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# LEGISLATIVE ASSEMBLY

Wednesday 27 May 2015

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

**The Speaker** read the Prayer and acknowledgement of country.

## BUSINESS OF THE HOUSE

### Notices of Motions

**General Business Notices of Motions (General Notices) given.**

## CRIMES LEGISLATION AMENDMENT (CHILD SEX OFFENCES) BILL 2015

### Second Reading

**Debate resumed from 12 May 2015.**

**Ms JODI McKAY** (Strathfield) [10.13 a.m.]: I lead for the Opposition on the Crimes Legislation Amendment (Child Sex Offences) Bill 2015. The Opposition does not oppose the bill. That is hardly surprising given that the two proposals in this bill arise from a report of a parliamentary committee and that they were proposed to be adopted by the committee by members on this side of the House. They were proposed among other measures as an alternative to mandatory sentencing. That was a position agreed to by the entirety of the committee, except Fred Nile.

There are two objects of this bill. The first is to amend section 66A of the Crimes Act so that the offence of having sexual intercourse with a child under 10 years of age is punishable by a maximum penalty of life imprisonment. The second is to introduce standard non-parole periods, which are known as SNPPs, for a number of child sex offences not currently included in the scheme that was introduced in 2002. As is common ground, these proposals arise from the October 2014 report of the Joint Select Committee on Sentencing of Child Sexual Assault Offenders. The member for Liverpool was a member of that committee as was the Hon. Helen Westwood, then a member of the other place. The committee was established by former Premier O'Farrell to introduce mandatory sentencing and compulsory chemical castration for child sex offenders. This followed a tabloid media campaign.

These are of course difficult and often challenging matters. In the words of the Bar Association, they are "controversial, complex and emotive". Some media outlets claim that courts are isolated from community sentiment in sentencing offenders. The implications that courts needed to be dragged into line and recalcitrant judicial officers needed to be removed or relocated are entirely antithetical to the principles of the independence of the judiciary which, together with judicial discretion, are a critical element of our system of governance. They are also inconsistent with the actual evidence of sentencing patterns. There are of course a plethora of issues with currently available sentencing statistics. They are imbued with anything but scientific certainty. However, the one thing—perhaps the one clear thing about them—is the increasing severity of punishment of sexual assault in the past decade.

There has been an upward trend in the percentage of people prosecuted for sexual assault. There has been an upward trend in the percentage of people convicted of child sexual assault. There also has been an upward trend in the average duration of imprisonment for child sexual assault. Whether a legal system is fair and effective is not determined by some accountant's analysis of percentages of convictions and length of time served. The real issue is whether people who are actually guilty are convicted and whether the punishment is appropriate. However, the statistical trends I have just quoted are from the unanimously adopted parliamentary committee report and suggest that the judiciary-bashing that often features as part of public commentary in this area is based on factual inaccuracy.

The first of the proposals in this bill is to rectify what in retrospect was a bipartisan mistake of this Parliament that delivered a nonsensical sentencing structure. The second is a modest and rational expansion of an already existing scheme. The first of the amendments in the bill deals with section 66A of the Crimes Act. Section 66A (1) currently criminalises having sexual intercourse with a person under the age of 10. The maximum penalty under that section currently is 25 years imprisonment. Subsection (2) provides that if it occurs in circumstances of aggravation, the maximum penalty is imprisonment for life. Section 66A (3) defines circumstances of aggravation. Paragraph (d) of subsection (3) includes, as circumstances of aggravation, when the victim is under the authority of the alleged offender. That must include many familial offenders as well of course as many other offenders. A significant proportion of section 66A offences will be included in section 66A (2) and in circumstances of aggravation.

This bill proposes the abolition of section 66A (1) and section 66A (2) and their replacement by one consolidated offence. The maximum penalty for that new offence is life imprisonment. The only concern about that proposal in the committee was expressed by Fred Nile, who thought that on the one hand Parliament might balk at increasing the maximum penalty for section 66A (1) to life imprisonment from 25 years, but on the other hand would unconcernedly support mandatory sentencing. This section has a history of legislative change. Section 66A was originally introduced in 1985. At that time it prescribed a maximum penalty of 20 years imprisonment. In 2002 the maximum penalty was increased to 25 years imprisonment. That increase was introduced in the legislation that introduced the SNPP scheme.

At that stage the offence was simply what is now known as the section 66A (1) offence. In 2008 the aggravated form of the offence, which is the current section 66A (2), was introduced. The maximum penalty was life imprisonment for that aggravated offence. There has been rhetoric around this proposal being a harsher penalty. Whilst it undoubtedly is an increase in the maximum penalty, some of the rhetoric is unjustified and, frankly, unhelpful. The bill is really about fixing up the mess this Parliament created in 2002 with the SNPP. Various sentencing statistics have been interpreted to suggest that offenders have been receiving sentences under section 66A (1) that are too light. That of course is meaningless unless all the circumstances involved are known and a copy of the sentencing judge's remarks can be examined. Unfortunately, unless it is taken on appeal, that judgement is not generally available, which the parliamentary committee has something to say about.

However, a more precise criticism is that the average sentences for offences under section 66A (1) are significantly below the standard non-parole period of 15 years set out in the 2002 legislation. Giving evidence before the parliamentary committee, the Hon. Anthony Whealy, QC, Deputy Chair of the NSW Sentencing Council, noted that, on the face of it, the section 66A sentence statistics looked "rather alarming". He made the obvious point that there needed to be a proper analysis of the cases to see what is behind the sentences. I point out that sentencing statistics often have a weight placed on them that they cannot bear and they are used for purposes that are logically and scientifically illegitimate. The Attorney General briefly noted that in her second reading speech but not in her media commentary.

There are inherent difficulties in using statistical data. There are a number of ways in which these statistics can underestimate the length of time to which offenders have been sentenced. The first is that the statistics are offender-based rather than sentence-based and they do not reflect necessarily the principle of totality. In plain language, they reflect only the principal offence for which an offender is sentenced. For example, if an offender faces five counts and is sentenced to two years imprisonment for each of these offences and they are to be served cumulatively, the offender has been effectively sentenced to 10 years imprisonment, but for the purposes of sentencing statistics the offender will have been sentenced to only two years imprisonment, as that is the penalty for the principal offence.

In this context there is also the problem of historical offences, of which there are comparatively more in this area of sentencing than in most other areas. Sentencing, quite appropriately, should be in accordance with the law at the time of the offence. I have already indicated that the Parliament has progressively increased the maximum penalty for section 66A offences and, as I have indicated, the court's attitude has changed and more severe sentences are considered appropriate. But that means historical offences tend to lower the average statistical result. Another issue pointed out in the unanimous parliamentary committee report is that some sentences may have factored in time already spent in custody, which would result in a shorter formal sentence and give a misleading impression of leniency, which skews the statistical table.

None of this is to say that statistics are to be ignored. However, statistics should not have a weight placed on them they cannot bear, which is a useful corrective to some of the commentary that is proffered in place of rational and careful analysis when these issues are discussed. As I said, Anthony Whealy said that, on

the face of it, discrepancy between the statistics in the SNPP for offences under section 66A (1) are cause for alarm. I believe that part of the cause of this discrepancy is the bad design of the SNPP for this offence, which is the direct result of this Parliament's decision in 2002. That is mainly why the member for Liverpool suggested to the parliamentary committee that the maximum penalty for section 66A (1) offences be increased to match the maximum penalty for section 66A (2) offences.

A standard non-parole period is set out in the Crimes (Sentencing Procedure) Act as the non-parole period for an offence in the middle of the range of objective seriousness for the relevant offence. Following the High Court decision in *Muldock v The Queen* (2011) HCA 39 and legislation in the Fifty-fifth Parliament, it is an important signpost in the instinctive synthesis of sentencing. A parole period is about three-quarters of the term to which an offender is sentenced. That sentence period is known as the head sentence. Therefore, if an offence carries a maximum sentence of 25 years, it would be reasonable to appoint a head sentence of 12.5 years for an offence of mid-range objective seriousness, which would give a non-parole period of a bit over nine years. The Parliament prescribed a standard non-parole period of 15 years. Quite frankly, that did not make sense and seemed designed to have been unworkable. Another way of looking at the issue is to consider that if the SNPP was 15 years, then the maximum head sentence for a mid-range offence would have to be nearing the maximum penalty.

The adoption of the legislation in 2002 followed the release of a consultation draft. The rationale in the bill, as explained in the then Attorney General's second reading speech, was to provide an alternative to mandatory sentencing. That bill also established the NSW Sentencing Council. In short, there is a very high SNPP to maximum penalty ratio. This anomaly can be corrected by increasing the maximum penalty to life imprisonment. As noted by the NSW Bar Association, another way to resolve this anomaly is to reduce the SNPP. The difficulty with that path is that Parliament explicitly adopted an SNPP of 15 years. The amendment is not a dramatically increased severity of sentence; rather, it is an amendment to allow the previously decided SNPP to be implemented. The second amendment is to increase the scope of the SNPP scheme as it relates to sexual offences against children. There are currently four such offences in the existing scheme. This adds another 13 items to the number of child sexual assault offences included in the scheme.

Following the decision in *Muldock*, standard non-parole periods are a guideline to courts. They should be regarded as an element to be considered as part of the instinctive synthesis that is the sentencing decision-making. The criticism that is sometimes made of them is that they restrict the exercise of judicial discretion and thus derogate from individualised justice. I believe there are two rejoinders to that. First—for people making that criticism—they are nonetheless preferable to mandatory sentencing, which is agreed by the NSW Bar Association in its commentary on the report of the parliamentary committee. In the parliamentary debates of 2002 it is very clear that SNPPs were introduced at that time in response to demands for mandatory sentencing. The second response is that these processes of SNPP still allow for individualised justice and for the retention of judicial discretion. The guide post is not a straightjacket.

Apart from the general concerns, I also note that the NSW Bar Association has expressed a concern that the extensive itemisation of SNPPs for child sexual assault offences will have the effect of reducing charge negotiations and pleas of guilty. I believe that the retention of judicial discretion in the sentencing process provides a basis to confront that fear. The particular proposal in this bill was taken from the recommendations of the parliamentary committee and, in turn, came from an interim report by the NSW Sentencing Council. The report was prepared in response to a request in September 2013 by then Attorney General Smith, and not by Attorney General Hazzard, as incorrectly suggested by the current Attorney General in her second reading speech. That is significant because the SNPPs seem to have been determined on a slightly clearer basis than section 66A (1). The usual starting point for SNPPs is that they are 37.5 per cent of the maximum penalty, which is derived from three-quarters of half of the head sentence—that is, the usual parole period for a head sentence of half the maximum head sentence, representing a head sentence for an offence of the mid-point of seriousness.

The proposals in this bill are taken directly from the NSW Sentencing Council. They are easily accessible in the published report of the council for December 2013. The ratios are higher than 37.5 per cent; they are at or near 40 per cent of the maximum penalty for each offence and are thus higher than the normal SNPP ratios. This is justified by the NSW Sentencing Council at paragraph 25 of its executive summary as follows: Each offence involves children younger than 16 years who are a class of particularly vulnerable victims; the fact that the offences involve children under 16 years is a feature of aggravation, as are the degrees of planning involved in the grooming, prostitution and pornography offences; the offences involve exceptional risk to the victims as a result of the serious and long-term harm they are likely to cause; the offences require a special level of deterrence because they are difficult to detect; and the offences will also often involve an abuse of authority or a breach of trust.

There are two positive bases upon which this amendment is put. The first is that it will increase the level of consistency in sentencing. Logically, I believe that is correct, although I very readily concede the consistency that is really important is consistency of principle, rather than consistency of mathematical outcome. That is, the aim is for similar cases to have similar outcomes, rather than a mathematical equivalent in every case. It is also argued that these will lead to harsher sentences. I am not entirely convinced that that is clear-cut. I have already quoted figures showing increased convictions and longer sentences over the last decade, which does not seem to have resulted from SNPPs. I also note that the NSW Bureau of Crime Statistics and Research released a brief dated March 2015, entitled, "Have New South Wales criminal courts become more lenient in the past 20 years?" The summary of the bureau's findings is as follows:

The New South Wales criminal courts have become more restrictive in the granting of bail; have increased their use of imprisonment for convicted offenders; and have lengthened average prison sentences across many offence types in the past two decades.

Therefore, any increase in the length of sentences and so on seems to have been occurring independently of the SNPPs, and any future increase is likely to occur regardless of SNPPs. Of course, the parliamentary committee made a whole range of recommendations which are not dealt with by this bill. The Attorney General's response to the committee report, dated 13 May 2015 and tabled in this place, does not take the matter further. The Attorney General's second reading speech mentioned a review of all the offences the committee recommended, and that is positive. However, I think that other issues such as guideline judgements and an increased role for the NSW Sentencing Council and the wholly inadequate funding of sex offender programs also need to be pursued. The Opposition does not oppose the bill.

**Mr CHRIS PATTERSON** (Camden) [10.28 a.m.]: I contribute to debate on the Crimes Legislation Amendment (Child Sex Offences) Bill 2015. The New South Wales Government is honouring its election commitment to introduce legislation to increase the maximum sentence for sexual intercourse with a child under 10 years of age from 25 years to life imprisonment. This will deliver justice and protection for the children in our community. I commend the Attorney General, who is in the Chamber this morning. This was an election commitment brought about by a parliamentary inquiry, and I commend the Attorney General for bringing it to the House as the first legislation introduced in the new Parliament. It is extremely important to all members on both sides of the House. We have hit the ground running, having acknowledged that we needed to address this matter. I thank the Attorney General for allowing us to do so today.

There would not be a person who does not believe these are the worst crimes against the most vulnerable in our community: our children, our young people. Too often, sentences handed down do not align with community expectations. Although this bill will receive bipartisan support—as it should—this is not an attack on the judicial system. The bill will ensure that community expectations are met. The community clearly expects that those vile predators who prey on our young children will be punished to the full extent of the law. If that expectation is not met, I make no apologies for ensuring that we legislate accordingly. The bill will also include additional child sex offences in the standard non-parole period scheme, which will give greater transparency and consistency in sentencing, and act as a sentencing guidepost for the judiciary.

This bill is also a response to the Joint Select Committee on Sentencing of Child Sexual Assault Offenders. I thank Deputy Premier Troy Grant and the other members of the committee for their commitment to seeing that the public will once again have confidence in the judicial system when it comes to child sex offences. Founder and chief executive officer of Bravehearts, Hetty Johnston, AM, has been a leading advocate for the protection of our children. With passion and sheer determination, Ms Johnston has highlighted the crimes of paedophilia and child sexual assault to our community, not only in Australia but also internationally. Her hard work and constant doorknocking has been recognised through her being named 2015 Queensland Australian of the Year, inducted into Logan City Council's Wall of Acclaim in 2015 and, of course, declared a Member of the Order of Australia in 2014.

I am sure that Ms Johnston is no different from any other parent, but she saw that fighting for our children was important enough to highlight this issue publically. Since 1997 Ms Johnston has had a vision to make Australia a safe place for the most vulnerable in our society. She has become a very well-respected speaker on child protection. People are finally listening to her views and taking on board her advice. Bravehearts' mission is simple:

To stop child sexual assault in our society.

...

To make Australia the safest place in the world to raise a child.

...

To, at all times, do all things to serve our Mission without fear or favour and without compromise and to continually ensure that the best interests and protection of the child are placed before all other considerations.

We will never forget the horrific crime committed against Daniel Morcombe; his case will be forever in our minds. Sadly, Daniel and his family are not the only ones who will experience the grief and horror of a crime committed by a paedophile. Daniel's parents, Denise and Bruce Morcombe, have dealt with their grief with great dignity and formed the Daniel Morcombe Foundation to highlight their commitment to keeping our children safe. As a lasting legacy to Daniel, the foundation now has two main aims: to educate children on how to stay safe in physical and online environments, and to support young victims of crime. The Morcombes visit many schools speaking to children about the danger that is out there.

The Government will add 13 child sexual assault offences to the standard non-parole period scheme, which provides judiciary guidance on sentencing that will be significantly higher than the current average sentences for those offences. Again, I make no apology for our introduction of this legislation. It will meet community expectations and we said pre-election that we would take action. It means there is better guidance to the court about community expectations around the non-parole period. It sends a very clear message that when judges are making decisions they should be guided by longer sentences. The violation of children by a sex offender should be punished, and punished harshly.

More support will be provided for victims of child sexual assault, including a plan for specialist judges to hear child sexual assault cases across the State. The public also needs to understand that it is never too late to report a crime that was committed against a person, even if the perpetrator is long dead. It is very important that people come forward to the royal commission and tell of their abuse. They should never think that no-one wants to hear their story. We have all been horrified by the stories told to the commission. We have heard grown men speak of what happened to them—perpetrated by people of trust—and their ongoing personal issues. It should never happen again. Our children deserve to live their lives free from abuse and harm.

The Government will also introduce specialist judges to hear child sexual assault cases across the State, qualified experts known as children's champions will support child witnesses through the court process, and pre-recording cross-examination evidence of child witnesses will keep them out of the courtroom environment. Victims of sex offenders often feel that they are alone and try to deal with the offence on their own. The Government and support groups such as Bravehearts and Care Leavers Australia Network will make sure that sex offenders will no longer have the upper hand.

Finally there is a government that is prepared to take a stand on sex crimes committed against our children and to make sure that those who think they can get away with it, or who think they have done so, will no longer be able to prey on young children. These vile creatures, these predators, will now serve the rest of their lives behind bars, making sure that our most vulnerable are protected. This legislation is necessary in order to meet community expectations. I am extremely proud that we are bringing it before the House today. When it is passed by Parliament I believe it will have an impact on these predators and help to create a safer environment for our young people. I commend the bill to the House.

**Ms JENNY LEONG** (Newtown) [10.38 a.m.]: I speak on behalf of The Greens on the Crimes Legislation Amendment (Child Sex Offences) Bill 2015. All child sex offences are extremely serious, and we have seen the devastation they wreak on people's lives. The Government's response to the report of the Joint Select Committee on Sentencing of Child Sexual Assault Offenders was due on 14 April this year and is yet to be tabled. It is concerning that, instead of responding to that report, the Government is seeking to rush through more legislation. Instead of implementing recommendation 1 of that report, which called for a review of all child sex offences and their penalties, the Government has instead chosen to introduce yet more piecemeal amendments. That is a problem and it is how the legislation became so inconsistent in the first place.

This bill does not appear to be based on any consultation or evidence that either current sentencing for non-historic offences is inadequate or judges have insufficient sentencing scope to impose sentences that they believe are just. On the contrary, this legislation appears to be more of a law-and-order show than real-world improvements to either the justice system or the plight of victims of child sex offences. The Greens are concerned about the collapse of the two section 66A (1) offences in schedule 1 [1] because of its practical implications for the criminal justice system. Removing the non-aggravated form of the offence is likely to lead to more child sex offence trials being run, more children and vulnerable adults being cross-examined, more prosecution discontinuances and conceivably more acquittals. Guilty pleas to offences attracting life imprisonment are rarely forthcoming.

The 25-year offence is an important fall-back charge for the prosecution to resolve matters without going to a traumatic and costly trial, where the result is never guaranteed. The reality is that an offence carrying

25 years imprisonment, such as the current section 66A (1) offences, has already been indicated by Parliament to be extremely serious. According to the Bureau of Crime Statistics and Research, the judiciary is also already imposing more jail for longer, non-historic child sex offences, with an upward trend in lengths of imprisonment this century. The Greens' other real concern is with schedule 2, with its ad hoc inclusion of 13 offences in the standard non-parole period scheme about which The Greens have consistently voiced fears. Again, The Greens believe it would be better to refer all sex offence penalties to the Legislative Council Standing Committee on Law and Justice for review of the offences as a whole.

This bill will do nothing to deliver justice to victims of historical child sexual abuse, so many of whom have spoken out for the first time in the context of the Royal Commission into Institutional Child Sex Abuse. In fact, these changes will not affect a single offence committed before the new sentences come into effect. This is because offenders are sentenced in accordance with the social values in place at the time the offences were committed, not at the time of sentencing. The real injustice is not that judges cannot impose more than 25 years for a single charge of intercourse with a child under 10 years but that judges are hamstrung by the sentencing practices of the 1970s when child abuse, particularly when perpetrated by offenders of good standing with influence in the community, did not necessarily result in jail terms. That is the real injustice, which this bill does not resolve. The Greens will oppose the bill in this House. However, given our concerns, in the upper House we will move to refer the bill to the Standing Committee on Law and Justice for consideration of the particular penalties within the criminal sentencing regime as a whole.

**Mr GEOFF PROVEST** (Tweed) [10.42 a.m.]: I support the Crimes Legislation Amendment (Child Sex Offences) Bill 2015. At the outset I will comment on the position of The Greens regarding this legislation. I am a little horrified and very concerned about the delaying tactics adopted by The Greens, who do not recognise the concerns in the wider community about these horrendous crimes. I have been in this House for about eight years, during which time I have had the pleasure of being in the company of Hetty Johnston on many occasions. One event that comes to mind is a Bravehearts black-tie function at Rooty Hill RSL attended by the Commissioner of Police, Andrew Scipione at which Hetty Johnston spoke about her personal experiences and her consequent grief and anguish. Hetty supports the amendments in this bill. I put a lot of faith in her as a person who understands the issues and who works hard to minimise the harm to the most vulnerable in our community.

Therefore, I just shake my head in disbelief at the stance of The Greens: Their view is far removed from the expectations of the wider community. I am a great believer in the separation of powers, but the judicial system should reflect the wishes of the community. My electorate of Tweed endorses this amending bill 100 per cent, and would say it is well overdue. The bill amends the Crimes Act to increase the maximum penalty for the offence of sexual intercourse with a child under 10 from 25 years to life imprisonment, and amends the Crimes (Sentencing Procedure) Act to include additional child sex offences in the standard non-parole period [SNPP] scheme. The bill implements a key election commitment to introduce new laws to better protect and deliver justice for children. This Government is known for delivering on its promises. It is only the third week of sittings and it has introduced this legislation, which delivers on an election commitment. All members are in this place to protect and deliver justice for children.

**Mrs Tanya Davies:** We are on this side of the House.

**Mr GEOFF PROVEST:** I know my colleagues on this side of the House are 100 per cent committed to protecting children, who are our future. We should do all in our power to do that. The bill also responds to the report of the Joint Select Committee on Sentencing of Child Sexual Assault Offenders chaired by the Deputy Premier, Troy Grant, which recommended the implementation of both parts of the bill. As an officer in the NSW Police Force he was exposed to these horrendous crimes, and I commend him for his former and his current service. The reforms to the SNPP in the bill were also recommended by the NSW Sentencing Council's December 2013 report. It consulted widely and obtained the support of many organisations, including the Victims of Crime Assistance League, which is another important group that works to better protect and support our local communities.

The consolidation of the simple and aggravated offences was recommended by the Joint Select Committee on Sentencing of Child Sexual Assault Offenders. The Government agrees with the committee that the current penalty for the simple offence is not commensurate with the crime. Sexual intercourse with a child under 10 years of age is a truly abhorrent crime that causes untold sorrow and trauma for the victim, and which has serious repercussions for the community. Children suffer the consequences for life and we must condemn this crime in the strongest terms. Life imprisonment is the highest penalty in New South



Wales and it should be the maximum penalty for this offence. As a result of the amendments, all and any conduct that constitutes the offence of sexual intercourse with a child under 10 years of age may attract a life sentence.

In the Tweed I have met victims of child sexual abuse, a number of whom gave evidence late last year at the royal commission. They spoke of their experiences, the effects of which they feel throughout their life. Testifying was very harrowing for them. Perpetrators impose a life sentence on our children so it is fair and just that we can sentence perpetrators to life imprisonment. We should not bog down the process in this place but do all we can to keep our children safe and thus ensure we all have a bright future. No-one should suffer these horrendous crimes and the perpetrators should feel the full force of the law. I honestly wish we could do more to punish perpetrators—a view shared by many people in my community.

As a further step towards implementing the recommendations of the joint select committee, the Department of Justice will review all offences and other provisions in New South Wales that are particularly relevant to child sexual assault offences and offenders, with a view to consolidating and simplifying the current framework. The Government thanks the joint select committee for its diligent work in considering these complex and difficult issues. In response to the committee's work, the Government is acknowledging and meeting the community's expectations. It is important that government heeds community concerns. The people who violate the most vulnerable members of our community—our children—should receive the punishment they deserve. I commend the Crimes Legislation Amendment (Child Sex Offences) Bill 2015 to the House.

**Mr LEE EVANS** (Heathcote) [10.50 a.m.]: The part of the Crimes Legislation Amendment (Child Sex Offences) Bill 2015 in which I take special interest is the children's champions pre-recording pilot scheme. It is of interest to me because a children's champion in my electorate who works with children who have been sexually abused has been asking for that over the many years that I have been a member of Parliament. This bill is the first step in securing pre-recording of evidence for children who have been sexually abused. As the member for Tweed said, an abused child may become an adult who suffers from mental illness. We need to ensure that the youngest and most vulnerable members of our community are protected effectively.

The bill implements the key recommendations of the Joint Select Committee on Sentencing of Child Sexual Assault Offenders in its report, which was tabled in October last year, entitled "Every Sentence Tells a Story—Report on Sentencing of Child Sexual Assault Offenders". A further and significant part of the Government's response to that report was the pilot program for specialist procedures to reduce the re-traumatisation of child witnesses in sexual assault proceedings. The pilot will appoint two specialist District Court judges who will undertake intensive training in managing child sexual assault matters, introduce children's champions to support child witnesses through the court process, and keep children out of courts by expanding the pre-recording of their entire evidence in advance of the trial. The pilot will be informed by the work of a high-level working group, the child sexual assault offences task force, which will be convened shortly by the Department of Justice. The task force will comprise key stakeholders and experts in the area of criminal proceedings for child sexual offences.

The introduction of children's champions into New South Wales courts has its roots in the Registered Witness Intermediary Scheme introduced in England and Wales in 2004 as a pilot project and which was extended nationally in 2008. Under the scheme a registered intermediary is available to vulnerable witnesses—children and adults whose quality of evidence is likely to be affected by mental disorders, impairment of intelligence and social functioning, or those who have a physical disorder or disability. Registered intermediaries in the United Kingdom are typically speech and language therapists, psychologists, social workers, nurses, teachers or occupational therapists. They are recruited, assessed and accredited by the Department of Justice and all intermediaries under the scheme are listed in the Intermediary Register.

Their role extends from providing advice to investigating police on the special needs of vulnerable complainants prior to their initial police interview, to advising the judge during the trial as to how best legal counsel should frame their questions to elicit the most reasonable testimony from a vulnerable witness. In this way the intermediary scheme aims to ensure that a child's best evidence is available at all stages of the criminal justice process. Experience in England and Wales is that intermediaries have the potential to reduce delays and attrition in the criminal justice process by making more efficient use of police, prosecution and court time, flagging at an early stage those cases where it is not feasible to interview the witnesses or for the witnesses to appear at trial, and encouraging early guilty pleas by helping defendants to understand the case against them.

The Government's child sexual offences task force will consider carefully the experience of the United Kingdom scheme in developing the parameters of its own pilot scheme for New South Wales. We will look at

the best practice overseas and how that practice can be adapted to New South Wales courts, communities and, most importantly, for our children. The task force will also consider how children can be kept out of the courtroom altogether and where their evidence in chief, cross-examination and re-examination can be recorded in advance of the main trial before the judge and/or jury. Pre-recording in New South Wales is currently limited to the child's evidence in chief and a child complainant still has to come to court to be cross-examined by the defence. The task force will advise government on how best an expanded pre-recording scheme can be improved and piloted.

Holding offenders to account through the imposition of harsh penalties on conviction is one thing, but we are also concerned to provide children with as much support as possible during the court process. These initiatives are practical ways to provide children with such support. They reflect the high priority that we as a community place on the wellbeing of our most vulnerable members. We speak on many bills in this place but I think this legislation, once implemented, will have a longstanding impact not only on offenders but on those who have been offended against in New South Wales. I congratulate the Attorney General on bringing the bill forward.

**Mr KEVIN CONOLLY** (Riverstone) [10.56 a.m.]: I speak today on the Crimes Legislation Amendment (Child Sex Offences) Bill 2015. This bill needed to come before this House because of ongoing, deep-seated and seriously held reservations in the community about the adequacy of sentences in this area. The community has long been concerned that the horrific crime of child abuse has not been met with commensurate sentencing from the judiciary, for a range of reasons—some of which are historical or statutory. The crime of child sexual assault has been treated far too lightly in many instances and has raised the concerns among members of the community that the right message, the right deterrent, is not being sent to those who might contemplate offending in this area.

It is a serious field into which we are delving. The protection of our children is a fundamental responsibility of any government and it is something that members should not be shirking, making excuses for or dancing around and treating lightly. This bill certainly addresses the issue directly. By increasing the penalties for a range of offences relating to child sexual abuse, we are sending a strong message that this Parliament will not accept, excuse or condone offences of this kind but will take a strong stand on behalf of the children of New South Wales. The first part of the bill consolidates the offences relating to sexual intercourse with a child aged under 10 years. Currently there are two offences: a standard and an aggravated offence. The consolidated offence would carry the penalty that is now attached to the aggregated offence, signalling clearly that, in the view of this House, the offence of sexual intercourse with a child under 10 years is always a serious matter and should always carry a serious penalty.

I listened to the comments of the member for Strathfield earlier. She appeared to be making excuses for, or attempting to explain away, the light sentences handed down in the past. I recognise there are reasons for that but fundamentally she offered a series of excuses as to why more serious steps were not taken. An example of that, in her speech was the idea of choosing a midpoint sentence for sexual intercourse with a child under 10—as if a mid-range offence could be available. The community would be surprised to learn that if the maximum penalty previously available was 25 years a court might seriously consider imposing a sentence of six months or one year—as if an offence of that sort could be at the lower end of the range.

I do not believe the community would accept that kind of logic. This offence is always serious and should always attract a strong penalty. The message should be that there cannot be a mild form of intercourse with a child under 10. There is no acceptable case or justified circumstance where a slap on the wrist would suffice for an offence of this kind. Therefore, using a mathematical midpoint in that instance makes no sense and that is really what the Parliament would be saying by adopting this measure today—that we do not accept this kind of logic either. If proven in a court of law, with all the appropriate protections for an accused, this offence should carry a heavy sentence.

Schedule 2 to the bill seeks to amend the list of offences that carry a standard non-parole period. This has not been just plucked out of the air. I was a little surprised to hear the contribution of the member for Newtown, who suggested that somehow this was an arbitrary decision by the Government, which sought to cherry-pick offences for inclusion in the standard non-parole period scheme. In fact, the inclusion of these offences arises from recommendations of both the New South Wales Sentencing Council in 2013 and the Joint Select Committee on Sentencing of Child Sexual Assault Offenders. A joint select committee of this Parliament has investigated this area and has reported to this House and to the other place with this recommendation. The

bill is not an arbitrary exercise of the Government's power; it is a considered response to that committee's work. It is a considered response to community expectation that offences of this kind should be considered with the requisite seriousness.

The proposed offences include attempt, or assault with intent, to have sexual intercourse with a child under 10; sexual intercourse with a child 10 to 14 years of age, procuring a child for unlawfully sexual activity; meeting a child following grooming; grooming a child for unlawful sexual activity; inducing a child to participate in child prostitution; obtaining benefit from child prostitution; or using a child for production of child abuse material. All of those are grave matters and, if proven against an accused person, should carry a significant sentence. It is proposed they should become part of the standard non-parole scheme so that courts are sent the message that this House believes offences of that kind are serious matters and should attract serious penalties.

I challenge the member for Newtown to question their inclusion and suggest which of those should not attract such a penalty; which of those offences should not be included in the standard non-parole period scheme. They are serious matters, they should be treated that way by the judiciary and this House, and by passing this bill we will be sending the clear message to the judiciary that they should be treated in that way. The bill implements recommendations of the Joint Select Committee on Sentencing of Child Sexual Assault Offenders in those two areas. It also makes a number of other changes following recommendations from the committee. A child sexual offences task force will oversee a pilot program for specialist procedures to reduce re-traumatisation of child witnesses in sexual assault proceedings.

The pilot will appoint two specialist District Court judges, who will undertake intensive training on managing child sexual assault matters. It will introduce children's champions to support child witnesses through the court process and it will keep children out of the courts by expanding pre-recording of their entire evidence in advance of the trial. A second task force will examine options for anti-libidinal medication treatment for child sexual offenders. The work of the joint select committee will continue to inform government actions that aim to protect children, improve victim experience of criminal proceedings, prevent child abuse, punish offenders appropriately and provide access to effective treatment and rehabilitation to make communities safer. I commend the bill to the House.

**Mr RON HOENIG** (Heffron) [11.05 a.m.]: I make a brief contribution to the Crimes Legislation Amendment (Child Sex Offences) Bill 2015 and endorse the remarks of the member for Strathfield, which were similar to those of the member for Liverpool. I have appeared in hundreds of criminal trials involving child sexual offences as a public defender and as an acting Crown prosecutor. I have participated in hundreds of sentencing procedures and heard the judgments delivered by the courts when sentencing offenders. These are horrendous cases. I have spent a lifetime in the criminal justice system and can say that most cases of serious crime involve matters of this nature.

