plans to detail criteria and circumstances under which a special endorsement may be issued. To improve administrative efficiency, the bill expands existing protection from prosecution permit provisions by allowing the Minister to make an order authorising a class of persons to take or possess fish or marine vegetation without requiring an individual to hold a permit on behalf of that class of persons. In addition, the proposed changes clarify that a permit holder may be required to contribute towards the costs of management, monitoring, compliance and research related to activities authorised by the permit.

The amendments to the Act will also facilitate modern business-orientated management arrangements for the charter fishing boat industry. The new arrangements are similar to those in commercial fisheries, with a "fishing business" concept replacing the charter fishing boat licence. Components of the charter fishing business will comprise charter fishing licences that specify a certain number of charter boat seats. The licence will be independent from the physical boat, making vessel replacement simpler. Entitlements remain transferrable. However, now it will be possible to transfer a licence without the need for the physical boat to be traded. The amendments also allow for a new concept of tradeable "seats". Different classes of seats authorising different charter fishing activities will be tradeable between industry participants. While the overall fishing capacity of the State's charter fishing industry remains capped at the existing total number of seats within the industry, these changes will bring much-needed flexibility for charter operators.

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It is important to note that this bill is not only about improving efficiencies for the fishing industry, it is also about having adequate protections are in place to ensure environmental remediation and ecological sustainability. In circumstances where illegal dredging or reclamation works have been undertaken, the Act currently enables the Minister or a court to make a remediation order in respect of those works. To encourage compliance with remediation orders, changes proposed in the bill create an offence provision for

non-compliance with an order. Maximum penalties would be 2,000 penalty units for corporations and 1,000 penalty units in any other case.

To further strengthen these remediation provisions, the bill also provides for a court to make a remediation order in respect of illegal dredging or reclamation works, even if charges are dismissed or a person is conditionally discharged following conviction for these offences. Provisions will also be implemented to further protect aquatic habitats. Presently, protections for mangroves and other marine vegetation only extend to the "mean high water mark" unless a separate ministerial order is made. Provisions in the bill will help ensure that marine vegetation such as mangroves and salt marsh, which may grow above the mean high water mark, is afforded appropriate protection under the Act by extending these protections to the whole of the foreshore area, including land up to the highest astronomical tide.

Greater cohesion between fisheries aquatic habitat protection provisions and planning processes will now be promoted by aligning consultation time frames for public authorities proposing dredging and reclamation works with those outlined in the State environmental planning policy. Various amendments will also be made to improve clarity around actions concerning threatened species. Changes in the bill will clarify that the issue of a certificate by the Secretary of NSW Trade and Investment certifying that a proposed action is not likely to significantly affect threatened species, populations or ecological communities or their habitats and that a threatened species licence under Part 7A of the Act is not required provides a defence to prosecution of the applicant for offences relating to threatened species, populations or ecological communities.

New powers are also included that will enable the preparation of recovery plans for critically endangered ecological communities and align the Act with recovery planning provisions under the Threatened Species Conservation Act 1995. The bill looks to promote resource management related to recreational fishing, most notably through adding to the existing approach to bag and possession limits. The Act currently provides for limits which restrict the number of fish that an individual may take or have in their possession. Unfortunately, the limits have proven ineffective in cases where boats are deliberately loaded to capacity with non-fishing passengers who are then used to claim part of the catch as theirs.

To address this issue without imposing lower individual limits on all fishers, changes proposed in the bill provide for the application of a boat limit. The master of a boat will commit an offence where the quantity of fish held on the boat exceeds the boat limit. Like arrangements for individual bag limits, the Minister is required to consult with any relevant advisory council or advisory group before specifying or changing boat limits. To facilitate more flexible and responsive management arrangements, changes proposed in the bill will enable the Minister to impose an individual possession limit by the making of an order. Such a provision will be particularly useful where there is an urgent need to specify a maximum quantity of fish that a person may have in possession.

To provide more responsive resource management arrangements, the bill provides for changes to fishing closure arrangements and an enhanced compliance and enforcement scheme. Existing arrangements for fishing closures will now be complemented by the capacity to urgently amend or revoke closures. Fishing closures will take precedence over commercial fishery share management plans to ensure that they can be implemented as intended—as a short-term measure to swiftly address issues, which can be applied across all aspects of fishing activity. New enforcement provisions in the bill create a general power to allow the recovery through the courts of unpaid fees or charges imposed under the Act.

