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LEGISLATIVE ASSEMBLY

Tuesday 15 September 2015

ABSENCE OF THE SPEAKER

The Clerk announced the absence of the Speaker.

The Deputy-Speaker (The Hon. Thomas George), in the absence of the Speaker, took the chair at 12 noon.

The Deputy-Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

PHILIPPINE AUSTRALIAN CULTURAL CENTRE

Mr KEVIN CONOLLY (Riverstone) [12.14 p.m.]: Today I inform the House about the Philippine Australian Cultural Centre [PACC]. It has taken more than 25 years but finally Sydney Filipino community members have a home to call their own. Back in the 1980s the dream of having a permanent gathering place was launched in a borrowed old government shed at Marrickville. From there it was decided to purchase a property at Duke Street, Rooty Hill, and to that end the Sydney Filipino community was successful in obtaining a loan and undertook various fundraising activities. In 1990 the Duke Street property was purchased and a small dwelling was built on that site. For many years thereafter the community struggled to make the loan repayments and to raise the funds necessary to develop the site in accordance with its vision of building a centre that would enable members to celebrate, commemorate and gather in numbers.

However, despite their efforts over many years, it proved difficult for them to raise sufficient capital to do that at Rooty Hill. In 2008 a decision was made to sell the Rooty Hill property and to move to a larger property at Grange Avenue, Schofields, in my electorate. It was believed that the purchase of the 5.5 acre property would provide scope to build in the future and to further develop that community vision. But the same challenges continued in servicing the loan and trying to raise the capital needed to erect a building on that site. The struggle continued. Many thousands of people from that background live in the Blacktown local government area.

Dr Geoff Lee: And Parramatta.

Mr KEVIN CONOLLY: I point out to the member for Parramatta that this is one community where Blacktown is the centre of the universe. Indeed, it is a natural focus for the Sydney Filipino community. The good news is that as a result of the vast uplift of values in the Sydney property market and the rezoning of the precinct in which this Schofields property fell, the community has recently been able to sell the Grange Avenue property for enough money to clear its debt and to purchase a building in an industrial area at Blacktown. The community will now have full ownership of that property, no debt and the

capacity to move forward in the future to adapt and renovate that property as necessary. After 25 years of struggle it is a wonderful opportunity for Filipino-Australians to now have a permanent home in which they can realise their dreams. But that dream is one that is shared by many different ethnic communities.

In my time as the member for Riverstone I have been approached by a number of different ethnic, cultural and religious associations all looking for exactly the same thing—namely, a home to call their own where they can work together and make it a focus for their cultural, religious or ethnic groups—but it is a particularly difficult challenge in today's real estate market. For electorates such as mine, located on the fringe of urban development where rezoning is taking place within the North West Growth Centre—I imagine it is similar in other parts of the fringe areas of Sydney—the zoning of land in new precincts makes it extraordinarily difficult for groups like this to provide what I would call "cultural infrastructure" or non-government community infrastructure. These days land is zoned for business or residential purposes, parkland or government schools; there are really no other categories. It is almost impossible for groups to be able to afford to buy-in and establish this sort of community infrastructure. I put it to the Government that we will need to face this challenge in the future because these groups are important to our communities. We need to find a way forward.

TRIBUTE TO JIM MAYNARD

Ms PRUE CAR (Londonderry) [12.19 p.m.]: Some people leave an indelible mark on us, even if we have known them for only a relatively short time. I am speaking about a man who did that for me. Most importantly and more significantly he left a mark on thousands of people in the communities I represent in this place. I say thank you to the one man truly synonymous with the suburb of Tregear in my electorate of Londonderry, the late and great Mr Jim Maynard. I first came to know Jim almost immediately after I was preselected by the Labor Party to contest the electorate of Londonderry at the 2013 election. Jim took me under his wing as a matter of urgency. He was no doubt encouraged by his close ally and good friend of many years, Blacktown Councillor Charlie Lowles. Before I could barely blink I was accompanying him to meet the Tregear Public School parents and citizens association, which he had set up 44 years earlier. On the way to the meeting at the school, we walked through the Jim Maynard covered outdoor learning area. He was obviously someone special.

A few weeks later, I brought my friend Sophie Cotsis, then Labor shadow Minister for Housing, and a Channel Ten news crew to Jim's house to shine a much-needed light on the issues facing people living in NSW Housing properties. Jim was a powerful advocate in this space. I know he would want me to be too, so I will be. Shortly after, I was speaking with him on the phone. We were pleased with our joint efforts to raise important issues in the difficult-to-crack public arena. Jim told me he was taking it upon himself to be my guardian angel. His words touched me then and do so even more now. After introducing me to the crowd of the Tregear Presbyterian Church, Jim and I and my then one-year-old son, dressed as an elf, ended the year at the church Christmas carols. It was a fun and special memory which always comes to mind when I think of Jim.

In 1965 Jim came to Sydney with his wife, Margaret, and young family from Romford in north-east London. They soon settled as one of the new families in the new suburb of Tregear. His community work began almost immediately. He set up the parents and citizens association and started the Tregear Festival, which is now a regular and popular fixture on the local calendar. After a long battle with cancer, Jim passed away the night before the Tregear Festival in August 2014, which turned into a moving and poignant tribute to him. He spent a lifetime of service dedicated to the improvement of his community. At the Tregear Festival two weeks ago, Blacktown City Council unveiled the sign "Jim Maynard Park" after dedicating the large park where the festival is celebrated every year to Jim—a giant in our community. The park, which is the physical and spiritual centre of the suburb, now serves as a perpetual reminder of the positive influence that one person can have on a community.

To me, Jim Maynard will always be emblematic of all that is good about the great people of the western suburbs of Sydney. They are hardworking, generous and spirited, giving of their time and

opinions. Above all, they are passionately committed to a better life for their children and for the generations to come. I use this opportunity to thank Blacktown City Council, most especially Councillor Charlie Lowles and the unstoppable mayor Stephen Bali for giving Jim the honour he deserves through the naming of Jim Maynard Park. Thank you, Blacktown.

Jim lives on through his enduring legacy and his five children—Michael, Roy, Neil, Teresa and Kathleen. I am happy that Teresa and her family are in the gallery this afternoon. I visited a very sick Jim during one of his stays at the Mount Druitt Palliative Care Unit. We had a wonderful conversation about the burning issues of the day and he told me he wanted to stay on to see me get here. It was not to be. I can think of no better way to pay homage to him than to fight in this Parliament for the values of fairness, equality and opportunity. Jim did that for his community every day. Thank you, Jim Maynard. Vale.

The DEPUTY-SPEAKER (Mr Thomas George): On behalf of the House I extend sympathy to Jim Maynard's family and acknowledge a man who was such a great contributor to his community.

TWEED HOSPITAL

Mr GEOFF PROVEST (Tweed) [12.24 p.m.]: I praise the Tweed Hospital, a great institution within the Tweed electorate, and pay homage to the hardworking administrative staff, clinical staff, cleaners and everyone involved with that hospital. The *Tweed Daily News* stated:

The Tweed Hospital has bucked a North Coast trend and improved its treatment times despite a rise in emergency department admissions over the past year.

New figures for the April-June quarter show 84 per cent of Tweed emergency patients were treated and discharged within four hours.

It was better than the 73% State average and 2% better than the same period last year.

But it still fell below the 90% national health total.

I praise all the hospital staff and, in particular, the nurses, doctors and other clinicians at the hospital. Theatre nurses do an excellent job and are the unsung heroes in our operating theatres. For the April-June quarter there were 8,374 front-door admissions, an average stay of 2.6 days and 11,546 emergency department admissions. There are around 35,000 emergency admissions at the Tweed Hospital every year and a big percentage of those admissions come from across the border. Also within the April-June quarter, 84 per cent of patients left within four hours, which is a great credit to staff, 310 babies were born and 877 elective surgeries were performed.

Before the election the hardworking Minister for Health made a commitment—she is following up on that commitment—to complete stages one and two of the \$48 million hospital upgrade. Dr Ian McPhee, a member of the Tweed Heads Medical Staff Council, has been working tirelessly with other clinicians and also with NSW Health senior staff. Sam Sangster visited Tweed Heads recently. Last week the landmark decision was announced of the appointment of a project management team, which is the next step in the upgrade of the Tweed Hospital. Our area is unique with around 20,000 home sites to come online in the next three to seven years. The Tweed Hospital has been recognised by the Minister for Health and her staff, and the appropriate resources are being allocated for its upgrade.

Four weeks after the election senior meetings were held within the Tweed Hospital. I pay credit to the General Manager, Bernadette Loughnane, a legend at that hospital. Morale is at an all-time high. There is a great deal of community satisfaction with the high level of treatment provided to the Tweed community and that level of service will only improve after \$48 million worth of renovations. The Tweed Hospital has great staff. When I visit the hospital I often speak to staff from pathology, the mental health unit and the operating theatres. I have visited the operating theatres as a patient, which is why I support

theatre nurses, who are the backbone of our hospitals. Tweed Hospital is scoring above the State average and it is able to continue that trend only because of the hardworking doctors, nurses and other staff, and the commitment from the Minister for Health and her staff.

Part of the Government's role is to provide adequate resources to those hardworking staff so they can do what they do best—make sick people better. I take my hat off to them. They are a legend in my town and they will continue to grow with the support of this Government. I hate to say it, but certain Labor identities, like Walt Secord, in recent times, have criticised those hardworking doctors and nurses. We call him Fly in Fly out Walt. The Government is committed to the local hospital system. [*Time expired.*]

Dr GEOFF LEE (Parramatta—Parliamentary Secretary) [12.29 p.m.]: I reiterate that the Government supports hospitals in the electorate of Tweed. I am sure the House would agree that the hospital system, under the wonderful Minister for Health, has never been better. I also pass on my support to the clinicians at Westmead Hospital and Chief Executive Danny O'Connor for the great work they do in looking after the people of Western Sydney.

PORT KEMBLA AND ROYAL CARIBBEAN CRUISES

Mr LEE EVANS (Heathcote) [12.29 p.m.]: I recently had the great pleasure to attend the announcement of the intention by Royal Caribbean cruise line to berth at Port Kembla from October 2016. This is a major coup for the port and will be a huge boost to the Illawarra. The *Illawarra Mercury* online said:

The Royal Caribbean's mega liner will bring in 2400 guests each time it docks at Port Kembla for day trips, injecting \$890,000 into the local economy.

Mr Gavin Smith, Regional Vice President of Royal Caribbean, joined Wollongong Councillor Leigh Colacino and Destination Wollongong General Manager Mark Sleigh, as well as the harbour master and representatives from the port, to make the announcement. Councillor Colacino said it had been more than 240 days since Destination Wollongong General Manager Mark Sleigh and he had ventured to the Sydney offices of Royal Caribbean to pitch the idea. I give full credit to Councillor Leigh Colacino for his hard work. This is another landmark achievement that he has perceived, planned and delivered. This enterprise and his other projects, such as the Bald Hill redevelopment and the Grand Pacific Drive, will transform Wollongong and the Illawarra. Mr Gavin Smith, Regional Vice President of Royal Caribbean, said in the *Illawarra Mercury*:

I'm thrilled to announce we will be bringing one of the largest and most feature-packed mega liners in Australian waters to the South Coast of NSW, when Port Kembla becomes the newest destination for Radiance of the Seas ...