No prosecutor, counsel for the accused or judge would ever look forward to participating in trials of this nature, appeals to the Court of Criminal Appeal or, on the rare occasion, appeals to the High Court. Many people, including members of this House, would look at the facts of such cases and find the conduct of people who engage in this type of activity unimaginable. It is unimaginable that some people can be guilty of committing such offences. However, those who are found guilty of these sorts of offences should receive substantial periods of imprisonment, and many do. Section 3A of the Crimes (Sentencing Procedures) Act 1999 states:

The purposes for which a court may impose a sentence on an offender are as follows:

- (a) to ensure that the offender is adequately punished for the offence,
- (b) to prevent crime by deterring the offender and other persons from committing similar offences,
- (c) to protect the community from the offender,
- (d) to promote the rehabilitation of the offender,
- (e) to make the offender accountable for his or her actions,
- (f) to denounce the conduct of the offender, and
- (g) to recognise the harm done to the victim of the crime and the community.

Nearly all these offences require the denouncement by the State of the conduct of the accused, and quite properly so. I have seen the effect of these offences on victims, many of whom carry the scars for the rest of their lives. However, while the courts are punishing offenders in accordance with the law, I fear that only a small proportion of offenders are being brought to justice. The royal commission currently is exposing numerous instances of this conduct in the community, yet it is dealing with a variety of institutions. This conduct is rife throughout the community and its victims are the most vulnerable in our society. The consequences effectively destroy many, if not all, victims for the rest of their lives.

However, in trying to address this conduct through intrusion into the criminal justice system, the Parliament must ensure that its intrusion does not create an even more complex system to deal with offences of this nature. The complexity of directions that judges are required to give in criminal trials for offences of this nature—occasioned, effectively, by the legislation that this Parliament enacts as it tries to overturn common law provisions—makes the trial process very difficult and almost impossible for juries to understand. In the last five to 10 years that I participated in many, many criminal trials, it became common for defence counsel to no longer worry about the judge doing any damage to the defence case in the summing up, because within five minutes the eyes of the jurors glaze over as judges give certain required directions that the jurors do not have a hope of understanding.

If any area of law has become very complex, whether or not by an intrusion of this Parliament as it genuinely tries to address some of the common law difficulties, it is the law on offences of this nature. The sentencing process in this State also has become extremely complex and difficult since attempts have been made to try to codify specific provisions of sentencing legislation. I think the member for Riverstone queried why there should be a range or mid-range of sentence for particular offences. The law requires a judge to determine the range of objective seriousness for an offence, and the standard non-parole periods, even following the High Court decision in Muldrock and the legislation enacted by this Parliament to give effect to that decision.

Judges are required to determine where the objective seriousness of a particular offence lies. For an offence that might carry 25 years imprisonment or for an aggravated offence life, the judge is required to make a determination. I say to the member for Riverstone, or anyone else who might have participated in this debate, even for the most heinous of offences—section 66A, sexual intercourse with a child under 10 years of age being one of them—there is a range of different conducts that fit within this category of offence. I will not give examples publicly, because all such conduct is reprehensible, but a reading of the definition of "sexual intercourse" might enable members to understand what I am talking about. Maximum penalties are reserved for the worst conceivable conduct.

I commend the Joint Select Committee on Sentencing of Child Sexual Assault Offences for its approach to this matter. It was a very responsible approach—basically, a bipartisan approach—to resolve what was at the time an extremely difficult and emotive issue. The Opposition supports this legislation. In response to concerns that might be articulated in the media, in the hundreds of cases of these serious offences that I have appeared in, in my opinion I have not seen a manifestly inadequate sentence. I know through my appellate practice that from time to time errors are made, and that those errors can be corrected. This Parliament determines the range of penalties that judges should fix. Ultimately, we have another responsibility: that is, to ensure, through our conduct, that the community has confidence in the judicial system. So, if there is a failing, we should correct that failing but we should not engage in denigrating the judicial arm of government, because ultimately it is our responsibility under the Westminster system to protect the judicial arm of government because it is in fact voiceless in this process.

**Mrs TANYA DAVIES** (Mulgoa—Parliamentary Secretary) [11.14 a.m.]: I support the Crimes Legislation Amendment (Child Sex Offences) Bill 2015. The bill delivers on a key election promise to introduce new laws to better protect and deliver justice for children, the most vulnerable in our community. It will help bring sentences in line with community expectations. Every decent member of a compassionate society would agree that all abuses of children are abhorrent and cruel, but sexual abuses of children descend to depths of depravity and shock which no-one can truly understand. Sexual abuse shatters a soul. That is why the New South Wales Liberal-Nationals Government is taking a stronger stand against such perpetrators in order to make our society safer for our most vulnerable—to send the strongest message possible: If you shatter a child's life, you should forfeit your own.

Ted Bales, a former Christian Brother, taught and was headmaster at schools all over Victoria where parents entrusted him with the care and protection of their children. Ted Bales has pleaded guilty to 34 new charges of indecent assault and gross indecency, for abusing young boys in the 1970s and 1980s. This is on top

of already being jailed for child sex offences in the 1990's, under his original name of Edward Dolan. Under these new reforms being introduced by the New South Wales Liberal-Nationals Government, Ted Bales could be tried and imprisoned for a minimum 10 years under the standard non-parole period scheme. As of this moment, the Victorian Director of Public Prosecutions is attempting to appeal Bales' shocking and inadequate sentence of six years—for a notorious offender who shattered so many children's innocence and virtue.

Ted Bales' non-parole period is a pitiful and grossly insufficient three years. Ted Bales could be back in the public sphere within three years. This is where New South Wales must be better, and under the New South Wales Liberal-Nationals Government we are being better. We are reflecting the community standard for these atrocities on a child. Under just one of the 13 new non-parole periods being introduced into the Crimes (Sentencing Procedure) Act 1999 [CPSA] through this bill—attempt, or assault with intent, to have sexual intercourse with a child under 10 years"—attracts a standard non-parole period of 10 years.

The Baird Government is responding to the Joint Select Committee on Sentencing of Child Sexual Assault Offenders. Chaired by Deputy Premier Troy Grant, the joint select committee made a number of recommendations relating to child sexual assault offences and sentencing. Its recommendations cover a number of areas, including methods to improve transparency and consistency in sentencing, measures to better support victims of child sexual assault at trial and measures to improve the treatment and management of child sexual assault offenders.

This bill implements two key recommendations of the joint select committee: to impose a maximum penalty of life on a new consolidated offence of sexual intercourse with a child under 10; and a recommendation to expand the standard non-parole period scheme to include a number of child sex offences. When I read the detail of those 13 new non-parole periods proposed by the bill, I was concerned that some of them were still inadequate. I have had a discussion with the Attorney General about my concerns. I raise one in particular with the House—namely sexual intercourse with a child aged between 10 and 14 has a standard non-parole period of seven years.

I understand that the Joint Select Committee on Sentencing of Child Sexual Assault Offenders thoroughly examined this issue, and I respect and support its findings. However, I want to know the difference between sexual intercourse with a child of 10 years or less and sexual intercourse with a child who is 10 years and one month and three days old. What is the difference between a person who abuses a child aged 10 years or less, who will be sentenced to non-parole life imprisonment, and a person who abuses a child aged 10 years and one month, who will qualify for a non-parole period of just seven years? My community and I believe that the latter sentence is grossly inadequate.

The Baird Government is representing community expectations and standards and confidence in the justice system. This bill goes a long way towards improving the justice system in this particularly delicate and sensitive area. It states in black and white the Government's commitment to impose appropriate punishment on those who destroy a child's future in the most personal and vile circumstances. The Baird Government will commit to piloting specialist judges who will manage child sexual assault cases and children's champions who will support children through the court processes. It will also allow cross-examination evidence to be preselected to keep children out of court.

Leonie Sheedy from the Care Leavers Australia Network welcomed the legislation and said that she hopes the changes encourage more victims of child sexual assault and abuse to come forward. Other members have gone through the details of the bill, but I will provide some personal comments. I ask members to imagine a society afflicted by a disease that struck down one-quarter of its daughters and up to one in eight of its sons. Imagine that that plague, while not immediately fatal, lurked in the bodies and minds of young children making them up to 16 times more likely to experience its disastrous long-term effects. The victim could be a member's child, my child, a niece, or a nephew. Finally, I ask members to imagine the nature of these effects: life-threatening starvation, suicide, persistent nightmares, drug and alcohol abuse and a host of intractable psychiatric disorders requiring life-long treatment. That list was provided by Dr Bill Glaser when talking about the effects of child sexual abuse.

I am sure that members were shocked to read the 2012 report from the Bravehearts Foundation that contained some startling and very sobering facts. Anyone who reads that report could not help but be moved. Children are most vulnerable to sexual abuse between the ages of eight and 12. The average age of first abuse is 9.9 years for boys and 9.6 years for girls. The report states that a 1994 survey of 453 paedophiles revealed that they were collectively responsible for the molestation of more than 67,000 children. That is an average of

148 children per paedophile. That is a chilling and sickening statistic. That is why the Baird Government is leading New South Wales by taking such a strong stance and introducing this bill, which increases the penalty for offenders who abuse a child under the age of 10 to life imprisonment. The amendments in this bill are imperative if we are to ensure that as a society we protect our most vulnerable, our children.

I was in the Chamber to hear the contribution to this debate made by The Greens member for Newtown. The member put on the record that The Greens have decided to delay this legislation in the upper House. Do The Greens know any members who were abused as children? Do they know the lifelong devastation and the crippling effects they must suffer for the rest of their life? Women in my community and friends have opened up to me about their experiences. I challenge The Greens to listen to the voices of the innocent victims of assault and treachery. We are here to defend the victims, not the perpetrators. I urge The Greens to support the speedy passage of this legislation through the upper House. As a society we must protect our children regardless of the cost. We must focus first and foremost on children and other vulnerable people; we must focus on those who cannot speak up for themselves. We must be the vanguard and ensure their protection. I commend the bill to the House.

**Mr DAMIEN TUDEHOPE** (Epping) [11.24 a.m.]: I support the Crimes Legislation Amendment (Child Sex Offenders) Bill 2015. I agree with what the member for Heffron said about this bill. I also endorse his comments about the complexity of sentencing and his general approach to the manner in which cases of this nature are dealt with by the courts and the difficulty that lawyers have in prosecuting these cases. However, the facts should be addressed. Of the 238 men convicted over the past decade of sexual intercourse with a child under the age of 10, only three were given the elusive standard non-parole period of 15 years imprisonment provided for in the legislation. In the past decade, the longest non-parole period imposed for having sex with a child under the age of 10 in cases of domestic violence, including incest, was just one year and nine months. In one case, a man who raped a child was behind bars for only nine months. Several offenders also walked away without even a conviction being recorded against their name.

Section 10 of the Crimes (Sentencing Procedure) Act was applied in those cases. That section is normally applied to motor traffic offences in lower courts. Finally, some judges impose shorter sentences on child sex offenders than they impose on financial criminals. Those statistics by themselves called for a response from the Government. Following the Joint Select Committee on Sentencing of Child Sexual Assault Offenders inquiry, the Government has now introduced a bill that properly reflects community views. The member for Heffron correctly referred to section 3A of the Crimes (Sentencing Procedure) Act and its objects. One of the objects of that Act is that sentences should reflect community expectations, the seriousness of the offence, and the prospects of rehabilitation. The joint committee has effectively dealt with each and every one of those issues in its report.

I will deal with some of the issues that this bill addresses. First, it consolidates section 66A of the Crimes Act, which contains two offences. The offence of sexual intercourse with a child under 10 years carries a maximum penalty of 25 years imprisonment. If the offence is committed in circumstances of aggravation, it attracts a maximum penalty of life imprisonment. Circumstances of aggravation include where the offence is committed in company with an intention to inflict actual bodily harm on the victim or where the victim is particularly vulnerable by reason of their physical or cognitive impairment or their relationship to the offender. The consolidation of the simple and aggravated offences was recommended by the joint committee. The Government agrees with the committee that the penalty for the simple offence is not commensurate with the crime.

Sexual intercourse with a child under 10 years of age is truly an abhorrent crime, one that causes untold sorrow and trauma for the victim, and it has serious repercussions for the community. We must condemn it in the strongest terms. Life imprisonment is the highest penalty in New South Wales and it should be the maximum penalty for this offence. I note the query from the member for Mulgoa as to why the offence differentiates between a child who is 10 and a child who is 10 and one month. There has to be a cut off somewhere, but I can understand her reservations in relation to what appears to be an arbitrary cut-off date.

As a result of the proposed amendments all and any conduct that constitutes the offence of sexual intercourse with a child under 10 may attract a life sentence. That is a reflection of what the community expects the court to take into account when imposing a sentence under the Crimes (Sentencing Procedure Act) 1999. The member for Heffron articulated a view about the difficulty that judges have in giving directions to juries. He said that in many respects there is never a problem with appeal points these days because after the first five minutes of directions jurors' eyes glaze over and they are no longer paying any attention. I understand his view, but this bill does not address that issue: It addresses sentencing.

There is no complexity once the offender has been found guilty. The courts are required to sentence in accordance with community expectations, but it is the view of the Government and the Joint Select Committee on Sentencing of Child Sexual Assault Offenders that that has not been occurring. Importantly, however, the amendments do not remove the ability of a sentencing judge to take into consideration aggravating factors when imposing a sentence under the Crimes (Sentencing Procedure) Act 1999. Aggravating factors include, among other things: using or threatening to use violence or using a weapon; committing the offence in company; causing substantial emotional harm; the offender being in a position of trust or authority; and the victim being vulnerable due to age or disability.

As a further step towards implementing recommendations of the joint select committee, the Department of Justice will review all offences and other provisions in New South Wales that are particularly relevant to child sexual assault offences and offenders with a view to consolidating and simplifying the current framework. That Act cries out for such consolidation and simplification. The complexity of section 66 is something that makes not only the eyes of jurors but also of lawyers glaze over. In many respects the work of the committee has moved the Government away from mandatory sentencing. I recall seeing some appalling cases involving long periods of sexual exploitation of children in which offenders were given bonds. In one particular case, *R v B*, a father who had raped his daughter persistently was given the benefit of a sentence at Cedar Cottage and no conviction was recorded. That case, by its very nature, cried out for a much more severe sentence and there was community outcry that those sorts of offences did not, but should, attract a mandatory sentence.

This legislation sends a clear message to the courts that the Government views these types of offences very seriously. If I could use a catch phrase: If you do not get it then the only alternative would be to introduce mandatory sentencing for these sorts of offences. That is the last thing a lawyer would ever want because the underpinning principle of justice is that there is a variety of circumstances and there ought to be discretion when dealing with these sorts of offences. At some stage the community will lack tolerance for leniency in sentencing for this type of offence. This is excellent legislation and the committee did excellent work in dealing with very complex issues. I commend the Attorney General for bringing this bill to the House and on the great work that has been done.

**ACTING-SPEAKER (Ms Melanie Gibbons):** I welcome all our students to the Parliament of New South Wales. I know the member for Fairfield and the member for Terrigal joined us a moment ago to welcome you all in the Macquarie Room, but I welcome you to the Chamber. I particularly welcome today the students from Holsworthy High School, Moorebank High School, Casula High School, St Mark's Coptic Orthodox College at Wattle Grove, All Saints Catholic Senior College at Casula and William Carey Christian School. It is lovely to have you with us in the Chamber. Your visit is made possible by the Parliamentary Education Unit, which, I am sure you will all agree, does a fabulous job.

**Mr JAI ROWELL** (Wollondilly) [11.34 a.m.]: I congratulate the Acting-Speaker on her reappointment to that very important position and echo her comments and sentiments to the students in the gallery today. I speak on the Crimes Legislation Amendment (Child Sex Offences) Bill 2015. What we see today is the Government strengthening the laws in relation to those mongrels who commit child sex offences. The bill implements two recommendations of the Joint Select Committee on Sentencing of Child Sexual Assault Offenders whose report, *Every Sentence Tells a Story*, was tabled in October last year. I acknowledge also the Attorney General, who is present in the Chamber today, and commend her for her hard work. I take the opportunity to thank the committee also for its work on this tragic subject matter.

When formulating its recommendations the committee underlined its objectives and said that its aims were to: protect children and deter future child abuse by sending a strong and clear message to perpetrators that sexual offences against children are unacceptable; protect child victims from the psychological stress imposed by prolonged and complicated court proceedings; ensure the length and nature of sentencing is commensurate with community expectations based on the seriousness of the offence; and provide offenders with effective treatment and rehabilitation so as to prevent reoffending. I fully support these objectives and suspect that most people in the Chamber would do also. But I was very surprised to hear the contribution by The Greens today in this debate. I am sure that community sentiment will catch up with them in the very near future if that is the approach they take in the other House.

I believe in the measures in this bill. It shows we are tough and it sends a strong message that this Government is responding to community expectations by ensuring that all and any conduct that constitutes the offence of sexual intercourse with a child under 10 may attract a life sentence. The amendments do not remove the ability of a sentencing court to take aggravating factors into consideration at sentencing. I note and support the bill in the expansion of the standard non-parole-period to include an additional 13 child sexual offences.

I will always support strengthening laws that apply to those who harm or sexually assault children. I acknowledge the contribution of the member for Mulgoa and agree that there is nothing between assaulting a child under 10 or over 10; it is simply child abuse.

I do not believe in capital punishment, but I struggle not to support it when it comes to those bastards who harm our children—they certainly should be locked up for life at the very minimum. In my former life working in the local courts it was absolutely devastating to see cases involving child sexual assault. It was very hard to see children giving evidence in absolute fear of what would happen to them later on, of them being in the same courtroom and in the same precinct of those who perpetrated heinous acts against them. I note that through this bill the Attorney General has ensured that will no longer happen because children will be able to give evidence separately. I applaud the Attorney General for this.

The member for Heathcote said the psychological effects of child sex assault lasts for the life of the victims. In speaking to constituents in my community who have been abused by a paedophile I know that the victims continue to suffer from that abuse for the rest of their lives. There is nothing we can do to take away their suffering, but we can strengthen legislation to send a clear message to the community that we agree with their view on the seriousness of such crimes, such as the Morcombe case and the boy in the suitcase, who was found not far from where I grew up. We represent these communities and we need to protect the victims, our children, and certainly not the perpetrators. That is why I commend this bill to the House.

**Ms GABRIELLE UPTON** (Vaucluse—Attorney General) [11.40 a.m.], in reply: I also welcome the students in the Chamber today to hear a speech in reply by the Attorney General to important legislation, the Crimes Legislation Amendment (Child Sex Offences) Bill. This was a key government commitment at the State election and it strikes at the heart of keeping our children and young people in our communities safe. I thank members for their contributions to this debate—the members for Camden, Tweed, Heathcote, Riverstone, Mulgoa, Epping and Wollondilly. I will also address some of the comments that were made by members on the other side of this House.

The member for Strathfield, the shadow Minister for Justice, was leading for the Labor Party in this debate. I welcome her support. Although we got rather a long history lecture on criminal law and child sex offences she got there in the end, which was good. The shadow Minister might have missed that the Government tabled a response to Report 1/55 of the Joint Select Committee on Sentencing of Child Sexual Assault Offenders, "Every Sentence Tells a Story". The response is noted in *Hansard* as being tabled in the Legislative Assembly on 14 May 2014 and in the Legislative Council on 13 May 2014. For the benefit of the shadow Minister, I quote from that response:

The Government fully endorses the underlying objectives of the Committee's recommendations, being to:

- protect children and deter future child abuse by sending a strong and clear message to perpetrators that sexual offences against children are unacceptable;
- protect child victims from the psychological stresses imposed by prolonged and complicated court proceedings;
- ensure the length and nature of sentences is commensurate with community expectations, based on the seriousness of the offence; and
- provide offenders with effective treatment and rehabilitation so as to prevent reoffending.

A comprehensive response was tabled and is part of *Hansard*. I also bring to the attention of the House that a review is being undertaken of all child sex assault offences, which was one of the joint select committee's recommendations. The review will be conducted by the Department of Justice and there will be wide consultation. A response will be delivered by the end of this year. I welcome the support of The Greens for this bill, but the contribution by the member for Newtown was rather lukewarm and I was disappointed that The Greens played politics on this very serious matter that strikes at the heart of the safety of our community. The member for Newtown is a new member of the House, so I give her the benefit of the doubt. I realise that new members may not know the ancestry and history of matters before the House.

For the benefit of The Greens, in case they missed it, the joint select committee consisted of members of both Houses. The review was comprehensive, consultation was extensive and the report was 166 pages long. All this is publicly available. The Government made a key commitment going into the election to undertake these reforms to help the most vulnerable members of our community: our children and our young people. Given that ancestry, it is not necessary to refer these matters to another committee. The Greens suggested these matters be referred to the Legislative Council Standing Committee on Law and Justice. The Department of Justice will review all child sexual assault offences and undertake extensive consultation. That review will be completed by the end of this year.



I welcome the strong support of the member for Heffron and his sharing of his practical experience in the court system. I highlight the point he made that underlies this reform package: It is about protecting the voiceless in our community: our children and our young people. The member for Mulgoa asked why there is a difference in the standard non-parole period in the sentencing guidelines between offences committed against children who are 10 and under and children who are over 10. I have discussed this issue with the member and I am happy to ensure that the Department of Justice review of all child sex assault offences considers this matter.

As a community, we must be vigilant in protecting our children. That is why, when we hear or read stories or see reports on television or the internet, including webcasts of the royal commission, we are sickened. Child sex assault is a depraved and cruel crime, and the penalties for such awful acts must reflect this. As a community and as an Attorney General we too often see sentences for child sex offences that have left us questioning whether justice really has been done. We must ensure that all laws reflect the community's expectations. Sentences must align with the community's sense of justice if they are to have confidence in our justice system. This is a system that the community owns.

As the former Minister for Family and Community Services I have seen through my work in that portfolio the truly awful impact of child sex assault on children's lives, and the cycle of violence and abuse that often follows from the victims' suffering. I have sat with victims appearing before the Royal Commission into Institutional Child Sexual Abuse. I have heard the testimony of the victims before the commission and that made me even more determined to ensure that we bring these laws before this Parliament as soon as possible. Many victims, now in middle age, shared with me the truly gross impact of these crimes on the quality of their lives.

The New South Wales Government has acted swiftly to bring forward this legislation. This bill delivers on all key election promises to better protect and deliver justice to the most vulnerable members of our community. This bill will help to ensure that child sex offenders are punished appropriately for their crimes and that we protect our most vulnerable. In addition to this bill, the New South Wales Government is working to better support the victims of child sex abuse during the court process. The court process can be daunting and stressful, and at times traumatic for adult victims, let alone for children and young people.

This is an important bill for the community. It ensures that we will have strict laws. It shows that we have responded to the recommendations of the joint select committee. It will make it easier for victims to get access to justice. It will make it easier for victims to give evidence and for the appointment of pilot specialist judges to hear child sex assault matters in the District Court. We will have children's champions to hold the hands of our most vulnerable victims as they go through the criminal justice system. This legislation is in response to our key election commitment.

The New South Wales Government went to the election with a clear plan to better protect the most vulnerable members of our community. The amendments contained in this bill are just the beginning. We are determined to make meaningful improvements to the criminal justice system, not only in terms of the law but also in practice by providing practical support for those children and young people who are victims. This bill signals our further commitment to work tirelessly to better protect and to deliver justice for children and young people who are victims of child sexual assault. I commend this important 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 Ms Gabrielle Upton 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.**

**ACTING-SPEAKER (Ms Melanie Gibbons):** For the information of those in the gallery, I acknowledge that Ms Upton is our State's first female Attorney General, which is something we spoke about earlier when we were in the Macquarie Room. I congratulate the Attorney General on her appointment.

### **SHINYWAY EDUCATION GROUP**

#### **Personal Explanation**

**Ms NOREEN HAY**, by leave: I wish to make a personal explanation. Last night, 26 May 2015, the New South Wales Government Whip in the Legislative Council, Peter Phelps, sought to impugn my reputation with innuendo and smear in relation to a trip I undertook to China in September 2013, accompanied by my personal assistant, Kiley Martin. I absolutely refute any suggestion of wrongdoing on my part and can provide the Parliament with a copy of my e-ticket, which clearly shows the trip was paid for by me, and confirmation of my hotel booking.

Also, I provide a copy of the invitation letter from the CPC Nanhu Committee and the Peoples Government of Nanhu District to visit Nanhu Jiaxing from 16 to 20 September 2013. I provide a copy of correspondence from me to Premier Barry O'Farrell, dated 25 September 2013, describing my visit to China businesses and educators, including a meeting with the vice-chancellor of Jiaxing University. Also to be provided is correspondence received from Premier Barry O'Farrell, dated 10 October 2013, in which he thanked me for contacting him about the trip and acknowledged the issues that had prompted me to write.

It can hardly be claimed that I was keeping this trip a secret from the Government or the Parliament. I was not the beneficiary of any complimentary travel or expenses, which is why I did not declare it in my Pecuniary Interest Declaration. Mr Phelps should do the honourable thing and apologise for abusing parliamentary privilege, and making baseless and personal attacks against me and my staff.

### **LEGAL PROFESSION UNIFORM LAW APPLICATION LEGISLATION AMENDMENT BILL 2015**

**Bill introduced on motion by Ms Gabrielle Upton, read a first time and printed.**

#### **Second Reading**

**Ms GABRIELLE UPTON** (Vaucluse—Attorney General) [11.53 a.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Legal Profession Uniform Law Application Legislation Amendment Bill 2015. This bill brings the idea of a seamless, unified national legal profession market—first articulated more than two decades ago—closer to reality. The journey to get to this important point highlights the strong vision required to developing, and challenges to delivering, good public policy. It is a triumph of persistence from Federal and State governments and many stakeholders that leads me to stand here today to deliver my second reading speech in the New South Wales Legislative Assembly.

While getting to this point has taken more than two decades and several Attorneys General, Federal and State—and of different political complexions—compelling public policy has won and our legal services market, consumers and lawyers will reap the benefits. Given the significance of what we are doing in this House today, I seek the indulgence of members to reflect for a short time on the path that led me here. The seeds of these reforms were first sowed in the seminal Fred Hilmer report in 1993. The report argued for the extension of competition policy principles to the legal profession with the objective of removing constraints on the development of a national market in legal services and developing other efficiency enhancing reforms.

It took the Law Council of Australia's Blueprint for the Structure of the Legal Profession in 1994 to articulate the concept more fully. The blueprint sought to ensure that national competition policy principles were applied to the legal profession; that lawyers would be able to practice law throughout Australia; that the legal profession's right to self-regulation was preserved; and that there was a uniform system of regulation of the legal profession. The reforms were progressed further through the Council of Australian Governments in 2004 and later in 2009. However, it took the New South Wales and Victorian governments, together with the legal profession, to bring the concept to reality.

I became the Attorney General of New South Wales less than two months ago and it fell to me to give the reforms that very last push. I was determined. I had observed these reforms over the period of my career outside of politics. I had watched from afar the start-stop nature of the work for the reforms; I had watched the on-off nature of the will to push these reforms forward. That is what brings us to this day. It is an important day as, over a 29-year history, it brings good public policy to New South Wales.

Given that the legal profession is a key contributor to and enabler of the economy, the regulation of the profession impacts us all. Unfortunately, the market for legal services across Australia has been impeded by archaic and artificial barriers for far too long. Consumers, lawyers and law firms between Bass Strait and Byron Bay have been forced to go through lots of red tape, which has been based on history, not on common sense, and not focused on the consumer. But those days are finally coming to an end. The New South Wales and Victorian governments are working together with the legal profession to make regulations simpler and better. We are the first States to adopt the uniform legal profession reforms.

I was very pleased to meet with my Victorian counterpart in Canberra last Thursday and Friday and to thank him for his assistance on these reforms. It is with Victoria's support—although a government of a different complexion—that we are bringing the reality of these reforms to more than 70 per cent of the legal profession in Australia. These reforms are necessary and long overdue. They will slash red tape by simplifying and standardising regulatory obligations while still providing a significant degree of local involvement in the performance of the regulatory functions of the Bar and the Law Society. The shorter, less complex legislation will mean reduced compliance costs and will enable lawyers to focus on providing legal services.

Consumers will enjoy better protection by having the same protections, rights and remedies across jurisdictions in New South Wales and Victoria. They will have access to new low-cost informal ways to resolve service complaints with law practices. The legislative duty on law practices to charge fair and reasonable costs and new streamlined cost disclosure requirements will foster better communication and lead to fewer disputes. Also, billing practices will be strengthened to ensure that principals of law firms are responsible for the legal costs charged by their law practices.

Importantly, the uniform law scheme preserves a system of co-regulation where the profession is involved in critical areas of regulatory responsibility. Under the uniform law the legal profession will have a direct role in formulating the regulatory standards through nominating members of the Legal Services Council and the Admissions Committee.

*[Business interrupted.]*

## BUSINESS OF THE HOUSE

### Suspension of Standing and Sessional Orders: Bills

**Mr ANTHONY ROBERTS** (Lane Cove—Minister for Industry, Resources and Energy) [12.01 p.m.]: I move:

That standing and sessional orders be suspended at this sitting to amend the resolution of 26 May 2015 to postpone the resumption of the adjourned debate on the Electricity Network Assets (Authorised Transactions) Bill 2015 and cognate bill until 4.00 p.m.

**Mr MICHAEL DALEY** (Maroubra) [12.01 p.m.]: Whilst the Opposition welcomes the additional four hours to prepare for debate on a bill that was foisted upon it, this is emblematic of what is unfolding under this Government—a government that has been characterised for four years, but particularly under the premiership of the member for Manly, as being not what it seems. Yesterday the Electricity Network Assets (Authorised Transactions) Bill 2015 was foisted upon this House with great urgency—it was the most important transaction in the history of this State and could not wait another minute. Yet today some disorganisation—which is typical of this Government—has descended upon the Parliament. Someone in the Government—I am sure it is not the Leader of the House as he is an organised man—is not ready to proceed.

**Dr Geoff Lee:** He is a very good-looking man too.

**Mr MICHAEL DALEY:** I do not acknowledge that interjection. The bill that was presented to the House yesterday raises more questions than it has details. It would not surprise me if the Government is not ready for the debate and so has delayed it for four hours in order to devise a way to resist the logic that will be

forced upon it by the Opposition. We appreciate the extra four hours—which I am sure is not an act of charity but an act of disorganisation. That is completely in keeping with the way this Government rolls. It is embodied in the bill and is typified by the comedy that is now unfolding in the House.

**Mr ANTHONY ROBERTS** (Lane Cove—Minister for Industry, Resources and Energy) [12.02 p.m.], in reply: I thank the member for Maroubra for his endorsement. This is an excellent opportunity for the Opposition. Everyone has known that the Government would introduce this legislation—the subject has been debated on television, in committees and elsewhere. In fact, the Government was delivered a very strong mandate for its introduction at the last election. I think an extra four hours is more than reasonable for those who asked for additional time to examine the bill.

**Mr Michael Daley:** We asked yesterday and you said no.

**Mr ANTHONY ROBERTS:** Yesterday I said no but I thought about it overnight and I asked myself how I could assist. I decided that in this very busy Parliament we will give the Opposition an extra four hours to consider the bill. Some might call it weakness on my part, but for me it is very much an act of charity.

**Mr Chris Patterson:** Compassion.

**Mr ANTHONY ROBERTS:** And compassion, sensitivity and generosity. I thank the member for Maroubra for supporting the motion.

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

**Motion agreed to.**

## **LEGAL PROFESSION UNIFORM LAW APPLICATION LEGISLATION AMENDMENT BILL 2015**

### **Second Reading**

*[Business resumed.]*

**Ms GABRIELLE UPTON** (Vaucluse—Attorney General) [12.03 p.m.]: The uniform law scheme partially commenced last year with the passage of the application Act in both the New South Wales and Victorian Parliaments. Regulatory bodies—the Legal Services Council and the Commissioner for Uniform Legal Services Regulation—have been set up to draft new uniform rules to sit under the uniform law and oversee the transition period. This transition period is now drawing to a close as the uniform law is ready to commence operating. The bill makes technical and transitional amendments to the application Act to prepare for full commencement, and makes consequential amendments to other legislation to allow for the repeal of the Legal Profession Act 2004.

I turn now to the specific provisions of the bill before the House. Schedule 1 to the bill makes amendments to the application Act. Many of these are technical and minor amendments. It makes corrections to the local regulatory authorities that are designated for different purposes. It adds a power for the admission board to make rules, including with respect to its students-at-law program, and to delegate some of its functions. It also makes provision for the Law Society Council, Bar Council and the Legal Services Commissioner to delegate their functions to particular individuals and entities. These provisions will ensure that the professional associations will be able to continue to carry out professional discipline and complaints handling functions, under a delegation from the Legal Services Commissioner of New South Wales.