A general offence for providing false or misleading information in connection with a requirement under the Act or regulations is also now included, in line with powers of other natural resource regulators. The bill also includes a range of miscellaneous amendments that will improve the regulatory framework and reduce red tape for stakeholders. For example, the bill will provide ongoing protection against the practice of shark finning at sea, which has been prohibited in New South Wales since 1999. Amendments will reduce the administration associated with the remaking of fishing closures and provide new offence provisions that prohibit the practice of shark finning.

The bill will also improve the management of biosecurity risks in New South Wales. These changes include allowing Fisheries officers to euthanase live fish reasonably suspected of being noxious for the purpose of seeking expert identification. To encourage compliance with orders to destroy noxious fish or marine vegetation, changes proposed in the bill will also create an offence provision for non-compliance with such an order. A new power for the Minister will also be created to impose importation orders that prohibit or impose

conditions on the importation into the State of anything that is likely to introduce or spread a declared disease. Such an order could remain in force for up to five years.

Changes proposed in the bill would allow the Minister to make an order requiring specific measures to be taken in relation to waste water or abalone waste from live abalone holding facilities that the Minister considers are necessary to minimise the risk of transmission of a declared disease. Finally, this bill will provide mechanisms to further improve the management of Aboriginal fishing. Changes proposed in the bill will establish a specific trust fund to provide a suitable and transparent accounting mechanism for incoming funds and expenditure associated with Aboriginal fishing. The trust fund will be a special deposits account and will be allocated any moneys received from the Department of Primary Industries or through grants or other external funding for Aboriginal cultural fishing purposes.

Moneys expended would need to be approved by the Minister and will be for the purpose of enhancing, maintaining or protecting Aboriginal cultural fishing. The Minister will also be required to consult with any relevant advisory councils about policies and priorities for expenditure. In summary, this bill provides a raft of very important amendments, many of which are the product of considered consultation and review of the fisheries industry. The amendments proposed in this bill are generally about reducing red tape and introducing greater regulatory effectiveness and efficiency.

This bill is about opening up capacity for industry to be more directly in charge of business operations through online connectivity, providing flexible arrangements for share management of commercial fisheries and commercial fishery licensing, aligning industry operations to more contemporary business practices, and enhancing compliance and enforcement provisions. This bill is an important measure to ensure that we continue to meet the community's expectations in relation to managing our fisheries resources. The bill will help ensure the sustainability of the resource, provide for the ongoing viability of the fishing industry, increase opportunities for high-quality fishing and promote and protect Aboriginal cultural fishing practices. 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.

VALUATION OF LAND AMENDMENT BILL 2014

Bill introduced on motion by Mr Dominic Perrottet, read a first time and printed.

Second Reading

Mr DOMINIC PERROTTET (Castle Hill—Minister for Finance and Services) [7.47 p.m.]: I move:

That this bill be now read a second time.

In this State property land values are used as the basis for determining local council rates and land tax. The Valuer General is responsible for making these valuations and ensuring their integrity, according to a procedure detailed by the Valuation of Land Act 1916. To do this the Valuer General has established a process of making valuations and developed a set of principles for valuing land that have been applied over many years. A recent court decision has caused uncertainty regarding the Valuer General's longstanding practice in the valuation of land where the current use of the land, having regard to the existing improvements, is a higher use than would be allowed under the current environmental planning controls.

The Valuation of Land Amendment Bill 2014 addresses the issue by clarifying the Act and confirming the established practice of the Valuer General. The key feature of valuations made under the Valuation of Land Act 1916 is that they do not include the value of buildings or other improvements erected on the land. Instead, the land is valued as if it were vacant, according to its highest and best use. However, there are a number of specific valuation principles that apply to certain categories of land where a valuation based purely on vacant land would not provide a fair outcome. For example, a heritage valuation allows a discount to be made, taking into account that the presence of a heritage building will restrict the manner in which the land can be developed and may prevent it from being used for the highest and best use.

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As a result, heritage land is usually given a lower valuation than similar non-heritage land. Since these valuations are used to assess local council rates and land tax, a lower valuation will lead to lower rates and taxes. A similar but reverse situation arises when land has been developed for a higher use than would be

allowed under the current environmental planning controls. As planning controls are modified over time, what may have been approved when the land was first developed may now be impermissible. It would be unfair for the owners of this land to pay rates and taxes based on an assumption that did not take into account the true financial value of the land to the landholder. The Valuer General's method of valuing land that has been lawfully developed above the existing planning controls has been supported by several court cases over a number of years. However, a recent case has added a level of confusion and complexity that threatens the established practices.