In the same article, Destination Wollongong General Manager Mark Sleigh said:

It is terrific that one of the world's leading tourism operators has seen the potential of Wollongong as a genuine, world-class tourist destination ...

Cruising is a booming tourism industry in Australia and the visit by the Radiance of the Seas will bring an influx of visitors to our shores and allow us to show off Wollongong and the South Coast to a whole new audience across the world.

The article continued:

While the inaugural visit by the Radiance of the Seas is a momentous occasion for the region, the sight of cruise ships off the coast could become more common in the future.

The port of Port Kembla is fast becoming one of the Illawarra's prime employers. This announcement will turbocharge the local economy. As a spin-off from the project, local businesses will have the opportunity to offer goods and services to the cruising clientele as well as to the shipping line. I am confident that this announcement is just the beginning of new opportunities of which the Illawarra can take full advantage. I congratulate all involved, but I have to single out ward 1 Councillor Leigh Colacino for special mention. As chairman of Destination Wollongong, he dreamed big enough to make this landmark announcement happen. His foresight will turbocharge the Illawarra region's economy with jobs and business opportunities into the future. I congratulate the port of Port Kembla.

MOUNT DRUITT HOSPITAL VOLUNTEER SERVICES

Mr EDMOND ATALLA (Mount Druitt) [12.33 p.m.]: I acknowledge the important work done by the dedicated volunteers at Mount Druitt Hospital. These hospital volunteers have a proud history of serving the Mount Druitt community for more than 30 years. Volunteers have contributed their time to the hospital since it was opened by Queen Elizabeth II in 1982. In particular, I acknowledge the hospital volunteers engaged in the running of the kiosk, gift shop, flower trolley service and patient transport services. Not only have volunteers been engaged in quality service delivery; they have been great fundraisers for the hospital. I understand that since 2008 the kiosk has raised more than \$1.4 million and the gift shop more than \$600,000. That money has been used for many improvements to the hospital, including the purchase of medical equipment such as a ventilator, an electrocardiogram [ECG] machine, speech pathology laptops, a cardiac monitoring system, a gastroscope for the operating theatre and ultrasound equipment.

At a time when the New South Wales Government has cut \$3 billion from the health budget, the contributions made by the Mount Druitt hospital volunteers are significant. Owing to the successful fundraising efforts of the volunteers and the hospital's limited funding capacity from its allocated budget, Mount Druitt Hospital administration regularly submits wish lists of equipment to be purchased by the volunteers. I understand that the current wish list is for new medical equipment worth more than \$205,000, including a \$90,000 anaesthetic machine. I have no doubt that the Mount Druitt Hospital volunteers continually outperform volunteer services at much larger hospitals.

Sadly, over the past few years the New South Wales Government has created uncertainty about the continuation of Mount Druitt Hospital as a fully functional hospital. Control of the kiosk finances has been outsourced to a private contractor, which has created more uncertainty and insulted volunteers. I call on the Premier and Minister for Health to end the speculation and support Mount Druitt Hospital and its volunteers. The Premier must rule out the threat of the outsourcing of volunteer services at Mount Druitt Hospital. I thank kiosk volunteer coordinator Mrs Margaret Thurlow and all the volunteers for their dedication and service to the Mount Druitt community over the past 30 years. I look forward to their continued success.

MANILLA MANELLAE LODGE

Mr KEVIN ANDERSON (Tamworth) [12.36 p.m.]: I bring to the attention of the Parliament the great work of regional hospitals in the electorate of Tamworth. Much is being done to encourage continued investment in the upgrade of those hospitals to ensure that they keep pace with community expectations. I was delighted to announce on Friday 11 September significant funding of \$196,240 for the refurbishment of Manellae Lodge, which is part of the Manilla Multi Purpose Service in my electorate. I visited the 20-bed aged care facility in June this year and spoke with residents, who said that their facility needed some tender loving care and that they would love to see it freshened up.

The facility is home to many people. When people enter an aged care facility they often take with them photos, furniture and memorabilia because it becomes their home. I gave the clients at Manellae Lodge a commitment that if funding were available for maintenance then I would do my best to ensure that it happened. It is great to see that funding has been made available. I went to see the Minister for

Health, who listened very carefully to my plea for the upgrade of the facility. I told her that it was desperately tired and needed tender loving care, and I put a proposal to her. I then rang Hunter New England Health Chief Executive Michael Dirienzo and told him that we had to help the residents and breathe new life into their environment. Mr Dirienzo said that if I could raise some money he would match it dollar for dollar.

The Minister kindly provided funding of \$76,240. The Chief Executive of Hunter New England Health did better than matching it dollar for dollar: he gave \$120,000. The total amount of \$196,240 was handed over to hospital manager Rose Foale on Friday 11 September to begin the upgrade of Manellae Lodge, to breathe new life into it and to give it tender loving care. I was joined by the chair of the local health service committee, Peter Dutton. I am delighted to say that the refurbishment, which includes a coat of paint, new blinds and built-in wardrobes in each of the 20 rooms, will brighten the rooms and common areas. It is important to ensure that our aged care facilities feel like a home away from home for residents, so I am delighted to be able to provide this funding for the work to be done.

Our smaller hospitals play a vital role in our communities, and improving our local health services is part of my vision for building a better region. I sincerely thank the Minister for Health, for listening and understanding and knowing how important it is for those smaller centres to have continued investment. I also thank Hunter New England Health's Michael Dirienzo, who freed up funds to make this possible. Manilla is a great town, and I look forward to continuing to do what I can to support the town in every way. I thank the Hunter New England Health staff, who do a wonderful job. In particular, I thank the staff at the Manilla Multi Purpose Service, with whom I had morning tea. They have my utmost respect and my continued support, and I thank them for their efforts.

MOOREBANK MATERIALS RECYCLING FACILITY

Ms MELANIE GIBBONS (Holsworthy) [12.41 p.m.]: About 1½ hours ago the Planning Assessment Commission [PAC] gave approval for the Moorebank Materials Recycling Facility to go ahead. Stringent conditions apply, nevertheless it will go ahead. I am very disappointed with this decision by the PAC. About 1,300 local residents attended a protest meeting and voiced their objections. They did everything they possibly could to be heard. They did a brilliant job but, unfortunately, this facility has been given the go ahead. I do not understand why. It causes me a great deal of distress that local residents will have to deal with pollution and health impacts from this facility, as well as increased traffic on their roads.

I believe that many parts of this facility's application were not properly considered. The PAC looked at the fact that under Liverpool Local Environmental Plan 2008 the site is zoned EN2 environment conservation but that the facility can be permitted on the site with consent as long as the consent was granted prior to 1 September 2018. Since 2008, which is many years ago, hundreds of homes have been built in the surrounding areas. Blocks of land that are currently being cleared on the New Brighton Golf Club site were not taken into consideration at all. In fact, the application does not even mention the possibility of these homes and yet people are looking to purchase them now.

Many people on a neighbouring site at Georges Fair were not aware of this facility when they purchased their land. They were not given adequate information; there was only a letterbox drop to the couple of homes that had already been built. I do not believe that that is good enough. The proposed facility was not properly publicised in the local papers and the company did not make every effort to inform people of this application. The local environmental plan I have referred to was done under an administrator for Liverpool City Council. The current council is very much against this development going ahead. The council's voice, my voice, the Federal member's voice and the voices of community members should have been heard.

The concern is the health of local residents, particularly those who, in good faith, purchased blocks of land and designed their dream homes and took on large borrowings to make it happen. Obviously, they are concerned about the health of their families in what otherwise would be a beautiful,

peaceful area in which to raise a family. The area is near shops, schools and bus stops, and it has good access to the city and great employment opportunities. These people considered it to be a safe place, but all of a sudden a materials recycling facility is to be built right next door. Recently, also to my disappointment, the PAC gave concept approval to the Sydney Intermodal Terminal Alliance [SIMTA] to be built less than four kilometres away from the Moorebank recycling facility.

I do not know how much particulate matter PM10 and PM2.5 the area can take without causing greater health risks to our children and young people, especially asthma rates. The particulate matter PM10 and PM2.5 are caused by dust and the particles can travel a long way. In particular, PM10 can reduce air quality up to 45 kilometres away, yet the Moorebank Materials Recycling Facility is a distance of 35 metres from homes. It causes me a great deal of distress, particularly as the SIMTA facility will be just four kilometres away. The Federal Government has said that it has a proposal from the Moorebank Intermodal Company seeking to handle 1.55 million containers and up to an unlimited amount. So we could expect anything in this area. It is a particularly worrying time for many local residents. I will be looking at what we can do to assist these local residents. As I have said, I am disappointed with this outcome and I indicate that we will definitely continue our fight.

PARRAMATTA FEMALE FACTORY

Mr JAMIE PARKER (Balmain) [12.46 p.m.]: A few weeks ago, on the steps of this historic Parliament House, I accepted a petition of more than 10,000 signatures calling for the Parramatta Female Factory to be nominated for UNESCO World Heritage listing and for the site to be managed in line with the Burra Charter. The Parramatta Female Factory, built between 1818 and 1821, is Australia's oldest existing female convict establishment and rivals Tasmania's Port Arthur in its heritage significance. The State of Tasmania has protected and enhanced Port Arthur, showcasing its heritage values and social history to the benefit of public knowledge and State tourism. The Cumberland Hospital precinct, which includes the Parramatta Female Factory, deserves the same protection and investment.

In this State the Government has installed UrbanGrowth NSW to build 3,900 apartments in buildings of up to 30 storeys as part of the 31-hectare Parramatta North Urban Transformation Program. The very heritage values and economic benefits that would come from a World Heritage listing, or even national heritage listing, are being threatened by the overdevelopment of this site. Significant changes need to be made to the proposed Parramatta North Urban Transformation Program, otherwise it will substantially monster the heritage buildings in the area and degrade their value and amenity.

It has been raised with me that there is an inherent conflict in UrbanGrowth NSW managing the Parramatta North Urban Transformation Program site. I again raise my concern that every member on the board of UrbanGrowth NSW has either a real estate or development background. The board of that organisation has shown insufficient diversity of expertise to advocate for heritage and social priorities at the highest level of decision-making. Encouragingly, the Federal Minister for the Environment, Greg Hunt, announced in August that the Female Factory precinct will be assessed for national heritage listing. The community is calling for a halt on the UrbanGrowth project until the national heritage listing has been assessed. At the same time, the Federal Government is being urged to fast-track the assessment.

The Construction, Forestry, Mining and Energy Union announced that it is imposing a green ban on the Female Factory site. This has special significance considering that 188 years ago the Parramatta Female Factory was the location of the first recorded industrial action in Australia. In 1827 the women at the factory went on strike for improved wages and conditions and forced a backdown from then Governor Brisbane. When accepting the petition of more than 10,000 signatures, I gave an undertaking to bring it into the Legislative Assembly. Unfortunately, the petition omitted one simple sentence: the preamble "To the Honourable Speaker and Members of the Legislative Assembly". I will be seeking the support of the Government, including my friend the member for Parramatta, who is here today, to ensure that the petition is brought on for discussion in this place. The petition demonstrates a significant amount of concern around this site. It is clear that we need to do everything possible to ensure that this magnificent

heritage precinct is protected for all Australians.