A number of provisions of the application Act are proposed to be removed where these would duplicate matters that will be covered by the uniform rules. Schedule 1 also provides for regulation-making powers in relation to corporate in-house counsel. The uniform law will introduce new practising requirements for government and in-house lawyers. The new provisions for in-house lawyers match provisions already in the application Act for government lawyers to ensure that appropriate transitional arrangements can be put in place so that they will be able to continue practising on commencement of the uniform law. The more substantive amendments made by schedule 1 relate to costs assessment processes. The Supreme Court has reviewed the costs assessment process and recommended improvements, a number which adopt proposals recommended by the Chief Justice's review of the costs assessment scheme, which was finalised late last year.

The amended provisions will align costs assessment processes more closely with old processes, particularly in relation to the assessment of costs ordered by a court or tribunal. The uniform law does not include any provision for assessment of these costs. The amended part 7 clarifies the basis for assessment of these costs. Additionally, the amendments also clarify avenues of appeal from costs assessments and the nature of appeals, which will be by way of rehearing, with new evidence by leave of the court. The amendments make clear that the position of Manager, Costs Assessment is to be filled by a Supreme Court registrar and is an officer of the Supreme Court. This follows the de facto practice of the court in relation to that role.

Schedule 1 also makes provision for a transitional period for solicitors' mortgage practices and managed investment schemes. These will be restricted under the uniform law, so the amended application Act will provide a three-year transition window for these practices. Victoria has also applied a three-year transitional period for existing managed investment schemes. In this period the Legal Services Council will engage with the profession to examine the nature of the arrangements that are in place, and to determine how best to regulate such services within the scope of the uniform law's restrictions.

Finally, schedule 2 to the bill makes consequential amendments to other legislation. These are necessary to provide for the commencement of the uniform law and the repeal of the old Legal Profession Act 2004. The amendments involve replacing references to the old Act with references to the new legislation as appropriate, as well as provisions that ensure that regulatory requirements on lawyers in New South Wales are aligned on the repeal of the Legal Profession Act and Legal Profession Regulation.

Given the complexity of these reforms, I note that it may be necessary to bring further amendments before the Parliament in future to address any post-implementation issues that may be identified, and that is appropriate. Additionally, while this bill includes a number of provisions that adopt recommendations made by the Chief Justice's review of the costs assessment scheme, a number of others remain under consideration, to be progressed at a later time. The job is not finished. We are only one step closer to, but remain short of, a common legal market in Australia. We need a common legal market across Australia. New South Wales and Victoria have done the hard yards. We have built the infrastructure; we have invested in it. We have laid the foundation for a national legal market that I implore the other States and Territories to join. All that is needed from the other States and Territories is the will to reform.

As I mentioned earlier, I met with my State and Territory counterparts last week in Canberra. I met with the Commonwealth Attorney General. I implored them to get on board with New South Wales and Victoria. I have great faith that they will see the sense of these changes. Again, the focus of these reforms is to better legal services for our community and for consumers of those services, and to deliver a cleaner, faster system and one with less red tape for those who purvey legal services across our community.

The Victorian Attorney General and I will continue to encourage other States and Territories to sign up to these reforms so that the benefits that will be felt in New South Wales and Victoria can be enjoyed on a national basis. As I mentioned before, the development and delivery of the uniform law scheme has been a 20-year journey. I acknowledge the significant contributions made by stakeholders in New South Wales, particularly the Bar Association, the Law Society, the Office of the Legal Services Commissioner, the Legal Profession Admission Board and the Supreme Court. These organisations have tirelessly devoted significant efforts and resources over many years to making these reforms a reality.

I also acknowledge specifically the work of the Legal Services Council and Commissioner for Uniform Legal Services Regulation, with whom I have met on a number of occasions. They have worked extremely hard over the past few months, particularly since I have been Attorney General, to ensure that the uniform rules, necessary to supplement the uniform law, were ready in time for commencement. At this point I have signed off on those rules. My Victorian counterpart has done so also, and I believe they were passed by the Legal Services Council last night when it met. The commencement of a new regulatory framework will bring its own challenges. However, there is a vision that after 20 years it will become a reality.

While many aspects of the existing regulatory system will remain, there will be differences. I recognise that it may take some time for the new system to be bedded down. However, I trust that all those involved in the implementation of the new uniform scheme will do their best to navigate in good faith through this transitional phase of the uniform scheme. In closing, I say again that this bill represents the final legislative piece required to prepare New South Wales for the reforms. This is a significant step that cannot be overstated in the new regulation of legal services across New South Wales and Victoria. It will help improve the administration of justice in New South Wales, and I am very proud to be the New South Wales Attorney General who will take this to the finishing line. I commend the bill to the House.

**Debate adjourned on motion by Mr Guy Zangari and set down as an order of the day for a future day.**

**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2015****Bill introduced on motion by Ms Gabrielle Upton, read a first time and printed.****Second Reading****Ms GABRIELLE UPTON** (Vaucluse—Attorney General) [12.13 p.m.]: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill 2015 continues the statute law revision program that has been in place now for more than 30 years. Bills of this kind have featured in most sessions of Parliament since 1984 and are an effective way of making minor policy changes, repealing redundant legislation and correcting drafting errors. Schedule 1 to the bill contains policy changes of a minor and non-controversial nature that are too inconsequential to warrant the introduction of a separate amending bill. It contains amendments to 26 Acts and related amendments to three regulations. I will describe some of the amendments to give members in this House an indication of the kinds of amendments that are included in the schedule.

Schedule 1 makes amendments to the Aboriginal Land Rights Act 1983 that change the nature of the resolution required to be passed by voting members of Aboriginal land councils for certain decisions of those land councils. First, those amendments will ensure that a local Aboriginal land council's community, land and business plan can be adopted only by a special resolution of at least 80 per cent of voting members of the land council present at a land council meeting rather than by an ordinary resolution. A local Aboriginal land council's community, land and business plan includes the land council's strategies and objectives for land and business dealings. This amendment is consistent with the requirement under the Act for land dealings by a local Aboriginal land council to be approved by a special resolution.

Secondly, the amendments to the Aboriginal Land Rights Act 1983 will ensure that the passing of an ordinary resolution by voting members of the New South Wales Aboriginal Land Council is sufficient to approve the transfer or disposal of an asset, or the termination of certain arrangements, by that land council instead of a special resolution being required, as is currently the case. This amendment is consistent with the requirements for other decisions of the New South Wales Aboriginal Land Council that need only be approved by the passing of an ordinary resolution.

The amendments to the Conveyancers Licensing Act 2003 will remove an unnecessary duplication in the roles of the Commissioner for Fair Trading and the Australian Securities and Investments Commission [ASIC]. In particular, they will remove the responsibility for approving business names of licensed conveyancers from the Commissioner for Fair Trading and a related offence. The Commonwealth's Business Names Registration Act 2011 deals comprehensively with both the registration of business names by ASIC and related offences. Schedule 1 contains an amendment that directly incorporates into the Gambling (Two-up) Act 1998 a provision of the Gambling (Two-up) Regulation 2010 allowing two-up to be played on 15 August, which is Victory in the Pacific Day, and after noon on 11 November, which of course is Remembrance Day. The regulations have allowed two-up to be played on those days for a successful trial period of almost 10 years.

Schedule 1 amends several Acts in the portfolio of the Minister for Health, including the Public Health Act 2010. The amendments to that Act will enable the Secretary of the Ministry of Health to provide personal information, whether or not it is also health information, to a health records linkage organisation, such as the Centre for Health Record Linkage, so that the organisation can provide unique identifier numbers for public health or disease registers. The unique identifier numbers are used on the registers in place of personal identifying particulars, such as names and addresses. Currently only personal information that is not health information can be provided to a health records linkage organisation and, therefore, public health and disease registers established under the Act, apart from the Pap Test Register, cannot contain any information collected in providing a health service. The Ministry of Health has advised that the Privacy Commissioner has no objections to the proposed amendments to the Public Health Act 2010.

Schedule 1 amends the Passenger Transport Act 2014 to ensure that police officers are able to issue penalty notices for prescribed offences under the Act without having to be specifically authorised by Transport for NSW or Roads and Maritime Services. This amendment corrects a drafting oversight and recreates the existing situation that applies to the issue of penalty notices by police officers under the Passenger Transport Act 1990, which the Passenger Transport Act 2014 will replace. The last schedule 1 matter I will mention is an amendment to the Veterinary Practice Act 2003. The amendment will reduce, from five academic years to four

academic years, the minimum length of the course in veterinary science that a person must complete to be eligible for full registration as a veterinary practitioner. This reflects changes made to the courses offered by the University of Sydney and the University of Melbourne, which have changed from a five-year undergraduate degree to a four-year graduate degree, entitled "Doctor of Veterinary Medicine". This proposed amendment has been requested by the Veterinary Practitioners Board of New South Wales.

Schedule 2 deals with matters of pure statute law revision consisting of minor technical changes to legislation that the Parliamentary Counsel considers are appropriate for inclusion in the bill. Examples of amendments in schedule 2 are corrections of cross-references, typographical errors and terminology, and amendments arising out of the enactment of other legislation. Schedule 3 contains amendments that update terminology and references relating to public service agencies, heads of agencies and public service employees as a consequence of the Government Sector Employment Act 2013. The schedule also includes other miscellaneous amendments that are consequential in nature. Schedule 4 makes amendments that are necessary as a result of an amendment set out in schedule 1.

Schedules 5 and 6 continue the program of repealing Acts and instruments that are redundant or of no practical utility and of consolidating provisions that may have ongoing operation into relevant Acts. Schedule 5 enables the repeal by schedule 6 of regulations that were made as a consequence of the dissolution of Australian Inland Energy Water Infrastructure in 2005. The amendments transfer savings and transitional provisions of possible ongoing effect into the Electricity Supply Act 1995 and the Energy Services Corporations Act 1995, which are the Acts under which the regulations were made. Schedule 6 repeals seven Acts and three regulations in their entirety, including the Gambling (Two-up) Regulation 2010, which is made redundant by the amendments to the Gambling (Two-up) Act, which I mentioned earlier. The schedule also repeals a number of provisions from other Acts and regulations.

Schedule 7 contains general savings, transitional and other provisions. These include provisions dealing with the effects of amendments on amending provisions, and savings clauses for the repealed Acts and provisions. The various amendments are explained in detail in explanatory notes set out beneath the amendments to each of the Acts and statutory instruments concerned or at the beginning of the schedule concerned. I am sure that members of this House will appreciate the straightforward and non-controversial nature of the provisions contained in the bill. However, if any amendment requires clarification, it should be brought to my attention and that of the responsible portfolio Minister. If necessary, I will arrange for briefings and for the provision of additional information on the matters. I commend the bill to the House.

**Debate adjourned on motion by Ms Kate Washington and set down as an order of the day for a future day.**

## **GOVERNOR'S SPEECH: ADDRESS-IN-REPLY**

### **Fourth Day's Debate**

**Debate resumed from 14 May 2015.**

**Mr GREG APLIN** (Albury) [12.22 p.m.]: The Governor, in his address, has set out the broad scope of the governance program for this term. It is impressive not just for the elements it outlines but for the speed with which this Government has turned around the fortunes of New South Wales so that opportunities can now be taken with confidence. At last, in my electorate along the southern gateway into New South Wales, we are seeing the impact of sound financial management in the State. I have been the member for Albury for 12 years and it is difficult to express the full significance of the changes we are experiencing. At last there is money for real improvements to infrastructure, not just for roads but for infrastructure that underpins something like recycling, where new hubs are being developed to fulfil our ambitious aim to divert 75 per cent of all waste from landfill by 2021.

Money is going into cycleways, the development of tourism activities and facilities, and to support cultural programs. We are seeing Ministers leaving their busy workloads in Sydney to come to Albury and find out firsthand what needs to be done to improve the lives and business opportunities of the local communities in my electorate. So I take this opportunity to thank all those Ministers who came to Albury, beginning with the Premier and Deputy Premier and extending out to Ministers representing the portfolios of Health, Energy, Finance, Education and Roads, including the then Minister for Transport, now Treasurer. In fact, I recently took some local flak for welcoming so many significant visits. "Must be the election", trumpeted the local newspaper,

quite missing the point that these were working visits, not public relations stunts, and that they had commenced a long time before the election campaign—for out of those visits, and associated meetings, have come a number of great projects that support communities and help motivate them to create jobs and, importantly, to get more out of life.

In this context I express particular appreciation to the health Minister for backing our regional hospitals—or multipurpose services [MPSs], as we call them. Up to \$63 million will be spent on rebuilding or upgrading three MPSs, in the towns of Holbrook, Culcairn and Tumbarumba. In the scheme of things, these are modest-sized health facilities servicing modest-sized—and sometimes a little remote—communities. Some might think, "Why bother? Let the people go to a major city hospital for treatment." And some might think, "Why support small towns? They are doomed anyway!" To those people, I say consider Tumbarumba. Tumbarumba is a timber town, with a population of around 1,460, located on the periphery of the Riverina and South West Slopes regions at the western edge of the Snowy Mountains.

In 2013 a wine from Tumbarumba, which is in the north of the Albury electorate, was named Best Australian Sparkling Wine at the New South Wales Wine Awards. This was the second year in a row that this wine had won this trophy—the top trophy. On the basis of this particular wine, the winemaker was invited to attend the International Wine Fair in Europe—the largest wine trade show in the world—held in Verona. This is a case of a small, regional winemaker jumping over the top of the biggest winemakers in Australia. New wineries are opening there, and the eyes of the wine world have turned to Tumbarumba. It is a community in transition, but with a bright future. Yet what we are used to in regional New South Wales is State governments that plunder the regions to sell off buildings and reduce services. These were the 16 Labor years we do not forget.

Now I have to remind people to recall the last time a New South Wales government rebuilt its assets in regional communities, including hospitals, instead of selling them off. More support has gone into Tumbarumba recently. In January I announced potential rail trail pilot projects, including the Tumbarumba to Rosewood rail corridor, to help boost the local tourism economy. Rail trails provide shared pathways for walking, cycling, horseriding and other recreational uses along non-operational railway corridors through rural routes, offering access to scenery and panoramic views that might otherwise have been inaccessible. This will be assessed under the Government's \$110 million Regional Tourism Infrastructure Fund, which aims to provide easier access to some of the State's most scenic spots. Only two trails are being assessed in the pilot scheme—and ours is one of them. Tumbarumba is back on the radar, thanks to the Liberal-Nationals assuming government in 2011.

We rebuilt Mannus Dam, at a cost of \$8.9 million. In February I announced that the New South Wales Government would provide \$3.6 million to Tumbarumba Shire Council towards the design and construction of the Tumbarumba Sewerage Augmentation Scheme. On 6 March we allocated \$182,919 to the Riverina Eastern Regional Organisation of Councils, the eastern cluster, to construct a recycling network to service Tumbarumba and neighbouring shires. Also in March I announced that Tumbarumba cycleways developments would receive a funding boost of \$20,000. And at the end of last year I announced, as I mentioned earlier, we were budgeting up to \$30 million to rebuild and upgrade Tumbarumba MPS, as part of the largest State project in this electorate in more than 20 years. What do you think all this means to the good people of Tumbarumba? It means: "Stay right where you are, doing good things, raising your families, running your businesses and enjoying life. This Government is supporting you, and building new and improved assets." These are not words we are used to hearing from Sydney. But we appreciate the new attention spreading beyond Newcastle, Sydney and Wollongong.

Country roads are costly to build and maintain if looked at purely on the population they service. However, I am pleased to say this Government is being very supportive of our needs. The Riverina Highway runs from Albury to the Hume Weir, and planning and surveying have been underway for the \$11 million fix from which the Labor Government backed away. Unlike this Government, the Labor Government did not pick up the shovel for the hard bits of this difficult, winding State road. The surveyors have been out and bitumen removal will start in July or August, depending on the weather. This is the second-largest State project to be undertaken in our region in 20 years. I thank the Minister for Roads, Maritime and Freight and the Premier for announcing and discussing these major roadworks on their visits to Albury.

At this point I note a little idiosyncrasy that affects us on the border. We do not get our news reports from Sydney, but from Melbourne. Even on the ABC it is hard for residents and businesses to find out what is going on in the extensive electorate of Albury, or how New South Wales policies affect them. New South Wales



may have the most popular Premier in Australia, but his name rarely makes it into our news bulletins or newspapers, and we also miss out on the television advertising from political parties that accompanies an election campaign. That is why it is vital for this Government to be on the road or in the air visiting along the border. It is also why the electorate of Albury is so welcoming to Ministers when they visit.

What will the leasing of poles and wires mean for my electorate? I have mentioned before in this place that James Fallon High School in Albury does not have a school hall capable of holding weekly assemblies and other events of significance in the ordinary life of the school community. The school hall, which was built in 1961, is inadequate for the school population. The school applied to the then Department of Education for a proper hall at least as long ago as 1972. The first extensive project submission was provided to the department in March 1991. Correspondence reveals that the hall project has been on departmental capital works priority lists since at least 1991, when it ranked number three on the Riverina priority list for capital works for schools. Twenty-four years later it remains languishing on that priority list. Without special action, it seems likely that the school will never rise to the top of that list. Something else always intervenes.

Records show that in February 1995 the then Minister for Education wrote to the school stating that it had "approval to commence planning" for the facility. However, the process was cancelled when a Labor Government took office later that year. James Fallon High School, its students, staff and parents continue to struggle without a proper hall, which impacts adversely on the holding of Higher School Certificate exams, National Assessment Program—Literacy and Numeracy tests, Personal Development, Health and Physical Education, Anzac Day ceremonies, stage productions and much more. I am not talking about some little, remote school that is slowly withering away under the Australian sun. James Fallon is a major high school in the centre of one of the largest cities in the State.

If we do not look after this kind of key, central urban school, we are telling parents that they should send their children to a properly resourced private or non-government school instead. Although I am a strong supporter of non-government schools, that is not a message I am prepared to accept. It has been 43 years since the first submission for the construction of a hall was sent to the then Department of Education, and numerous requests have been made since. Once more, there is an opportunity to make right decades of disadvantage, and that is something we should do.

I have been told that James Fallon High School will never get its hall. This is not a matter of principle or government policy; it is the pragmatic reality. It is the way the system works, because, under the current framework, the construction of this hall will never be urgent. The message we hear is that our need will always be trumped by the imperative to build new schools in and around Sydney. Our students might be sitting on the ground for assemblies, but apparently that is okay because at least it is their school ground. New infrastructure in Sydney is apparently the priority. Frankly, the message being sent to the people of Albury is that the situation is hopeless. That is why I have flagged with the Minister for Education—who has himself kindly visited James Fallon High School—that the only hope for the hall is for an infrastructure fund to be created from the proceeds of leasing the poles and wires.

This is exactly the type of project for which the fund is being developed and it is seen as a key component of the mandate. On behalf of the parents, teachers and students of James Fallon High School, I am putting my hand up for their much-needed and long-avoided school hall. At the risk of being overly feisty, I request that it be more than a classic government-supplied huge tin shed. Rather, I want a hall that will become the centrepiece of a remarkable, artistic school community. Our students and teachers strive for quality in all they do. Will the Government match their effort?

The Governor was right to speak on the issue of mental health, for it is surely one of the most heartbreaking concerns facing ordinary families and communities. The Government has a clear agenda to implement a mental health plan, including additional funding for a range of projects. In Albury we are working on our own, unique project currently called the "Brain Health Centre". Our initial thought was to drop the term "mental health", which has so many connotations, and to begin the project with a positive attitude infecting every level of reform. Having secured the funds, I have been working with Albury Wodonga Health, local non-government organisations and practitioners to develop plans for a community-based centre where a person can find all solutions in the one place.

Government and non-government agencies will be represented in the new facility. Psychologists and health professionals will also have offices on the premises. If a health practitioner picks up on a problem related to the person's illness, such as housing needs, dietary advice, financial assistance and so on, our hope is that the

patient will be referred to a qualified adviser down the hall rather than across the city. In other words, the person or family battling mental illness will not be bounced around, having to manage multiple appointments in far-flung facilities. We will be bringing a significant range of assistance together in the one place.

We are now investigating locations and premises which have good public transport access and car parking and which are integrated into the normal life of shopping centres, supermarkets and coffee shops. The premises themselves will wordlessly promote the message that mental illness is part of the mainstream, not something that is pushed to the sidelines or buried under layers of shame. I hope that the premises will be acquired during this term of Parliament, the plans prepared, and the facility opened. I will be seeking the assistance of the Minister for Health and the Minister for Mental Health to progress this innovative project. Once again, I thank them for their support and involvement.

A large number of electorates will benefit during this term of Parliament from the Government's magnificent program to rebuild the State's hospital infrastructure. I am sure it will be no surprise to members that Albury Base Hospital's emergency department needs to be replaced because it is teetering over the line of capacity. However, it, too, has fallen off the list. I assure members that we have had nothing but tremendous support from the Minister for Health. Last year she toured the hospital, taking time to speak with staff and administrators to ascertain their needs and concerns. She was told that the hospital's most urgent requirement was a new emergency department. However, not all members—and particularly any new members—would have heard of the unusual arrangement that governs Albury's health facilities. Albury shares its major public hospital with Wodonga, which is across the border in Victoria. Under the 2009 interstate agreement, the hospital is built on New South Wales land but is managed by Victoria. This means that both States must support the infrastructure, contributing their share. [*Extension of time agreed to.*]

However, since the election on 29 November last year we along the border have barely heard a peep from the new Victorian Labor Government. Joint projects, such as replacement of the vital bridge at Mulwala/Yarrowonga, have stalled. There is silence from Melbourne. Is the Victorian Government broke? That is the question being asked on both sides of the Murray River. The recent Victorian budget set off more alarm bells along the border. I fear that Albury/Wodonga's much-needed emergency department has fallen into the too-hard basket. The New South Wales money for an Albury Base Hospital emergency department was on the table—New South Wales was ready to go.

The unfortunate reality is that we are caught in a structural bind. Many health professionals on the border believe that the current system of management of the hospital is an improvement on previous models for shared facilities. However, Albury Base Hospital is ageing and we seem to have hit a hurdle by having one State Government ready to provide funding and the other unable or unwilling to contribute to this infrastructure. If this continues, the hospital's development stagnates.

This is not a case of Albury crying poor. The people of the electorate of Albury and all who travel the Hume Highway or who work on farms and in industry throughout the region are missing out on the greatest hospital renewal program in memory simply because of a structural impediment and an agreement between New South Wales and Victoria. This lifesaving work is necessary; we must find a way forward. The very structure, while an advance in one respect, means we are, to quote the late Elvis Presley, "caught in a trap". It is not impossible to both improve conditions for business to flourish and create jobs, and simultaneously to make real improvements for the benefit of the most vulnerable in our communities. I believe in supporting businesses in practical ways but over the past four years this Government has been about much more than the numbers.

This was the first State Government to sign up to the National Disability Insurance Scheme. This was the first State Government to sign up to the Gonski education reforms and get the Commonwealth money that came with that commitment, including the \$80 million announced to employ 236 extra counsellors in schools. When the 2014 Federal budget cut benefits to pensioners this was the first State Government to act to replace those distressing losses, once again because this Government has saved money. Along the way thousands of jobs have been created. Our unemployment rate is the lowest in the nation, we have the strongest retail sales growth amongst the States and housing approvals are at decade highs. People in my electorate appreciate the simplicity of this Government's financial plan: make the money before you spend it.

In closing I join other members in commending the Governor for his Speech and his activity in what has become a very important and respected role. His predecessor was a regular and welcome visitor to the Albury electorate and I invite the Governor to come to Albury where he can be assured of a warm welcome also. It has been a pleasure to respond to the Governor's Speech and today, having outlined part of my agenda for the

electorate of Albury, I once again state my commitment to serving the people of the many communities I represent and to take their concerns, issues, and more recently, genuine thanks to the Government for its support and involvement. We are reversing what previous governments have done. We are rebuilding this region's facilities and services. These are our credentials and I am proud to be working as part of the Baird Government.

**Mr KEVIN HUMPHRIES** (Barwon) [12.41 p.m.]: It is my pleasure to speak in the Address-in-Reply debate and to acknowledge the great message and words of the member for Albury. It is a privilege to be a local member in this place, as everyone will realise. The Governor's response to the Government's agenda that has been set out for the next four years was well acknowledged recently in the other place, and recently in the north-west of the State where the Governor and his lovely wife were able to visit Moree, my home town, although it is no longer in my electorate. He was able to visit places like Moree, Boggabilla, Goondiwindi, across to Inverell and into the member for Northern Tablelands electorate where he was so graciously hosted.

The Governor and his wife, Linda, saw some of the good things that are happening in the north-west of the State, particularly in the farming community, the Indigenous community, the small business community, and in the arts. He was made very welcome and acknowledged the work achieved by the Government in the previous term, having dug the well so to speak, in setting the State up for not just an infrastructure burst but for a large number of reforms that are going to hold New South Wales in good stead for the future. The electorate of Barwon underwent a redistribution before the last election. Barwon now covers 44 per cent of the land mass of New South Wales. It is by far the largest electorate in the State. Barwon is an Aboriginal word meaning river. It comes from the Ngemba tribe of the Brewarrina district, not far from where I live.

The Barwon River is the upper reaches of the Darling and becomes the Darling River just before Bourke. It is a terrific lifeline and the lifeblood of western New South Wales, and in particular the electorate, even though we are in what we would call the equivalent of a millennium dry. One of the biggest issues facing regional and rural New South Wales that I raised as the Minister for Lands and Water in the last Government was water security. The Barwon electorate has a land mass of 356,000 square kilometres. It is bigger than most European and Asian countries. It is characterised by small communities, large distances and diversity of population. It has a proud history; early pioneering communities were established pretty much out of nothing and there is a strong Indigenous population right throughout the electorate, who in most cases are doing great work as well.

The State is in a good financial position especially with the funding from the long-term lease of the poles and wires. It will certainly improve the lives of many of the people who live in my electorate. The shires that I cover are Bourke, Brewarrina, Narrabri, Walgett, Warrumbungle, Coonamble, Gilgandra, Warren, Bogan, Lachlan, Cobar, Central Darling, the City of Broken Hill, and the area that we call the Unincorporated Far West Region of the State. That runs up to the corner country, to Cameron Corner and Tibooburra, where I will be next week for the Hungerford Field Day. The field day is held every two years between Hungerford and Louth. It is a lazy 10 hour drive to the Hungerford Field Day: In this case, I will be flying. I acknowledge the member for Ballina who used to be a teacher in Broken Hill and who knows the distances that we need to travel in that part of the world. Just as the member for Albury has most of his news coming out of Melbourne, I can say in my electorate it is a mixture of media outlets from four capital cities—Sydney, Brisbane, Adelaide and Melbourne.

The biggest issue the Barwon electorate has faced over the past couple of years has been water security, not just in the far west of the State but throughout the whole electorate. We are in the lowest rainfall period since the turn of the century and that has meant some difficult decision-making for some communities, particularly around their domestic water supply, stock water supply, water available for agriculture, and particularly for irrigation. One of the things the Government addressed last year, which was achieved because we were in a good financial position, was to seriously address the water security issue for Broken Hill.

If you have not had in-fall rain in your region for three years, irrespective of how much water is in the lakes—given that the water for Broken Hill supply is contingent on the Darling River system, the weir pool system and accessing water out of the northern lakes system—at times it can be very difficult. Three times in the last 12 years the water security of that city of about 19,000 people has been seriously under threat. Some drastic measures needed to be taken and one of those was embargoing access to water from the northern and central part of the State. It is not just about the people of Broken Hill; this issue has affected a large number of people along the western river systems of our State, particularly in the north and the north-west.

One of the issues with the lake system is its high level of evaporation, but also it comes under the Murray-Darling Basin Authority in a governmental agreement between Victoria, South Australia and the

Federal Government. As was witnessed at the end of 2012-13 there was a large drawdown of the lakes, some 400,000 megalitres that was let through to South Australia. Many people would say the amount of water released at that time was unwarranted. It exacerbated a water security issue for Broken Hill. That drawdown was extremely extensive and the water remaining that could only be accessed out of the northern system was put under pressure. The Government last year provided \$117 million for emergency water supply. That was due to our good financial position enabling a number of works for emergency security for water to be put in place, particularly in the northern system around Copi Hollow, Lake Pamamaroo and Lake Wetherell.

That work will continue. A groundwater program was undertaken for town water and drinking water supply in Lake Menindee. That was not and is not to replace surface water access; I stress that. It is for emergency supplies only. That drilling program has been reasonably successful and that has now moved on to the shallow aquifers beneath that lake and also the adjacent Tallywalker floodplain. There is currently enough surface water in the system to supply Broken Hill until the end of next year and there is probably enough groundwater for at least another two years after that. We are in a reasonably good position, but should not take our eye off the ball. I acknowledge Essential Water and the NSW Office of Water for doing a great job. We have also drawn on the expertise of Sydney Water.

The big-ticket item is the State's plan for the future, and that is the sale of the electricity poles and wires. As the Minister for Natural Resources, Lands and Water at the time, I helped put together the \$1 billion Water Security for Regions program. The program was linked to the lease of the poles and wires. The Office of Water, in conjunction with Infrastructure NSW, instigated some works in 2013-14 for the communities most at risk of water insecurity with a view to building infrastructure to alleviate current and future difficulties. Broken Hill and Cobar, both in my electorate, were acknowledged as the most at-risk communities in New South Wales for long-term water security. It is no accident that we are investing significantly in both those communities.

For Broken Hill we have set aside \$117 million for emergency works and we hope not to have to use the bulk of that funding because the big ticket to secure the water supply is upgrading the pipeline from Menindee to Broken Hill—so addressing an issue that was overlooked some 60 years ago when the pipeline was built—and that is the high-security access to water is on the Murray River and not the Darling River. Over time, the Barwon-Darling River system has become less reliable, particularly in the last couple of decades. I suspect that is due to a whole lot of factors, not just climate change. The high-security water supply in the south of the State is from the Murray system because of superior storage in the Snowy Mountains and the Victorian alps, and low evaporation rates.

There is a proposal to construct a \$380 million pipeline from the Murray River near Wentworth, at Port Courage, to Broken Hill. If that business plan stacks up, I hope a decision will be made to secure the city's water supply. It would be one of the largest infrastructure projects in the last few decades. It should be fully supported to secure the city's water supply. It is not at the expense of the Menindee Lakes, as some have reported, but is a once-in-a-lifetime opportunity for the State's infrastructure plan. Broken Hill requires approximately 10,000 megalitres a year to secure its water supply. Currently it takes 200,000 megalitres from the lakes to guarantee 10,000 megalitres of water for Broken Hill. This project would ensure enormous water savings as well as securing the city's future water supply. The future asset plan for New South Wales is critical for places like Broken Hill.

Cobar is also not located on a river and its water supply is contingent on Burrendong Dam on the Macquarie River and a series of channels and pipelines. There is poor water storage at Nyngan, the offtake for the 130 kilometre Nyngan to Cobar pipeline. Cobar Water Board has received \$10 million to maintain the existing pipeline and there has been funding for better water security and storage at the Nyngan weir pool, which is designed to secure the water supply for Nyngan and Cobar for two years during drought. The Government has committed to improving infrastructure and set aside \$50 million for a pipeline from the Macquarie River to the Bogan River to replace an open channel running 75 kilometres to feed Nyngan and Cobar.

Many communities in the west of the State that are not on river systems and do not have access to groundwater are reliant on channels and pipelines to secure their water supply. The New South Wales Government has made commitments to secure the water supply of both these communities now and into the future. Broken Hill has been the beneficiary of a number of guaranteed and projected funding announcements. Broken Hill needs an injection of capital works to secure its existing workforce and to provide an incentive for businesses to invest in the community. [*Extension of time agreed to.*]

At Broken Hill there is a line of lode that refers to the mining heaps that surround the town. There is a terrific spot at the lookout called the Broken Earth Café after the silver-lead-zinc line that runs adjacent to the town. The café has not been open for a while, but we are working on that. The Government has reinstated the line of lode for two reasons: first, we supported the Broken Hill City Council to upgrade the road and make the access point safe. Second, the Broken Hill North Mine has resumed production. The mine is operated by CBH Resources, which has worked with us to secure future works. We hope that site will be administered by a local community trust in the not-too-distant future.

At the end of last year Broken Hill was named Australia's first National Heritage city. That is not a static display; it reflects Broken Hill's pioneering spirit, its mining spirit and the labour reforms in the area that resonated around the country. Part of the reason to support the heritage listing was to drive tourism in the west and far west of the State. The Broken Hill Civic Centre, operated by Broken Hill City Council, received \$5 million under the Resources for Regions program, which was driven by The Nationals in coalition with the Liberals to make sure mining royalties generated by mining communities are put back into our communities. The planned work has gone to tender as part of a program with Inland NSW Tourism and Outback NSW Tourism.

The Far West Local Health District has received \$30 million to upgrade Broken Hill Hospital. Clinicians at the hospital and the community have expressed a desire for a magnetic resonance imaging system at the hospital so that people do not have to travel to Adelaide for scans. The hospital is in partnership with the Centre for Remote Health, underwritten by the University of Sydney. It is a great training centre for young medical students and allied health professionals. Part of the \$30 million will go towards upgrading the emergency department of the hospital and to facilitate ongoing training for young medical students seeking rural and remote experience as part of their training.