Land identified as being developed above the current planning controls is valued by using a set of assumptions contained in section 6A (2) of the Valuation of Land Act. A further provision within the Act, section 7B, deals with the same valuation scenario for stratum where land is limited in height and depth. The assumptions require the valuer to assume that the land may continue to be used for the purpose for which it is being used, and such improvements may be continued or made on the land as may be required in order to enable the land to continue to be so used. On face value there appears to be some inconsistency between these assumptions and the underlying principle that the land is to be valued as if it were vacant. However, in practice, this valuation task is not complex or contradictory.

An accepted standardised method of valuing this land has been used by the Valuer General since the concept was introduced over 50 years ago. The practice requires two valuations to be made. The first valuation is based on the assumption that the land is notionally vacant and the highest and best use is restricted to the development allowable under the environmental planning controls. The second is based on the assumption that the land is notionally vacant, but that the current way that the land is being used can continue. The higher of the two valuations is then used for rating and taxing purposes. Section 6A (2) is applied in a variety of circumstances. It is used when commercial premises, such as a service station, is situated and continues to operate on land now zoned residential. It would be odd if the land could be valued only as if its highest and best use was residential.

Similarly, the section is also used when much larger improvements have been allowed to be built than would be approved under existing controls. To understand the approach, I will provide an example based on an actual property in the central business district of Sydney. The property in Phillip Street has a floor space double that which would be allowable under the City of Sydney Local Environmental Plan. The land value of this property, determined for 1 July 2013 as notionally vacant under section 6A (1) was \$61,100,000. The land value under section 6A (2), which had regard to the floor space of the existing improvements, was \$91 million. The second valuation was used for rating and taxing.

This long-held approach has now been challenged. In the Land Environment Court case of *Fivex v Valuer General* it was determined that section 6A (2) could be applied only when the zoned use of land had changed, not when a much larger building occupies a site. This is best examined by considering the case itself. The subject property lies within an area zoned general business under the Woollahra Local Environmental Plan 1995. The allowable floor space ratio, which generally determines the size of the improvements, is 3:1, permitting a building three times the size of the site to be constructed on the land. Erected on the site is a four-storey retail and commercial office building with a floor space ratio in excess of the allowable limit.

The Valuer General applied section 6A (2) to value the land, taking into account the extra floor space that it enjoyed. However, the court determined that as the current use was permitted use under the local environmental plan [LEP]—that is, retail, commercial—section 6A (2) was not engaged. The land had to be valued without regard to the additional size and scale that had been allowed to be developed on the site. This was not the intention of the legislation. Section 6A (2) was introduced to ensure that a land value was not determined on the basis that it had no potential to be used for the very purpose for which it is in fact being used.

Town planning controls are amended regularly and are often site-specific. The court's view that section 6A (2) can be engaged only when a use is prohibited adds to the complexity of the valuation process. The court's decision also would have other perhaps unintended consequences for rating valuations. In valuing contaminated land, the historic interpretation of section 6A (2) allowed the valuer to consider that the current use of the site could continue and so the cost of remediation is ignored. If contaminated land can no longer be valued under the assumption in section 6A (2), the valuer will need to factor into the valuation the costs of remediation of the site. The cost of remediation of the sites would range from a small amount to the whole value of the site.

This will result in unrealistically low land values for industrial and commercial sites that are known to be contaminated but continue to be used, possibly for the very purpose that caused their contamination, such as

major industrial sites or petrol stations. It also creates an incentive to owners to pollute or not remediate their sites to achieve lower rates and taxes. The decision also will create inequity between valuations. The assumptions applying to land that is heritage restricted requires that the land value assumes that the existing improvements could be replaced on the land. If the decision of the court were to be adopted, properties with much larger existing buildings—not heritage restricted—could have lower land values than adjoining heritage sites. This is the reverse of the intention of the heritage valuation provisions.

Whilst the amending bill makes sure that section 6A (2) can be applied, it does not overvalue affected sites. The Government appreciates that landholders should not be adversely impacted by the amendment and so the amendment does nothing more than restore the status quo and will not result in any increase in land values. It is the view of the Government that the Fivex decision misinterpreted the intent of Parliament in regards to the valuation of land with existing improvements. This bill maintains the purpose of the legislation, which is to provide a fair valuation of properties when the current use of the land, having regard to the improvements, is a higher use than would be allowed if the land was actually vacant.