The long-term view is often missing from major civic projects, as we have seen writ large in New South Wales. The community is concerned about whether short-term and medium-term profits for big developers, contractors and investors will trump the long-term goals of the community and the protection of this important heritage site. I congratulate and commend all those in the community who have expressed their concern and have demonstrated their care and commitment to heritage in the area. I commend particularly the energy and perseverance of the North Parramatta Residents Action Group, the Parramatta Female Factory Friends and all the community supporters who have dedicated themselves to protecting and enhancing this precious jewel in the heart of Western Sydney. The Greens will continue to work alongside the community to ensure the Parramatta Female Factory Precinct, one of Australia's historically significant sites, is preserved and protected for generations to come.

I have great memories of Parramatta pool, which I visited as a youth. It was always a wonderful place to visit. We must all stand up for our important heritage, whether it is in our electorate or around the State. The preservation of heritage in my electorate was what first motivated me to participate in the local community. I work towards the preservation of important and significant heritage in my local community and as a member of this Parliament I look around the State for the preservation of other important heritage areas. In my view, the Parramatta Female Factory is an area of significance without challenge. It is important that all members in this place stand up for heritage in our own electorates and around the State. I encourage the Government to reconsider its decision and to work with UrbanGrowth for a better outcome on this site. I have spoken to the member for Parramatta about this issue and I encourage him to work for the protection of this important heritage site.

Dr GEOFF LEE (Parramatta—Parliamentary Secretary) [12.51 p.m.]: I congratulate the member for Balmain on his interest in the North Parramatta heritage precinct. It is truly Australia's premier heritage precinct, comprising some of the best early colonial buildings in Australia which show the richness of Australia's European fabric. I can assure the member for Balmain that this Government will be delivering \$100 million worth of investment in the adaptive reuse and refurbishment of those wonderful buildings, including the Female Factory and the Norma Parker Correctional Centre. These buildings will be open to the public in order for people to discover our early Australian history. I can assure the member for Balmain also that I will be working very hard to ensure that Parramatta is known for its wonderful heritage. This Government is driving tourism and the refurbishment and preservation of the North Parramatta heritage precinct.

TRIBUTE TO JEFF MAYBURY

Mr CLAYTON BARR (Cessnock) [12.52 p.m.]: Today I pay tribute to the life of Jeff Maybury, Cessnock's longest serving councillor and one of our true rough diamonds. Jeff Maybury was first elected to council in 1981 and when he died two months ago he was still a councillor, some 34 years later. Jeff's political career was defined by his unending focus on results over process. For Jeff, rules were there to be bent, if that is what it took to get a result for the people he represented. And he got many results. He won a lot more battles than he lost.

Stories abound of stunts, protests and events thought up by Jeff Maybury to get a point across or to get something done. My personal experience was during the huge brawl over the future of Kurri Kurri Hospital following the Garling report under the former Labor Government; John Della Bosca as health Minister was threatening to close Kurri Kurri Hospital. My predecessor, Kerry Hickey, and Jeff hatched a plan to turn the tide. Kerry convinced the health Minister to visit the hospital and Jeff organised a crowd to greet him. When the Minister arrived at Kurri Kurri Hospital, on a day when the temperature was 40-plus degrees, Jeff had managed to get 1,500 people there to gather in protest. Needless to say, the hospital still operates to this day.

One of Jeff's finest achievements and greatest sources of pride was Peace Park at Weston. It

remains one of the most popular weekend family spots in the whole of my electorate. Sprawling across both sides of the road at Chinamans Hollow, many people said it would never work. But it does. It is a place for picnics and parties and it has a warm environment in which families can relax and play. It exists in large part because of the efforts of people like Councillor Jeff Maybury and, before him, Mr Jack King. Whilst council was Jeff's main outlet for contributing to the community, it was far from his only one. Jeff worked with the St Vincent de Paul Society, visiting struggling people at home, delivering their meals or helping them with simple little things they could not do for themselves. His daughter gave the example of Jeff buying a fridge for a woman who did not have one; he used money out of his own pocket to fulfil the vision of St Vincent de Paul.

Basic decency and kindness and looking after local people—that is what Jeff Maybury did and what he was about. He also served in the Citizen Military Forces, known as the CMF or the Reserve Forces, and he made a huge contribution over decades to the Weston RSL Sub-Branch. The secretary of the sub-branch described Jeff as "a real mover and shaker"; he was the bloke to see if you wanted to get something done. The Weston Tidy Towns Committee was another of his causes. He would be hassling politicians for grants funding one day and charging around on a ride-on lawnmower the next. At Jeff's funeral, a donation box for the committee overflowed, giving Tidy Towns one last reason to thank him. I must declare that Jeff once came to see me about a fine he had received for not having a cover on his Tidy Towns trailer, which was full of rubbish and clippings. Unfortunately, I was unable to have that resolved with the Minister and he had to pay the fine.

Jeff was a life member of the Labor Party, achieving 40 years' service in 2011. I was honoured to be on hand at our State conference to receive Jeff's life membership on his behalf and to take it back to his local branch of Weston and present it to him at a luncheon. Forty years of service, regardless of whether it is in politics or community service, is something to be proud of, and Jeff covered both bases. Jeff and his wife, Pat, celebrated 50 years of marriage in March this year, just a few months before Jeff's death. Theirs was a great partnership based on a loving bond. Pat has my sympathies and those of many others across our community, as was demonstrated at Jeff's funeral which attracted well over 1,000 people.

As Jeff's illness took hold, fellow councillors marvelled at his resilience and dedication. In the weeks before he passed away he kept turning up to council meetings; he still attended every council meeting, every briefing and every site inspection. On the last Wednesday of his life he attended a council meeting trying to get a street in his ward fully sealed for the benefit of the residents. A couple of things that happened in the week after he died told me everything I needed to know about the Weston community's regard for Jeff Maybury. The first was when I wrote a short tribute to Jeff on Facebook. My phone did not stop buzzing for two days as friends mourned and people shared comments and memories on the social media platform. The second demonstration of the community's high regard for Jeff was at his funeral when people arrived more than an hour early but could not get a seat. Jeff loved Weston and Weston loved him back. Vale Jeff Maybury, a man who simply did the right thing and did a great deal of good.

BLAND SHIRE EMPLOYMENT AND SERVICES

Ms KATRINA HODGKINSON (Cootamundra—Parliamentary Secretary) [12.57 p.m.]: Today I speak about employment opportunities in the Bland shire in the Cootamundra electorate. Recently I had the great honour of officially opening the West Wyalong Show. The weather was great, the skies were clear, the grass was green and the crowds were out in force. To top it all off, things are looking optimistic for this great town and for the Bland shire, with some really encouraging potential business opportunities emerging. The farmers, who are the backbone of this productive rural district, are happy, having had plentiful rain at the right time for their crops and grazing enterprises, and the West Wyalong Show was pumping. The significant farm machinery displays were another indicator of the good season we are currently experiencing. But it is not only the farmers who are happy.

I have been to West Wyalong several times recently and there is a really positive buzz around the town. Cowal Gold Mine was sold by Barrick to Evolution Mining, a Sydney-based Australian mining company with operations in Queensland and Western Australia. Evolution Mining sees its Cowal goldmine as its best asset, the cornerstone of its operations. Evolution plans to continue the great legacy of sound community relations, financial support and positive contributions left by Barrick, supporting and developing the mine well into the future. Currently around 350 people are working at the Cowal operation: 300 are employed directly by Argent and 50 are contractors.

The direct economic spin-offs from employment and services at Evolution's Cowal operation are indeed significant and of vital importance to not only West Wyalong's business community but to the communities of Forbes and Condobolin. However, Evolution's proactive community engagement and financial support also should be highlighted in this place. Amongst other initiatives, Bland Shire Council has received \$30,000 from the mine to support the employment of an Indigenous Culture Officer, and \$15,000 has been donated to West Wyalong High School as an annual scholarship. Impressively, \$85,000 was donated by Evolution Mining to Country Hope West Wyalong to support families with seriously ill children in accessing treatment away from home.

This money was raised entirely on site with profits from the mine's vending machines. Argent Minerals West Wyalong project is approximately 37 kilometres to the south of the Cowal goldmine and only seven kilometres from the West Wyalong goldfields that produced 445,700 ounces of gold from 374,111 tonnes of material in the gold rush between 1893 and 1921. At the turn of the century West Wyalong had the most productive goldfield in New South Wales. Argent Minerals recently finished aerial and on-ground geophysics surveys at the company's site at West Wyalong and confirmed a sizeable potential porphyry copper-gold target. While mining is still a long way off, with the company planning to drill test the target, the signs are encouraging and exciting for my electorate's employment prospects. There are extensive hurdles to jump and lots of work to be done before Argent's potential porphyry copper-goldmine is up and running.

However, if this mine proves economically advantageous and everything falls into place, the potential for employment is in the vicinity of several hundred jobs. With the typical lifespan of a mine being approximately 15 to 20 years plus, this could be another great boon for West Wyalong, for the Bland shire and for the surrounding district. It is terrific to see real potential for jobs and employment in the Bland shire and district. With the outlook for farming so positive, with the Bland Shire Council actively engaging with potential investors to create job opportunities and with Evolution Mining and Argent Minerals placing great faith in West Wyalong, the future is looking good for West Wyalong and district.

ROTARY CLUB OF ST MARYS

ROTARY YOUTH PROGRAM OF ENRICHMENT

Mrs TANYA DAVIES (Mulgoa—Parliamentary Secretary) [1.01 p.m.]: On Tuesday 1 September I had the pleasure of attending the Rotary Club of St Marys meeting at Twin Creeks Golf and Country Club. I was warmly welcomed by Rotary President Phil Martin and all my good friends at the Rotary Club of St Marys. I also had the pleasure of hosting a Penrith Anglican College's year 10 student, Oscar van Niekerk, who was undertaking his year 10 work experience placement with me for the week. Oscar was a very fine, polite and inquiring young man who was a pleasure to host. His behaviour and conduct reflected very well upon his family and school community. On this point, I also acknowledge the Penrith Anglican College's new headmaster, Mr Mark Lewis. Mark has taken over the reins of an extraordinary school, the Penrith Anglican College in Orchard Hills. I extend to him and his family my very best wishes as he leads a wonderfully dedicated team of teachers, support staff and students and their families.

During the Rotary Club of St Mary's meeting on Tuesday 1 September, Erskine Park High School students, Kaisee Tait and Anthony Halteh, spoke about their experience of the Rotary Youth Program of Enrichment, or RYPEN as it is known, which they attended with other young people from across Sydney

and regional areas of New South Wales. The program, which is sponsored by Rotary, takes year 10 and year 11 students on a camp for a weekend. The camp is structured to challenge the young people, to break down mindsets, to build networks and to foster a fun and safe learning experience. The students are urged to strive towards achieving their personal potential through lecture-style lessons as well as adventure-based learning. This program aims to encourage young people to form their own personal values and morals while learning about a series of ideas, confronting challenges and experiencing new social occasions. Rotary District 9800 facilitated the camp by leading the students and running the sessions. I thank the Rotarians for their commitment to making a difference in the lives of local young people.

Erskine Park High School students, Kaisee Tait and Anthony Maiteh, returned home from a thoroughly life-changing experience. Both reported that the key life lesson they took from the program was resilience. These exceptional young people went on to speak of how they felt stronger knowing who they were, and of now having the insight and skills to stand up against bullying and put-downs since attending the RYPEN camp. I commend the work of Rotary for its Youth Program of Enrichment but also for the work it does for our local communities across our nation as well as internationally. The object of Rotary is to encourage and to foster the ideal of service as a basis of worthy enterprise and, in particular, to promote the formation of acquaintance as an opportunity to serve, to attain high ethical standards in business and professions, to recognise the opportunity to serve others through one's occupation and to advance international understanding, goodwill and peace through an international cohort of professionals who are united in the ideal of service.