I refer, next, to one of the things that is close to my heart. In 2004 the Labor Government ceased to fund the Lead Abatement Scheme and a large number of children now have high levels of lead in their system. Towards the end of last year this Government announced an allocation of \$13 million to continue the Lead Abatement Scheme, which has not been funded since 2004—a scheme that involves a partnership between the Environment Protection Authority, NSW Health and the local lead reference group. Work has commenced to suppress lead within the community by applying coverings or ground cover and in some cases by removing soil. Testing and assessment of young people is being enhanced and an awareness and education program is being conducted in the community, given that the Indigenous population, in particular young children, have a high level of lead in their system. This great project educates children on things such as basic hygiene, or just washing their hands.

Forty million dollars was committed to the Silver City Highway and the Cobb Highway. The Silver City Highway connects Broken Hill to the north corner of the State. A significant amount of work is being done with the gas industry in that part of the world, most of it being serviced out of Queensland largely because we do not have a fully sealed system of roads north of Broken Hill to places such as Tibooburra and through to Cameron Corner. That work has begun as well as work on the Cobb Highway, which I am looking forward to seeing completed in this term of government. The last project, the biggest renewable energy project in this country, is the solar farm that is being developed by AGL at Nyngan and Broken Hill. One hundred and fifty megawatts are being built at Nyngan and 50 megawatts at Broken Hill. There is plenty going on in the west and there is plenty more to do but we are in a good position financially as part of the State plan to make good on those commitments, in particular for the people in the far west of this State.

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

#### **CENTENARY OF ANZAC**

**Debate resumed from 13 May 2015.**

**Mr CHRIS PATTERSON** (Camden) [1.02 p.m.]: Today I speak about the 2015 Anzac commemorations in Camden when residents showed on Anzac Day that they have not forgotten and that they will be forever grateful to the soldiers who fought at Gallipoli. All those involved on both sides suffered great losses, but 100 years on we all are unified in our memory of those lost and those who returned to their families. Those men who volunteered to go to war did so because they believed it was necessary to protect this great nation and their families.

Not only our young men but also our young women served our country and they did a wonderful job in the conflicts during World War I. In each conflict in which Australia has participated since World War I it has been remembered how the soldiers fought with bravery and conviction beyond anything we could have envisaged. The bravery and unity of the men forged the Anzac bond, which has endured to this day and which will continue. These men felt a sense of torment when they had to return to Australia and leave behind their fallen comrades, believing they would be forgotten. Today we still remember them. I think they would all be at peace if they knew that since that great battle every generation has ensured that they and their fallen comrades will never be forgotten. We should all proudly thank them for their courage and determination to fight for their country and to lay their lives on the line protecting all that in which we believe.

The attendance at the Camden RSL Sub-branch dawn service was overwhelming—a record attendance of more than 10,000 people. With good forward planning the venue for the Anzac Day services was moved to the wonderful memorial in the Bicentennial Equestrian Park. Even though we were blessed on the morning with good weather after a devastating week of rain we still had to negotiate paddocks of mud. The commemorative address was given by Major Shirley Howell from the Holsworthy Medical Service. Major Howell spoke of the sacrifices of the women, especially the nurses, during World War I. Sadly, like many of our soldiers, some of these women also lost their lives. Local schoolchildren read poems which contained the personal memories of great grandfathers who had fought at Gallipoli.

Later in the morning thousands of residents lined the main street of Camden to cheer on those veterans participating in the Anzac march. The participation by veterans from all theatres of war, by schoolchildren and by local community groups was exceptional. Along the route was the most magnificent backdrop of poppies that were knitted or crocheted by women from Camden Red Cross and other helpers. Vicki Katon, one of my constituents, came up with the idea after she heard about the display that was planned for Melbourne's Federation Square. After the word went out, the number of poppies grew to more than 6,000. The mid-morning service was again extremely well attended and the commemorative speech was given by Major Stuart Pemberton from the School of Military Engineering at Holsworthy.

Major Pemberton spoke about how we all need to honour the fallen and how we should educate the next generation to ensure that they appreciate such sacrifice. Major Pemberton also spoke about facing challenges together and overcoming them, putting mates before ourselves and showing the courage, determination, self-reliance and strength that was shown by all the men and women who fought for this wonderful country. I am privileged to be able to call Major Pemberton a friend and I was moved by his address on the day.

On the eve of Anzac Day, Carrington Care, one of the retirement villages in my electorate, held its annual Anzac service. All residents of the village, including those in the nursing home section, many of whom are war veterans themselves, were given an opportunity to attend the service. Raad Richards, chief executive officer of Carrington Care, is to be commended for continuing the tradition. The commemorative speech was given by Len Carter, a resident of Carrington and a war veteran. His speech, which was very moving, reflected the importance of Anzac Day. A number of people who attended the service told me what a wonderful speech Len made.

Another commemoration in Camden was the 2015 military tattoo that was held at the 129th Camden Show in March. The tattoo was coordinated by Mr Iain Richard-Evan, President of the Camden RSL Sub-branch, and his hardworking committee to commemorate the 100th anniversary of the landing at Gallipoli. More than 12 months planning went into making sure the Tattoo was a success. The Tattoo was overseen by the Governor of New South Wales, His Excellency General the Hon. David Hurley, AC, DSC, and the Chief of the Australian Defence Force, Air Chief Marshal Mark Binskin, AC.

The military tattoo was the curtain raiser to some wonderful commemorative services held throughout the Camden district as part of the 100th anniversary of the Anzacs. I commend Ian Richard Evan, his subcommittee and all those associated with the Camden Show—Hugh Southwell, President, and his wonderful committee—who ensured that the Camden Show and the tattoo were such a great success. The military tattoo also honoured the memory of Lieutenant Colonel Astley John Onslow Thompson, VD, of Camden, who was killed in action on the second day of the Gallipoli campaign. He was president of the Camden Show Society when he enlisted.

Astley John Onslow Thompson was born in Glamorganshire, Wales, in 1865, the eldest of 11 siblings. The Thompson family was riding the wave of industrial development and was highly regarded for its

community involvement. In 1877 disaster struck the Thompson family when its company was declared bankrupt and, shortly after, Astley's mother died. Setting out for Australia at the age of 18 Astley met up with his cousins at Camden Park. He was the first cousin once removed to Captain Arthur Walton Onslow, RN, who had married Elizabeth, granddaughter of John Macarthur and sole heir to Camden Park.

After some study back in England, Astley returned to Australia in 1889 and commenced renovations and improvements to Camden Park. The old farm buildings, cottage and creameries still stand today on the farm. The once wool, wheat and wine producing property turned to dairying with additional activities of orchards, cut flowers, sheep, pigs and poultry. With the worst drought to affect eastern Australia in 1901-02, Onslow Thompson designed and built the overhead 8,000 gallon tank with a roofed structure on stilts that can be seen from the M31, or Hume Highway.

On 25 April 1915, at the age of 49, it is said that Onslow Thompson conspicuously possessed the energy and dash that would make him fit for hard fighting and the fine principles that would make him a sure leader of men. The day after the landing, Thompson led his battalion across the 400 plateau in an advance against the Turks and was killed during a withdrawal in the vicinity of Owen's Gully. The following is a transcription of the war diary of the 4th Infantry Battalion, AIF, of its role in the landings at Anzac:

26 April 1915 Battalion temporarily attached to 2nd Infantry Brigade. Day spent in improving fire trenches also supporting trenches and communication trenches. Snipers very troublesome all day. Good supplies of ammunition and water brought up during day. 4.30 pm—Got word for general advance evidently in error. Turks cleared from line of trenches in front, after which no orders as to movements could be obtained. Advance moving to left approximately one mile. Shrapnel fire opened on us, we were compelled to retire.

Advance re-commenced but were mostly repulsed. A mixed party of approximately 200 men became isolated under Lieutenant Colonel Onslow Thompson at 7.00 pm. They were compelled to retire under heavy fire. Lieutenant Colonel Onslow Thompson was shot dead during the retirement. Battalion eventually occupied its original position. Casualties estimated at approximately 150.

Lieutenant Colonel Onslow Thompson was truly a remarkable man and his impact on Camden all those years ago is still evident today. I thank the Camden RSL Sub-branch committee for its organisation of the military tattoo: President Iain Richard-Evan, senior vice-president Con Diomis, junior vice-president Bruce Denison, secretary Andy Wright, treasurer Stephen Hunt and Ray Herbert, who looks after all the memorabilia. Of course this could be achieved only with the assistance of the Camden Show Society that rallied many volunteers to help with the event. I thank committee president Hugh Southwell, immediate past president David Head, treasurer Katie Palmer, secretary Jo Martin, vice-presidents Tony Biffin, Gary Hilt, Brett Hayter, Jason Sharpe and Jason Williams, honorary vice-presidents Paul Bowring, Jim Davies, Edgar Downes, John Eagles, John Hodge, Rowan Moore, OAM, Peter Oxford, David McDonald, Ron McIntosh, Ken Sharpe, Lu Papi, John Southwell, OAM, and Mark Stanham.

**Debate interrupted and set down as an order of the day for a later hour.**

**Pursuant to sessional order community recognition statements proceeded with.**

## **COMMUNITY RECOGNITION STATEMENTS**

### **PENRITH ANZAC DAY SERVICES**

**Mr STUART AYRES** (Penrith—Minister for Trade, Tourism and Major Events, and Minister for Sport) [1.16 p.m.]: I congratulate Mrs Gai Hawthorn of the Penrith CBD Corporation on her efforts in organising the 2015 Anzac Day Penrith Dawn Service in conjunction with Penrith RSL. Gai and her team worked closely with the Penrith RSL which resulted in an extremely moving service to commemorate the Centenary of Anzac. It was encouraging to see a crowd of approximately 10,000 people attend to show their support and respect for the many lives lost in conflict over the past 100 years. This no doubt highlights the importance of Anzac Day to all generations. Gai and the Penrith CBD Corporation organise numerous events in Penrith throughout the year and without fail demonstrate exceptional planning and organisational skills at every opportunity. The dawn service was certainly no exception. I take this opportunity to thank all the staff and volunteers of the Penrith CBD Corporation for their input, which led to such a successful event, and for their support for the Penrith RSL.

### **SURRY HILLS COMMUNITY DEVELOPMENT WORKER**

**Mr ALEX GREENWICH** (Sydney) [1.17 p.m.]: I bring to the attention of members the vital role of the Surry Hills community development worker and congratulate Housing NSW on making that position

permanent. The position was established in 2002 in response to the advocacy of Clover Moore, a former member of Parliament. The department has now made the position permanent which provides job security and enables the achievement of long-term projects. The community development worker now services other inner city areas beyond Surry Hills and successive workers have engaged residents, reduced isolation, increased the safety, health and wellbeing of tenants, and reduced transfers and complaints, property damage and police or tribunal intervention.

I applaud Kira Weiss, the current community development worker, on successfully working with the Surry Hills Tenants Association to staff the community room and introduce services such as Centrelink, food aid, exercise, art and computer classes. She has coordinated safety audits, the Northcott community garden and group, reopened other community rooms, and held graffiti-removal days. I look forward to working with the community development workers who service other estates and offer support for residents.

### **TAFE STUDENT RECOGNITION AWARDS**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [1.18 p.m.]: Four outstanding TAFE students who reside in the Manning Valley have each won major awards at the institute-wide Student Recognition Awards, which recognise the top TAFE students from 17 campuses on the North Coast. The awards acknowledge the efforts of top performing students, who study either on campus or online. Winning students include Leigh Ryan from Wingham, who received two awards for his achievements in Certificate III Electro-technology, the overall Apprentice of the Year award and the Manufacturing and Engineering Student of the Year award.

Jessica Maher from Taree was awarded Aboriginal and Torres Strait Islanders Student of the Year award for her studies in Certificate IV in Community Services and her achievements in Community and the Workplace. Lei Bush from Cafferys Flat won the Information Technology Student of the Year award for her achievements in attaining the Certificate IV in Digital Media Technology. Kaitlin Lefevre from Rainbow Flat received the Tourism and Hospitality Student of the Year award for her outstanding achievement in her Certificate IV in Travel and Tourism.

### **TI TREE LAKE SACRED SITE**

**Ms TAMARA SMITH** (Ballina) [1.19 p.m.]: As this is National Reconciliation Week I inform members of the outstanding work of Arakwal women, Aunty Dulcie Nicholls and Delta Kay, in their continuous advocacy for the last intact sacred women's site in our area—Ti Tree Lake in Broken Head. When I was a teenager Aunty Dulcie's sisters gave me permission to go there. It would be a tremendous loss to the Arakwal people and to the local community if more residential development was allowed to impact on this important Aboriginal place.

### **TRIBUTE TO DON ADAMS**

**Mr MICHAEL JOHNSEN** (Upper Hunter) [1.20 p.m.]: I pay tribute to Don "Bandy" Adams of Scone who was recently inducted into the Hall of Fame at the Annual Gloucester District Sports Star Award for his stellar career in rugby league. Bandy played 11 games for New South Wales Country, nine for New South Wales, three tests—scoring five tries against New Zealand in 1956—and a Kangaroo tour in 1956-57. He played 15 tour matches, including one test match against Great Britain and France, and scored 11 tries. Don "Bandy" Adams went on to prove what football durability was all about as a player coach for another 11 seasons at Gloucester, Scone and Muswellbrook. He also coached Group 21 and Northern Division representative teams. I congratulate Don on a marvellous career. It was fitting tribute that Don was inducted into the Hall of Fame as he has given so much to sport.

### **RED CROSS GOOD START BREAKFAST CLUB**

**Ms SONIA HORNERY** (Wallsend) [1.21 p.m.]: Shortland Public School, one of six schools across Newcastle and Lake Macquarie, has provided healthy cost-free breakfasts for its students for the past 10 years. These are provided by the Red Cross Good Start Breakfast Club. The breakfasts provide a great resource for families and boost the welfare of primary children. The breakfast club is only viable thanks to the wonderful work of local volunteers, who come mostly from the Wallsend Seventh-day Adventist Church. We thank Shortland Public School and the Wallsend Seventh-day Adventist Church for their fantastic work in our community and for helping to keep our children healthy, happy and well fed.



### TRIBUTE TO CAMERON JONES

**Mr ADAM MARSHALL** (Northern Tablelands) [1.22 p.m.]: I recognise Macintyre High School student Cameron Jones for his recent success at this year's Sydney Royal Easter Show. Cameron achieved a first with his heifer in Best Female over 20 and not over 24 months category and also a first with his cow in Best Female over 24 months and not over 30 months category. Cameron was also awarded another first for Best Maintained Red Poll team for two to five head and placed fifth in paraders in the aged 13 and under category. Cameron has achieved great success in previous years for his cattle parading at Brisbane's EKKa and other shows. I congratulate Cameron on these fantastic achievements in cattle parading. I wish Cameron all the best for the next show and for his future endeavours. He is a young man who certainly shows great promise.

### TRIBUTE TO MRS STELLA VERNON

**Mr GREG WARREN** (Campbelltown) [1.23 p.m.]: I am saddened to advise the House of the recent passing of long-time Campbelltown resident and community matriarch Stella Vernon at the age of 88. Mrs Vernon was a longstanding member of Campbelltown and Airds Historical Society and was the former record keeper, historian and archivist at St Peter's Anglican Church, Campbelltown. Stella was born in Bargo and her family moved to Leumeah when she was eight where her father worked a farm on Leumeah Estate. In 1951 she married Jim Vernon and the young couple moved to Sydney Street—later Queen Street—in Campbelltown.

Mrs Vernon had an active interest in the wellbeing of Campbelltown, and was often outspoken about the city's neglect of its heritage buildings. In later years she wrote books about her convict and pioneer ancestors and also the history of St Peter's up until 1948. Along with my colleague and member for Macquarie Fields, Anoulack Chanthivong, I fondly remember my numerous and very informative conversations with Stella about Campbelltown's rich history and forever admired her passion for historical preservation of our city. I invite the House to join me in expressing our condolences to the family, friends and loved ones of Mrs Vernon. Our thoughts and prayers are with her family and may she rest in peace.

### ALBURY LIGHT HORSE MUSEUM EXHIBITION

**Mr GREG APLIN** (Albury) [1.24 p.m.]: The Light Horse Museum of Albury-Wodonga is playing a major role in World War I [WWI] commemorations throughout the region. Last August a travelling exhibition titled "Into the Action" was launched in cooperation with Albury City Council to tour nearby towns. On 18 April a major exhibition, "The Trumpet Calls" opened at Albury's Library Museum featuring the 13th Field Artillery Battery—the Albury Battery—and a full scale replica of a WWI bunker has been constructed as part of the display.

The Light Horse Museum is attached to the local Army Reserve regiment, the 4th/19th Prince of Wales Light Horse. The Army Reserve and its predecessor, the Citizens Military Forces, have been in the Albury-Wodonga area for 130 years. The museum is run by volunteers from the 8th/13th Victorian Mounted Rifles Regimental Association but unfortunately was closed in 2009 owing to problems with the building. This has led to many community displays of items over this commemorative period for the SS&A Club, Albury, the Wodonga Library, Legacy House, Albury, and others. Congratulations to Douglas Hunter and the volunteers of the Light Horse Museum for their great contribution to the Centenary of Anzac.

### REDFERN LEGAL CENTRE

**Ms JENNY LEONG** (Newtown) [1.25 p.m.]: On Thursday 21 May 2015 I met with the Redfern Legal Centre, the oldest legal centre in New South Wales offering essential legal services in our local community and across New South Wales. Historically funded at a State and Federal level, over the past three years the centre's core funding has been reduced. The centre now faces a shortfall of \$294,000 for the upcoming financial year. This will result in a 50 per cent reduction in the frontline services supporting the most vulnerable in our community. It is likely that the continuation of at least three key legal services will cease—in the area of employment and discrimination law, credit and debt law, and policing law. It will significantly reduce the centre's capacity to provide legal assistance to women experiencing domestic violence and Aboriginal clients. In 2013-14, 300 volunteers contributed 11,600 hours of work to the estimated value of \$2,160,000 for the community and the Redfern Legal Centre. Without adequate support the centre will not be able to continue this service to the vulnerable in our community.

### **KU-RING-GAI ELECTORATE SPORTING EVENTS**

**Mr ALISTER HENSKENS** (Ku-ring-gai) [1.26 p.m.]: I never cease to be amazed by the extraordinary level of sporting talent in Ku-ring-gai. In my short two months as the member for Ku-ring-gai I have had the pleasure of meeting several of our young sporting stars. As members we are given the privilege of presenting State representative certificates to athletes who attain representative status in either New South Wales or national teams. I met two of those from Ku-ring-gai in my electorate just last week. Year 11 student from Abbotsleigh School for Girls, Annabel McDermott, is the Australian under 16, 1,500-metre track and field champion. Annabel's win earned her a spot competing in the World Youth Games. I met another Abbotsleigh student Mia Hemsworth. Mia is the Australian All Schools Champion in the 80-metre hurdles. What is even more impressive about Mia is that she won that event against girls who were a year older. I imagine those two ladies have Olympic aspirations; nevertheless they are simply enjoying their sport right now. Well done to them both. They have done Abbotsleigh, their family and Ku-ring-gai proud.

### **CAMPBELLTOWN-CAMDEN DISTRICT CRICKET CLUB**

**Mr ANOULACK CHANTHIVONG** (Macquarie Fields) [1.27 p.m.]: I speak today about the Campbelltown-Camden District Cricket Club. Recently I had the privilege of attending its 30-year celebrations with my good friend and colleague the member for Campbelltown. The club was established in 1985-86. It is an elite cricket club which has as its sole aim the promotion of local talented juniors. Its home ground is in the heart of my electorate, at Raby, where I grew up, so I have seen many changes to the facilities at the ground, which have been the result of contributions from the cricket club, the community and local and State government funding. I take this opportunity to acknowledge a particularly talented youngster by the name of Luke Courtney, who has been recently selected to represent the New South Wales Combined High Schools Cricket Team. He is on his way to represent the State in the United Kingdom. I wish him and his team well and I pay tribute to his parents, Janelle and Mark.

### **JAMBEROO RURAL FIRE SERVICE**

**Mr GARETH WARD** (Kiama—Parliamentary Secretary) [1.28 p.m.]: On Saturday 16 May I was pleased to attend the seventy-fifth anniversary and medal presentation of Jamberoo Rural Fire Service [RFS] and I acknowledge the hardworking Minister, who is in the Chamber. I congratulate the following members of the Jamberoo Rural Fire Service—and also the former Minister, who is upset he was not recognised—who received a long service medal at this event, including: Gerard Blunden, 10 years; Kay Brennan, 10 years; Leanne McParland, 10 years; Susan Downes, 10 years; Kathleen McInerney, 10 years; Robert Budd, 10 years; Lindsay Delamont, 20 years; John Friedmann, 20 years; Craig Harris, 30 years; John Fry, 40 years and John Downes, 50 years.

I say thank you and well done to them for the great job they do in keeping our community safe. We are so privileged to have amongst our community people who go out their doors every day when called to support and defend our community in times of need. I commend the RFS for its outstanding service to our community and the members named in this community recognition statement.

### **THE ENTRANCE SURF LIFE SAVING CLUB ANNUAL AWARDS**

**Mr DAVID MEHAN** (The Entrance) [1.29 p.m.]: I acknowledge The Entrance Surf Living Saving Club, the oldest surf club in The Entrance electorate. I was invited to the club's annual awards night on Saturday 23 May 2015 and I congratulate all those who received awards; there are too many to name now. I thank also the club for the award it gave me as one of its supporters. President Glenn Clarke has made huge efforts to build up the club membership over the past 12 months and he has done that despite the efforts of Mother Nature to close The Entrance beaches on so many occasions during that time. He and the club must be acknowledged for the great job that they are doing.

### **CASINO BEEF WEEK**

**Mr CHRISTOPHER GULAPTIS** (Clarence—Parliamentary Secretary) [1.30 p.m.], by leave: I offer my congratulations to Stuart George and the Casino Beef Week Committee for another outstanding event. Congratulations go to Anna Imeson, who was crowned as the 2015 Beef Week Queen at the official opening on Saturday night. In fact, all the girls were worthy ambassadors for Casino and the Richmond Valley.

President Stuart George and his committee have once again shown the rest of Australia that Casino is indeed the beef capital of Australia, with the organisation of another action-packed week of activities, including the fabulous Beef Meets Reef event that was held in Evans Head on Sunday. Organiser Brian O'Farrell, his wife, Dianne, and the committee should also be commended for the wonderful day they organised. Thousands enjoyed the carnival atmosphere. In the words of guest Beef Queen entrant, Maz Compton: "Casino are the best dudes for beef in Australia."

### SWANSEA ANZAC DAY DAWN SERVICE

**Ms YASMIN CATLEY** (Swansea) [1.31 p.m.], by leave: Today I recognise the wonderful work of the Swansea RSL sub-branch and the Swansea RSL for reviving the Swansea Anzac Day dawn service. On Anzac Day this year, the Centenary of Anzac, I had the distinguished honour of being a part of the first Swansea Anzac Day dawn service to be held in decades. The service was poignant and sombre. It was with pride that I was also able to witness the unveiling of the new Swansea Anzac Memorial. At precisely 6.21 a.m., rays of sunlight passed through the 2.5-tonne Anzac memorial that stands proudly in front of Swansea RSL Club overlooking Swansea Heads, marking this historic moment and the triumphant return of the Swansea dawn service.

On behalf of the Swansea community, I commend the work of Swansea RSL sub-branch President Bill Duffy, Vice President Alan Rankins and Vice President Brian Pearce, and Honorary Secretary Barney Blundell, as well as the rest of the Swansea RSL sub-branch executive and members, whose enormous efforts brought to life this beautiful tribute to their comrades fallen in battles past. I look forward to standing with them in services to come.

### BRIAN INMAN

**Mr DAVID ELLIOTT** (Baulkham Hills—Minister for Corrections, Minister for Emergency Services, and Minister for Veterans Affairs) [1.32 p.m.], by leave: It is with great pleasure that I inform the House that one of my constituents in Baulkham Hills has completed his second book about the amazing dual service historically offered by police officers of New South Wales who have also served in the defence forces. Brian Inman is an avid author. His latest book, *From Coppers to Diggers*, is of immense value to everyone in New South Wales. He has a lifelong interest in the NSW Police Force, having retired from the Police Force in 1992 from a position in the State Operations Support Group. Upon retirement, Brian was awarded the Premier's Medallion for 40 years meritorious service to the State as well as the Police Diligent and Ethical Service Medal.

Brian's dual interest in policing and defence was inspired by his National Service Training in the Royal Australian Air Force at Rathmines in 1955. He is the recipient of the National Service Medal and the Australian Defence Medal. The policemen whose stories Brian Inman recounts in his latest book would understand best Ronald Reagan's observation that "peace is not the absence of conflict; it is the ability to handle conflict by peaceful means". I commend the former President Reagan for those wise words. As servicemen they saw war, but as police officers their service was not limited.

### ARCHBISHOP STYLIANOS FORTIETH ANNIVERSARY

**Ms JO HAYLEN** (Summer Hill) [1.33 p.m.], by leave: This month marks the fortieth anniversary of the enthronement of His Eminence Archbishop Stylianos as head of the Greek Orthodox Church in Australia. I was honoured to attend a dinner to celebrate the occasion and to congratulate His Eminence on 40 successful years. Archbishop Stylianos is an esteemed essayist, academic, theologian and poet. He has led the Church with distinction, with more than 120 churches now across Australia, as well as a range of services including childcare centres, nursing homes and schools.

The Greek Orthodox Church plays an important role in the Summer Hill electorate. The Greek Orthodox Parish of Saint Nicholas serves as a place of worship and a community hub for Greek Australians and migrants from across the State. I take this opportunity to again warmly congratulate His Eminence on the occasion of his fortieth anniversary and to thank him on behalf of the people of Marrickville and the Summer Hill electorate for his service and leadership.

### CROMEHURST SPECIAL NEEDS SCHOOL

**Mr JONATHAN O'DEA** (Davidson—Parliamentary Secretary) [1.34 p.m.], by leave: In September 2012 I delivered a private member's statement expressing my delight that Cromehurst was one of 16 special

needs schools in New South Wales receiving additional finances from the \$80 million in residual funding from the Federal Government's Building the Education Revolution program. In February this year, on behalf of the Minister for Education, I helped open the rebuild of Cromehurst School, recognising the Government's commitment to providing the best learning environments for students with special needs.

Cromehurst is an outstanding school, catering to students from kindergarten to year 12 with intellectual disabilities. It currently has 55 students who have additional needs resulting from autism, physical disabilities or other health issues. It has close links with various other local schools and community organisations, and has a strong focus on training students for post school options, including entering the workforce. Cromehurst's new facilities are designed to cater for the individual requirements of students. They include new classrooms with break-out zones, bathrooms, a kitchen and areas for creative art. The students are now benefiting from the wonderful new facilities, which will help expand and improve their future life options.

#### **SERGEANT ANTHONY FOKES**

**Mr EDMOND ATALLA** (Mount Druitt) [1.35 p.m.], by leave: I congratulate Sergeant Anthony Fokes from the NSW Police Force Metropolitan Crash Investigation Unit, who has recently received a Valour Award for conspicuous merit and exceptional bravery during an arrest of an armed offender in Mount Druitt on 25 February 2012. I understand that Sergeant Fokes positioned his police vehicle to block the path of the offender's vehicle. The offender was armed with a firearm and aimed at two unarmed police officers.

Sergeant Fokes verbally challenged the offender, giving the two officers a chance to take cover. The offender took aim at Sergeant Fokes and threatened to kill him. Sergeant Fokes stood unprotected and in immediate danger in order to protect his fellow officers and innocent bystanders. The offender approached Sergeant Fokes, leaving Sergeant Fokes with no option other than to discharge his firearm, immobilising the offender. Sergeant Fokes is one of five officers to be honoured during an attestation ceremony on 1 May 2015 at Goulburn.

#### **SINGLETON RESIDENTS RED CROSS AWARDS**

**Mr MICHAEL JOHNSEN** (Upper Hunter) [1.36 p.m.], by leave: I congratulate Singleton residents Linda Frazer, Susan Ginns and Di Sneddon, who were recognised for their services to Red Cross at the annual World Red Cross Day held recently in Sydney. Mrs Frazer has been a member of the Local Branch at Singleton for more than 30 years. She received the Outstanding Service Award at the ceremony. Mrs Susan Ginns was also successful in receiving an Outstanding Service Award. Mrs Di Sneddon was presented the Humanitarian Partner Award, the only such award given out at the event. This award recognises Mrs Sneddon's years of service and support to the local branch of Red Cross in her role at the local paper. I congratulate these three ladies for their tireless efforts over the years of their work for Red Cross.

#### **PENRITH CITY COUNCIL SCHOOL LEADERSHIP AWARDS**

**Ms PRUE CAR** (Londonderry) [1.37 p.m.], by leave: I congratulate the 2015 Primary School Leaders Civic Award recipients, hosted by Penrith City Council. It is fantastic to see young people being commended by schools and the community for leadership. I particularly congratulate Mara Board, Ricky Lotoaniu, Kaili Hayward, Antonios Karamolegos, Emily Mifsud, Benjamin Pace, Chloe Brown, Elijah Butterfield, Cassius Middleton, Andrew Nicotera, Madison Sant, Chloe Arundale, Ben Izzard, Joel Bagnall, Hannah Chappelow, Lachlan Buhagiar, Bailea Titheradge, Jayden Farr-Robinson, Nour Zahr, Christopher Neil, Dayne Terry, Natalia Ivirangi, Brock Rankmore, Ella Harmata, Alexander Seppelt, Eli Donoghue, Anastasia Karafotias, Sean Cannon, Mikayla Olsen, Samantha Durik, Bailey Stivalla-Sillis, Jerome Testa and Miguella Tristan Canete.

#### **TRIBUTE TO MR STAN WALDEN**

**Mr NICK LALICH** (Cabramatta) [1.38 p.m.], by leave: I inform the House of the long and honourable service of Mr Stan Walden and the work he has done for the Cabramatta electorate. Stan is a remarkable person, who has been involved in welfare and voluntary work for more than 40 years. He served in the army in various countries, including doing active service in Malaya. He decided to devote his entire life to caring for the less advantaged in the community.

As a volunteer for St John Ambulance, he was involved in the rehabilitation of drug addicts. He also began a St John Ambulance school division at Bonnyrigg High School, acted as the secretary of the Bonnyrigg

High School Parents and Citizens' Association, and was a community representative on the Sydney South West Area Health Service Infection Control Committee. He also recently organised the Gallipoli Centenary "Local Heroes" event at Bonnyrigg High School. I wish Stan a long and happy retirement and all the best for his future.

#### **ASIAN AUSTRALIAN COMMUNITY SERVICES INC.**

**Mr MARK COURE** (Oatley) [1.39 p.m.], by leave: I acknowledge an event I attended in Hurstville last Saturday afternoon, put on by Asian Australian Community Services Inc. [AACS]. This was an information workshop on organ and tissue donation, targeted at the multicultural community in Hurstville. I acknowledge the AACS executive on the "Let's Talk" information session for its outstanding work over the past few months, and in particular the session that it held in Hurstville. I pay special tribute to Mikall Chong, President of the Asian Australian Community Services Inc., and Vice-Chairperson of St George Migrant Resource Centre. I commend the entire executive, including Daphne Lowe Kelley, the Secretary-Treasurer of AACS, for their great work in putting this great information workshop together, called "Let's Talk".

#### **REDFERN WATERLOO VOLUNTEER AWARDS**

**Mr RON HOENIG** (Heffron) [1.40 p.m.], by leave: I was delighted to attend The Factory Redfern and Waterloo Volunteer Awards last Wednesday. It was my honour and privilege once again to have the opportunity to present Certificates of Appreciation to the individual volunteers from the many not-for-profit organisations that provide their services to the people of Heffron. The unwavering community spirit and commitment of all our volunteers who donate their time for the wellbeing and service of our wider community can never be underestimated.

I also take this opportunity to acknowledge and thank The Factory Community Centre for its role in providing a range of programs and support for our community, including those at a great disadvantage both socially and economically. More than 100 guests, including local residents, community groups and community leaders came together during National Volunteer Week 2015 at the Alexandria-Erskineville Bowling Club to recognise and congratulate an extraordinary group of people. They are our local heroes. They do not seek recognition; however, it is important that they know the community appreciates their tireless efforts.

#### **OAK FLATS ALBION PARK GYMASTICS AND ACROBATICS CLUB**

**Mr GARETH WARD** (Kiama—Parliamentary Secretary) [1.40 p.m.], by leave: I congratulate three young girls from the Oak Flats Albion Park Gymnastics and Acrobatics Club, Maddison Lacey, Mikayla Stephens and Jessica Adams, who were members of the 2014 Australian representative team that was awarded the International Junior Group of the Year for its impressive performance at last year's Junior World Championships. This group of girls was also the most successful Australian team at last year's Junior World Championships. I congratulate each of them on their sporting achievements. Today I also congratulate Tim Lacey and Shelby Lacey on their respective coaching awards at the same club. What fantastic achievements by great and talented younger people, achieving great things in sport in our community.