As the amendment merely restores the law to what it was before the Fivex decision, it is proposed that the amendment be taken to have always applied. This will confirm the valuations currently on the Register of Land Values. The transitional provisions preserve the decision made in the Fivex proceedings and ensure that the amendment will not affect any proceedings commenced before introduction of this bill. The amendments proposed by the bill confirm, rather than change, the practices and functions of the Valuer General. Sections 6A (2A) and 7B (2) put beyond doubt that the Valuer General can make valuations based on the improvements presently on the land. 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.

Pursuant to resolution matter of public importance proceeded with.

THANK A PARAMEDIC DAY

Matter of Public Importance

Mr MARK COURE (Oatley) [7.57 p.m.]: As we know, Wednesday 5 November is Thank a Paramedic Day. I lead on behalf of the Government to acknowledge the incredible and amazing work of all our paramedics and staff at ambulance stations across New South Wales and thank them for the life-changing and lifesaving service that they provide to our local community. This is in fact the seventh Thank a Paramedic Day and the event is going from strength to strength in celebrating the profound role that paramedics play to support members of our community. When we need you, you are there. For that, to all of them I say "Thank you".

The dedication that our paramedics show to their patients and our loved ones is remarkable. Occasions like Thank a Paramedic Day are vital to give the community an opportunity to reach out and give thanks to the paramedics across the State. Paramedics regularly are ranked as the most trusted profession, and it is easy to see why. The dedication that our local paramedics show to both patients and our loved ones is unparalleled. We are truly lucky to have them working in our local communities. It is not often that we get the opportunity to thank them and acknowledge the hard work of vital members of our community, but Wednesday will be that day. I ask everyone to reach out and say "Thanks" to our paramedics.

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In 2013-14, the Ambulance Service of NSW provided more than one million emergency and non-emergency responses—an average of 3,383 responses per day or a call every 26 seconds. It is worth noting that under the New South Wales Government, the workforce of the Ambulance Service continues to grow, with an additional 205 paramedics on the road since the election. My cousin is one of those paramedics who started in the workforce last year. The Government has boosted the budget of the Ambulance Service by \$30 million this year to a record \$752 million to ensure paramedics can continue to deliver their first-class care to patients. Minister for Health Jillian Skinner is marking today's occasion by presenting an inaugural Minister's Bursary for Excellence to an Ambulance Service paramedic who has delivered excellent clinical care with integrity and compassion. The New South Wales Government backs the State's paramedics; we are right behind them supporting them all the way.

The Government is continuing to roll out the Reform Plan for NSW Ambulance, which will improve rosters for paramedics to enhance response times across the State, integrate the Ambulance Service into the

broader health system, separate non-emergency patient transport [NEPT] from urgent medical retrieval patient services, and ensure the Ambulance Service has effective infrastructure and a funding model that will ensure financial sustainability well into the future. I note that in this year's budget a new ambulance unit has been proposed for Kogarah in addition to the new emergency department that was opened recently, which will see the doubling of the number of ambulances at that hospital. On behalf of both sides of the Parliament, I wish our paramedics all the very best for Thank a Paramedic Day and every success in their career with the Ambulance Service. We are fortunate to have them as part of our team and part of our community.

Dr ANDREW McDONALD (Macquarie Fields) [8.01 p.m.]: As someone who has worked for nearly 40 years with paramedics it gives me great pleasure to speak about Thank a Paramedic Day. There are about 4,000 ambulance clinicians in New South Wales and they have never been better trained. They complete a three-year course, which results in a Diploma of Paramedical Science. These people are extraordinary at resuscitation. As someone who regularly calls paramedics to this Parliament I can attest to both their professionalism and their expert care. In my time I have seen lives saved in this place by paramedics who have been called by various members of the public. The skills of paramedics are extraordinarily hard-won; they are maintained through many in-service training courses and constant practice. It is an extremely traumatic job because paramedics are only a few minutes away from a tragedy. They respond to calls every 26 seconds and at times the tragedies they face can be life-changing to them.

In Campbelltown on Sundays paramedics meet to have a brief respite from the previous shift; they are able to sit down and talk. If members see a bunch of paramedics having a coffee I urge all of them to sit down and have a coffee with them. Their commitment to the health of the people of New South Wales and the public health system is extraordinary, and their knowledge of the necessary changes to work practices is vital. One of the major changes in the role of paramedics over the past 10 years has been their increasing skill set. The advanced paramedics not only establish a drip for intravenous fluids but they administer pain relief medications, adrenaline and advanced airway care with laryngeal mask airway insertion. They also undertake defibrillation of patients in cardiac arrest. With the increase in the complexity of health care so too will the skill sets of paramedics need to increase.