Rotary's international humanitarian involvement promotes world peace and understanding ranging from contributing to the fight against polio to providing education and water to developing countries as well as supporting nearly 8,000 Rotary Youth Exchange students. The Rotary Club of St Marys has served the community for more than 57 years and supported numerous projects and charities. On the night of the meeting at St Marys Oscar van Niekerk and I were asked to sign the guest attendance book, which has signatures dating from the 1960s. It was quite a piece of history that we held in our hands. Some of Rotary's major projects include the building of the St Marys Scout Hall, sponsoring the Eastern Room at St Marys High School, completion of the Rotary Park and playground, planting trees along South Creek, providing funds and labour for the St Marys Guides Hall and restoring the historically significant Bennett's wagon as well as the erection of a blacksmith's hut in South Creek Park.

The Rotary Club of St Marys has also supported Graffiti Removal Day and assisted in removal of graffiti from St Marys railway station and from shopfronts along Queen Street. Graffiti Removal Day 2015 will happen on 18 October. I encourage all local community groups, schools and individuals to get involved. Recently the Rotary Club of St Marys sponsored the St Marys Spring Festival, which was a fantastic day that brought together the community from both local and wider areas. I look forward to attending the launch next month of the St Marys Local Area Command Police Officer of the Year awards, which is an event also supported by Rotary. Internationally, Rotary is now more than 1.2 million people strong and has been running since 1905. I take this opportunity to congratulate the St Marys Rotary Club on the impact it is having on my local community, I also encourage those who are interested, especially young people, to get involved in local Rotary clubs.

Ms KATRINA HODGKINSON (Cootamundra—Parliamentary Secretary) [1.06 p.m.]: I congratulate the member for Mulgoa on drawing to the attention of the House the very important work of Rotary clubs throughout New South Wales, particularly the commendable work of the Rotary Club in Mulgoa, which supports local causes and undertakes international humanitarian efforts. Each member of Rotary deserves the commendation and thanks of this House for being wonderful members of our local communities. I thank the member for Mulgoa for drawing to the attention of the House an important community group, the St Marys Rotary Club.

DEMENTIA AWARENESS MONTH

Ms KATE WASHINGTON (Port Stephens) [1.07 p.m.]: On 1 September, as the deputy chair of Parliamentary Friends of Dementia, I was honoured to host the launch of Dementia Awareness Month in the Strangers Dining Room of Parliament House. The chair of Parliamentary Friends of Dementia is the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education, the Hon. Leslie Williams. The honour of launching Dementia Awareness Month was granted to me because of the prior commitments at budget estimates hearings of the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, the Hon. John Ajaka, and the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education, the Hon. Leslie Williams. I felt a little like the Steven Bradbury of the New South Wales Parliament!

It was a terrific honour to launch Dementia Awareness Month in front of almost 250 people. This wonderful event was organised by Alzheimer's Australia NSW, which did a terrific job. It was particularly relevant to me because of the people I represent in this House. Port Stephens is a place of great natural beauty and, because of its natural attractions, many people choose to live there and to move there to play and relax after completing their working life. According to the 2006-11 census, the largest demographic shift in Port Stephens was the number of people aged 65 and over increasing to just over 20 per cent of the electorate's overall population. In other words, one-fifth of the Port Stephens population is aged 65 and over.

The figures become more interesting when they are broken down further. Almost 40 per cent of the people living in the northern part of Port Stephens, which is known locally as the Port Stephens north shore—that is, Hawks Nest, Tea Gardens, Pindimar and North Cove—are 65 or over. Many of the electorate's older residents have lived in the community for a long time whereas others join us later in their lives. Our older residents are a terrific asset to our community in so many ways. They contribute enormously in many volunteer capacities by applying their significant experience, knowledge and energy. Those who join us later in their lives often leave their families and support networks behind. As they age they come to learn that it is difficult to access health services and public transport in regional communities. The townships of Port Stephens are beautiful, the communities are strong and there is a great appetite for learning. However, with the onset of poor health or diminished capacity it is easy for people to become isolated. Often such people have to move again in order to access the support that they need.

In the Hunter we have some of the highest rates of dementia in the State—a statistic that is only likely to increase. Dementia is a term used to describe the symptoms of a large group of illnesses that cause a progressive decline in a person's functioning. It is a broad term used to describe a loss of memory, intellect, rationality, social skills and physical functioning. Dementia is one of the most disabling diseases that our communities are experiencing. It is estimated that more than 342,800 Australians are living with dementia, a number that is expected to increase to 400,000 in less than 10 years. Without a major medical breakthrough the number of dementia sufferers in Australia is expected to soar to almost 900,000 by 2050.

Dementia is the single greatest cause of disability in older Australians and the third leading cause of disability burden overall. Australia faces a shortage of more than 150,000 paid and unpaid carers for people with dementia by 2029. Total direct health and aged care system expenditure on people with dementia was at least \$4.9 billion in 2009-10, and within two decades it will become the third greatest area of health and residential aged care spending. Dementia is a significant issue for us all, but particularly for those in areas like mine where the average age is high. I have seen the effects of dementia in my professional life as a health lawyer and in my own community. I come into this place with a genuine desire to improve policy and to provide practical and meaningful support for those suffering with dementia and their loved ones and carers.

BANKSTOWN LOCAL BUSINESS AWARDS

Mr GLENN BROOKES (East Hills) [1.11 p.m.]: The East Hills electorate is held together by a

number of strong small business people who get out there and have a go to ensure we have a vibrant local village. The Bankstown Local Business Awards program is sponsored by Bankstown City Council. The program pays tribute to local small business owners and aims to recognise the finest businesses in the area. The awards fall into four categories: the Export Award, the Innovation Award, the Social Enterprise Award, and the Home-Based Business Award. This year's winner of the Home-Based Business Award is Reflexation, a company owned and operated by Deborah Watts. Reflexation provides a number of natural therapies that help to restore the body's natural balance in a comfortable and relaxing environment.

Deborah Watts is a fully accredited reflexologist who ensures that all her clients receive the highest standard of professional treatment and care. Deborah works one-on-one with each client to develop a personal treatment that takes into account any health conditions the client may have. Due to the high standard of care, Reflexation continues to grow and now has about 350 clients. Since winning the Home-Based Business Award, Ms Watts has received inquiries from potential new clients and now aims to expand her business into other areas of natural therapy and to employ other therapists. The recognition afforded by such awards can go a long way in developing small businesses. I commend Bankstown City Council for hosting these awards.

I acknowledge also the finalists across all categories of the Bankstown Local Business Awards. I extend my gratitude to the small business owners across my electorate. Small business plays a vital role in our economy and in our communities. Small businesses provide many of our children with their first job. They employ apprentices and provide training that cannot be provided within the school system. I thank the small business owners in my electorate and I encourage everyone to shop locally to support their local communities.

Ms KATRINA HODGKINSON (Cootamundra—Parliamentary Secretary) [1.14 p.m.]: I congratulate the member for East Hills on raising this important issue. Small business is the backbone of local communities. During the three years in which I served as the Minister for Small Business, and together with the member for East Hills, I visited many of the wonderful small business people in the East Hills electorate. The Bankstown Local Business Awards program is a great program and I congratulate the organisers on their hard work in putting that event together. As the member for East Hills said, small business is responsible for apprenticeships and local jobs, and for keeping money in the local community. I again commend the member for East Hills for raising this important matter today.

SUICIDE PREVENTION

Mr ANOULACK CHANTHIVONG (Macquarie Fields) [1.15 p.m.]: From the sounding of the bells signalling the commencement of a parliamentary sitting day at 10.00 a.m. until the start of question time at 2.15 p.m., just over four hours will have passed. During that period somewhere around our nation an Australian will have committed suicide. This is an alarming statistic. The Australian Bureau of Statistics [ABS] estimates that about 2,500 Australians take their own lives each year. I point out to the male members of this House that men represent 75 per cent of this sad statistic.

The reasons behind suicide are a mixture of emotional, psychological and complex personal issues. Suicide does not affect any one socioeconomic group—it does not discriminate. It accounts for one-third of all deaths of young men aged 15 to 24. For older men, aged 85 and over, the rate of suicide is around three times higher per 100,000 than the national average. If we compare the annual suicide rate of 2,500 to last year's annual road toll of about 1,200, it becomes even clearer that suicide is a significant issue for our community. All three levels of government share responsibility and work in partnership to prevent road fatalities—and that effort is working. There is no reason that this collaborative approach cannot be used to reduce suicide. With the assistance of our not-for-profit sector, I am confident we can achieve great outcomes.

I recently attended the Black, White and Blues charity event, which raises money for Lifeline, the

Black Dog Institute and Beyond Blue. The guest speaker was John Brogden, who, of course, is no stranger to this House and whose personal story about depression and his own suicide attempt is well documented. John was honest about his experience and his story shows that there is hope in our darkest moments and there is always a way to rebuild our lives. Organisations such as Lifeline, Beyond Blue and the Black Dog Institute conduct valuable research into the causes of suicide and other mental health issues. More importantly, it is their work in offering support, comfort and help to people in the community to prevent suicide, to reduce the stigma of mental illness and to raise community awareness of mental health issues that offers hope and a pathway to a better life. I am encouraged by the work of Lifeline Macarthur and the support it provides to many people in the Macquarie Fields electorate and south-western Sydney when they need it most.

Professor Helen Christensen of the Black Dog Institute, who also chairs the National Health and Medical Research Council Centre for Research Excellence in Suicide Prevention, is delivering new findings on the causes of suicide and the triggers that lead to it. As well as mental health issues, alcohol and substance abuse must also be taken into account. An improved level of understanding will assist in developing suicide prevention strategies to reduce this awful statistic. The use of statistical evidence and science-based methods in targeting high-risk groups such as our Indigenous communities will assist us in creating social policies to reduce alcohol and substance abuse, and in providing support services and networks to those receiving medical attention for mental health problems.

Campaigns and events such as Mental Health Week and R U OK? Day also play an important role in starting a conversation about what are very sensitive issues for those affected by suicide. It is particularly difficult for those family and friends who are left behind trying to understand the situation. There are many questions and few answers for those left behind. There are the missed signals, the missed conversations that could have potentially saved a life and the questions that were never asked. Our support, compassion and understanding should be extended to those who have been left behind. When someone you know is in a difficult personal situation and jokes about suicide and is acting in an anxious manner that is totally out of character, ask yourself the immediate questions: Are they serious? Have they made this statement before in other surroundings? How many times have they said that they would take their life? Be curious, be inquisitive and continue to ask yourself those questions. But do not forget to ask the most important questions of those showing signs that they need help. Ask them: Are you okay? Do you want to talk about it? How can I help?