#### **FAIRFIELD SENIORS FESTIVAL**

**Mr GUY ZANGARI** (Fairfield) [1.41 p.m.], by leave: On Saturday 11 April 2015, the NSW Spanish and Latin American Association for Social Assistance [SLASA] hosted the Fairfield Seniors Festival of Singing, Dancing and Traditional Performances. This was a community-based project aimed at strengthening the sense of community among seniors of different cultural backgrounds and providing them with knowledge about the customs and traditions of the diverse cultural groups within our community. Congratulations to the NSW SLASA management and volunteers, who work tirelessly in Fairfield promoting social harmony and cohesion. NSW SLASA is the epitome of a community peacemaker, outreaching its services to diverse communities.

#### **CHALDEAN AUSTRALIAN SOCIETY**

**Dr HUGH McDERMOTT** (Prospect) [1.41 p.m.], by leave: It was my pleasure to host the Chaldean Australian Society on 8 May 2015, and then to be hosted by the society on 20 May this year. Since 1993 the Chaldean Australian Society has supported the settlement of Chaldeans into Australian society and has a community-based, not-for-profit organisation to serve the Chaldean community in New South Wales. The Chaldean Australian Society addresses the settlement needs of the increasing numbers of Chaldeans arriving in

Australia under humanitarian entry and family reunion, with the majority settling in the Fairfield, Liverpool, Mount Druitt and south-western Sydney areas. The Chaldean Australian Society maintains a Chaldean culture and at the same time assists Chaldeans to engage with Australian society. The society welcomes and helps locals and others who are in need of its services. I congratulate the Chaldean Australian Society and look forward to working with the society as the member for Prospect.

#### **Community recognition statements concluded.**

**The ASSISTANT-SPEAKER (Mr Andrew Fraser):** I acknowledge the presence in the gallery of Mr Zac Fitzpatrick and Mr Sam Tedeschi, guests of the member for Kiama. I do hope the member buys you a good lunch.

*[The Assistant-Speaker (Mr Andrew Fraser) left the chair at 1.42 p.m. The House resumed at 2.15 p.m.]*

#### **DISTINGUISHED VISITORS**

**The SPEAKER:** As today marks the two-hundredth anniversary of the birth of Sir Henry Parkes, I am extremely pleased to welcome his family to the gallery. They include his great grandchildren and their spouses: Mrs Jane Gray and Dr Ken Gray; Mrs Helen Webber and Professor Peter Webber; and Mr Roger Parkes and Mrs Analiese Parkes. We also have his great, great grandchildren and their spouses: Mr Ian Thom and Mrs Valerie Thom; Mr Stephen Thom and Mrs Prue Thom; Ms Louise Hay and Dr Peter Hay; Ms Cathy Gray; Ms Gillian Webber; Ms Selena Webber and Mr Mark Shephard; and Ms Joana Mabbutt. We also have Sir Henry's great, great, great grandchildren: Ms Kathy Tojo; Mr Chet Miller; and Mr Nicholas Hay. In addition, we have Mr Alan Ventress from the Board of Advisers of the Henry Parkes Foundation. I note that the Premier and the Leader of the Opposition will be making some remarks about the anniversary later today. It is a special privilege to welcome Sir Henry Parkes' family to the House today.

#### **VISITORS**

I welcome to the gallery the chief executive officer, the deputy chief executive officer and the board of the New South Wales Aboriginal Land Council led by Craig Cromelin, who are guests of the Minister for Early Childhood Education, Minister for Aboriginal Affairs, Assistant Minister for Education, and member for Port Macquarie. I also welcome 15 students and their teacher from Meadowbank TAFE.

#### **SIR HENRY PARKES ANNIVERSARY**

**Mr MIKE BAIRD** (Manly—Premier, and Minister for Western Sydney) [2.19 p.m.]: Today is a very special day as we mark 200 years since the birth of one of the greatest statesmen that this State and, indeed, Australia, has ever known. Sir Henry Parkes, the father of federation, not only stood on the right side of history when it mattered but also did so long before it was certain in which direction history's arc would bend. He served as Premier five times—a feat no-one has ever been crazy or resilient enough to match. Although I cannot do justice to his mammoth contribution to New South Wales in these few short minutes, I will dwell for a moment on three facts about Sir Henry Parkes that should remain both a challenge and an inspiration to members of this House.

The first is his belief in the strength of a common Australian bond; the second is his bold vision for New South Wales; and the third is his belief in the urgency of change. Sir Henry Parkes believed that the power of unity and cooperation always defeated the politics of division and distrust. At a time in our history that was rife with potential for discord and disunity, Sir Henry Parkes spoke of the ties that bound the scattered colonies in the famous words:

The crimson thread of kinship runs through us all.

He believed that that thread of kinship meant that Australia could respond in a uniquely positive way, even when faced with a monumental challenge. In his famous Tenterfield oration arguing the case for federation, Sir Henry Parkes stated:

The question which we have to consider is, whether the time has not now arisen for the creation on this Australian continent of an Australian government and an Australian parliament... Surely what the Americans have done by war, Australians can bring about in peace.

Sir Henry Parkes believed that we could always overcome our differences in pursuit of the common good. Five years after he passed away, Australia became the federation that he had envisaged. What he knew then to be true remains true today; that is, there is far more that unites us as Australians than divides us, and we will always rise as one to meet our greatest challenges. He also had a strong vision for New South Wales. In his very first election campaign Henry Parkes ran on a platform of increased education and a bold railway policy. He would later introduce compulsory secular education for children. I hope he would be proud of New South Wales being the first State to sign up for Gonski—a reform supported on both sides of this House. His passion for the education of our children should remain an inspiration for us all.

Parkes also had a vision for infrastructure. His drive for a nationwide uniform gauge rail line is something that resonates today. As we seek to build the infrastructure of the future here in New South Wales we truly aspire to have a vision as bold as Parkes had. Henry Parkes also introduced nursing in State hospitals and supported women's suffrage long before it was popular. In fact Parkes was often not a popular figure. The *Sydney Morning Herald* gave him hostile coverage on more than one occasion—a tradition that seems to be relevant even today.

It begs the question: How did one man pursue such a wide-ranging vision? It certainly was not due to the serene political context. The chaos that often existed during his time in Parliament makes any recent political landscape in Australia look comparatively blissful. But he also knew of the urgency of change. I believe Parkes achieved so much because for him there simply was no too-hard basket. He believed if a change was worthy of being made it was worthy of being made now. He argued the case for federation by saying:

The only argument, I believe, which can be advanced in opposition to the views I put forward is that the time has not yet come. But I believe that the time has come... Indeed, this great thing will have to be done, and to put it off will only tend to make the difficulties which stand in the way, greater.

Parkes seemed to innately understand what Martin Luther King would later call "the fierce urgency of now". I have said many times I admire the men and women who use their time in politics to make positive change, not just to tread water, and Parkes was one of those. No wonder then that so many of Henry Parkes' great-grandchildren, great-great-grandchildren and great-great-great-grandchildren and family members are in the gallery today. Welcome to you all. You honour your great forebear, and so do we.

So as we gather today 200 years after Henry Parkes' birth may we remember that the crimson thread of kinship does indeed still run through us all, regardless of our political stripe. May we be encouraged to have a big vision for this State and the people we represent, and may we not put off hard decisions in the vain hope that they will become easier at a later time. Because 200 years on the lesson of Parkes is that the right time to do the right thing for New South Wales is always right now.

**Mr LUKE FOLEY** (Auburn—Leader of the Opposition) [2.24 p.m.]: I am pleased to join the Premier in paying tribute to Sir Henry Parkes and welcome his descendants to the Legislative Assembly today. Of the 13 nineteenth century Premiers almost all are forgotten today, yet Parkes' name endures. Secure parliamentary majorities in this place in the nineteenth century were few and far between. The men who ascended to the office of Premier had to be masters of navigating the shifting sands of politics, and Parkes was the grandest master of them all. He did not become Premier of this State until the age of 57, yet he managed to be Premier five times, not in five consecutive terms, but in an era where governments were short-lived.

He was still Premier on his seventy-sixth birthday. No Premier or Prime Minister in the history of this country, other than Joh Bjelke-Petersen, can make that claim alongside Sir Henry Parkes. Of course, we speak of a man who was elected to the Legislative Council before New South Wales had achieved self-government, and elected here in 1856 when New South Wales achieved self-government. He entered this place in 1856. He was still here in 1891. When he left the office of Premier for the fifth time to father his seventeenth child he was congratulated on fathering his last child and he responded, "Latest, you damn fool, not last."

I join the Premier in acknowledging that there are many of Parkes' reforms that endure to this day and I will name five that Labor members in particular are proud to associate ourselves with. First, there was the 1880 Act transferring control of water supply and sewerage from the Sydney City Council to a board responsible to the Government. The successor of that board, the Sydney Water Corporation, endures to this day, 135 years later. Parkes was responsible for that. Second, there was the creation of the Royal National Park, the second national park in the world, in 1879. Parkes was responsible for that. Third, there was the construction of a railway over the Blue Mountains to Bathurst. Parkes was responsible for that.

Fourth, there was the development of the great New South Wales public education system—Parkes' name will forever be associated with that. Finally, of course, the 1891 Constitutional Convention was his last and perhaps greatest triumph. He was unanimously elected to preside over that convention. It is so often asked today: Do our politicians in this country have it in them to pull off a feat that our founding fathers pulled off in the 1890s with agreement on an Australian constitution? Parkes was unanimously elected to preside over that constitution and it was he who guided Sir Samuel Griffith and the younger men who drafted the founding document of the Australian federation.

His parliamentary career ended at an election that is pretty significant for my party—1891, when the Labor Electoral League debuted and sent 35 members to this Chamber. The era of parliamentarians coming here without the rigid discipline of party politics ended at the 1891 election. The master of the era before rigid party discipline took over this Chamber was Sir Henry Parkes. We pay tribute to him today.

## **BUSINESS OF THE HOUSE**

### **Notices of Motions**

**Government Business Notices of Motions (for Bills) given.**

### **QUESTION TIME**

*[Question time commenced at 2.32 p.m.]*

### **NETWORKS NSW**

**Mr LUKE FOLEY:** My question is directed to the Treasurer. As shareholding Minister, will the Treasurer direct Networks NSW in its appeal against the Australian Energy Regulator to allow consumer groups standing so that they can provide evidence on behalf of households and businesses in New South Wales?

**Ms GLADYS BEREJIKLIAN:** I am glad that the Labor Party has suddenly discovered lower electricity prices, because when the Labor Party was in government electricity prices went up by 60 per cent—up, up, up. I know the Leader of the Opposition is new to this place but I suggest he does a bit of homework. Perhaps he could speak to the shadow Treasurer because they should read up on what the Labor Party did in 2009 in relation to the Australian Energy Regulator [AER] appeal process. At that instance prices were going up and the Labor Government forced appeals on that occasion. What we see again today is the utmost hypocrisy of the Labor Party when it comes to caring about prices. Not only is that hypocrisy demonstrated in this question but when they were in government electricity prices went up and prices of everything—transport fares, household bills—went up, up, up. I notice those opposite have suddenly discovered the cost of living, so I thought I would do some research.

**Mr Michael Daley:** Point of order: My point of order is Standing Order 129, relevance. The Treasurer has taken almost two minutes to answer a really simple question: Will the Treasurer allow them to argue before the tribunal?

**The SPEAKER:** Order! I heard the question. The Minister remains relevant.

**Ms GLADYS BEREJIKLIAN:** Of course we want prices to go down as quickly as possible. That is why we are doing what we are doing. I noticed yesterday that the shadow Treasurer got up to page 2 of the legislation we introduced in relation to electricity assets. I urge him to read the price guarantees in that legislation. We know that he is lazy, that he does not do his homework and that he does not read.

**Mr Ryan Park:** Point of order: My point of order is Standing Order 129, relevance.

**The SPEAKER:** Order! The Minister remains relevant. I suggest the member for Keira read the standing orders and come up with a different point of order.

**Ms GLADYS BEREJIKLIAN:** I am interested in the Labor Party's record on the cost of living. We know that whenever the Labor Party gets into government prices go up, up, up; bills go up, up, up; fares go up, up, up.



**Mr Michael Daley:** Point of order: If the Treasurer is not going to allow them to argue before the tribunal, she should say so and sit down.

**The SPEAKER:** Order! Does the member for Maroubra have a point of order?

**Mr Michael Daley:** Yes, Standing Order 129. The question was not about household bills; it was about the tribunal.

**The SPEAKER:** Order! The Minister remains relevant; there is no point of order.

**Ms GLADYS BEREJIKLIAN:** I urge the Leader of the Opposition to do his homework and read the price guarantees. Yesterday I looked up "cost of living" on the Labor Party's website as I thought it would be interesting to see what those opposite say about the cost of living, which they have suddenly discovered. I was happy to see there was a section of the website on the cost of living, but there were a few problems with the section. First, it had a photo of John Robertson as the Leader of the Opposition.

**Mr Michael Daley:** Point of order: My point of order is Standing Order 73 in relation to the member for Blacktown, and Standing Order 129. We are more than 4 minutes in, and the Treasurer has not gone anywhere near answering the question.

**The SPEAKER:** Order! That was not a personal reflection on the former Leader of the Opposition and therefore does not fall under Standing Order 73. The Minister remains relevant to the question.

**Ms GLADYS BEREJIKLIAN:** I apologise as I should have referred to the member for Blacktown as being shown as the Leader of the Opposition. That is not the only problem with this section of the Labor Party's website as under the heading "Issue Name" is gobbledegook: "Mustache disrupt kitsch four dollar toast scenester ..." Under the heading "The Problem" it goes on: "Raw denim ex laborum non. Chia hella ..." That is how much those opposite care about the cost of living. When those opposite were in government, and now in opposition, they could not get their act together.

## REBUILDING NSW

**Mr MICHAEL JOHNSEN:** My question is addressed to the Premier. How will the Government's plans to rebuild New South Wales secure the future of regional communities across the State?

**Mr MIKE BAIRD:** I thank the new member for Upper Hunter for his question and congratulate him on his great election victory. I acknowledge his leadership during the recent storms in his electorate when he played an important role in looking after his community. I am proud that he represents his electorate.

**The SPEAKER:** Order! I remind members that interjections are disrespectful.

**Mr MIKE BAIRD:** I note that I have not had a question from the captain of the Opposition today, but there is one captain who matters today, and that is Captain Robbie Farah. We wish the Blues all the best tonight. May they continue that wall; may they repel all those maroon attacks and may we have a great maroon loss.

**The SPEAKER:** Order! Opposition members should cease interjecting while the Premier is talking about the State of Origin, which is a serious subject. The member for Keira is obviously a Queensland supporter.

**Mr MIKE BAIRD:** Is it not great that for the past four years there has been a New South Wales Government that has not only found rural and regional New South Wales but looked after rural and regional New South Wales, which is very different from those opposite over many years? Unlike those opposite—and I note that there are three Country Labor members: the member for Cessnock, the member for Port Stephens and the member for Maitland, who is a new member—

**The SPEAKER:** Order! I remind Opposition members that this is not the time for argument or debate.

**Mr MIKE BAIRD:** I say to the member for Maitland: There are good things in life. She seems quite upset about everything. Life can be quite happy.

**Ms Jenny Aitchison:** Point of order—

**The SPEAKER:** Order! The member for Maitland will be heard in silence.

**Ms Jenny Aitchison:** My point of order relates to Standing Order 73. The Premier should not make personal reflections on my thoughts and feelings.

**The SPEAKER:** Order! I do not think it was a personal reflection. However, I suggest that members think about the personal reflections they have made on each other in the past 2½ weeks and continue to make every day in this House. There is no point of order. The Premier has the call. I remind members that this is question time and that they should get used to it.

**Mr MIKE BAIRD:** It was just a bit of fun. I am very proud to support the Deputy Premier leading The Nationals in this House and leading, collectively, the strongest Coalition in the nation. We have a comprehensive plan to put \$6 billion worth of infrastructure into regional New South Wales. We are very proud to be doing that, whether it is regional roads such as the Newell Highway; the Pacific Highway bypass in Coffs Harbour; the \$1.25 billion Regional Water Fund, including \$117 million to secure the future of Broken Hill's water supply; \$300 million for multipurpose services to provide health care; or \$300 million of the billion-dollar education fund to invest in regional schools.

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

**Mr MIKE BAIRD:** We are very proud to be doing it, but I continually get confused by those opposite because, for some reason, Central Coast members seem to be against the \$400 million that we are putting into Central Coast roads. They say they want it and then they come into the House and vote against it. I cannot understand it. The pièce de résistance remains the Illawarra because the community has been calling for the Albion Park Rail bypass for many years and we are going to invest \$550 million in that.

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

**Mr MIKE BAIRD:** It has received a lot of support. Our very own member for Kiama has been fighting very hard for the bypass. He understands.

**The SPEAKER:** Order! The member for Shellharbour will come to order. The member for Kiama will come to order.

**Mr MIKE BAIRD:** He wants families of the Illawarra to spend less time in traffic and more time with their families. That is what he wants and that is what we want across this great State.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. I call the member for Shellharbour to order for the first time. She will cease interjecting.

**Mr MIKE BAIRD:** I also note that other supportive comments have been made, "The Albion Park Rail bypass will reduce traffic congestion, improve traffic times and enhance road safety. This vital piece of road infrastructure will provide local jobs. There is a genuine need to start work on building the Albion Park Rail bypass. It is time for action."

**Pursuant to standing order additional information provided.**

**Mr MIKE BAIRD:** I love those fighting words. Who said those words? Do not tell me it was Wollongong's number one fan: the member for Shellharbour. The only problem in the election campaign is how much was allocated by Labor towards that. It was absolutely nothing. The member for Shellharbour will surely come into this place and vote for legislation that gives the Albion Park Rail bypass a big tick so that we can deliver it.

**The SPEAKER:** Order! I remind the member for Shellharbour that this is not a debate in which she can participate.

**Mr MIKE BAIRD:** Why does the member for Shellharbour not just join the team that is delivering for her community? For some reason her team—those opposite—have no interest in the Albion Park Rail bypass, and that is just an example of what we see from those opposite. They have no interest in supporting their communities with new schools, new hospitals, new roads and water security—they are all against it. I will just

let all the new members know that we will be telling their communities that they are voting against every single project; that they do not want the projects. This side of the House is very proud to be looking after New South Wales, particularly rural and regional New South Wales, because it is only this Government that has funded the promises and delivered the projects that those opposite never could.

### ELECTRICITY PRICES

**Mr STEPHEN KAMPER:** My question is directed to the Minister for Industry, Resources and Energy. How much money will be spent by New South Wales electricity customers in the appeal launched by the Government to put up their own power prices?

**The SPEAKER:** Order! I will stop the clock if members continue to interject. Stop the clock while we wait for the House to come to order. I call the member for Canterbury to order for the first time.

**Mr ANTHONY ROBERTS:** I thank the member for Rockdale for his question. It is a trap for young players: No-one wants to ask a stupid question so they give it to one of the young blokes, one of the young subbies. Prices are not going up; in fact, they are going down.

**The SPEAKER:** Order! There is too much audible conversation coming from Opposition members.

**Mr ANTHONY ROBERTS:** The Government shares the objective of the Australian Energy Regulator in delivering a safe and reliable supply of electricity to the State's customers at the lowest sustainable cost. The facts are quite clear: Our network reform program has already delivered \$3 billion in savings for New South Wales customers since 2012 and we are on track to double that by 2016. I can inform the House that on 21 May the boards of Ausgrid, Essential Energy and Endeavour Energy advised the Government of their attempt to lodge a merits review of the Australian Energy Regulator's final network determination of 30 April.

**The SPEAKER:** Order! The member for Maroubra will come to order. The Minister is being relevant to the question he was asked.

**Mr ANTHONY ROBERTS:** I am advised that the boards have taken this decision because of their concerns about the allowances for operating expenditure specifically in relation to the impact of vegetation and bushfire-risk mitigation programs. This is why this side of the House takes this very seriously. These concerns were highlighted in letters to the networks by those who know best. I have listened to the bleatings of the member for Bankstown. She obviously has not taken any notice; she has not read the determination or the appeals because she is lazy, incapable and incompetent.

**Ms Jodi McKay:** Point of order—

**The SPEAKER:** Order! I advise the member for Prospect not to tell me what to do and not to look at me as if she is accusing me of doing something wrong. That really infuriates me.

**Ms Jodi McKay:** My point of order relates to Standing Order 73. I do not think it is appropriate that those labels are given to the member for Bankstown.

**The SPEAKER:** Order! If the member for Strathfield is referring to the word "lady" I hear that from the Government Whip at the beginning of every question time directed towards the Premier.

**Ms Jodi McKay:** I think it was "incompetent" and "incapable", and pointing across the table at her.

**The SPEAKER:** Order! I hear worse every day in this Chamber from both sides. I do not uphold the point of order.

**Ms Jenny Aitchison:** Point of order: Standing Order 73. The member for Strathfield was trying to say that when these comments are being made by Opposition members they are in relation to policies and issues, whereas at the moment the Government seems intent on playing the person, not the ball. It is simply arguing against individuals rather than actually dealing with the issues.

**The SPEAKER:** Order! I certainly understand what the member is saying. There is no point of order. If she hangs around a little longer she will hear some personal comments, which I hear every day. I have sat in this chair for four years and I have heard them all. When there is good behaviour on both sides I will uphold that point of order. Does the member for Wollongong have another point of order?

**Ms Noreen Hay:** Further to the point of order—

**Mr ANTHONY ROBERTS:** It is obvious that those opposite have discovered standing orders, but it is like throwing a Rubik cube into a bath full of kids.

**The SPEAKER:** Order! The Minister will resume his seat.

**Mr ANTHONY ROBERTS:** They have no idea how to use it. They know it is there for some reason.

**Ms Noreen Hay:** As you have just pointed out, Madam Speaker, throughout the whole debate the Minister did not resume his seat. Those opposite have to learn to resume their seat when a point of order has been taken.

**The SPEAKER:** Order! I uphold the point of order and remind the Minister to resume his seat when a point of order is taken. However, the level of interjection is so high that he would not necessarily hear a member taking a point of order.

**Mr ANTHONY ROBERTS:** One day those opposite will learn exactly what standing orders are for. They have asked me a question, but they are not allowing me to answer it.

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

**Mr ANTHONY ROBERTS:** I refer the House to a letter from Greg Mullins, AFSM, Commissioner of Fire and Rescue NSW who wrote:

Fire and Rescue NSW shares significant concern about—

**Mr Michael Daley:** Point of order: This is not about a letter from Greg Mullins; it is about the amount of legal fees the Minister will spend on this stupid appeal.

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

**Mr ANTHONY ROBERTS:** Unlike the appeal those opposite made to increase the amount to \$1 billion from the people of New South Wales—that is what their appeal was about—our appeal is about protecting lives and property as well as the volunteers who, day in and day out in the fire season, put their lives at risk; yet those opposite are opposed to it.

## REGIONAL EDUCATION

**Mr KEVIN ANDERSON:** My question is addressed to the Minister for Education. How is the Government rebuilding regional schools and ensuring our kids have a world-class education?

**Mr ADRIAN PICCOLI:** Very briefly, we are doing a great job of it, a fantastic job of rebuilding schools in regional New South Wales.

**The SPEAKER:** Order! I am disappointed that Opposition members appear disinterested in this question and are not listening to the answer. I warn Opposition members that some of them will leave the Chamber if they continue to interject. The member for Fairfield is continuing to interject when I have asked him not to.

**Mr ADRIAN PICCOLI:** Let me make it as clear as possible: To give members an indication of the relevant interest that both sides of Parliament have in regional New South Wales, let us look at the front bench of the Coalition.

**Ms Linda Burney:** How is Walgett going?

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

**Mr ADRIAN PICCOLI:** Very well, I am glad the member for Canterbury has discovered Walgett. Why does she not ask me a question? We have very strong regional representation not just from The Nationals but also from members of the Liberal Party, my good friend the Minister for Transport and Infrastructure on the front bench, and on the back bench, and the Minister for Mental Health. On the other side the poor member for

Cessnock is the only regional representative. He is sitting on the corner, not even on the front bench, but they have given him a little pat on the head. That is what the Opposition thinks of regional New South Wales. In relation to Rebuilding NSW, the long-term lease of 49 per cent of the poles and wires business—

**The SPEAKER:** Order! The member for Kogarah and the member for Londonderry will come to order.

**Mr ADRIAN PICCOLI:** The member for Cessnock and other colleagues from what one might regard as country New South Wales in the Labor Party have to think about what they will deny children in their own electorates. They will deny them at least \$300 million of additional investment into their high schools.

**The SPEAKER:** Order! The member for Kogarah will come to order. I call the member for Kogarah to order for the first time.

**Mr ADRIAN PICCOLI:** I know they did not win the electorate of Ballina.

**Ms Jenny Aitchison:** Point of order: It is a point of order on relevance because the question was about what the Minister is doing for students in regional areas.

**The SPEAKER:** Order! I am not sure whether the member is listening to what the Minister is saying. The member for Maitland will resume her seat. There is no point of order.

**Ms Jenny Aitchison:** The Minister is going on about Maitland, Port Stephens and other areas when they have had money there to build schools and they refused to.

**The SPEAKER:** Order! The member for Maitland will resume her seat and not continue to stand at the microphone and argue when I have asked her to resume her seat. I call the member for Maitland to order for the first time.

**Mr ADRIAN PICCOLI:** It is clear they will be in opposition for a long time if that is the best they can do. An amount of \$300 million would otherwise not be available for regional New South Wales, including schools in the Maitland electorate. In Ballina \$40 million of that money has already been allocated to build a new school. Ballina High School will be rebuilt as a state-of-the-art school. Members can go anywhere in regional Australia and they will not find a school like the one we will build in Ballina.

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

**Mr ADRIAN PICCOLI:** Currently students travel between schools to access that broader curriculum. We will stop that by building a state-of-the-art school. The Department of Education will work in conjunction with local government if it wants to provide better facilities in Ballina. We have two projects in the inner city. Prior to the election the Government announced \$120 million to upgrade almost 60 high schools across New South Wales, including in the electorate of Maitland. It will occur all over New South Wales, including at Tamworth and Peel High schools. I thank the member for Tamworth for his question. I have provided an example of the capital works this Government is putting into public schools across regional New South Wales. This Government is focused on delivering, whether it is in health, education or transport. People had a chance to make a decision about these matters six weeks ago.

**The SPEAKER:** Order! Members will come to order.

**Mr ADRIAN PICCOLI:** They had a chance to consider this six weeks ago and they will have a chance to reconsider it in four years' time. In four years' time they will see that one side of politics is interested in investing in regional New South Wales and the other side, the Labor Party, is not.

## MEMEL

**Ms LINDA BURNEY:** My question is directed to the Premier. Will the Premier and his Government support handing back Memel to the Aboriginal people of New South Wales?

**Mr MIKE BAIRD:** I am very open in saying that I do not know all of the issues associated with that action, but I am sympathetic. If there is a need and interest from the Aboriginal people in the process then I am very happy to consider it, discuss it and engage with them. I am happy to do that with the shadow Minister, if that is appropriate.

**REGIONAL HOSPITAL INFRASTRUCTURE**

**Mr THOMAS GEORGE:** My question is addressed to the Minister for Health. How will the Government plans to rebuild New South Wales fix Labor's regional hospital backlog—

**The SPEAKER:** Order! I apologise to the member for Lismore: I did not realise there was more to his question before I interrupted him because of the level of interjection. Does the member for Cessnock wish to take a point of order?

**Mr Clayton Barr:** Point of order—

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

**Mr Clayton Barr:** It relates to the question.

**The SPEAKER:** Order! What is the member's point of order? I could not hear the question because of the level of interjections coming from his side of the Chamber.

**Mr Clayton Barr:** When the member for Lismore re-reads the question, I will take a point of order under Standing Order 128. A question cannot contain argument or inference, and the member's question clearly contains both. I ask that you to rule the question out of order.

**The SPEAKER:** Order! The member for Cessnock should give me that dictionary before he starts looking up other words.

**Mr Clayton Barr:** No, I am reading something else in the dictionary. My point of order will be taken under Standing Order 128.

**The SPEAKER:** Order! The member for Cessnock will put down the dictionary and resume his seat.

*[Interruption]*

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

**Mr THOMAS GEORGE:** My question is addressed to the Minister for Health. How will the Government's plans to rebuild New South Wales fix Labor's regional hospital backlog and deliver vital health care in the regions?

**Mrs JILLIAN SKINNER:** I thank the member for Lismore for his question. If one ever needed an example of Labor's backlog in health services they should go to Lismore hospital. When I became Minister for Health I visited Lismore hospital and, frankly, I was shocked. It typified what had happened, particularly to our rural hospitals—almost half of our hospitals were 50 years old.

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

**Mrs JILLIAN SKINNER:** With the state of the emergency department in that hospital, it was a miracle that the wonderful staff—the doctors and nurses—were providing quality care. I am proud of the fact that out of the \$4.8 billion that we allocated to rebuild hospitals in our first term, \$80 million went towards funding stage one of Lismore hospital, where an emergency department is being built that is four times larger than the current one. I was pleased to join the member for Lismore last week to view the progress of that building; I think it is now up to eight levels. We have made a commitment over the next term to provide an additional \$180 million to build stage two, plus another \$9 million for the car park.

This is typical of what we have had to do to make up the backlog inherited from Labor. The new building will comprise a new emergency department, emergency medical unit, emergency fast track, a new operating theatre suite, new maternity services, new paediatrics unit, and new clinical and non-clinical services. But there is more. Hospitals across the State will benefit from the \$5 billion coming this term. As we heard yesterday, out of the 49 per cent lease of the poles and wires an additional \$1 billion will be used to rebuild our hospitals. I mentioned yesterday the two major developments in the city, and in the country \$400 million for additional multipurpose services and integrated care facilities that are more commonly known as HealthOne providers based on providing community health.

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

**Mrs JILLIAN SKINNER:** For those Labor members who have no idea what a multipurpose service is—because, unlike Government members, they do not represent country electorates—it provides a range of health services tailored to meet the needs of individual local communities. For example, in the electorate of Lismore the Nimbin multipurpose service provides a 24-7 emergency department with on-call general practitioner visiting medical officers and 11 high-care beds in a home-like environment for nursing home aged patients.

**The SPEAKER:** Order! The member for Hornsby and the member for Blacktown will cease arguing across the Chamber. I call the member for Blacktown to order for the first time. Members will come to order. I call the member for Maroubra to order for the first time.

**Mrs JILLIAN SKINNER:** It is interesting to shout, is it? I find it very distressing having to shout to be heard over the rabble to answer a question that members on this side of the House are interested in. That multipurpose service provides four acute beds, a general practitioner surgery, X-rays on site—

**Ms Jenny Aitchison:** Point of order: My point of order is relevance. There have been a lot of questions in this House about Maitland, but we never hear anything from the Minister about Maitland Hospital.

**The SPEAKER:** Order! There is no point of order. I advise members to read the standing orders. Members will come to order. Stop the clock. Government members will come to order. The Minister will resume her seat. The point of order that the member for Cessnock sought to raise earlier is under Standing Order 128 (2) (b), which does not apply. He should read the standing orders. There is no point of order. Every question asked in the past two weeks has contained argument. The same standards apply to both sides. The Minister has the call.

**Mrs JILLIAN SKINNER:** After 16 years in opposition in this place I recommend you read the *Hansard* to see how you behaved in government. If you think that is argumentative; forget it.

**Mr David Harris:** Point of order: All comments from members should be directed through you, Madam Speaker. The Minister continually argues across the Chamber.

**The SPEAKER:** Order! I uphold the point of order. The Minister will address her comments through the Chair.

**Pursuant to standing order additional information provided.**

**The SPEAKER:** Order! All members who are on one or two calls to order are deemed to be on three calls to order. I call the member for Rockdale to order for the first time.

**Mrs JILLIAN SKINNER:** It is astonishing that members opposite do not want to know how we are going to invest increased funding in providing rural health services. That is what I am talking about. It shows their total lack of interest in this topic. As well as the multipurpose service that I have described in Nimbin, new areas will be identified for new multipurpose services, including Barham, Bonalbo, Braidwood, Cobar, Coolah, Culcairn, Holbrook, Molong, Murrurundi, Tumbarumba, Tucumwal, Walgett and Yass—right across rural New South Wales in areas represented by Government members. Rebuilding NSW will also provide money for our Primary and Integrated Care Strategy, which builds upon some of our current approaches, such as our HealthOne program, which has been very successful in parts of New South Wales, including in the Monaro electorate. Pottsville HealthOne is a particularly good example.

**The SPEAKER:** Order! I call the member for Kiama to order for the first time. He will cease shouting across the Chamber.