I have attended motor vehicle accidents with paramedics and their gifts in resuscitation in very high-risk environments, such as in the surf or in cars, are extraordinary. Recently the Westmead Trauma Centre organised for more than 5,000 school students a mock accident, which included a scenario where a young person was cut out of a car by real paramedics using the Jaws of Life. One could have heard a pin drop in the arena as the students witnessed the trauma of an accident, which will certainly occur to one of those young people in the future, and how the paramedics deal with such things every day. It was a very thought-provoking scenario that was brilliantly done.

The professionalism of the paramedics was extraordinary. They have incredible skills in being able to save lives by ventilating people by the side of the road, inserting intravenous drips by the side of the road and protecting people's cervical spines. Seeing their efforts work is amazing and inspiring. On a lighter note, a bunch of doctors and I acted as paramedics for a person who had been injured after falling off a roof. We put the stretcher together without realising that we had tied the patient to the downpipe of the building he had fallen off. It reinforced to us that we should let the paramedics do what they do best because they have enormous skills. They are highly valued. They are treasured by the community and by other health workers and this is a great matter of public importance. I thank the member for bringing it to the attention of the House.

Mr KEVIN ANDERSON (Tamworth) [8.06 p.m.]: I acknowledge the member for Macquarie Fields for his excellent work in health and paediatrics, and I thank him for his great work. Just like paramedics, doctors are highly valued members of our community. For the tenth year running paramedics have been voted the most trusted profession in Australia, closely followed by other medical and emergency service personnel. According to more than 1,200 Australians surveyed by *Reader's Digest Australia* for their annual Most Trusted Professions survey, paramedics still top the list of the professions the Australian community has the most faith in.

This level of public recognition means a lot to us and to our paramedics, who perform their duties with the utmost professionalism and compassion without expecting any recognition in return. To our paramedics right across New South Wales we say thank you on the seventh annual Thank a Paramedic Day. The event is going from strength to strength in celebrating the life-changing and lifesaving role paramedics play in our community. They provide both lifesaving and life-changing care, and this occasion is important to recognise their commitment and compassion.

I encourage everyone right across New South Wales to leave a message of support on the paramedics NSW Ambulance Facebook, Twitter or Instagram pages using the ThankaNSWparamedic hashtag. I thank the paramedics in the Tamworth electorate, all the station officers who do a fantastic job: At Barraba, Will Rixon, who is a good mate of mine; at Boggabri, Kim Summers; at Gunnedah, Scott Clarke, who is also the President of the Gunnedah South Parents and Citizens Association, and a good fellow too; at Manilla, Larry Harrigan; at Tamworth, Anthony Zwegers; at Tamworth South, Sean O'Connor; and at Walcha, Daniel Micallef. We sincerely thank all our paramedics and hope they enjoy their day—they deserve it.

ACTING-SPEAKER (Ms Noreen Hay): I acknowledge the paramedics from Wollongong and the Illawarra, who are second to none.

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Mr MARK COURE (Oatley) [8.09 p.m.], in reply: I have the utmost respect and admiration for our paramedics, who undertake extraordinary work in what can be extraordinary circumstances. I know that sentiment is shared by all members of this House and of the other place. As I have mentioned, this is the seventh Thank a Paramedic Day, and the event is going from strength to strength. This is a day to celebrate the profound and amazing role that paramedics play to support members of our community. Paramedics are regularly ranked as members of the most trusted profession, and it is easy to see why. The dedication that our local paramedics show to both patients and their loved ones is unparalleled.

We are truly lucky to have them working in our local community. It is not often we get the opportunity to say thanks and to acknowledge the hard work of vital members of our community, but today is that day, and I ask everyone to reach out and say thank you to the paramedics in their electorates. In conclusion, I acknowledge the contributions by members of both sides of this Parliament—the member for Macquarie Fields and the member for Tamworth. I note in particular the paediatric services rendered by the member for Macquarie Fields over the years. Today, Thank a Paramedic Day, I call on all members of Parliament to do just that.

Discussion concluded.

**The House adjourned, pursuant to resolution, at 8.11 p.m. until
Wednesday 5 November 2014 at 11.00 a.m.**

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