ROADS AND MARITIME SERVICES

Mr JOHN SIDOTI (Drummoyne—Parliamentary Secretary) [1.20 p.m.]: Members may not be aware of the wonderful work performed by Roads and Maritime Services in keeping Sydney's vast waterways and foreshores clean. Roads and Maritime Services environmental services team is responsible for 5,020 hectares and a combined foreshore length of 270 kilometres. Each year more than 3,500 cubic metres of rubbish is collected ranging from trees and tyres to the debris washed into the harbour and small items left behind at beaches and various foreshore locations. Recently I had the pleasure of boarding a vessel and taking a tour along the Parramatta River. Sydney's waterways and foreshores are a central part of the beauty of this great city. When people think of Sydney, they think of the majesty of Sydney Harbour. All Sydneysiders and visitors enjoy the harbour and its waterways, and it is essential that they be kept in pristine condition.

Part of Roads and Maritime Services job in keeping the waterways and foreshores clean is management of the free sewage pump-out stations at Blackwattle Bay and King Street Wharf. The operations date back to the early 1900s. In those days the predecessors to the environmental services team were known as the "rat catchers" of Sydney and were charged with combating the spread of bubonic plague. Catching infected rats was a vital service in safeguarding the health of Sydneysiders. In the 1930s the rat catchers became the Harbour Cleaning Service. These brave people ventured out in timber boats, collecting all manner of debris, including household rubbish, dead animals and other unsavoury objects. In the 1950s the timber boats were fitted with engines. Later with greater awareness

about environmental issues and the start of the Clean Up Australia initiative, the purchase of the present harbour cleaning equipment began in 1989. In 1990 the Maritime Authority took on the responsibility for cleaning Sydney Harbour as a major environmental initiative.

In the twenty-first century the environmental services team is out there working for the people of Sydney seven days a week to keep our harbour and foreshores in tiptop condition. For several years it has conducted a joint foreshore cleaning project with various local council areas. Councils can nominate an area to be cleaned and labour is provided through the Department of Corrective Services Community Service Order and Periodic Detainee Rehabilitation Program. The Clean Up Australia bus is loaned to the project with all planning, transport and supervision provided by the Harbour Cleaning Service. Let us all congratulate the unsung heroes behind the beauty that is Sydney's waterways and foreshores.

Cross-government collaboration in this area is vital—vital in the sense of cost shifting and the responsibility of different levels of government. It is everyone's responsibility to collect rubbish in the harbour, whether it is the council when the rubbish is in gutters, or Roads and Maritime Services when it involves street sweeping contracts. The joint initiative with Corrective Services can be re-established. It was a great measure years ago when Corrective Services people would clean up the bays. A memorandum of understanding was entered into with a council, and the council then removed the rubbish. The environment is everyone's business. The community of Drummoyne, as well as friends of Cabarita at the western end of my electorate, does remarkable work with residents getting together, nominating the day and cleaning up our waterways.

I am proud that in my street in Drummoyne a number of residents voluntarily clean up on a weekly basis much of the rubbish and debris that cannot be reached by the council or Roads and Maritime Services due to its location. I look forward to working with my council, the City of Canada Bay Council, which has remarkable environmental credentials. A joint initiative would be of benefit to the entire community. I congratulate the Roads and Maritime Services environmental services team and the City of Canada Bay Council on working together to keep our waterways clean and tidy.

SECRET GARDEN FESTIVAL

Mr JAI ROWELL (Wollondilly) [1.25 p.m.]: I inform the House of an outstanding local event, Secret Garden, which is a world-class local event, happening in our backyard of Wollondilly shire and something we as a community are deeply proud of. Secret Garden is a two-day camping, music and arts festival set on a private farm. Secret Garden started in 2009, just over seven years ago. Since the festival's humble beginnings, it has now reached nationwide success. The festival started from a desire to put on a music and arts event like none other in Australia. Rather than the traditional format of a headline-driven event attended by massive crowds, Secret Garden's core focus is producing a smaller event that encompasses all forms of visual and performing arts, not just music. The result is absolutely spectacular.

In an industry that has seen many of Australia's oldest and biggest festivals come to a sudden end, Secret Garden has gone from strength to strength. Secret Garden is held around wilderness on a beautiful local dairy farm in our region. The festival is made up of 12 areas, which are transformed by local artists, architects and designers into something that transports the 5,000 punters to another world. In festivals gone by, the kind of areas that punters have come to expect to see are the Secret Garden Olympics, a bamboo church worshipping Phil Collins, a bingo hall, a formal dining hall and a lot more. Along with brilliant interactive art installations; Secret Garden showcases fantastic music and has become a vital event in the Australian music industry.

The festival is the envy of many, as it sells out annually before the line-up is announced. This remarkable achievement allows the event to create a line-up that focuses on supporting Australian bands, rather than big international headliners. Secret Garden hosts an eclectic array of bands and musicians over four stages across two days; many of the bands and musicians have gone on to accomplish

worldwide success. In addition to the music, Secret Garden's program includes a broad range of performance artists, including dance, theatre and improvised comedians. Secret Garden has become the industry leader in a new format of festival and events. It has identified a nationwide need not only to be a spectator but also to ensure that participation is a key ingredient. Audience participation is what makes Secret Garden such a unique and successful festival. Participation may include anything from egg and spoon races, to a flash mob dance, to karaoke or to people getting married.

Secret Garden has brought a great event to our local community, which is attended by many of our local young people. It is a fun and safe festival, and local youths are proud to have such an event in their backyard. The festival also provides an economic injection into the local community. A core principle of the festival is to engage local businesses. The festival sources local food vendors, hire companies, entertainment and crew to ensure the impact it has on the local community is only positive. Secret Garden also gives profits to charities and last year raised \$100,000 for Oxfam, the Sarah Hilt Foundation and Boys and Girls Brigade.

Secret Garden has significantly changed the lives of those who need it most. It has raised money for Sarah Hilt's prosthetics. Sarah is a local girl who survived meningococcal disease in 2004. I have known Sarah for a long time and she is an absolute inspiration in our community. This year the festival raised money for the Girls and Boys Brigade, a charity dedicated to providing after-school care and learning for disadvantage children in Western Sydney living on or below the poverty line. Secret Garden has also donated \$75,000 to Oxfam. The festival is currently working closely with Oxfam on a project to allocate the already donated funds.

Further to all the festival's achievement in the arts and culture, and aid and development sectors, the festival has a fantastic list of awards and acknowledgements from some of the most credible publications in Australia. Amongst the many acknowledgements and awards are: news.com, best boutique music artist in Australia; concrete playground, voted top 10 best festivals in New South Wales, alongside Sydney festival and Vivid; 2014 FBi SMAC award, best music event; Broadsheet, "Sydney's Secret Garden festival has grown to become one of the Sydney's most sought-after tickets"; CNN, Best Australian Festivals for the summer; and We are Explorers, award for best festival.

Secret Garden works closely with local authorities and regulatory bodies to put on a safe event that has no negative impact on our local community. It has a robust team of professionals that has kept Secret Garden safe for seven years. This wonderful event has a big future. It aims to raise a minimum of \$500,000 and upwards of \$1 million over the next 10 years for charity. It also aims to build on its national recognition and extend to international recognition as a leading art and cultural festival in Australia. Secret Garden is a model event for boutique music and arts festival, and it is fantastic that it is happening in our community of Wollondilly shire. I take this opportunity to thank Clare Downes and her dedicated team for their hard work and commitment to our local charities. I look forward to hearing about this year's event.

Ms KATRINA HODGKINSON (Cootamundra—Parliamentary Secretary) [1.30 p.m.]: I congratulate the member for Wollondilly on advising members about the Secret Garden camping, music and arts festival. I am sure that he will send out invitations to attend this festival, and I look forward to attending it with him at some stage.

Private members' statements concluded.

[Acting-Speaker (Ms Melanie Gibbons) left the chair at 1.31 p.m. The House resumed at 2.15 p.m.]

VISITORS

The SPEAKER: I welcome to question time all our guests in the gallery this afternoon on this first sitting day of the last week for three weeks. I particularly welcome 29 members from the Sydney Wanderers, a group of motorhome travellers—they call themselves "grey nomads". I would also like to

acknowledge the 22 students and their teachers from the Inverell Holy Trinity School, guests of the member for Northern Tablelands. I also welcome 34 students and their teachers from Santa Sabina College, guests of the member for Strathfield. I welcome Mr Giles Martin, Secretary of the Newcastle State Electoral Council of the Australian Labor Party, guest of the member for Newcastle.

CENTENARY OF FIRST WORLD WAR

The SPEAKER: On the Western Front, September marked the start of a great Allied offensive culminating in the Battle of Loos. The largest British action of 1915, it was a serious defeat for the British forces and, tragically, the first occasion on which the British forces used chlorine gas against the enemy. In time, many Australians would come to suffer the horrors of being victims of gas attacks, a new and dreadful development in the history of warfare. A remarkable and little remembered Australian association with the Battle of Loos is the 1916 silent film *Joan of Arc of Loos*. Shot by renowned cinematographer Franklyn Barrett, it recreated the battlefield of the Western Front on Tamarama Beach with the French countryside scenes filmed along the avenue of poplars which then lined Randwick Racecourse.

The film, directed by George Willoughby, was based upon the exploits of 17-year-old Emilienne Moreau-Evrard who was a heroine of the French resistance not only during the Battle of Loos but who was to play a similar role in World War II, becoming the most decorated French woman of the Resistance, later entering the French Parliament and living until 1971. At the time of the Great War, Australia was the world's leading producer of feature films and the role of film-making was becoming understood as a valuable tool in support of both recruiting and the war effort in general. Carefully preserved fragments of *Joan of Arc of Loos* are in the care of the National Film and Sound Archive in Canberra, which has also recently released 22 minutes of the reconstructed 1915 film *The Hero of the Dardanelles*. The preservation of our national history on film is an achievement of which we should all be both grateful and proud. Lest we forget.

WHERE'S WILLIAM? WEEK

Ministerial Statement

Mr TROY GRANT (Dubbo—Deputy Premier, Minister for Justice and Police, Minister for the Arts, and Minister for Racing) [2.21 p.m.]: As the Minister for Justice and Police, I draw the House's attention to the plight of William Tyrrell, a wonderful young boy who has tragically been missing now for over a year. Saturday was the anniversary of his disappearance and was marked by community walks across the nation. They dressed in red and blue and in Spiderman costumes. They came with toddlers, dogs, prams and balloons and at 10.30 a.m., exactly one year on from the disappearance, they marched to bring the little boy home. There were more than 80 registered events across the nation and in Canada, all walking for William. All were asking the same question, a question his parents and the local community have asked since the day he went missing: How can a child just disappear? This is a crime that strikes fear into the hearts of parents everywhere, a disappearance in broad daylight from our homes and from our neighbourhoods.

I walked for William just outside Canberra, where I met Kathy, a woman who has been looking for William for the past 10 months. She carried with her this "Missing Child" flyer, with pictures of him. Kathy is not a police officer; she is not a private detective. She is a normal Australian who was touched by William's story and has, for the past 10 months, been pinning up signs like this on her own community noticeboards and fixing it to windows across her town. William's favourite superhero, Spiderman, was an everyday hero. The community demonstrated this weekend that Australia has thousands of everyday heroes: from the printer in Kendall producing thousands of flyers and sending them around the nation; to Hetty Johnston and Bravehearts; to the NSW Police and Crime Stoppers; to the company driving the campaign online pro bono, Insight Communications; to the organisers and volunteers who rallied local communities right across the nation to Walk for William; and to the thousands of families who, with one voice, on Saturday said this type of crime is unacceptable and the community should do all that it can to

stamp it out.