**Mrs JILLIAN SKINNER:** It makes rooms available for general practitioners who provide primary health care. It provides physiotherapy, occupational therapy, speech pathology, social work, dietetics and child and family health, and it has an Indigenous care facility. It also has a couple of public dental chairs. It is a superb service. All members should support investment in these facilities because those small communities benefit from them enormously, and will continue to do so. I would expect all Opposition members to support our legislation that provides the funds to enable investment in these services in the country.

**The SPEAKER:** Order! The level of interjection in the Chamber is unacceptable.

**LOBBYIST CHRIS HARTCHER**

**Mr DAVID HARRIS:** My question is directed to the Premier. Will the Premier permit his Ministers, members of Parliament and officials to meet with lobbyist Chris Hartcher?

**The SPEAKER:** Order! The Premier has the call. Members will come to order.

**Mr MIKE BAIRD:** That question is a good reminder of why the system needed reforming. Since I became Premier—indeed, over the past 14 months—this Government has introduced a range of measures to increase the transparency and accountability of government; and we are very proud of those measures. I think I heard the member for Maroubra say, "No transparency." I will run through some of the things that we have done, to give the House a sense of why it is important that these measures are taken. We have, for the first time in the history of this State, actually published ministerial diaries.

**The SPEAKER:** Order! The Premier does not need assistance from Government members.

**Mr MIKE BAIRD:** We have said that ministerial meetings should be open and transparent, and diaries should be made available to the public—and we have done that: More than 2,000 entries have been made public. I note that the Opposition is yet to make any meetings public. There is an opportunity for the Opposition to follow suit here; to play a leadership role and provide—

**Mr Luke Foley:** I will.

**Mr MIKE BAIRD:** That is good. The Leader of the Opposition says he will; and if that is what he will do, I congratulate him on that, because I think it is what this State needs. I congratulate the Leader of the Opposition on making that decision and asking his frontbench members to reveal their diaries. That is another transparency measure that has come forward, and it is fantastic. In response to the question, I also acknowledge that we have established the Electoral Commission as an independent regulator of lobbyists.

There is now a new set of ethical standards that apply for all meetings; and everyone must sign off on those before any meetings with government. We have approved a recommendation from the Independent Commission Against Corruption that the Ministerial Code of Conduct become applicable under the Independent Commission Against Corruption Act—again, the strongest provisions in the country in relation to that. And we have gone about reforming the political donations system. The Joint Standing Committee on Electoral Matters will look at this and provide recommendations to this House.

**Ms Kate Washington:** Why didn't you disclose this before the election?

**The SPEAKER:** Order! The member for Port Stephens will come to order.

**Mr MIKE BAIRD:** We did disclose before the election actually; that is one of the measures that we brought in.

**The SPEAKER:** Order! I remind the member for Port Stephens that this is not a debate.

**Mr MIKE BAIRD:** That was one of the measures introduced, for the first time, under this Government. We actually brought in disclosure of donations in the lead-up to the election.

**The SPEAKER:** Order! I call the member for Port Stephens to order for the first time.

**Mr MIKE BAIRD:** That is part of our transparency measures, and we are proud to be introducing it.

**The SPEAKER:** Order! I call the member for Port Stephens to order for the second time.

**Mr MIKE BAIRD:** I am very pleased that the Leader of the Opposition has made that statement here today. That is a step forward. This is an issue that should have bipartisan support, because people across New South Wales want more transparency and more accountability; they want politics in New South Wales cleaned up. We are determined to play our role in that, as I know are others in the House. But, certainly, we will continue to do everything we possibly can to deliver on that; our actions have shown that we will.



**DROUGHT RELIEF**

**Mr CHRISTOPHER GULAPTIS:** My question is addressed to the Minister for Regional Development, Minister for Skills, and Minister for Small Business—the Ferrari from Queanbeyan.

**The SPEAKER:** Order! I call the Leader of the Opposition to order for the first time. I am trying to hear the question. This is my last warning to the member for Kogarah.

**Mr CHRISTOPHER GULAPTIS:** How will the Government's plans to rebuild New South Wales ensure that farmers and communities are better equipped to deal with crippling droughts?

**Mr JOHN BARILARO:** First, I acknowledge what is a good question from the member for Clarence. I congratulate the member on his re-election. He is definitely a community champion, putting the electorate of Clarence first in this place, and always advocating strongly for his community. He is also a strong advocate for water security in this State.

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

**Mr JOHN BARILARO:** Like many on this side of the House, he understands that water is our most precious commodity, and that the way in which we manage water and our water supplies is critical to public health, public interest and of course public survival. As we on this side of the House are well aware, drought is part of Australian life; we are the land of drought and flooding rains. Our farmers and regional communities know this, and they know the financial cost of drought to rural and regional New South Wales. Because many members on this side of the House come from regional communities, we too are aware of those costs. That is why we work tirelessly on new programs that will help our primary producers prepare for drought.

**The SPEAKER:** Order! I remind the member for Port Stephens that she is on two calls to order.

**Mr JOHN BARILARO:** I acknowledge the hard work of the member for Cootamundra, the former Minister for Agriculture, and the work she did in preparing the NSW Drought Strategy—offering \$300 million over five years to help our farmers become more resilient and better prepared for future droughts, and thus improve their business and reduce risks that are inherent in the business of agriculture.

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

**Mr JOHN BARILARO:** Water security is a priority of the New South Wales Government. On this side of the House we understand the pressures placed on primary producers when climate conditions deteriorate and the effect that that has on families and small businesses. We know that small business owners face many obstacles and challenges, but when Mother Nature plays a hand sometimes those challenges become more severe. That is why the New South Wales Liberal-Nationals Government, under the leadership of Premier Mike Baird and Deputy Premier Troy Grant, will provide a once-in-a-generation investment in water security—investing \$1.25 billion in regional communities' water supplies.

The Rebuilding NSW Regional Water Security and Supply Fund will provide up to \$550 million for critical water infrastructure projects in the State's priority catchments of the Upper Hunter, Gwydir, Macquarie, and Lachlan river systems; and provide \$380 million to finalise a business case for a long-term water security solution for Broken Hill. Broken Hill will benefit also, with \$117 million from Restart NSW funding for preliminary works to identify its best short-term water supply options. Some \$110 million will go towards the Country Towns Water Supply and Sewerage Program to fund 71 projects in country towns affected by ongoing sewerage problems; and, finally, \$50 million from Rebuilding NSW will be allocated to finalise a business case for securing Cobar's water supply, by replacing the Albert Priest Channel with a pipeline. This will make a real difference for our regional water supplies, addressing challenges around things that city folk often take for granted, improving access to water supplies, addressing health risks, and relieving pressure on local economies and primary producers.

This is the most significant single investment in regional New South Wales water supplies in the State's history. Unfortunately, those opposite have shown complete disregard for regional communities, as was attested to by results in the recent elections. How many water security projects did Labor take to the election? Was it one, two or three? I am disappointed to inform the House that Sydney Labor did not take one water security

project to the election. In fact, if the Leader of the Opposition had had his way, he would have cut Restart NSW funding—meaning he would have cut \$60 million in existing water security projects; \$110 million for the Country Towns Water Supply and Sewerage Program; and \$117 million towards securing the water supply for Broken Hill. Those opposite should be ashamed of the contempt they showed for regional New South Wales.

But let us give them the benefit of the doubt; perhaps, because they have very little representation in regional New South Wales, they simply are unaware of the issues that some of our towns face on a daily basis. This is how out of touch they are. In front of me I have the latest edition of *Country Labor Dialogue*, dated May 2014, and entitled "Connecting Country Communities". One would think Country Labor would mention water security. But no; its main article was about the former member of the other House, Mr Steve Whan, recontesting the seat of Monaro. I look forward to the next edition of *Country Labor Dialogue* to see how that worked out for him. Today those opposite have an opportunity to support in this House legislation that will bring water security to regional New South Wales. [*Time expired.*]

**The SPEAKER:** Order! The member for Blacktown will come to order. There is too much audible conversation in the Chamber. I would like to hear the next question.

### CALLAN PARK SITE

**Mr JAMIE PARKER:** I direct my question to the Minister for Planning. Given that it has been more than three years since the Government received the Callan Park Master Plan, when will it finally act to secure the future of this important site?

**Mr ROB STOKES:** I thank the member for Balmain for the question and for his advocacy on behalf of his community with regard to the beautiful area known as Callan Park. The Lilyfield park, which covers 60 hectares—or 150 acres for members opposite, who use imperial measurements—is the green heart of inner Sydney. The park was sadly neglected by members opposite for 16 years. They failed to come up with any suitable plan for its long-term conservation and management. I do recall one plan that involved selling off 20 per cent of the site for high-rise residential development. The Government agrees with the community and the member for Balmain that this site is vital for the future of inner Sydney. Sydney will face extraordinary challenges as its population increases. It now has about five million residents, but that figure is likely to be eight million by 2050. Given that, our parklands—particularly those in the inner-ring suburbs—will be crucial.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. This is an important subject and I would have thought all members would be interested in it.

**Mr ROB STOKES:** The custodians of the area are concerned to secure Callan Park's long-term future. I recently had the opportunity to meet with the member for Balmain to discuss a long-term vision for the site. I put on record this Government's support for the development of a master plan in consultation with the community and appropriate experts. The plan must secure not only the conservation of the significant State heritage items on the site but also the important green space that it provides for the growing communities of inner Sydney. Of course, whatever we do must also be affordable and sustainable. Many plans have been produced and many ideas have been offered, including those submitted to my predecessor by Leichhardt Municipal Council in 2011.

Those plans included some good ideas and novel thinking. The challenge is to ensure that any proposal can be translated into a plan that will deliver for the site's long-term management. Securing the heritage items on the site will cost tens of millions of dollars. Therefore, we must develop a plan that secures the funding required to ensure that the buildings are maintained and that the site is available as public open space for the communities of inner Sydney. It must also be remembered that this asset belongs to everyone in New South Wales. I look forward to working with the member for Balmain in developing plans for this very important site. The Government recognises that the site is a crucial component of our social infrastructure. It is equally as important as the other infrastructure projects that this Government is undertaking in Sydney. We know that Sydney will be a bigger city, but we also want it to be a better city.

### ABORIGINAL COMMUNITIES

**Mrs MELINDA PAVEY:** I address my question to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. What steps has the Government taken to rebuild trust and to deliver better outcomes in Aboriginal communities?

**Mrs LESLIE WILLIAMS:** I thank the member for her question. I congratulate her on her decisive election win and welcome her to this House. I know that she will be a very effective member for the people of Oxley. I warmly welcome the members of the New South Wales Aboriginal Land Council who are in the gallery today. They are here as my guests. I also acknowledge that we are meeting on the traditional land of the Gadigal people, and I pay my respects to elders both past and present. Of course, the council is the peak body representing Aboriginal people in this State. There are more than 120 local land councils, and I have enjoyed the opportunity in recent weeks to meet with many of their members.

I affirm this Government's commitment to working with the land rights network so that it can best serve the many and varied Aboriginal communities across New South Wales. The Government has developed a road map focused on opportunity, choice, healing, responsibility and empowerment. This plan, developed by my predecessor the Hon. Victor Dominello in close consultation with the Aboriginal community, is known as OCHRE. When the Coalition first came to office in 2011, the Aboriginal community expressed a strong desire for change and highlighted the need for government to build a genuine and sustainable partnership with Aboriginal communities and organisations. Over the past four years this Government has listened to the Aboriginal community, and the changes it has implemented are making a difference.

**The SPEAKER:** Order! If Opposition members are not interested in the answer, they should leave the Chamber. I am disappointed that they do not appear to be interested.

**Mrs LESLIE WILLIAMS:** The Connected Communities strategy is changing the way that educational services are delivered in 15 schools across 11 communities. The strategy puts schools at the heart of their communities by linking school education to other services, such as health, welfare, early childhood education and care, and vocational education and training. Last week I visited Hillvue Public School in Tamworth, where Principal Chris Shaw and his team are implementing fantastic initiatives with students, teachers and parents. Language and culture nests have been established to support the preservation, revitalisation and learning of Aboriginal languages in communities and schools. The member for Coffs Harbour and I visited the Gumbaynggirr Language and Culture Nest at Tormina High School just last week.

Opportunity hubs are also providing school students with pathways to jobs by getting local employers involved in career planning at schools. I also visited the Tamworth Opportunity Hub with the member for Tamworth last week. The local land council and its chief executive officer, Fiona Snape, are providing job opportunities for young Aboriginal people. Industry-based agreements have also been signed with the NSW Minerals Council, the Master Builders Association and the Civil Contractors Federation to improve employment and enterprise development outcomes for Aboriginal people in these sectors. Local decision-making has also been introduced so that Aboriginal communities can work with the Government to prioritise more effectively the delivery of services in areas of need. The member for Terrigal and I heard firsthand about the fantastic work being done by the Barang local decision-making group, led by Sean Gordon and Joshua Toomey, in cooperation with the Darkinjung Local Aboriginal Land Council, Bara Barang, Mingaletta, Bungaree, the Glen and NAISDA Dance College.

In March this year the Premier issued a memorandum requiring all New South Wales government agencies to work respectfully, constructively and cooperatively with local decision-making alliances. Government agencies must negotiate openly and share service provision and indicator data. Government agencies are now developing accords with the regional alliances. This model has been used successfully in other countries, including Canada and New Zealand. This is a huge step forward for New South Wales. These reforms aim to decrease the duplication of services, and increase the effectiveness of service delivery and the skill and capacity of local governance bodies.

Moving into the next stage of the OCHRE strategy, the Baird-Grant Government has committed to establishing an Aboriginal centre for excellence in Western Sydney. As a result of healing forums held last year, a series of regional discussions are being planned to inform this Government's approach to addressing trauma and healing in its service delivery to Aboriginal communities. I am looking forward to continuing the work undertaken by the Government and my predecessor, and furthering the great initiatives that are in place.

**Question time concluded at 3.28 p.m.**

## PETITIONS

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

### **Sydney Electorate Public High School**

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

### **Elizabeth Bay Marina**

Petition calling for an open and transparent public tender process for development of the Elizabeth Bay Marina, received from **Mr Alex Greenwich**.

### **Inner-city Social Housing**

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

### **Low-cost Housing and Homelessness**

Petition requesting increased funding for low-cost housing and homelessness services, 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**.

### **Slaughterhouse Monitoring**

Petition requesting mandatory closed-circuit television for all New South Wales slaughterhouses, 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**.

### **Container Deposit Levy**

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

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing Orders: Order of Business**

**Mr ANTHONY ROBERTS** (Lane Cove—Minister for Industry, Resources and Energy) [3.29 p.m.]:  
I move:

That standing and sessional orders be suspended:

- (1) At this sitting to:
  - (a) permit the consideration, in order given, of both notices of motions accorded priority at this sitting with the following speaking times:
    - (i) mover—5 minutes;
    - (ii) member next speaking—5 minutes; and
    - (iii) two other members—3 minutes each.
  - (b) provide for the following routine of business after conclusion of the motion accorded priority:
    - (i) government business; and
    - (ii) the House to adjourn without motion moved at the conclusion of Government business.

- (2) On Thursday 28 May 2015 to provide for the following routine of business:
- (a) at 10.00 a.m., Speaker takes the Chair;
  - (b) government business until 1.30 p.m., at which time the Speaker shall leave the chair;
  - (c) at 2.15 p.m. the Speaker shall resume the chair;
  - (d) ministerial statements;
  - (e) giving of notices of motions for Government business, bills and business with precedence;
  - (f) question time;
  - (g) ministerial statements;
  - (h) papers;
  - (i) committees—tabling of reports and notification of inquiries;
  - (j) petitions;
  - (k) placing or disposal of business;
  - (l) government business; and
  - (m) the House to adjourn without motion moved.

**Mr MICHAEL DALEY** (Maroubra) [3.30 p.m.]: We agree with paragraph (1) of the suspension motion but not with paragraph (2). For reasons that we pointed out yesterday there is no reason that the electricity privatisation bills should not lie on the table for five days. We saw the arrogance of the Government yesterday in moving to ram them through the House, attended by confusion and comedy today when the debate was delayed for four hours, and now there is further confusion that will displace the debate on general notices of motions tomorrow that members consider crucial business in this House because it relates to their electorates. We will not agree to the motion. I am happy for the Leader of the House to separate the motion into two questions, but we will not agree with paragraph (2).

**Mr ANTHONY ROBERTS** (Lane Cove—Minister for Industry, Resources and Energy) [3.31 p.m.], in reply: We will not separate the motion. I am not sure what has got into the member for Maroubra. He was happy before, now he is cranky. He is spending too much time with the member for Maitland; that is the problem. She is making the member for Maroubra cranky. We have been very generous this afternoon by allocating an additional four hours for debate and, indeed, there is also time tomorrow. The Premier is very keen for everyone to have their say and participate in what is an historic moment; something that we will tell our grandchildren about—that we were there that day. We were there that day when it happened in New South Wales. This is the opportunity for members opposite to embrace today and tomorrow, and be part of a great movement for a great change.

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 51**

Mr Anderson	Mr Grant	Mr Roberts
Mr Aplin	Mr Gulaptis	Mr Rowell
Mr Ayres	Mr Hazzard	Mr Sidoti
Mr Baird	Mr Henskens	Mrs Skinner
Mr Barilaro	Ms Hodgkinson	Mr Speakman
Ms Berejiklian	Mr Humphries	Mr Stokes
Mr Brookes	Mr Johnsen	Mr Taylor
Mr Conolly	Mr Kean	Mr Toole
Mr Constance	Dr Lee	Mr Tudehope
Mr Coure	Mr Maguire	Ms Upton
Mr Crouch	Mr Marshall	Mr Ward
Mrs Davies	Mr Notley-Smith	Mr Williams
Mr Dominello	Mr O'Dea	Mrs Williams
Mr Elliott	Mrs Pavey	
Mr Evans	Mr Perrottet	
Mr Fraser	Ms Petinos	<i>Tellers,</i>
Ms Gibbons	Mr Piccoli	Mr Bromhead
Ms Goward	Mr Provost	Mr Patterson

**Noes, 37**

Ms Aitchison	Mr Harris	Mr Parker
Mr Atalla	Ms Harrison	Mr Piper
Mr Barr	Ms Haylen	Mr Robertson
Ms Burney	Mr Hoenig	Ms K. Smith
Ms Car	Ms Hornery	Ms T. F. Smith
Ms Catley	Mr Kamper	Mr Warren
Mr Chanthivong	Ms Leong	Ms Washington
Mr Crakanthorp	Dr McDermott	Ms Watson
Mr Daley	Ms McKay	Mr Zangari
Mr Dib	Mr Mehan	
Ms Doyle	Ms Mihailuk	<i>Tellers,</i>
Ms Finn	Mr Minns	Ms Hay
Mr Greenwich	Mr Park	Mr Lalich

**Pair**

Mr Gee

Mr Foley

**Question resolved in the affirmative.****Motion agreed to.****Pursuant to resolution motion accorded priority of the member for Northern Tablelands proceeded with.****STATE HEALTH INFRASTRUCTURE****Motion Accorded Priority****Mr ADAM MARSHALL** (Northern Tablelands) [3.41 p.m.]: I move:

That this House:

- (1) Acknowledges regional communities across the State returned members of the Government with a mandate to rebuild hospitals, schools, roads and water projects.
- (2) Notes the community did not elect a single new Labor member in country and rural New South Wales.
- (3) Calls on Labor to show leadership and join with regional communities to ensure they receive their fair share of new hospitals, schools and roads.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! Members who want to have private conversations should leave the Chamber.

**Mr ADAM MARSHALL:** With the re-election of this Government, country and rural New South Wales is on the cusp of a new dawn as this Government has the interests of country and rural people at heart. We are committed to working tirelessly to deliver results for our communities across what we consider to be the best part of the State: country and inland New South Wales. It is important to acknowledge that the people of country and rural New South Wales rejected the scare and smear campaigns of those opposite in the lead-up to the election by not electing a single new Labor member.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I call on members not taking part in this debate to take their seats or leave the Chamber.

**Mr ADAM MARSHALL:** The election result demonstrates that country communities want to be represented by people who care about what is important to these communities and will advocate vigorously for them, for example, by securing new and rebuilt hospitals including the Dubbo redevelopment and those at Tamworth, Wagga Wagga and Kempsey.

**Mr Kevin Anderson:** Thank you, yes.

**Mr ADAM MARSHALL:** I note the interjection of the member for Tamworth. There are many more to come in places like Coffs Harbour, Macksville, the Tweed, Armidale and Inverell. I am proud of these developments for rural communities. There are also commitments for work at Mudgee, Manning, Broken Hill and Lismore, to name a few. Schools, roads and water projects that have been funded by this Government in its first term, most for the first time in the State's history, are fundamental to the wellbeing and economic and social prosperity of our country and rural communities.

On March 28 this year country people had a clear choice of whether to continue rebuilding rural New South Wales or turning around and going back to the bad old days when country people were just an afterthought. Country and rural people voted to continue receiving their fair share and the projects they are entitled to. There is no more stark an example of this spending than in the area of health. At the conclusion of this term of this Coalition Government, 70 health projects in country and rural New South Wales will have been either completed or commenced. Contrast that to the 16 years of Labor Government: How many country health projects were commenced or finished under Labor? There were fewer than five in double the time.

In this term of government there will be huge investment in new and rebuilt hospitals including: Armidale Hospital, \$60 million; Bowral Hospital, \$50 million; Broken Hill Hospital, \$30 million; Byron Central Hospital, \$89 million; Cooma Hospital, \$10 million; Coffs Harbour Hospital, \$156 million; Dubbo Hospital, \$150 million; Goulburn Hospital, \$120 million; Inverell Hospital—where the community has waited 20 years for investment—\$30 million; Lismore Hospital, \$180 million; Macksville Hospital, \$50 million—the member for Oxley championed that—and the new Maitland hospital, \$400 million. So the bounty is not only being spent in electorates of members on this side of the Chamber. For Manning Hospital there is \$20 million; Mudgee Hospital, \$60 million; Port Macquarie Hospital, \$15 million; The Tweed Hospital, \$48 million; and Wagga Wagga Base Hospital, \$170 million. You would think those opposite would be grateful.

Communities in country New South Wales have a lot to look forward to in the area of health. Their choice was clear on 28 March as we had made a commitment to a suite of projects to address the backlog in health infrastructure. In the Northern Tablelands electorate there had not been major investment for decades and it is great that these projects will proceed on this Government's watch. I commend the motion to the House.

**Mr CLAYTON BARR** (Cessnock) [3.46 p.m.]: I speak on the motion moved by the member for Northern Tablelands and start with paragraph (2) of his poorly drafted motion, which states that this House:

- (2) Notes the community did not elect a single new Labor member in country and rural New South Wales.

I welcome to this Chamber the member for Maitland and the member for Port Stephens, both members of Country Labor NSW. Another thing to note about this motion is the subtle change made by The Nationals, for which I compliment them. They are so ashamed of the privatisation of our poles and wires that they do not refer to the mandate to rebuild in regional New South Wales and link the rebuilding to the sale of the electricity poles and wires—and that tells us something about the campaign process.

In the last two weeks of the election campaign in March the member for Dubbo travelled across the State and he was so ashamed of the sale of the poles and wires that every time he made a commitment, a promise or an announcement he finished with "and this does not rely on the sale of poles and wires". He said this for no other reason than he is so ashamed of the sale. Indeed, the member for Northern Tablelands, who moved this motion, is equally ashamed. That is why he also managed to avoid referring to the sale.

Members of The Nationals do not want to swallow their medicine, but they need to acknowledge that they do not understand the budget. So I will explain it using simple phrases. First, no member of The Nationals is on the Expenditure Review Committee. They do not have any position in Finance and Services or in Treasury. This means The Nationals have had no say in all the adjustments made during the past four years. Over the past four years there have been many announcements, including one to build an \$8 billion train line in Sydney's north-west, but Treasury found that money was not available. That meant the money had to be found in the recurrent budget of New South Wales, which meant there had to be cuts across the State to find \$8 billion.

**Mr Gareth Ward:** That's not true.

**Mr CLAYTON BARR:** It disappeared from Northern Tablelands. I note the member for Kiama said that is not true. I suppose that means the member for Kiama is saying there was a magic bucket with \$8 billion in it when the Liberal-Nationals Government was voted into Parliament, but apparently there was not. The cuts

have been made, which means all the regional communities have lost money from the recurrent budget. It has disappeared, it has gone and it is not coming back. When the poles and wires are sold and regional communities are promised \$6 billion, let me ask: Do regional members, members of The Nationals, think their communities will get \$6.1 billion, \$6.5 billion or \$7 billion? Clearly the answer is no, so let me ask the members representing Sydney electorates, who have been promised the balance of the proceeds of \$14 billion.

Let me ask those opposite a question about the members in Sydney who have been promised the other \$14 billion from the proceeds. Are they going to get only \$14 billion? No. The Government has made so many election promises and commitments for the use of this money and has said that it is going to get somewhere in the vicinity of \$40 billion plus. Regional members will get \$6 billion, as promised, and Sydney members will start with \$14 billion and then drag it out to \$40 billion. Where is that money going to come from in the future? It is going to come out of the recurrent budget because members on the other side have sold out the regional communities so badly that they have lost teachers, nurses, mental health—

**Mrs Melinda Pavey:** That's a lie.

**Mr CLAYTON BARR:** I appreciate that you do not like it and that you do not understand it because it is complex mathematics and budgeting, but it is a reality. Another truth that all members should understand is that the commitments and promises made as a result of the sale of poles and wires, which will begin in the Sydney central business district and the Sydney Basin, are only a start. The future budgets of this State for at least the next 10 years will be locked into the decisions that are going to be made. Regional communities, beyond the \$6 billion they have been promised, are going to miss out completely. My only misgiving is that the members of The Nationals are so financially illiterate that they are allowing this to happen on their watch. I suggest they cross the floor and vote against the sale of poles and wires.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I remind the member for Maitland that she is on three calls to order and the member for Port Stephens that she is on two calls to order, which will continue for the rest of the sitting.

**Mr GEOFF PROVEST** (Tweed) [3.51 p.m.]: I make a brief contribution in support of this very valuable motion moved by my colleague the member for Northern Tablelands, in contrast to members on the other side of the House who engaged in a lot of theatrics and promoted a lot of untruths. On this side of the House, when we make commitments we properly fund them and we deliver. We have a history of doing that and we continue to do so. Since March 2011 the Liberal-Nationals Government has invested an historic \$15.4 billion to upgrade and repair State and council-owned roads and freight infrastructure in regional New South Wales. This equates to \$3.85 billion each year—a 59 per cent increase in average annual funding compared with the previous Labor governments.

Since the 2011 election, \$2 billion has been committed to regional funding, including \$403 million from the State's dedicated infrastructure fund, Restart NSW, to fast-track the duplication of the Pacific Highway from Hexham to the Queensland border. An historic \$785 million has been committed to upgrade and maintain the Princes Highway, including Restart NSW funding of \$170 million towards the Foxground and Berry bypass—a 65 per cent increase in funding compared to New South Wales Labor's spending on the highway in its last four years in office, from 2007 to 2011.

An historic \$569 million has been committed to upgrade and maintain the Great Western Highway—a 30 per cent increase in funding compared to New South Wales Labor's spend on the highway in its last four years in office. An historic \$460 million has been committed to upgrade and maintain roads and highways on the Central Coast, which includes \$50 million for council-owned local roads. This is the highest level of funding ever received for local and regional roads. Members on the other side of the House can argue about it all they like but it is a fact.

Also committed is \$210 million for the Bridges for the Bush program, which will include new bridges at Kapooka, Wee Waa and Gunnedah. The 2014-15 budget includes an investment of \$44 million to maintain and upgrade all the grain rail lines in country New South Wales as part of an overall five-year \$277 million program of works. Another commitment is \$177 million to commence construction of the second crossing of the Clarence River at Grafton, which was promised by Bob Carr many years ago but was never delivered. The Fixing Country Roads program will receive \$42 million and \$12 million will go towards construction of the Queanbeyan bypass. It is a fact that we commit, we fund and we deliver. Our roads Minister should be congratulated on his hard work.



**Ms KATE WASHINGTON** (Port Stephens) [3.54 p.m.]: It appears that by bringing on this motion the Government is suffering from memory loss, or perhaps it is wilful amnesia, about losing a safe seat that it held by 14.7 per cent. It did not see it coming. Was it a close result? No, it was not. The Government lost with a swing of 19.5 per cent. One has to ask why this swing was so big and why in the Upper Hunter there was a swing of 20.8 per cent against this Government. Why was there a swing of 19.8 per cent in Myall Lakes against this Government?

**Mr Gareth Ward:** Point of order—

**Mr David Harris:** You don't like those figures being put on the record, do you?

**Mr Gareth Ward:** The election has happened and I think they are on the record.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! What is the member's point of order?

**Mr Gareth Ward:** Standing Order 76, relevance. In case the member for Port Stephens has not noticed, the election has been and gone. She should speak to the substance of the motion.

**Ms KATE WASHINGTON:** In Maitland there was a swing of 18.8 per cent against the Government. In Clarence there was a swing of 22.2 per cent. If this Government cares about rural and regional communities in New South Wales why did these results happen? The Government is suffering from amnesia, or could it be that the Government is unwilling to remember what it did in Port Stephens for the past eight years when one of its members represented that community. What happened in those eight years? Nothing. The former member for Port Stephens was moved to the crossbench for some reason.

**Mr Jonathan O'Dea:** He was a great member.

**Ms KATE WASHINGTON:** A great member, indeed. What did the Liberals do with the member who was then representing Port Stephens? They allowed him to stay a Liberal member and represent my community.

**Mrs Melinda Pavey:** Get on with the policy.

**Ms KATE WASHINGTON:** This is about policy. [*Time expired.*]

**Question—That the motion be agreed to—put.**

**The House divided.**

#### **Ayes, 53**

Mr Anderson	Mr Grant	Mr Piper
Mr Aplin	Mr Greenwich	Mr Provest
Mr Ayres	Mr Gulaptis	Mr Roberts
Mr Baird	Mr Hazzard	Mr Rowell
Mr Barilaro	Mr Henskens	Mr Sidoti
Ms Berejikian	Ms Hodgkinson	Mrs Skinner
Mr Brookes	Mr Humphries	Mr Speakman
Mr Conolly	Mr Johnsen	Mr Stokes
Mr Constance	Mr Kean	Mr Taylor
Mr Coure	Dr Lee	Mr Toole
Mr Crouch	Mr Maguire	Mr Tudehope
Mrs Davies	Mr Marshall	Ms Upton
Mr Dominello	Mr Notley-Smith	Mr Ward
Mr Elliott	Mr O'Dea	Mr Williams
Mr Evans	Mrs Pavey	Mrs Williams
Mr Fraser	Mr Perrottet	<i>Tellers,</i>
Ms Gibbons	Ms Petinos	Mr Bromhead
Ms Goward	Mr Piccoli	Mr Patterson

**Noes, 34**

Ms Aitchison	Mr Foley	Mr Minns
Mr Atalla	Mr Harris	Mr Park
Mr Barr	Ms Harrison	Mr Parker
Ms Burney	Ms Haylen	Ms T. F. Smith
Ms Car	Mr Hoenig	Mr Warren
Ms Catley	Ms Hornery	Ms Washington
Mr Chanthivong	Mr Kamper	Ms Watson
Mr Crakanthorp	Ms Leong	Mr Zangari
Mr Daley	Dr McDermott	
Mr Dib	Ms McKay	<i>Tellers,</i>
Ms Doyle	Mr Mehan	Ms Hay
Ms Finn	Ms Mihailuk	Mr Lalich

**Question resolved in the affirmative.**

**Motion agreed to.**

**Pursuant to resolution motion accorded priority of the member for Canterbury proceeded with.**

### **NATIONAL RECONCILIATION WEEK**

#### **Motion Accorded Priority**

**Ms LINDA BURNEY** (Canterbury) [4.05 p.m.]: I move:

That this House:

- (1) Joins with the thousands of Aboriginal and non-Aboriginal people across New South Wales in celebrating National Reconciliation Week.
- (2) Reaffirms its commitment to the process of reconciliation and national healing.
- (3) Reaffirms its commitment to the "Closing the Gap" targets including improving the life expectancy of Aboriginal people across the State, closing the gap in infant mortality rates and halving the gap in employment outcomes.

Reconciliation is not a side issue or just symbolic. I attended the National Reconciliation Convention in 1967 when Patrick Dodson said that we cannot have reconciliation without social justice, which is why the Closing the Gap targets are so important. Economic arguments, as much as equity, go to the heart of reconciliation. But fundamentally it is about truth telling and about our capacity as a people, as a nation, to own that truth. Healing is a two-way process and this Parliament has played a role in that. We were the first to apologise to the Stolen Generations. Bob Carr did that in 1997. After the prayer, we acknowledge the Aboriginal nations from which we come. We also fly the flag in the Chamber and, of course, New South Wales has changed its Constitution to recognise the First Peoples. Those things are very important.

Today, 27 May 2015, marks the beginning of National Reconciliation Week, which runs through to 3 June. Those two dates, of course, are significant. Today, 27 May, is the anniversary of that famous referendum, the strongest referendum ever held in our country that led to the recognition of Aboriginal people. I was 10 years old when that referendum took place so I spent the first decade of my life as a non-citizen in my own country. It is particularly important this year as we move towards constitutional recognition of Aboriginal people that we remind ourselves of that salutary fact. A chance to celebrate Aboriginal culture in Australia and to foster reconciliation is really what this week is about.