The member for Port Macquarie, who represents Kendall, the small community from which William went missing, has told me of the more than 600 people in that community who marched, and sold T-shirts, ribbons and hats on Saturday. The member for Port Macquarie is right when she says the unwavering determination to find William is absolutely overwhelming in Kendall; that from the time it happened to now, 12 months later, they have not stopped looking for him. They are so determined to find an answer. The member for Port Macquarie tells me that this shocking event has rocked the very foundation of that small, tight-knit community; it has made them question the security of their own children, and it has made them question the very freedom their children once had, such as walking to school on their own. On the 12-month anniversary of his disappearance, one of his parents said:

William's disappearance came close to crushing us. It's only the love and support from people on the Mid North Coast that has kept us going.

On Saturday, I joined with people across the nation in writing to William's family in message books placed at rally points along the walks. I wrote this simple message:

The nation is walking with William today but we will walk with you until he is brought home.

On behalf of the members of this place, and with the support of the shadow Minister, today we commemorate the anniversary of Williams' disappearance. In this bipartisan front, we reinforce to the community our steadfast resolve to find this little boy, and our steadfast resolve to stamp out this kind of crime; and we say to those affected by this tragedy across Kendall, the mid North Coast and the nation that our thoughts and prayers are with you, your children and especially William. To his parents, on behalf of this Parliament, can I say: We admire your courage, and you will never walk alone.

Ms JODI McKAY (Strathfield) [2.26 p.m.]: I speak on behalf of the Opposition. We all know that on 12 September last year William Tyrrell disappeared from his nanna's home in Kendall on the mid North Coast. We also know that, moments before, a family member took a photograph of a bright young boy in a Spiderman suit, a boy who was to his parents:

Like a budding flower, slowly opening himself up to the world around him.

But tragically, inexplicably, moments later the world changed for William, for his family and for all of those concerned about the safety and security of children across this nation. With William's abduction, something was taken from all of us: a little bit of our sense of security and a little bit of our faith in humanity. Where's William? Week, as we have heard, began on 12 September and finishes this Friday, 18 September. It aims to raise awareness of William's disappearance. Where's William? Week is a collaboration between William's family, Bravehearts, NSW Police and Crime Stoppers. Around New South Wales, communities have united to support Where's William? Week. We thank those communities. The week aims not only to help find William but also to promote child protection in this State and across the nation. Today, many of us in this place met with William's parents. Their grief, their loss and their heartache are palpable. You cannot spend time with them without feeling their anguish. Archbishop Desmond Tutu once said:

Hope is being able to see that there is light despite all of the darkness.

We commit ourselves to this campaign in hope. Our hope is not pernicious or ill informed. Our hope is not false or faltering. For, even in the darkest hours and the most desperate times, there is always—always—hope. We commit ourselves to finding William in the hope that our commitment will compel those who know something to say something. We hope that through collective action, through common concern, that beautiful boy in his Spiderman suit will be found. A small community on the mid North Coast has united in their concern for the loss of one of their own. To the member for Port

Macquarie, Leslie Williams, we ask that you pass on the support of the New South Wales Parliament to your community of Kendell.

We also pass on our support to the police who are involved in Strikeforce Rosann, and thank them for their unwavering commitment to this case. This morning Peter Price, head of Crime Stoppers spoke about the importance of even the smallest piece information in helping to solve this mystery. He also spoke about the fact that in his 16 years of working with Crime Stoppers, never has a case affected him so personally. You see, he has children, like many in this place, and the thought of losing one of them is too terrible to bear. Yet that is the reality for William's parents. Let us commit ourselves to this campaign because each of us wants William returned to his family.

Let us all, whatever our political persuasion, help promote this cause not only here but amongst our friends and family and, importantly, within our communities. For this campaign's effectiveness relies on each of us in this place spreading the word and maintaining our hopes for William and his family. This week, by raising awareness of child protection during Where's William? Week, we renew ourselves to the task of finding William and we hope that in the total of our acts we will help restore what each of us lost that day last September. Because we cannot give up on hope; we cannot give up on William. We owe this to William, to his family and to each other.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

[Question time commenced at 2.34 p.m.]

FEDERAL GOVERNMENT FUNDING

Mr LUKE FOLEY: My question is directed to the Premier. Given that the Premier failed to have his friend Tony Abbott reverse the \$25 billion of cuts to our State's schools and hospitals, what will he do differently to persuade Prime Minister Turnbull to deliver a fair funding deal to New South Wales?

Mr MIKE BAIRD: I thank the Leader of the Opposition for his question. I am delighted he is watching the Federal Government. It is good to know that he reads the papers and he watches TV—that is a big step forward for the Opposition. In relation to those measures, we on this side of the House on an ongoing basis have said to the Federal Government that it was not fair and that we needed to return the funding—not only in terms of health funding but also education funding—in the long term. A process was established to deal with that and there was some good cooperation among leaders across the country as we came to discuss that. We will continue to do that. But I do have a little tip for the Leader of the Opposition: When are you going to tell the Federal Leader of the Opposition to back the free trade agreement? When are you going to do that? Because while we are waiting for leadership on this side of the House—

Mr Michael Daley: He already has.

Mr MIKE BAIRD: Oh, no, he hasn't. I read the words. The words said, "Yes, we back the free trade agreement, provided the unions say it is okay."

The SPEAKER: Order! I call the member for Maroubra to order for the first time. He will cease interjecting.

Mr MIKE BAIRD: The member for Kogarah has been here for what—about 10 minutes? He has been here 10 minutes, but he is pretty bolshie because he is after the member for Auburn's job. There is no doubt about it. Because "Outy" is there doing his own op-ed—

Ms Linda Burney: Point of order: 129—2 September, the *Australian* newspaper, front page.

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

Mr MIKE BAIRD: That is right. The Leader of the Opposition had gone down to Troy Bramston's couch again. He stood there and he said, "Where can we go with the Labor Party? What can we do with the Labor Party?" And he said, quite simply, "I think we should back the free trade agreement, provided the unions say it is okay." That is what he said. That is not what the member for Kogarah said. The member for Kogarah said, "We should back it in."

Mr Greg Warren: Point of order: The question is not in relation to and did not require the member for Manly's personal reflections on the member for Kogarah. It was very clear: Will he negotiate with Prime Minister Turnbull regarding the \$25 billion further cuts?

The SPEAKER: Order! I will hear further from the Premier, but I do not find any evidence of a breach of that standing order—

Mr Greg Warren: The reflections on the member for Kogarah—

The SPEAKER: Order! I am speaking. The member for Campbelltown will resume his seat and stop arguing with me.

Mr MIKE BAIRD: I think the whole of Sydney is waiting for the member for Campbelltown's op-ed. What is that going to be about? I do not know what it is going to be about, but I say this: I think that all of us in this House are actually concerned about the member for Maroubra, because for some reason he is being outdone. I am very fearful for Mr "You know, under no circumstances will I pull out of the leadership contest". My concern for "You know" over there is that he is going to be outdone by the member for Kogarah. I think we are all worried that the member for Maroubra—

Ms Linda Burney: Point of order: It is under Standing Order 129. It was about the reversal of \$25 billion of cuts to schools and education—

The SPEAKER: Order! The Premier has answered that part of the question and remains relevant. There is no point of order. The member for Canterbury will resume her seat.

Mr MIKE BAIRD: Whilst we have concerns in terms of leadership over there, we are backing in the member for Maroubra. The member for Kogarah is moving too quickly. But we do look forward to working with the new Prime Minister, Malcolm Turnbull, because he understands this city, he understands this State and he understands the challenges we face. We look forward to delivering record infrastructure across this great State with Malcolm Turnbull as Prime Minister. We have worked constructively with the Federal Government. There are things we need to continue to work on, but members on this side of the House will look after the people of New South Wales every day of every week of every year. That is the privilege we have been given and we will continue to look after them, unlike the Labor Party, which continues to look after itself.

GOVERNMENT PERFORMANCE

Mr ADAM CROUCH: My question is addressed to the Premier. How is the Government delivering on its vision for a stronger, healthier and safer New South Wales?

Mr MIKE BAIRD: I thank the member for his question. He is undoubtedly the member who has the best jump in this Parliament. He is always quick getting to his feet and he is always looking after his electorate. The Government of this State is proud to deliver for the people of New South Wales. We want to continue to do that. If we can provide the capacity to deliver services and build infrastructure so we improve the lives of those most vulnerable, that is exactly what we will do. That is what our State priorities are all about. The State Government will do other things—and they are no less important—but ultimately we are trying to encourage a new focus when delivering services and infrastructure across New South Wales.

We are delighted to outline 30 State priorities that can be measured against the best indicators we have such as economic growth, infrastructure delivery, service provision and other community measures of safety and wellbeing. It is quite simple—what gets measured gets done. The Opposition is focused on this. Opposition members are like panthers when assessing us. It will be incredibly exciting for the people of New South Wales if we achieve those ambitious priorities, but we are determined to achieve them. We will make a difference and create jobs across New South Wales. It is estimated that there will be 150 new jobs by 2019. We will build infrastructure. The magic words I hear all the time is infrastructure that is built on time and on budget. It is a foreign language to members opposite. We have put in place measures to achieve that.

We want to reduce domestic violence across this State. Enough is enough. We have to take more action and we will. We are about improving service levels in hospitals and tackling childhood obesity. The Minister for Health has said this is a big passion of hers. We want to ensure that our most vulnerable kids are protected and we have put in place measures to achieve that. We want to reduce youth homelessness; drive public sector diversity. We want to ensure that we are keeping our environment clean. We want faster housing approvals and we want to improve Government services. As we go about our work to deliver those objectives, we will continue to improve the lives of people across New South Wales. The only concern I have is that during our research, a document came to hand that was the result of the secret meeting in Kiama. I was worried about it. It is entitled "NSW Labor 12-11-4 Priorities". They achieved four priorities in Kiama. I am not sure I agree with them, but I am sure members would like to know what they are.

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

Mr Ryan Park: Point of order: It is Standing Order 129. I think even you, Madam Speaker, would recognise that this is completely irrelevant.

The SPEAKER: Order! What is the implication; that I normally would not? Today I do not. Comparisons are relevant. There is no point of order.

Mr MIKE BAIRD: Number one is that they want to study some serious reports and ensure they cancel light rail projects. The Leader of the Opposition is on fire. He is already doing that.

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

Mr MIKE BAIRD: They want to improve response times to Unions NSW by 15 per cent, so they will pick up the phone quicker and get back to them quicker. That is an awesome priority.

The SPEAKER: Order! The member for Bankstown will cease interjecting.

Mr MIKE BAIRD: They want to ensure that they have a secret visit to a key electorate once a year. Not telling anyone about it is an absolute priority for them. Their shadow Cabinet is all over it.

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

Bankstown will come to order.

Mr MIKE BAIRD: They absolutely oppose foreign investment because they are against foreign investment. They note, "Do not tell the member for Kogarah", because he is standing up to it. Their last priority is that they want more congestion. They love congestion. They want to cancel every infrastructure project across this State. That is their passion. If they have an infrastructure project, they will cancel it. Hello Maitland. If anyone is having a bad day, remember the member for Maitland. We are proud to deliver on our priorities.

Pursuant to standing order additional information provided.

Mr MIKE BAIRD: We know that if we deliver on our priorities there will be more jobs in the economy. Infrastructure will be built from one end of the State to the other. There will be less domestic violence in New South Wales; improved service levels in our hospitals; reduced levels of obesity; and better education results. We will be protecting our kids. We will ensure there is less youth homelessness.