I have read about events all over New South Wales, in all electorates, on beaches, in schools, in church halls and in parks. It seems to me that National Reconciliation Week has become one of the most significant weeks in our nation's calendar. This date, 27 May, is the anniversary of the 1967 referendum and 3 June is important to Aboriginal people. It is a date when we remember where we were, similar to the way in which we remember where we were when we heard of the death of Martin Luther King and President Kennedy. I remember that on 3 June I was driving in my car and I heard that the High Court had handed down the Mabo decision that Aboriginal people had prior occupation of the country. That decision overturned terra nullius, which had been the abiding law in this country for such a very long time. So it is a very significant day for all of us.

We should look towards that quotation of Patrick Dodson, which says that you cannot have reconciliation without social justice. It is a national shame that life expectancy for Aboriginal people is so different to that of non-Aboriginal Australians. It is 10 years less for men and eight less years for women, and in some places it is much worse. Lower rates of reading and writing and higher rates of infant mortality, employment and incarceration are why it is important to acknowledge National Reconciliation Week, and I thank the Government for agreeing to debate this important motion today. I conclude by stating that we must remind ourselves that Aboriginal people are not just statistics in the Closing the Gap debate, and often it has come to that. Mick Dodson described it as an industrial deafness when he said:

These statistics are our people. They are our brothers, our sisters, our cousins and aunts. They die silently under these statistics.

It is an important point to remember.

**Mrs MELINDA PAVEY** (Oxley) [4.10 p.m.]: I acknowledge and thank the member for Canterbury for bringing this important motion on Reconciliation Week 2015 before the House. I am very proud to be the member for Oxley and very proud of the three tribes that live within the electorate—the Dunghutti people, the Biripi people and the Gumbaynggirr people. In fact, Oxley is such a magnificent electorate that the second-most spoken language in Oxley is Gumbaynggirr, which shows the importance of the Aboriginal population and its people. It is imperative we improve on the statistics highlighted by the member for Canterbury.

It is a national disgrace that an Aboriginal man will die 10 years earlier than a white man and an Aboriginal woman will die eight years earlier. As a Parliament we must work to change that, and the Government is doing this. We observe National Reconciliation Week, which is about building better relationships between the wider Australian community and the Aboriginal and Torres Strait Islander people. I note also that yesterday was National Sorry Day, which commemorates the Stolen Generations of Aboriginal and Torres Strait Islander children who were forcibly removed from their families because of successive government practices.

In 1997 New South Wales was the first Government in Australia to apologise to the Stolen Generations, and I acknowledge that was under the premiership of Bob Carr. In that year the Parliament apologised "unreservedly to the Aboriginal people of Australia for the systematic separation of generations of Aboriginal children from their parents, families and communities". This week we are reminded of the strength shown by the Aboriginal community. The strength of the Aboriginal community is at the heart of OCHRE, the New South Wales Government's plan for Aboriginal Affairs. OCHRE stands for opportunity, choice, healing, responsibility and empowerment, and it is changing the way the New South Wales Government approaches important issues in partnership with Aboriginal people—and that is something we must do.

In my inaugural speech I pointed out that 695 children on the mid North Coast live in foster and kinship care. We talk about the Stolen Generations, but we also must be very alive to the fact that we have a generation of children that is disengaged and disempowered. We must all work together to strengthen communities and fix those statistics. New South Wales is the first State in Australia to expressly recognise trauma and incorporate healing into its Aboriginal Affairs policy. OCHRE acknowledges that past government policies and practices impacted on Aboriginal people in ways that disconnected people from their culture and traumatised individuals, families and communities.

Healing is the key to rebuilding the identity and culture that so many were separated from. It addresses a range of economic, emotional, cultural and spiritual dimensions. The healing process needs to address concerns at individual, family and community levels—and this will take time, as my colleague the Minister for Aboriginal Affairs, Leslie Williams, pointed out earlier in question time. OCHRE approaches this issue by recognising that healing and loss are real, significant and ongoing issues for communities. OCHRE commits the New South Wales Government to ongoing changes to its relationship with Aboriginal communities to achieve improvements to Aboriginal people's wellbeing.

We know that treating the symptoms of trauma alone will not heal communities. Rather than proposing new programs to treat symptoms, OCHRE aims to better understand trauma and address its underlying causes. Last year the New South Wales Government and the Aboriginal and Torres Strait Islander Healing Foundation held the Mapu Yaan Gurri Mapu Marrunggirr—Healing Our Way Forum. The forum brought together Aboriginal leaders and community members, policymakers and practitioners from across New South Wales. More than 200 delegates attended to share experiences and gain an understanding of the impacts of trauma and loss in Aboriginal communities. The participants also shared inspiring stories of successful healing and wellbeing initiatives currently occurring within communities.

The healing forum was the first step towards understanding an appropriate role for government in healing. We will continue this conversation at regional and local levels. Over the next year the New South Wales Government will work with interested Aboriginal communities to hold local or regional healing forums. These forums will develop a better understanding of healing and identify priorities, including how existing government services can better support healing outcomes. I wish all participants well during National Reconciliation Week. I know that a multitude of events is being organised in the Oxley electorate—throughout the Kempsey, Macksville, Bowraville, Nambucca and Bellingen areas. It is very much celebrated and appreciated, and I support the motion.

**Mr GREG WARREN** (Campbelltown) [4.15 p.m.]: I commend my colleague and parliamentary friend the member for Canterbury and the member for Oxley for their kind words. I am very proud to speak on this priority motion on National Reconciliation Week. I begin by acknowledging the Gadigal people of the Eora nation and all the traditional custodians of lands that we are privileged to represent. National Reconciliation Week began in 1996 as a celebration of Aboriginal history and culture. We celebrate it today but remember that yesterday was National Sorry Day, and I note the apology of this Parliament, led by former Premier Bob Carr, on 18 June 1997.

National Reconciliation Week begins today—the anniversary of the 1967 referendum to include Indigenous Australians in the census—and concludes on 3 June, which is the anniversary of the High Court's judgement in the landmark Mabo decision. Real reconciliation is about engagement, education and consultation. National Reconciliation Week is particularly important to my community of Campbelltown and the broader Macarthur area, with the local Indigenous population nearly triple the average for the greater Sydney area. National Reconciliation Week also has great historical significance for our region. In April 1816 at least 14 members of the Dharawal people were killed by colonial settlers in the infamous Appin massacre, which is located in the electorate of Wollondilly. I note the active participation of the member for Wollondilly and I commend him, the member for Camden, Mr Chris Patterson, and others for their ongoing support.

The Dharawal people traditionally can be found from La Perouse to Ulladulla, but predominantly they are around the Georges River where they have flourished. During National Reconciliation Week wonderful events are held throughout the State and nation to support reconciliation for our nation's First Peoples. Whether it is a morning tea at the office or an assembly at the local primary school, organisations and individuals throughout Campbelltown and New South Wales are getting together to learn more about Indigenous history and how they can join the national effort for reconciliation. This year is particularly special for National Reconciliation Week as it ties in with the national campaign for constitutional recognition of Indigenous Australians. Recognition Australia has done an outstanding job in organising National Reconciliation Week and the RECOGNISE campaign. I ask the House to join me in commending them for their work and encouraging the community to get involved in local celebrations for National Reconciliation Week over the coming seven days.

**Mr JAI ROWELL** (Wollondilly) [4.18 p.m.]: I begin by acknowledging that we are on the traditional land of the Gadigal people. I pay my respect to elders both past and present and to all the Aboriginal people who are here today. Reconciliation Week commemorates two significant milestones in the reconciliation journey: the anniversaries of the successful 1967 referendum and the High Court Mabo decision. This Government has developed a road map focused on opportunity, choice, healing, responsibility and empowerment. This plan is called OCHRE. Over the past four years we have listened to the Aboriginal community, and our changes are making a difference. In education, Connected Communities is changing the way educational services are delivered in 15 schools across 11 communities. The Connected Communities strategy puts schools at the heart of their communities by linking school education to other services, such as health, welfare, early childhood education and care, and vocational education and training.

At Hillvue Public School in Tamworth, principal Chris Shaw and his team are implementing fantastic initiatives with students, as well as with teachers and parents. Language and culture nests have been established to support the preserving, revitalising and learning of Aboriginal languages in communities and schools—the Gumbaynggirr language and culture nest at Toormina High School is just one example. In employment, opportunity hubs are providing school students with pathways to jobs by getting local employers involved in career planning at school. At the Tamworth opportunity hub the land council, and its chief executive Fiona Snape, are providing job opportunities for young Aboriginal people.

Industry-based agreements have been signed with the New South Wales Minerals Council, the Master Builders Association and the Civil Contractors Federation, to improve employment and enterprise development outcomes for Aboriginal people in these sectors by developing relationships between government, industry and

Aboriginal communities. And in government services, local decision-making has been introduced so that Aboriginal communities can work with the Government to better prioritise the delivery of services in areas of need. In March this year the Premier issued a memorandum requiring all New South Wales government agencies to work respectfully, constructively and cooperatively with LDM alliances. Government agencies must negotiate openly and share service provision and indicator data.

New South Wales government agencies are now developing accords with the regional alliances. It is a model that has been used successfully in other countries, including Canada and New Zealand. This is a huge step forward for New South Wales. Our reforms aim to decrease the duplication of services, increase the effectiveness of service delivery, and increase the skills and capacity of local governance bodies. As a result of healing forums held last year, a series of regional discussions are being planned to inform this Government's approach to addressing trauma and healing in its service delivery to Aboriginal communities. The New South Wales Government is committed to working with the Aboriginal community on the healing process, and furthering the great initiatives that we have in place through the OCHRE strategy. I note the comments made by the member for Campbelltown in relation to the 200th anniversary next year of the Appin massacre. I know that all members in the Macarthur region will be attending.

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

**Motion agreed to.**

**Pursuant to resolution government business proceeded with.**

## **ELECTRICITY NETWORK ASSETS (AUTHORISED TRANSACTIONS) BILL 2015**

### **ELECTRICITY RETAINED INTEREST CORPORATIONS BILL 2015**

#### **Second Reading**

**Debate resumed from 26 May 2015.**

**Mr LUKE FOLEY** (Auburn—Leader of the Opposition) [4.23 p.m.]: On behalf of the Labor Opposition I address the Electricity Network Assets (Authorised Transactions) Bill 2015 and the cognate Electricity Retained Interest Corporations Bill 2015. I indicate at the outset that Labor members will oppose this legislation. I acknowledged at my press conference the morning after the 2015 State election that the Coalition parties will have the numbers in both Houses of this Parliament to pass electricity privatisation legislation. I acknowledged that immediately following the election. I also made clear that Labor members elected to this Parliament would act in accordance with the commitment that all of them gave, and that I gave as the party's leader throughout the 2015 campaign, that we would oppose legislation to privatise the State's electricity network in this Parliament, win, lose or draw.

There are many theories of mandates in politics. The Premier is entitled to claim a mandate and to act on it. Labor members have a mandate too—from the people who voted for us. And every Labor candidate at this election campaigned on the party policy in favour of retaining the monopoly part of the State's electricity network in public hands. Those 14 Labor members of Parliament who won electorates off the Liberals made commitments to their constituents that they would vote in favour of public ownership of the electricity network. The Premier is quite entitled to claim a mandate and to act on it. I accept that. I expect that the legislation will pass. Labor members of this place will act in accordance with the mandate we have from our voters, from the people who sent us here.

It is, frankly, an absurd suggestion that a party that has lost an election should roll over and support each and every piece of legislation brought by the governing party. It has never been the case—and it never will be. If that were the case, Labor members, who have been continuously sitting in this House in every Parliament since 1891 would, on that theory, be required to vote for each and every piece of conservative legislation, even when it is in total violation or contrasts with the settled policy of the Labor Party. Parties are entitled to their policies. The Labor Party in New South Wales has a policy in favour of retaining the monopoly electricity network in public hands. That is our policy, and Labor members are proud to be here to vote in accordance with the policy of the Labor Party. Labor members have never made any apology for that, and we never will.

There was much discussion during the election campaign about electricity privatisation. Points were made. Labor believes it is not sound policy to rob the State budget of the very lucrative dividends that flow into

State coffers from the electricity distribution and transmission businesses. Much analysis of what is proposed here by the Government suggests that assets to be disposed of for at least 99 years will attract a price equivalent to around 17 years of dividend payments. The Labor Party does not believe that is in the interests of the State budget. It is not a sensible, long-term budget strategy to dispose of those profitable assets and to retain unprofitable assets. The Opposition looks forward to the Treasurer presenting her first budget next month. We want her to explain how the Government proposes to fill the hole in the recurrent budget that will open up when these large, lucrative dividend streams flowing from the State-owned electricity distribution and transmission businesses disappear.

Of course, what is proposed here is the disposal of 100 per cent of the State's transmission business, TransGrid, and a majority share in two of the three distributors in this State—namely, Ausgrid and Endeavour Energy. It is patent nonsense to suggest that majority ownership and control will be retained by the State when it will retain zero per cent of the transmission business and only a minority share of Ausgrid and Endeavour Energy. Control is clearly being handed to the private sector, and we know it will not be for only 99 years. When these assets are gone, they will be gone for good.

No party will go to a future election promising to renationalise these businesses; it will never happen. If this legislation is passed, the Government will be able to sell off once and forever the entire transmission business and the businesses that distribute power to the vast majority of this State. The shadow Treasurer will deal with the machinery of the bill. However, I note the commitments made by the Premier and other Liberal Party figures when campaigning with regard to employee protections. They are not addressed adequately in this legislation.

**Mr Andrew Constance:** Proudly brought to you by the ETU.

**Mr LUKE FOLEY:** I acknowledge that interjection. The Minister is proud to argue in court for higher power prices for every household and business in New South Wales using taxpayers' money.

**Mr Troy Grant:** What about Labor's higher power prices?

**Mr LUKE FOLEY:** The Deputy Premier interjects, but he boasted during the election campaign that he was happy to run a protection racket that would increase power prices for every household in this State. There is one party in this Parliament fighting for lower power prices for every household, and that is the Labor Party. This Government is despicably using taxpayers' funds to mount an expensive legal appeal that will increase the power prices of the very taxpayers who are funding its legal appeal. The Opposition says that that is wrong. Of course, the Government is mounting a legal case to raise everyone's power prices simply to fatten the pig for market day—to get a higher sale price.

*[Interruption]*

I acknowledge the interjection. I do have a difference of opinion with the Electrical Trades Union. The Opposition is proud to stand for lower power prices for every household and business in this State. It is terrific that Government members have been honest today. On three occasions during question time the Minister referred to "our appeal". Until then, the Government was hiding behind the State-owned corporation and saying that the appeal had nothing to do with it. Today members opposite have been honest and admitted that it is their appeal. They are appealing to the court to increase power prices for eight million electricity customers just to ensure a higher sale price when these assets are sent to market. Pensioners will be required to pay more for their power so that the Government can transfer money from their wallets to the purchaser of these assets. That is what the Government is doing. That is what is going on here.

There will be more energy poverty and more disconnections, and poor people will suffer if this Government's appeal succeeds. I warned of the ramifications of the Government's privatisation proposal during the election campaign. We can see my prediction coming true in the early weeks of this Parliament with the Government taking direct action to increase power prices for every household and business in this State. Labor is proud to stand up in this Parliament for the settled policy of our party, which we all believe in. The monopoly part of the electricity network that provides power to every home and business in New South Wales should remain in public hands for the public good. That is why every Labor member in this Parliament will be proud to vote in accordance with the mandate given to them by the people who sent them here. We will vote against this legislation and in favour of retaining these assets in public hands for the public good.

**Mr MIKE BAIRD** (Manly—Premier, and Minister for Western Sydney) [4.38 p.m.]: It is an honour to make a contribution to debate on the Electricity Network Assets (Authorised Transactions) Bill 2015 and the Electricity Retained Interest Corporations Bill 2015. This debate has continued across this State for more than 20 years. Indeed, all sides of politics know that this is the right thing to do. For a year I have been proud to lead a government that has been advocating for this transaction—not a week before an election, but a year. We wanted the people of this State to know exactly what we wanted to do and how we were going to spend the proceeds. We went to the people, and today we stand here with a mandate from the people of New South Wales. The Government was re-elected to lease 49 per cent of the electricity networks to deliver a once-in-a-generation investment program.

I note that not once since we have returned from the election have I had a question from the Opposition about the lease or the impact on prices, which highlights that the campaign it ran was nothing more than what Martin Ferguson said it was. If we lease the State assets we have funds that can be released for critical projects across the electorates of every member in this House, which will improve our quality of life now rather than years into the future. Today we heard about Sir Henry Parkes talking of the need for urgent action. That is exactly what we are doing with this program. They are critical projects that we all know must be delivered but that had been put in the too-hard basket for more than 20 years. They have not been delivered simply because the State has not had the capacity to fund them. That is the reason. When one announces projects one has to have funding to go with them. These are big projects that require funding.

**Mr John Robertson:** You're a genius, mate. People who worked with you said you were economically illiterate, and you're proving it today. I'm looking forward to my contribution, mate—some of your former colleagues at HSBC are in my speech.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I remind the member for Blacktown that he is on three calls to order.

**Mr MIKE BAIRD:** You can say whatever you want, mate; I know your source. These are critical projects that we have outlined. Importantly, the election result ends decades of dithering. We achieved what Bob Carr tried and failed to achieve in the late 1990s, when he found himself steamrolled by the unions. As the recent election showed, New South Wales Labor is now a fully owned subsidiary of Unions NSW and even the leadership aspirant from Kogarah—who is not in the Chamber, by the way—was recently slapped down by Sussex Street for even daring to question union control.

These bills are providing a mechanism through which we can deliver \$20 billion of new infrastructure and create 120,000 new jobs. They effect our mandate from the election which the Leader of the Opposition described as a referendum on this very question. We will improve the lives of people right across New South Wales and help unleash the potential of our great State now and into the future. Rebuilding NSW will ensure that, as our community and economy grow, the people of New South Wales benefit from vast improvements in transport, education, health, water, sports and arts infrastructure. A productive and growing economy allows us to continue to provide for the most vulnerable members of our community and to deliver government services more efficiently and effectively.

The Electricity Network Assets (Authorised Transactions) Bill 2015 delivers on our election commitment to undertake the lease of 49 per cent of the networks and our mandate to provide \$20 billion in new infrastructure. The Electricity Retained Interest Corporations Bill 2015 provides the protections for the State's interests into the future. What is important in this legislation is that the Government will undertake a 99-year lease of 49 per cent of the networks. It will continue to hold at least a 51 per cent interest in the networks. Essential Energy will remain 100 per cent in State control. We put in place the protections necessary to protect the public interest and we will put the proceeds to work in Rebuilding NSW.

This \$20 billion investment in infrastructure is made possible only by releasing capital locked up in the electricity network businesses and passing this legislation. That investment will transform this city and this State. In the city, \$14 billion will be invested in metropolitan infrastructure spread across all those projects we have articulated. In regional New South Wales there is a \$6 billion benefit including, roads, rail, bridges, water security, schools, hospitals, the environment and tourism. This is necessary because—and this was often lost in the debate—the population of New South Wales is projected to reach 9.7 million by 2035 compared with a current population of 6.3 million. This will drive significant increases in demand on existing transport, education, health and other social infrastructure. If no action is taken congestion costs alone are expected to increase significantly over the next 20 years, from about \$6.5 billion at present to close to \$30 billion. But it will also drive growth in the economy.

This is a once-in-a-generation investment in infrastructure will turbocharge the productivity of the New South Wales economy, which in turn will create jobs, improve the standard of living and boost our competitiveness internationally. Deloitte Access Economics found that the Rebuilding NSW plan will boost the economy by almost \$300 billion in just over 20 years and generate more than 120,000 jobs. I note the Leader of the Opposition has said that he wants New South Wales to be an economic powerhouse.

I would have thought a plan that delivered more than \$300 billion growth in the economy over 20 years and 120,000 jobs would be one the Leader of the Opposition would support. Alas, he did not. Based on the long-term relationship between State revenue and gross State product, State revenue will be close to \$4 billion more in 2035 as the economy will have grown. That is more money that can be invested in better services, safer communities, a better environment and more protections for those who are most vulnerable. The facts show that private investment in electricity networks also delivers lower prices.

**Mr John Robertson:** Oh please.

**Mr MIKE BAIRD:** That is the truth—as Martin Ferguson articulated. The evidence from other Australian States shows that the privatised networks keep downward pressure on prices. Real network prices have fallen 17 per cent and 18 per cent in South Australia and Victoria since those networks were privatised. Over the same period real prices have risen by 122 per cent in New South Wales, under Labor's leadership, and 140 per cent in Queensland. This legislation enacts the Government's price guarantee to make sure that that is the case.

The successful bidder must provide a guarantee that total network charges for the financial year ending 30 June 2019 will be lower than for the financial year ending 30 June 2014. This guarantee will be enforced by Allan Fels, who also reports that the Government confirmed the long-term leases will not put upward pressure on prices. I said during the campaign—and I say it here—that without the approval of Allan Fels the transactions will not proceed. As I have said previously, that advice will be disclosed publicly. This legislation puts in place additional protections to ensure that the public interest is protected.

**Mr John Robertson:** Who's paying him? Have you got his phone number as well?

**Mr MIKE BAIRD:** The package of protections is comprehensive. The member for Blacktown will have an opportunity to contribute to the debate.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! If the member for Blacktown continues to interject he will be removed from the Chamber.

**Mr MIKE BAIRD:** The State retains ownership of the assets. The State's retained interest in Ausgrid and Endeavour Energy will be held in an independent statutory corporation. The businesses will remain subject to regulation by the Australian Energy Regulator. New licence requirements will be established, including a substantial operational presence in Australia, conditions to manage business reliability, network performance and safety, improved planning and environmental regulation. The Independent Pricing and Regulatory Tribunal will ensure compliance with licence conditions and safety and reliability standards. There will be new step-in rights and stronger enforcement powers for the energy Minister, and tougher penalties. Unlike Labor, which ruled out electricity privatisation at every opportunity before the election—just as it did in 2007 and then took every opportunity after the election to sell off the State's electricity assets—we were up-front with the people of New South Wales.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I remind the member for Port Stephens that she is on three calls to order.

**Mr MIKE BAIRD:** We said exactly what we were going to do, and we received a mandate to do it. The bottom line is this: We will lease some existing assets, we will use the proceeds to invest in new assets and at the end of the day we will own both. Labor and the unions ran a vicious and xenophobic scare campaign. I have to comment on this. [*Extension of time agreed to.*]

I have read the inaugural speech of the member for Lakemba and have commented previously on the remarks of the member for Kogarah. My hope is that those opposite will repel against any similar campaign that is run in this State. On this side of the House we support foreign investment. We are happy to have the current



protections in place, and the Foreign Investment Review Board [FIRB] will look at those protections. I did not think I would see the Labor Party stoop as low as sending a message of not being interested in foreign investment.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The Leader of the Opposition will come to order. He has made his contribution to the debate.

**Mr MIKE BAIRD:** Two days after the election former Labor Treasurer Michael Egan said:

Labor's argument that the sale of the electricity networks would raise prices was completely bogus. The so-called national security argument against privatisation was no more than xenophobic dog whistling. ... Labor has to grow up.

Passing this bill is crucial to the future of the State. The people sitting in their cars on the M5 or the M4 have waited long enough. People standing on crowded trains or waiting at crowded train stations have waited long enough. Regional communities have waited long enough for quality roads, schools and hospitals. The projects that will be funded by the long-term lease of these assets will improve our quality of life as we build these projects. Labor opposes this legislation, but we believe the State has spoken. The people of this State have waited too long and we are going to deliver for them.

**Mr MICHAEL DALEY (Maroubra) [4.52 p.m.]:** I contribute to debate on the Electricity Network Assets (Authorised Transactions) Bill 2015 and its cognate bill, the Electricity Retained Interest Corporations Bill 2015. The modus operandi of this Government has been on display for the past four years, and is well and truly on display again today in respect of both the introduction of these cognate bills and their content. For four years this Government, when presented with a choice, has chosen not to disclose. It is the same with these bills—the Government is not transparent; it is trying to keep crucial details secret.

There is no good reason to bring on these bills for debate now except if the aim is to hide details from the people of New South Wales. We know, from the sordid tale of UBS officers being monstered by staff from the Premier's office during the election campaign, that is exactly what the Government intends to do in respect of this transaction. It is a shameless tale of stifling the facts and hiding the truth while appealing against the Australian Energy Regulator [AER] ruling in order to keep electricity prices artificially high in this State and fatten the lamb for sale.

What worries me most about these bills is the unfettered power given to the Treasurer to do, in effect, whatever she wants with the electricity assets currently owned by the people of New South Wales. According to clauses 11 and 12, she may do and effect anything she wants. This is the same Treasurer who bailed out of the Transport portfolio and gave the poor old former Treasurer a hospital pass that even Jillian the Builder cannot fix. We have heard that there will be an automatic reversion to the people of New South Wales after a 99-year lease. But clause 5 (1) (b) bells the cat when it says that the electricity assets will be leased for an initial term of 99 years. There could have been a clause mandating a return to the people of New South Wales upon the expiry of those leases, but that clause is not in this legislation.

In clause 6 there is an interesting calculation of the 49 per cent of assets that will be disposed of. The clause states that it is an average of 49 per cent. It is apparent from these bills that, while 100 per cent of TransGrid is going and 50.4 per cent of both Ausgrid and Endeavour Energy are going, the Government is yielding 100 per cent of control of all the entities that are presently government owned. The structure set up by the cognate bill—the Electricity Retained Interest Corporations Bill 2015—is to establish corporations called electricity retained interest corporations, or ERICs. In respect of these bills the only thing I am grateful for is that former Treasurer Roozendaal is not presiding over them, because we can imagine the public outcry if he had created a corporation called an "ERIC" and enshrined it in legislation. Putting that aside, all the assets of TransGrid, Ausgrid and Endeavour Energy will be disposed of under this legislation.

The ERICs will then hold a 49 per cent interest. However, the nature of the shareholding is not set out and the entitlements of the shareholding are not set out, but apparently will be in documents that we will not see. ERICs will have boards appointed for them but there will be no requirement for public representation on those boards. Instead, they will comprise Mike Baird's mates from the top end of town—the Chum Darvalls—no doubt all being paid a nice, fat sinecure for sitting on the board. The boards will not be subject to the direction of the Treasurer or the Government. So although the people of New South Wales will own the ERICs they will have no right to control them or even to know what is going on behind closed doors with respect to the billions of dollars in assets that they will continue to hold.

The legislation provides for no guaranteed place on the board of the newly privatised entity. Apparently that will all be embodied in transaction documents, which will also be secret. Board members of the ERICs—if they get a seat on the privatised entities—will be in a minority. They will be in a minority on every matter to do with the retained interest of the electricity industry, which is worth billions of dollars. The message to the people of New South Wales is that billions of dollars of their money will be locked away in these assets and they will have no say in the running of them and no right to know. They will have no right of governance or duty to report matters to the Parliament. We are told that the boards will have some reserve powers.

But that is not in the bill; it will be in the transaction documents, the contracts and the constitution, which will be set up either in secret or post facto the transactions. All this should have been released so the people of New South Wales could inspect the documents before these transactions proceeded. The documents should have been drafted and put before the upper House inquiry, but this Government is so arrogant it will not even wait for that inquiry to report before introducing this legislation and ramming it through this place. The biggest gimmick is embodied in clause 8—the so-called electricity price guarantee. This is the most shameless piece of legislative gimmickry I have seen in my 10 years in this place. The clause says of the price guarantee:

- (a) the authorised network operator's total network charges for the financial year ending 30 June 2019 will be lower than the network operator's total network charges for the financial year ending 30 June 2014;

It is the Australian Energy Regulator [AER] that sets network prices. The first point is that the Government is appealing against that and the second point is that the AER has already made a ruling for the next four years. I am surprised that Allan Fels has lent his name to this; it is the greatest piece of legislative trickery I have ever seen. No doubt he will be getting paid a nice fat fee as well for doing nothing, because he has no power over network prices whatsoever—he knows it and the Government knows it. It is a shameless stunt of the highest order.

The thing that saddens me most is the betrayal of the loyal workers who currently work for the State-owned enterprise. The Premier said on 10 June last year that there would be employment guarantees. When we look through this legislation we can see no job guarantees. In fact, it says that they do not even have to consent; the Treasurer can issue a direction in writing to all these workers and say, "You do not work for the Government anymore. Start with the privately owned entity on Monday." There is no issue of consent. That does not sound like a job guarantee to me. This legislation could have required the private entities, once they buy these assets, to keep these poor buggers on for one, two, three or five years. The Treasurer had the opportunity to insert that provision into this bill and she failed.

The Treasurer has let these government workers down and we intend to move an amendment in respect of that in the upper House. There is no protection whatsoever of regional assets, no offices have to stay open, the assets can all be disposed of, the staff can be got rid of; they do not have to keep a regional presence. All The Nationals members who are mouthing off to me in this State should hear this on behalf of all the people in the regions and all the people who work for these entities in the regions: You guys have just rolled over to the city Liberals; shame on you.

Clause 76A contains step-in rights. Most of that is dealt with under the rules of the National Electricity Market. There are no details in the legislation and apparently we are going to have to wait for those as well. This bill leaves more questions unanswered and facts hidden from the people of New South Wales than it discloses. It is typical of the way Mike Baird rolls. Underneath the baby-blue eyes there is a great deal of arrogance, and that is what ultimately brings governments undone—Kennett, Greiner, Howard. This bill will be a stain on this place for evermore.

**Mr ANTHONY ROBERTS** (Lane Cove—Minister for Industry, Resources and Energy) [5.02 p.m.]: I speak in debate on the Electricity Network Assets (Authorised Transactions) Bill 2015 in my capacity as the State's energy Minister and I support this historic legislation. This legislation is about setting the foundation for a strong, long-term future for New South Wales. It signals a future where we can invest \$20 billion in new vital infrastructure, boosting the economy by almost \$300 billion and generating more than 100,000 jobs over the next 20 years. It is a future where the private sector can rapidly lead the development of innovative new energy products and services for the benefit of customers.

Technology is rapidly and permanently changing the energy sector. It is impacting all elements of the energy supply chain. It is diversifying power sources away from large-scale coal and gas-fired power stations towards large- and small-scale renewables, to storage and to poly-generation. Most importantly, it is

empowering consumers. By inviting private sector participation into the management and operation of the New South Wales electricity network businesses, this legislation recognises the structural shifts facing our electricity networks.

**Dr Geoff Lee:** Tell us the answer.

**Mr ANTHONY ROBERTS:** You ask me to tell you and I will. As the member for Parramatta knows, network businesses of the future will need to be nimble and flexible. They will also need to be innovative in the way they design and operate their networks. The "dead hand" of government is not good at being nimble and flexible. The future I am talking about belongs in the realm of the private sector. Let me make it clear that this legislation is about the management and operation of electricity networks. Policy direction and decisions will remain with the New South Wales Government.

Evidence presented by Ernst and Young demonstrates that private sector management of electricity networks in Victoria and South Australia has resulted in declines in long-term average network prices. In contrast, prices at publicly owned electricity networks in New South Wales and Queensland have more than doubled. There are no benefits for anyone if that situation continues. The opportunity to improve the operating efficiency of our network businesses has been highlighted by the Australian Energy Regulator. It has stated that the most efficient electricity networks by far were those owned or managed by private sector operators. A comparison of the average household network charges clearly illustrates this fact.

In Victoria, households pay between \$467 and \$874 per year for electricity network costs. That compares with \$919 per year for households in Endeavour Energy's area of operation and \$1,147 in Ausgrid's area of operations. The statistics are clear. By leasing these assets, the Government will be able to inject capital into projects which will provide exciting benefits to communities in New South Wales. These include an additional \$1.1 billion to invest in the northern and southern extensions to WestConnex along with the western harbour tunnel; an extra \$7 billion for Sydney Rapid Transit to fully fund a second harbour rail crossing; \$2 billion for schools and hospitals; \$4.1 billion for regional transport; \$1 billion for regional water security; \$300 million for regional tourism and the environment; and \$1.2 billion for a sports and cultural infrastructure fund.

If the New South Wales Government does not proceed with this legislation, \$20 billion in funding will remain locked up in mature electricity assets. That is funding that would not be available for important projects to continue building our State's economy. The recycling of funding for new infrastructure projects is something this Government has already done successfully on a number of occasions. During his time as Treasurer, Premier Baird successfully refinanced the Sydney Desalination Plant, the leasing of Port Botany and Port Kembla, and the leasing of the Port of Newcastle. All those projects brought in proceeds well above expectations, and all of those projects, it gives me no pleasure to inform the House, were opposed by Labor.