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

Mr MIKE BAIRD: We will have more public sector diversity. We will keep our environment cleaner. There will be faster house approvals and there will be improved government services across New South Wales. This Government is proud of that. We will continue to focus on those issues because, ultimately, that is our job. Our priority is to look after the people of New South Wales and we will ensure we do exactly that.

FEDERAL GOVERNMENT FUNDING

Mr MICHAEL DALEY: My question is directed to the Treasurer. Given that she has failed to convince her friend Joe Hockey to reverse the \$25 billion of cuts to schools and hospitals, how on earth will the new Treasurer be convinced to do so?

Ms GLADYS BEREJIKLIAN: Guess what, the Leader of the Opposition and the member for Maroubra have a theme today. They have a strategy in question time. This is a first.

The SPEAKER: Order! Government members will come to order. They are not helping the Treasurer.

Ms GLADYS BEREJIKLIAN: It could be the Coalition of the unwilling on the other side, but members opposite have a strategy today. Fancy the former Minister for Finance asking us what we are doing for New South Wales. When members opposite were in government they failed to deliver for New South Wales at all levels. They failed to create jobs, to build infrastructure, to instil business confidence. I am very proud to say that after four and a bit years of hard work, we have turned that around.

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

Ms GLADYS BEREJIKLIAN: Not only have we improved the quality of life for people in this State, we have also created jobs and built infrastructure.

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

Ms GLADYS BEREJIKLIAN: Most importantly, the Opposition left us with a State that was the worst performing in the nation.

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

Ms GLADYS BEREJIKLIAN: New South Wales is now the best-performing State. As the Premier highlighted in his earlier answer, we are focused on those things that matter most to the community. Members opposite can ask any question they like. They can lose focus on what matters to the people of New South Wales, but we are delivering—

Mr Michael Daley: Point of order: It is Standing Order 129. What matters to people is \$25 billion worth of cuts. The Treasurer is not answering the question.

The SPEAKER: Order! The Treasurer has been relevant to the question that was asked. The member for Canterbury will come to order.

Ms GLADYS BEREJIKLIAN: Because we have turned things around and because New South Wales is number one, we are in a strong position to advocate on behalf of New South Wales. That is what we will continue to do. I am very proud to say—

The SPEAKER: Order! The member for Maitland will come to order. The member for Hornsby will cease arguing across the Chamber with the member for Maitland. The Treasurer has the call. I remind the member for Kiama that the Treasurer will be heard in silence.

Ms GLADYS BEREJIKLIAN: Because the Opposition lacked fiscal discipline, they were not able to allocate the record dollars that we are investing in health and education in New South Wales. I am proud to say that our Government is investing billions of dollars in what matters most to the people of New South Wales. No matter what our circumstances in the future, the people of New South Wales can be assured that we will always put the interests of New South Wales first. Those opposite should focus on generating some policies that will help the economic rebuilding of our State. I have yet to hear the member for Maroubra—

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

Ms GLADYS BEREJIKLIAN: The member for Maroubra is getting ready for the top job on the opposite side. And we know the member for Kogarah is getting ready.

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

Ms GLADYS BEREJIKLIAN: But we are yet to hear them articulate how they are going to create jobs in New South Wales.

Mr Michael Daley: Point of order: My point of order is taken under standing order 129. The Treasurer is yet to articulate what she is going to do about the \$25 billion worth of cuts.

The SPEAKER: Order! I do not think you have been listening. The Treasurer has been relevant.

Ms GLADYS BEREJIKLIAN: I challenge those opposite to give us a single policy they are working on that will create jobs, build infrastructure and keep New South Wales number one. Rather than worrying about—

Ms Linda Burney: Point of order: My point of order relates to standing order 59, tedious repetition.

The SPEAKER: Order! The member for Canterbury will resume her seat.

Ms GLADYS BEREJIKLIAN: I say to those opposite: Whilst you may have developed a strategy for question time today, focus on doing what is right by the people of New South Wales.

MAJOR CRIME AND REOFFENDING RATES

Mr STEPHEN BROMHEAD: My question is addressed to the Deputy Premier. How is the Government delivering on its priorities to reduce violent crime and adult reoffending rates?

Mr TROY GRANT: The member for Myall Lakes knows how hard this Government is working to drive down violent crime. In a very sobering week for our community it is important that our focus remains razor sharp on this very issue. We know that violent crime strikes at the heart of our community. That is why the Premier has made it one of the top priorities of this Government to make and keep our community safe. Safety and—more than the achievement of safety—the sense of safety is a core right of our communities and it is a simple expectation that we are all entitled to have. Without it there is really no strong foundation to build our lives upon. When that feeling of safety is taken away the impact and consequences can be simply devastating.

As a former police officer I have seen firsthand how this can and does affect communities, particularly the victims of violent crime. It has been my sad task to deal with victims who have fallen prey to sexual predators or to random assaults and acts of violence. Once the crook is locked up it takes a very long time, if ever, for the victim to feel safe again. That is why this Government's approach is about prevention, particularly community prevention. We want to prevent more violent crime from happening. We want to reduce the risk of offenders reoffending. We want to restore safety to our towns and suburbs. We understand that reducing violent crime is about strong, proactive policing, making sure that the NSW Police Force is as well-resourced as it can be, and that it has access to the right information and the very latest crime-fighting technology.

More importantly, it is about ensuring that our police, when they are doing their work day in and day out, are working arm in arm with our community. This Government is absolutely committed to making sure that both the NSW Police Force and the community have the tools that they need to succeed. Already we have increased police numbers to record highs, with an authorised strength now sitting at 16,665. The number is still on a rising trajectory. We have welcomed nearly 1,000 positions to the NSW Police Force since we came into government in 2011. We have committed more than \$64 million to plan and build new police stations across the State to ensure that our police have the best facilities from which to operate. In addition, we have put police back on our public transport via the Police Transport Command. They are having fantastic results and our commuters can feel much safer. We are committed to giving our police the best technology. I was very proud to announce \$100 million for the Policing for Tomorrow Fund. That will give the police the latest technological tools to help them protect us.

The latest figures from the Bureau of Crime Statistics and Research [BOCSAR] show that 16 of the 17 major crime categories are either trending downward or have remained stable over the past two years. Whilst this is an encouraging result we are not going to rest on our laurels. We are not going to give up our pursuit of making sure that that two years is extended into a decade and that even greater results are achieved. We are determined not to rest on these laurels, and it is our commitment to make sure that crime continues to fall in all local government areas by 2019. One of the key priorities in the way we can achieve this is to reduce adult reoffending. Our target to reduce this by 5 per cent in 2019 is ambitious, but the Premier has selected it because it is the right target.

The rates of re-offending—crime rates being driven up jeopardising community safety—are enormous and if this Premier and this Government can deliver on that target it will be one of the greatest legacies. We have introduced penalties of imprisonment so that child sexual predators can face life in jail—the great work of our Attorney General, who is absolutely steadfastly focused on this issue. I commend her work in making sure that these criminals spend much longer in jail. Our reoffending rates are far too high. We are committed to work on this. The wonderful Minister for Corrections is also working on the rehabilitation processes in our corrective services system.

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

Pursuant to standing order additional information provided.

Mr TROY GRANT: This Minister understands that while prisoners are in custody the rehabilitation programs necessary to reduce this reoffending must get to them more quickly and be sustained over a longer period to be most effective. We want to make sure that sentences across our criminal justice system remain tough and that they fit the crimes. A lot of work is being done on this front, and we are rolling out a suite of new programs to address offenders' behaviour. But we recognise that there is much more to do.

FEDERAL GOVERNMENT AND HEALTH FUNDING

Ms LINDA BURNEY: My question is directed to the Minister for Health. Given that 73,000 people are on the elective surgery waiting list, and that last financial year about 120 patients waited for up to 12 hours in emergency departments, what steps will she take to have the new Prime Minister restore the \$16 billion in cuts planned for New South Wales health and hospitals systems?

Mr Mike Baird: Don't listen to Walt.

Mrs JILLIAN SKINNER: As the Premier said: Do not listen to the Hon. Walt Secord. He always gets the figures wrong. He set up the member with figures that are totally wrong. I will tell members what we are going to do: We are going to put all of our faith in the most wonderful Premier, Mike Baird, who is taking a lead in discussion at the national level in determining how we will continue to get funding from the Commonwealth Government for our health services. I have every confidence that the Federation white paper and the discussions that are continuing will mean that New South Wales continues to take a lead in getting—

Ms Linda Burney: Point of order: My point of order relates to relevance under Standing Order 129. My question was not to the Premier; it was about what the Minister for Health is going to do.

The SPEAKER: Order! The member for Canterbury is becoming vexatious. If she takes another point of order I will call her to order.

Mrs JILLIAN SKINNER: Madam Speaker, I absolutely agree with you. What am I going to be doing? I am going to be putting my faith in the Premier. I am going to be working with the Premier. I am going to be advising the Premier—I think New South Wales has the best Premier—in taking the lead on discussions at a Federal level. It is interesting to note that all the Premiers in other States—Labor States and otherwise—are looking to Premier Mike Baird to lead these discussions at the Council of Australian Governments [COAG] meetings to find ways forward to provide resources for health care in New South Wales.

The SPEAKER: Order! The member Prospect will come to order and cease interjecting. I call the member for Prospect to order for the second time. I call the member for Canterbury to order for the first time.

HEALTH AND HOSPITAL SERVICES

Mrs MELINDA PAVEY: My question is addressed to the Minister for Health. How is the Government delivering on its priorities to improve the New South Wales health system?

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

Mrs JILLIAN SKINNER: I am so pleased that the member for Oxley asked this question.

Yesterday we spent a fantastic day in her electorate. If other Government members want me to visit, I will come to their electorates.

The SPEAKER: Order! Interjections are so numerous and loud that I am unable to hear the Minister.

Mrs JILLIAN SKINNER: This Government has so much building going on across New South Wales. During the last term and the current term it has amounted to \$10 billion for building and rebuilding of hospitals that were neglected and ignored for more than 16 years by the Labor Government. That is the Government's priority.

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

Mrs JILLIAN SKINNER: What will this Government do to improve the New South Wales health system? First, this Government has a record Health budget—\$4 billion more than when Labor was in government.

The SPEAKER: Order! The member for Cessnock will cease arguing with the Minister.

Mrs JILLIAN SKINNER: We have extra nurses and extra doctors and the Government is providing funding for extra operations.

The SPEAKER: Order! If the member for Maitland were to ask the Minister, the Minister would visit her electorate. The member for Maitland should cease interjecting and join the queue.

Mrs Melinda Pavey: That is the tip!

Mrs JILLIAN SKINNER: That is a tip. If the member for Maitland were to ask me a question about what we are doing in her area, I would tell her. As the Premier said, the Government is examining ways in which to improve the State's hospital system.

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

Mrs JILLIAN SKINNER: The Premier has identified that as one of his key priorities. I totally agree with him.

The SPEAKER: Order! This is my final warning to the member for Prospect. I call the member for Prospect to order for the third time.

Mrs JILLIAN SKINNER: The Premier cited a snapshot figure for emergency department throughput within four hours of 81 per cent of patients, which is an annual statewide average. Why is that important? It is important because effectively the emergency department is the gateway or entrance to a hospital. If you get that right, then you get everything else right as you smooth the patient's journey through the hospital.