Our record is clear. Our ability to get the best outcome for the State in these transactions is stated, it is correct and we have proved it time and again. By leasing these assets we are guaranteeing a better future for the people of New South Wales. We are guaranteeing a policy framework that protects consumers and supports innovative energy product and service delivery. We are guaranteeing that customers—the households and businesses of New South Wales—will reap the benefits. I commend the bill to the House.

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

## **FAIR TRADING LEGISLATION (REPEAL AND AMENDMENT) BILL 2015**

**Bill introduced on motion by Mr Victor Dominello, read a first time and printed.**

### **Second Reading**

**Mr VICTOR DOMINELLO** (Ryde—Minister for Innovation and Better Regulation) [5.10 p.m.]:  
I move:

That this bill be now read a second time.

I am pleased to introduce the Fair Trading Legislation (Repeal and Amendment) Bill 2015. This bill provides for the repeal of four Acts, three of which are surplus to current regulatory needs; and amends the Fair Trading

Act to include the consumer claims jurisdiction for the NSW Civil and Administrative Tribunal. I am pleased that my agency, NSW Fair Trading, has taken the lead in proposing areas of red tape reduction and where unnecessary regulation can be removed as Fair Trading has accumulated around 40 pieces of legislation which it administers. At its core the Innovation and Better Regulation portfolio is about protecting consumers, reducing the regulatory burden for businesses and modernising the way Government interacts with its citizens. We want to encourage more businesses from interstate to set up shop in New South Wales and we will encourage them to do so by reducing red tape.

Within the Department of Finance, Services and Innovation we want to do our bit to reduce the regulatory burden on businesses and consumers and we will be looking closely for unnecessary laws, regulations and fees which can be repealed from our statute book. The Government has a one-on, two-off policy for reducing regulation and red tape, which commenced on 4 April 2011. Over the past four years, this one-on, two-off policy has made clear this Government's commitment to reducing red tape and regulatory burdens on businesses in New South Wales. The results speak for themselves: We have repealed more than 220 legislative burdens since April 2011 and introduced only 47 to deliver a ratio of one on, five off. These reductions in red tape will save businesses up to \$750 million by June this year.

New South Wales is now first in Australia's economic performance rankings, up from number eight under those opposite; New South Wales has enjoyed 15 months of positive business confidence; New South Wales is the fastest growing economy in Australia that has stimulated more growth and jobs; the New South Wales Liberals and Nationals have balanced the budget, we have secured the triple-A credit rating and our policies have helped to create over 145,000 jobs since April 2011. The New South Wales Government will continue to take action to reduce red tape across government, and I look forward to making further announcements about how we will tackle red tape and burdensome regulation at a later date.

In relation to the reform process, the processes that led to the repeal of these four Acts commenced at the beginning of 2013 with an issues paper setting out potential repeals. NSW Fair Trading received submissions from affected industries and peak bodies including the Law Society of New South Wales, the Tenants Union of NSW, Fitness Australia and the Real Estate Institute of New South Wales. As a result of that consultation, this bill has been prepared and proposes to repeal the following Acts: HomeFund Commissioner Act 1993, Fitness Services (Pre-paid Fees) Act 2000, Landlord and Tenant Act 1899, and Consumer Claims Act 1998.

In relation to the HomeFund Commissioner Act 1993, the commissioner's office was established on 10 May 1993 to deal with complaints from people who had mortgages under the now defunct HomeFund Scheme. By December 1993, about half of all HomeFund borrowers had refinanced and all complaints were resolved by 30 June 1997. The appointment of the last HomeFund commissioner ended on 31 December 1997 and the HomeFund commissioner's office was abolished in June the following year. The repeal of this Act would not impact on the still operational HomeFund Restructuring Act 1993, which is substantially administered by the Minister for Finance, Services and Property. Some provisions of that Act that have been administered by NSW Fair Trading are to be repealed. This presents no impediment to the immediate repeal of the HomeFund Commissioner Act.

The purpose of the Fitness Services (Pre-paid Fees) Act 2000 is to prescribe minimum consumer protection requirements, including trust fund provisions, when consumers pay in advance for fitness services—exercise classes, fitness assessments, gym memberships and so on. The Act sought to reduce the risk of consumer loss by limiting the maximum period for pre-paid fitness services fees to 12 months. Where the supply of fitness services has not yet commenced, the Act requires that pre-paid fees be held in a trust account. Where services are not provided within three months, pre-paid fees must be refunded. Since the Australian Consumer Law commenced in January 2011, it has addressed the consumer protection issues identified for pre-paid fees for fitness services.

Of particular relevance is the Australian Consumer Law prohibition on accepting payment when there is no intention to supply the goods or services or there are reasonable grounds for believing the supplier will not be able to supply within the time specified, section 36; and the guarantee that services will be supplied within a reasonable time, section 62. The Australian Consumer Law also prohibits unfair contract terms in standard form contracts and unfair practices, additional protections for consumers of fitness services. Breaches of these relevant sections of the Australian Consumer Law also carry far greater penalties than those prescribed in the Fitness Services (Pre-paid Fees) Act 2000. Where breaches of the previous Act carried a maximum penalty of 40 penalty units, now \$4,400, the Australian Consumer Law states that:

Breaches of the ACL's criminal offences are subject to criminal fines of a maximum of \$1.1 million for a body corporate and \$220,000 for a person other than a body corporate.

The Australian Consumer Law enables the repeal of industry-specific regulation, such as the Fitness Services (Pre-paid Fees) Act 2000, as consumer protection is clearly more completely provided by the national and modern law. Apart from the general consumer protections in force under the Australian Consumer Law, the fitness industry practices associated with the introduction of the Act are no longer prevalent. The majority of fitness contracts no longer require substantial pre-payment; and the voluntary Fitness Industry Code of Practice prohibits pre-payments beyond 12 months. The potential consumer detriment that the trust fund provisions of the Act were designed to prevent is no longer substantial and does not warrant the associated significant administrative costs in the maintenance of trust accounts.

Given that this proposal will remove existing trust fund requirements; this proposal incorporates clear and identifiable reductions in regulatory burden which contribute towards meeting the Government's red tape reduction targets. The Government estimates that the repeal of the fitness services regime would reduce costs for 1,050 fitness service businesses across New South Wales. Currently they have to open a trust account, keep pre-paid fees in that account and manage the accounts, that is, keep records and provide receipts, et cetera. These reforms are expected to save the fitness industry in New South Wales \$75,600 per year in compliance costs as well as saving 3,150 hours per year that would otherwise have been spent keeping records and filling out paperwork. Some savings and transitional provisions are made for the protection of any moneys that have been pre-paid for the provision of a fitness service, under an agreement made immediately before the repeal. Accordingly, there is no impediment preventing an immediate repeal of this Act.

The Landlord and Tenant Act 1899 once applied to all tenancies in New South Wales. The Act was effectively replaced by specific and modern residential tenancies legislation initially by the Residential Tenancies Act 1987 and, later, the Residential Tenancies Act 2010. A number of provisions contained within the Act have been repealed over the years and the Act now contains only a small number of provisions, mainly dealing with eviction processes in Local Courts. The modern day tenancy laws—most recently updated in 2010—provide for eviction through the NSW Civil and Administrative Tribunal, rather than through the courts.

The Act has no practical application or relevance in today's society where there are specific laws dealing with residential, retail, agricultural and other forms of tenancies. Whilst the Property Law Committee of the Law Society of New South Wales suggested that there was utility in maintaining some sections of the Act during the consultation process, the Chief Magistrate of the Local Courts has advised that cases under the Act are very rare indeed. The Chief Magistrate provided details of only five matters under this Act in the past five years to 2013, each of which appears to have been a misguided application with none proceeding to hearing and all being settled out of court.

An example of this is a matter brought to Sutherland Local Court in 2007 which related to commercial premises which the landlord claimed to have lawfully re-entered and taken possession of under the lease before the tenant had re-entered and resumed possession. The matter was considered a misguided application of the Act and was subsequently settled after the return date. However, to ensure there is no potential exposure for existing agreements which may fall within the scope of the Act from the repeal, it is proposed to provide for its repeal no later than five years after the date of assent to this proposed Act to allay any concern that the Act still may have some utility.

This bill repeals the Consumer Claims Act and transfers the essential provisions of that Act to the Fair Trading Act 1987 in order to preserve the existing jurisdictional coverage of the NSW Civil and Administrative Tribunal for consumer claims. The consumer claims jurisdiction is a vital limb for a consumer protection regime in New South Wales. It gives consumers access to low-cost dispute resolution where a trader has failed to supply goods or service as promised. In Victoria, the equivalent provisions for tribunal jurisdiction are included in the primary consumer protection legislation of Victoria, the Australian Consumer Law and Fair Trading Act 2012. It is considered that this is an excellent model for New South Wales.

For the purposes of the jurisdiction, a consumer claim is defined as a claim by a consumer for the payment of a specified sum of money, or a claim by a consumer for the supply of specified services, or a claim by a consumer for relief from payment of a specified sum of money, or a claim by a consumer for the delivery, return or replacement of specified goods or goods of a specified description, or a claim by a consumer for a combination of two or more of the remedies that I have referred to, that arises from a supply of goods or services by a supplier to the consumer, whether under a contract or not, or that arises under a contract that is collateral to a contract for the supply of goods or services.

This proposal also includes a minor modification that is made to the term "banker" and references to administrative agencies and persons as a consequence of the merger with the Fair Trading Act and the use of

similar words in that Act. However, those changes have been kept to the minimum necessary in order to preserve the existing jurisdiction to hear a consumer claim and to update the provisions consistently with contemporary drafting conventions. Where the repealed Act provided a procedural order power which the tribunal has under the Civil and Administrative Act 2013, it is not duplicated. An example of such a procedural power that will now reside in the tribunal's Act is the power to make orders with conditions. This is an uncontroversial proposal as it consolidates the low-cost dispute resolution aspect of our consumer protection regime into a single overarching Act—the Fair Trading Act 1987.

Other changes which amend the legislation and make references consistent with the Government Sector Employment Act 2013 commence on 1 July 2015 when the Department of Finance, Services and Innovation comes into being. In conclusion, the bill provides for the commencement of the repeal of the Fitness Services (Pre-paid Fees) Act 2000, the Consumer Claims Act 1998 and the related amendments as appointed by proclamation. The Landlord and Tenant Act 1899 will be repealed five years after the day on which the relevant section commences or on an earlier day as appointed by proclamation. The repeal of the HomeFund Commissioner Act 1993 will commence on assent. As Minister for Innovation and Better Regulation I am pleased to lead on the Government commitment to remove redundant and duplicative regulatory requirement through the Fair Trading Legislation (Repeal and Amendment) Bill 2015. I commend the bill to the House.

**Debate adjourned on motion by Mr Michael Daley and set down as an order of the day for a future day.**

## **ELECTRICITY NETWORK ASSETS (AUTHORISED TRANSACTIONS) BILL 2015**

### **ELECTRICITY RETAINED INTEREST CORPORATIONS BILL 2015**

#### **Second Reading**

**Debate resumed from an earlier hour.**

**Mr ANDREW CONSTANCE** (Bega—Minister for Transport and Infrastructure) [5.23 p.m.]: I speak in support of the Electricity Network Assets (Authorised Transactions) Bill 2015, and cognate bill. It is important to note in this historic debate the reason that the Government is leasing the networks. We can build infrastructure in this State and pay for it in three ways. We can debt burden future generations, we can tax enterprise or we can engage in a strategy to recycle our capital. That is what we took to the election and we received a strong mandate to do that. We did it after seeking expert advice, not only from engagement within Treasury but also from engagement with outside experts—a key and strong team of financial experts led by UBS and Deutsche Bank, which prepared the necessary scoping work to give us the green light to embark on the lease transaction.

This State has no option, given the enormous costs associated with congestion, but to build the necessary public transport infrastructure in both regional and metropolitan areas, and at the same time improve infrastructure across the State for the betterment of every citizen in New South Wales. It is why the \$20 billion Rebuilding NSW plan is going to give an economic uplift in the order of \$300 billion to the State economy in the next 20 years, generating tens of thousands of jobs across the State and delivering back to Government significant returns in additional payroll tax receipts, stamp duty and the like. It will also bolster the State's productivity by tackling congestion. That again has been a key emphasis of the Rebuilding NSW plan and is also why we embarked on the strategy to recycle capital.

We have proved to be adept at recycling capital initiatives. During the last parliamentary term we saw the successful leasing of generators, the desalination plant and the ports, which allowed for investment in infrastructure throughout the State. Indeed, when one looks around the State, one sees it has been an infrastructure-led recovery. New South Wales has gone from being the worst State under Labor, ranked eighth, to now being the number one State. We will hold that position for many years to come if the legislation is passed by the Parliament. During the election campaign Labor members ran one of the most duplicitous campaigns anyone could possibly imagine, particularly given what we have seen under Labor in previous years. There was no doubt prices would be reduced by the regulator in the next regulatory period. However, one thing we do know is that private sector engagement, as evidenced in other jurisdictions, also results in lower prices for consumers. The private sector not only brings expertise to drive out the gold plating of infrastructure, it also drives efficiencies in workforce performance and productivity.

We have seen enormous gold plating of the industrial agreements of the electricity workforce of this State for many decades. I have argued clearly that the behaviour we have seen, the excessive allowances generated by the union movement against the interests of consumers, coupled with pay increases and benefits, have led to electricity prices that have put enormous pressure on households and stripped consumers. This must be stamped out. That is why we prosecuted the case for recycling capital to invest in infrastructure and ultimately it will result in far better operations for these businesses.

It is somewhat bemusing that the Leader of the Opposition has used the tactic of being against the Electrical Trades Union by supporting wholeheartedly the final decision of the Australian Energy Regulator [AER]. Therefore he should now answer a couple of questions. First, what is his position now on the dividends for the businesses that during the election campaign he argued generated \$1.7 billion per annum? I would like his answer because on every analysis the dividends are dropping away because of the regulatory reset associated with the AER determination.

If the Leader of the Opposition has taken on the position of the regulator, if he is looking to drive costs out of these businesses, and doing so before the lease transactions commence, I would have thought that was something that those who might be looking to take on these leases would be very interested in. It is interesting that the Leader of the Opposition has taken that stance, because backing the regulator in these ways would lead to some pretty interesting outcomes in terms of where he has been placing his argument.

I join the Premier in expressing concerns about what went on during the election campaign. The messages sent around the world can only be described as a xenophobic and racist rant from those involved. The television advertisements put on commercial networks in the weeks leading up to the election targeted one particular nationality—when we had not even entered a bidding phase associated with these transactions—because a number of Government members, quite rightfully and responsibly—as one does as Ministers of this State—welcomed our largest trading partner. We have trade worth some \$30 billion per annum with China. To hear the Labor Party, in conjunction with the union movement, running a campaign about ownership was an absolute disgrace. I call on every member of the Labor Party to reflect on the very nature of the campaign.

As the Premier alluded to, there is appropriate regulatory oversight in place when it comes to foreign investment. That is why any foreign investor looking to take part in this transaction will have to go through the Foreign Investment Review Board. The Labor Party has learnt absolutely zero. I call on its members to back our plan in. I call on them to take a different approach. There are enough members of the Labor Party calling on Labor to do so—Michael Costa and Michael Egan, for starters. The Labor Party would be doing itself an enormous service politically if it were to support this legislation, because in a bipartisan way there is recognition from this Parliament that the wish of the people of New South Wales is to get on and rebuild this State and build the necessary infrastructure, from great public transport infrastructure through to regional-based infrastructure. We cannot lose this once-in-a-generation and once-in-a-lifetime opportunity.

**Mr RYAN PARK (Keira)** [5.33 p.m.]: I speak to these very important bills, the Electricity Network Assets (Authorised Transactions) Bill 2015 and the cognate Electricity Retained Interest Corporations Bill 2015. At the outset I will outline exactly what is going on here, so that everyone is clear. Conveniently, this has been termed the largest transaction that this State will ever engage in. This is complex legislation, yet it is being rushed through with little debate.

**Mr Alister Henskens:** Ten months.

**Mr RYAN PARK:** Sorry. Just for your—

**The ASSISTANT-SPEAKER (Mr Andrew Fraser):** Order! I remind the member for Keira that he should direct his comments through the Chair.

**Mr RYAN PARK:** Mr Assistant-Speaker, I was dealing with the interjection. For the benefit of the member, this thing here—it may be somewhat difficult for the newbies—is called a bill, or legislation.

**Dr Geoff Lee:** Point of order: Mr Assistant-Speaker, I ask you to remind the member that he should address his comments through the Chair and not be argumentative. I submit that the member is flouting your ruling.

**The ASSISTANT-SPEAKER (Mr Andrew Fraser):** Order! I uphold the point of order. I remind the member for Keira that I asked him to direct his comments through the Chair.

**Mr RYAN PARK:** This is complex legislation—

**Mr Mark Coure:** There are no pictures in it.

**Mr RYAN PARK:** I will speak slowly for the newbies. This is complex legislation on a large and complex transaction, as has been acknowledged by the Government. So why are these bills being allowed to lie on the table for only a day? I will tell the House why: because there is a large, high-profile sporting event this evening and the Government does not want the discussion tomorrow to be about the selling off of a publicly owned asset that provides this State's budget bottom line with hundreds of millions of dollars each and every year. I will get to that revenue issue in a moment. No, the Government does not want to be talking about that; it wants to be talking about State of Origin and have this legislation go through under cover of darkness.

Premier Mike Baird is a very good-looking man, and a very polished man. He wears a nice suit, and he is probably a nice guy. But he is becoming sneaky. How could you describe as anything other than pure sneakiness a decision to rush through the State's largest transaction? I ask members opposite to forget for a moment the notes that they got from the Premier's office and the Treasurer's office and to ask themselves this question: Why must this bill be debated in a day? Why is the Government conveniently having this debate on State of Origin night? And why would it not allow adequate time—as is the case with all other legislation—for these bills to be reviewed? I remind the House about the lengthy debate we had in the previous term on that very complex legislation called a libraries bill—very complex, very difficult, volumes of words, and 34 Government members spoke to it.

**Dr Geoff Lee:** Point of order: I ask that the member be directed to return to the leave of the bill.

**Mr RYAN PARK:** Mr Assistant-Speaker, I am speaking within the leave of the bill.

**The ASSISTANT-SPEAKER (Mr Andrew Fraser):** Order! I remind the member for Keira that the bills are about the lease of electricity assets, not libraries.

**Mr RYAN PARK:** I was comparing the complexity and import of the Electricity Network Assets (Authorised Transactions) Bill 2015 and the cognate bill and the time that members such as the shadow Treasurer and shadow Cabinet, and members of Parliament have had to look at these bills, compared with the amount of time this House spent last year debating that very important, perhaps a fraction less complex, libraries bill. If members on the Government side say, "Mike Baird is not sneaky," I ask them to explain why a libraries bill was debated for days and weeks on end, reviewed and analysed, yet a bill to dispose of the State's largest transaction will be rushed through on the night of State of Origin.

Ours is a provincial government, which means that it cannot raise revenue by imposing income tax. State governments deliver essential services. However, members opposite are yet to explain how the Government will pay for those essential services when the cash flow from the electricity businesses ceases. Where will the Government find the money to pay for teachers, nurses, police officers, dock workers, and public transport workers? Members opposite always claim that the budget is under stress and that Premier Mike Baird is losing \$1 billion down the back of the lounge each time the Government delivers a budget. Where do they get off saying that they will sell these assets and get an initial cash injection but not explaining to the people of New South Wales how they will replace that cash flow?

We cannot talk about potential revenue. I emphasise the word "potential", because members opposite are making promises to their electorates that involve money that is not yet in the bank. I do not want to do what some in The Nationals want to do; that is, to print money. We will not have a State mint. If the Government is including the sale proceeds in the capital side of the budget, what will happen to this minor element of the budget referred to as "recurrent spending"? We have the capital budget and the recurrent budget. One covers large infrastructure capital projects and it is separate from the recurrent budget, which covers everyday service delivery.

This Government has failed to explain to the people of New South Wales how it will fill that gap. It has failed to explain why a bill about libraries was debated for weeks, yet legislation dealing with the largest transaction this State will ever undertake is being rushed through this place in a matter of days. This legislation is being rushed through under the cover of the State of Origin match. Time and again we spend days and weeks debating bills that are nowhere near as detailed and complex as these bills. Shame!



**The ASSISTANT-SPEAKER (Mr Andrew Fraser):** Order! I am not sure that the member for Keira addressed the legislation before the House.

**Dr GEOFF LEE** (Parramatta—Parliamentary Secretary) [5.43 p.m.]: I support the Electricity Network Assets (Authorised Transactions) Bill 2015 and the cognate Electricity Retained Interest Corporations Bill 2015. At the recent State election the Baird Government sought a mandate to enter into a long-term lease of the State's poles and wires. The Government was up-front and transparent about its intentions and released the proposed infrastructure plan, which detailed a once-in-a-generation opportunity to build long-overdue infrastructure. This plan will turbocharge New South Wales by delivering \$20 billion worth of investment in infrastructure, creating more than 100,000 jobs and delivering a \$300 billion economic boost in a little more than 20 years. The two million people who live in Western Sydney will benefit from a more than \$10 billion investment in new infrastructure such as roads, rail, schools and hospitals. The plan will ensure that infrastructure investment not only keeps pace with growing demand but also delivers solutions for the future.

**The ASSISTANT-SPEAKER (Mr Andrew Fraser):** Order! If Opposition members wish to have a private conversation they should do so outside the Chamber. The member for Bankstown will resume her seat; she is blocking the passageway. She should read Standing Order 54.

**Dr GEOFF LEE:** I know that members opposite are eager to get to the State of Origin match. The Government's plan is vital for Western Sydney because its population is projected to grow by another one million residents over the next 20 years. Western Sydney needs more transport links, affordable housing, local jobs, and accessibility to arts, entertainment and sporting recreational venues. The Rebuilding NSW infrastructure plan is exciting news for Parramatta. The plan provides for investment to extend WestConnex, to improve connectivity and to alleviate congestion. Work has already started in Parramatta and when it is completed motorists will be able to save an estimated 40 minutes and avoid 52 sets of lights on a trip from Parramatta to the airport, and 25 minutes and 25 sets of lights on a trip from Parramatta to the city.

This investment is vital for businesses across Western Sydney to improve productivity and connectivity. Our rail system will also be improved dramatically. The Rebuilding NSW investment plan commits the Government to providing a second harbour crossing and the Sydney Rapid Transit [SRT]. The SRT and the \$1 billion committed to upgrading the western line will increase capacity by 60 per cent. It will also deliver more trains and reduce travel times. Parramatta will also benefit from a commitment to delivering more express peak-hour train services from Parramatta to the Sydney CBD and a \$100 million boost for Parramatta River ferries with 80 extra weekly services. I acknowledge that the member for Drummoyne is also looking forward to those additional ferry services on the Parramatta River.

Under the plan, Parramatta will receive an additional \$600 million for a light rail service. That is a significant boost to the \$400 million already committed in the 2014-15 budget. Light rail will be a game changer for Parramatta and surrounding suburbs. It will shape the future development of our city, and facilitate business growth and productivity. Light rail is a cost-effective way to reduce road congestion, which now costs the New South Wales economy about \$5.1 billion a year, and that cost is expected to rise to \$8.8 billion by 2021 if nothing is done.

**Mr John Sidoti:** What about the Parramatta Powerhouse?

**Dr GEOFF LEE:** I acknowledge that excellent interjection. Parramatta is a powerhouse. The people of Parramatta appreciate the Parliamentary Secretary for Transport and Roads' support; he is clearly interested in reducing congestion and I thank him for that. In my inaugural speech in 2011, I talked about great cities having integrated, accessible and convenient transport options along with vibrant arts, entertainment and cultural precincts. I said that Parramatta needed a road map for the next 20 years. We now have a commitment for the creation of a Parramatta cultural precinct and relocation of the Powerhouse Museum to Parramatta. This will cement Parramatta's position as a must-see tourist, education and family destination.

The family friendly demographic that the Powerhouse Museum pursues is well matched for Western Sydney because it has so many young families looking for affordable, accessible and exciting entertainment. The museum's relocation will provide a catalyst for growth in arts and culture in Western Sydney. Parramatta Stadium is also in contention to receive some of the \$600 million that will be invested in sporting infrastructure. I have been a long-time advocate of making Parramatta Stadium a 35,000 seat international boutique venue as part of a larger integrated sporting precinct. The demand is there and we have the need; we just need the

investment, not just for Parramatta but for the whole of Western Sydney for the next 25 years. Investments in the Powerhouse Museum and a sporting precinct have the opportunity to leverage the recently announced \$2 billion State significant heritage precinct at North Parramatta.

Rebuilding NSW will also invest \$100 million in the State's first vertical high school located on the Arthur Phillip site in the Parramatta CBD. Parramatta residents will benefit from state-of-the-art teaching facilities, both for primary and high school students, for generations to come. I note that the principal of Arthur Phillip High School said it was a much-welcomed addition and the teachers are looking forward to that wonderful high school. Actually, it is more like \$120 million that we will invest in state-of-the-art learning conditions and flexible learning spaces.

**Mr Damien Tudehope:** Schools of the future.

**Dr GEOFF LEE:** As the member for Epping said, they will be schools of the future. They will provide every student who goes to a school in Parramatta the opportunity to achieve all that they can and all that they want, and ensure future success.

**Mr Mark Coure:** A ladder of opportunity.

**Dr GEOFF LEE:** The member for Oatley is absolutely right when he says it is a ladder for opportunity. We want to encourage students to go to the University of Western Sydney—which is spending more than \$120 million building a city campus in the heart of the Parramatta CBD. Students will be able to walk out the door of the vertical primary school, into the vertical high school and into the Parramatta CBD campus of Western Sydney—a complete continuum of state-of-the-art twenty-first century education for our wonderful students. The benefits of the Rebuilding NSW investment plan mark the beginning of very exciting times in New South Wales and continue its economic trajectory as Australia's number one State. We are very passionate about New South Wales and Parramatta. We on this side are very excited, we are positive, forward-looking. We are delivering the infrastructure today for the future.

We understand that it is not all right to sit there and say we can wait for the future. We care about the State's future, we care about infrastructure and we care about congestion; that is why on this side we are committed to these bills. The New South Wales Government is committed to delivering this infrastructure that will make a real difference in people's lives, improve business confidence and drive productivity. Most importantly, the New South Wales infrastructure plan delivers for Parramatta. I will not reiterate all those wonderful projects because there are far too many to mention. This plan lays down the foundations to firmly establish Parramatta as the capital of Western Sydney. It is for these reasons I commend the bills to the House.

**Mr DAVID HARRIS** (Wyang) [5.52 p.m.]: I speak this evening with a mandate from the people of Wyong to oppose the Electricity Network Assets (Authorised Transactions) Bill 2015 and the cognate Electricity Retained Interest Corporations Bill 2015 to lease the New South Wales electricity network. I looked up the definition of "mandate" and it means that by being elected the people of my electorate have given me the authority to act in a certain way. That is the way that I am acting, the way they told me they wanted me to act. My mandate for this position comes from gaining 51.2 per cent of the primary vote and more than 58 per cent of the two party preferred vote, which is higher than when I was elected to Parliament for the first time. My mandate comes from holding conversations with my community through mobile offices, doorknocking 22,000 homes and making 15,000 phone calls. The message was clear as I went around the electorate: Do not touch our public assets.

**Dr Geoff Lee:** What did your union mates say?

**Mr DAVID HARRIS:** I was not a target electorate. What they told me was that we should never privatise natural monopoly public assets where there is no reasonable competition. What people said to me was that they paid for the infrastructure through their working life, particularly the older people. They said they paid for the infrastructure and it is not the Government's to sell because they own it. Let us analyse the Baird Government's promises on electricity privatisation. The majority of the assets remain in public ownership. Any close scrutiny shows this to be a mistruth at best.

Once The Nationals insisted that there was no touching Essential Energy their claims became quite misleading. After adjusting for the retention of Essential Energy the State will retain less than a 38 per cent interest in the other three agencies, therefore losing control. These bills get rid of 100 per cent of TransGrid,

50.4 per cent of Ausgrid and 54 per cent of Endeavour, and as the shadow Treasurer said, it gives total control to the private sector. The more honest statement from those opposite would be that the Government intended to retain only 49.6 per cent, thus losing control of the two agencies, with no shareholding in TransGrid at all.

The Liberal Party promised people that prices would not rise; they said the campaign to stop the sell-off because of a price rise was not true. In this legislation we now find that guarantee lasts only until 2019, or until the next election, and that is a very short-term promise. We always said, and we were honest with people, that prices will go up; they always go up. This is a fact that people understood in my area. Their electricity bills are made up of several charges, one being the network charges, and given that an independent organisation, the Australian Energy Regulator [AER], determines these charges how will the Electricity Price Commissioner make any difference at all? This is nothing more than a complete stunt.

There are serious questions about the proceeds promised by the Baird Government. As Professor Bob Walker pointed out in his submission to the parliamentary inquiry, with \$13 billion net from the sale, the book value of the three agencies as at 30 June 2014 totalled \$29.7 billion. Forty-nine per cent—which the Government says it is selling—equates to \$14.6 billion, but the three agencies have borrowings of \$15.2 billion. On top of that there are provisions for accrued employee benefits of nearly \$1.4 billion. The Government has to explain whether it is passing on that debt to these new groups it is forming, or whether it is retaining those debts on behalf of the people of New South Wales. Whatever the outcome is will affect the final price. The \$13 billion net is not written in stone, it is what the Government hopes for and, given the shopping list, anything less will cause massive problems.

The \$2 billion from the Federal Government is yet to be passed by the Senate. If at least part of the estimated net proceeds are to be spent on new infrastructure before the 2019 Commonwealth deadline then some of those funds will earn interest for only a short period of time, leaving the \$20 billion bucket short by billions of dollars. The Government has taken a gamble and given people a lot of figures, but when you drill down it is quite possible, more than likely, that the Government will not get anywhere near the funds it is talking about. The Commonwealth money comes in two instalments. The second instalment comes only after the sale is completed and infrastructure construction has commenced. That means some of the money has to be spent, and the Government is not getting interest on that money either. The figures are very, very rubbery.

During the election campaign I spoke to many workers from the industry. Members might be surprised to learn that their main issue was not about their jobs—although that was very important to them—but service delivery and safety. They related examples of service cutbacks that are already occurring as their agency is readied for sale. They were quite desperate about that. They said cuts to staffing are already making a dangerous job even more perilous. Under privatisation we are looking at cutbacks in staff. They are seeing it already and they know what will happen. The replacement of streetlights has been cut back already and other upgrades to important infrastructure are being delayed so that the price is better and better for any potential buyer. These workers are proud of the service they provide and they are very concerned that privatisation will impact on service delivery to the community.

We have examples of lack of investment and maintenance in States where government assets have been privatised, with the Victorian Bushfires Royal Commission highlighting what happens when private companies do not invest in infrastructure. On the Central Coast during the recent storms we saw the great work that Ausgrid, Endeavour Energy and Essential Energy did in restoring power to affected communities. In stark contrast, is the lack of service from the privatised Telstra. We see that once companies have been privatised service delivery comes second to profit. The north Central Coast was built on the back of the power industry and the jobs are essential for the local economy. I have a mandate from my electorate to protect local Ausgrid jobs, and that is why I will oppose this legislation.

If the Baird Government thinks this is such a good deal, why is it being so secretive about it? Why will it not wait for the upper House inquiry to conclude? Why is the Government rushing this legislation through so quickly? It knows that the longer the legislation is available for scrutiny, the more things people will find wrong with it. The Government will try to get this legislation through the Parliament as quickly as possible. A factor that most concerns members on this side of the House is the loss of income from dividends. The current agencies are highly profitable and for some strange reason they have changed their reporting practices to hide this fact.

In fact, if proper business accounting is used Ausgrid's return on equity is 82.8 per cent and Endeavour's is 80.8 per cent, which is very efficient according to private sector benchmarks. The fact is that

without the electricity dividends this Government would have recorded deficits in each of its previous four years in office. This income will be lost to the budget in subsequent years—revenue that was used to pay for nurses, teachers and police. These new assets will be money-eating assets not money-making assets, unless massive tolls are put on them and people are charged to use skyscraper classrooms. This loss of revenue will mean that New South Wales will become more and more reliant on stamp duty and payroll tax to fund essential services—a precarious position at best.

Another matter of great concern is that privatisation has resulted in a major reduction in training for trades and has given rise to skills shortages. The evidence is that privatisation of assets has resulted in a reduction of investment in apprentice training. Dennis and Toner identified in a report in 1999 that the transfer of ownership of major electricity assets resulted in a reduction in the number of apprentices and other forms of training or cadetships for people undertaking engineering degrees, leading to skills shortages in the electrical trades and fewer technicians. This year we learned that the major electricity companies are taking on no new apprentices. This will lead to further skills shortages in the future. I could go on about the problems with these bills and the great record of the previous Government on projects such as the Port Macquarie hospital, but I will leave that for another time. [*Time expired.*]

**Debate adjourned on motion by Mr Lee Evans and set down as an order of the day for a future day.**

**The House adjourned, pursuant to resolution, at 6.03 p.m. until  
Thursday 28 May 2015 at 10.00 a.m.**

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