The SPEAKER: Order! The member for Londonderry will cease interjecting.

Mrs JILLIAN SKINNER: That four-hour benchmark cannot be achieved if there is no ward space available for patients and if there is no proper discharge planning.

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

Mrs JILLIAN SKINNER: Of course, a member of a Labor government will never be able to ensure sufficient ward space, as Labor never rebuilds hospitals. Let me examine what has happened in

the mid North Coast in that regard.

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

Mrs JILLIAN SKINNER: Between April and June 2011 when Labor was last in government, in the Mid North Coast Local Health District only 62 per cent of patients were examined by a doctor within four hours, but this year the figure is 80 per cent. Across New South Wales in 2010—

Mr Clayton Barr: That is when we were in government.

Mrs JILLIAN SKINNER: Yes, the Coalition was in opposition in 2010. The member for Cessnock got that right—tick. What was the four-hour rate in 2010? It was 61 per cent, but this year the figure is 73 per cent. Labor 61, us 73!

The SPEAKER: Order! Members will come to order.

Mrs JILLIAN SKINNER: Let me discuss the types of measures the Government is undertaking to improve services in the Mid North Coast Local Health District. Recently we visited the Kempsey District Hospital, which is an \$81.9 million redevelopment. It is a beautiful hospital and the local community is rejoicing in the first money having been spent on that hospital in many decades. From there we visited Macksville, for which \$50 million has been earmarked for the local hospital. We then went on to Nambucca, where we opened the \$2.5 million HealthOne facility—a wonderful example of working with the Aboriginal community, which has a real sense of ownership evidenced by their attendance at the opening ceremony in large numbers. That is just a snapshot of how this Government is improving hospital services. The Premier also raised this Government's tackling of childhood obesity, which is really important.

The rate of childhood obesity in New South Wales has been very worrying. Fortunately, it has stabilised. There was a 1.7 per cent reduction between 2010 and 2014 in childhood overweight and obesity statistics, but much more needs to be done. I commend the work of the Office of Preventive Health, which is based at the Liverpool Hospital, and its director, Professor Chris Rissel. Government members know very well the types of initiatives Professor Chris Rissel is introducing in the south-western Sydney community, such as the Health Children initiative and the Munch and Move program in early childhood centres, Live Life Well for primary schools, a junior community sports program known as Finish with the Right Stuff, and Go4Fun, which is a fitness and nutrition program. The Government is also examining planned surgery statistics with a view to cutting waiting times for elective surgery in line with clinical guidelines to ensure we maintain our focus. I am very proud that the latest Bureau of Health Information report shows that almost 97 per cent of New South Wales patients received elective surgery within clinically recommended time frames.

Pursuant to standing order additional information provided.

Mrs JILLIAN SKINNER: The Mid North Coast Local Health District includes the Kempsey District Hospital.

[Interruption]

The SPEAKER: Order! The member for Keira would not be able to spell it, so he should not ask the member for Oxley to do so. The Minister has the call.

Mrs JILLIAN SKINNER: This is what Government members have to put up with in this House. For the information of people in the gallery, I point out that Labor members behave like that all the time. They do not want to know what is happening in hospitals for the benefit of the people of New South

Wales. The Mid North Coast is an area in which there are some very big challenges that involve economic status and related factors.

Mrs Melinda Pavey: Very big challenges.

Mrs JILLIAN SKINNER: Yes. In 2011, 83 per cent of patients were seen within the clinically recommended times for elective surgery and that rate in 2015 has increased to 98 per cent. It has improved from 83 per cent to 98 per cent, so the Government has done well. However, there is always more to be done. I totally agree with the Premier, who said that if we set ourselves targets—challenging as they might be—it provides us with real focus that can make a difference to outcomes. This Government is already making a difference. Whereas the rate of four-hourly patient throughput in emergency departments was 59 per cent when Labor was in government, now across the State the rate is 74 per cent.

FEDERAL GOVERNMENT AND WESTERN SYDNEY AIRPORT RAIL LINK FUNDING

Mr RYAN PARK: My question is directed to the Minister for Transport and Infrastructure. Given his absolute failure to have former Prime Minister Abbott commit to funding the rail line to Sydney's new airport, what will he be doing differently to convince Prime Minister Turnbull that the train is essential to the new airport's success?

The SPEAKER: Order! This afternoon the nature of Opposition questions has included information that Opposition members perceive to be factual. Questions should not contain that information. Opposition members should simply ask for factual information instead of including what they perceive to be factual information. I am tempted to rule the question out of order. There have been three questions of a similar nature this afternoon. The member for Keira will rephrase his question. A question begins with "Do you", "Have you", "Will you", not "Given that you are a hopeless Minister"—or whatever the member for Keira said. Does the member for Keira wish to rephrase his question?

Mr RYAN PARK: Yes.

The SPEAKER: Order! I have to speak to the member for Keira in terms he will understand.

Mr RYAN PARK: Madam Speaker, just for the record, I did not say the Minister for Transport and Infrastructure is a hopeless Minister. That was you.

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

Mr RYAN PARK: I am asking a question.

The SPEAKER: Order! I asked the member for Keira to rephrase his question and he made a very inappropriate response. Will the member for Keira rephrase his question instead of being impudent?

Mr RYAN PARK: I am ready. My question is directed to the Minister for Transport and Infrastructure? Will he fight hard for the people of New South Wales to get an airport rail line built for Sydney's newest airport in Western Sydney?

The SPEAKER: Order! Well done! That is how a question should be asked.

Mr ANDREW CONSTANCE: Yes.

The SPEAKER: Order! Members will come to order.

PUBLIC TRANSPORT AND INFRASTRUCTURE

Ms ELENI PETINOS: My question is addressed to the Minister for Transport and Infrastructure. How is the Government delivering on its priorities in public transport and infrastructure?

Mr ANDREW CONSTANCE: That is how a question should be asked, and members will receive a sensible answer. I thank the member for Miranda for a very sensible question.

The SPEAKER: Order! The member for Canterbury will cease interjecting.

Mr ANDREW CONSTANCE: When it comes to infrastructure the Government has an incredibly ambitious agenda, which will drive public transport infrastructure change across this great State. For too long the people of New South Wales have endured second best. The State's roads and rail were left to rot during years of underinvestment while community confidence was shattered as projects were promised and cancelled over and over again by the former Labor government. Let us be honest: Congestion has the State by the throat. Congestion is a \$5 billion drag on the New South Wales economy. If nothing is done, the burden will increase to \$9 billion by 2021. Of course, there are associated social and human costs: People will be stuck on train platforms, unable to get home to their children at night, and people will be unable to get to work on time. Quite frankly, enough is enough.

The SPEAKER: Order! The member for Fairfield will cease interjecting.

Mr ANDREW CONSTANCE: We will get on with it. Over the next 15 years we know that New South Wales will require infrastructure to support 40 per cent more train trips, 30 per cent more car trips and 31 per cent more households. That is why we are investing more than \$68 billion in infrastructure over the next four years. Yet that does not include the \$20 billion from the long-term lease of the poles and wires.

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

Mr ANDREW CONSTANCE: We are steaming ahead on key projects that will bust congestion and boost productivity. Our priority is to ensure that every one of our projects is delivered on time and on budget. WestConnex stage one and the new M5 are due for completion in 2019; NorthConnex is due for completion in 2019, with work starting last week; and Sydney light rail is due to open in early 2019. We also have the northern beaches bus rapid transit, the Westmead hospital redevelopment, the Northern Beaches Hospital, the Pacific Highway duplication and—my favourite—Newcastle light rail.

Some of the commentary on the Newcastle light rail, particularly from the member for Maitland, has been interesting. I thank the member for Maitland whose local paper is busily saying that she had crisis talks with the shadow Minister last week, and she is off to meet with upper House crossbenchers to get them to vote against it. What better advertisement to support light rail than to send the member for Maitland into the office of the Shooters and Fishers Party in order to get support for a bill?

The SPEAKER: Order! The member for Cessnock will come to order. He does not have the call.

Mr ANDREW CONSTANCE: Let us get real: This project is necessary to revitalise Newcastle, but the member for Maitland and the member for Newcastle are opposed to it.

The SPEAKER: Order! I call the member for Maitland to order for the third time. The member for Kiama will come to order. There is too much interjection in the Chamber.

Mr ANDREW CONSTANCE: We are delivering the great Sydney Metro project, which is opposed by the shadow Treasurer, who said during the election campaign that it does not stack up. That project will be set at a cracking pace. The Sydney Metro Northwest is due to be opened in 2019. I am pleased to confirm to the House that tunnelling is now past the 70 per cent mark. Boring machines have been hard

at work completing 22 kilometres between Bella Vista and Epping.

Ms Jenny Aitchison: Name it.

Mr ANDREW CONSTANCE: Elizabeth. The major project has led to a jobs boom in Sydney's north-west, with about 400 workers on site building the skytrain and about 900 other workers on the tunnels.

The SPEAKER: Order! Opposition members will cease interjecting.

Mr ANDREW CONSTANCE: Indeed, we are starting a tunnelling boom in the State, with more than 100 kilometres of tunnels to be built under Sydney in upcoming years. Sydney Metro Northwest is a classic example of how the Government is working hand in hand with the private sector on a project that will change the face of Sydney. Our tunnel builders have set a new standard in tunnelling, using Australian-first innovations such as a tunnel simulation centre and 3D goggle technology to train its workers. It is private sector innovation that is helping to deliver our bold vision for transport infrastructure across this great State.

Pursuant to standing order additional information provided.

Mr ANDREW CONSTANCE: We are delivering a bold vision for transport infrastructure across New South Wales. We are not just a government about Sydney; we are also delivering for the bush. We are continuing to fast-track upgrades of key regional highways, including the Pacific Highway, Princes Highway, Great Western Highway, Newell Highway, New England Highway, Oxley Highway, Mitchell Highway, Kings Highway, Central Coast Highway, Silver City Highway and Cobb Highway. Our hospital building blitz continues with upgrades and new developments across the regions, including Bega, Bulli, Byron central, Coffs Harbour, Dubbo, Forbes, Kempsey and Lismore, and there are many others. We are getting on with the big build and we are determined to maintain and improve the reliability of public transport services.

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

Mr ANDREW CONSTANCE: Across all modes we are taking steps to minimise the negative impact of CBD disruptions on commuters. We have established the Office of the CBD Coordinator General, which brings together all New South Wales government agencies involved in CBD construction. Some 96 private and public sector construction projects are underway. We are working with the City of Sydney, business and commuters, and we will work together to keep Sydney moving. This is construction activity at unprecedented levels across the State, and it is why the Premier, as part of his priorities, is ensuring that the infrastructure is, first and foremost, to improve the quality of life for all citizens of New South Wales.

FEDERAL ECONOMY

Ms TRISH DOYLE: My question is directed to the Minister for Finance, Services and Property. What is the New South Wales Government's response to the concerns expressed by Malcolm Turnbull, Prime Minister elect yesterday, that it was clear that Prime Minister Tony Abbott was "not capable of providing the economic confidence that business needs"?

Mr DOMINIC PERROTTET: Members opposite are struggling today. They had their first tactics meeting this morning. They went down the list and they finally scraped the barrel with economic policy. New South Wales is leading the way on every count, creating more jobs than any other State in the nation.

The SPEAKER: Order! I call the member for Londonderry to order for the first time. She will

cease interjecting.

Mr DOMINIC PERROTTET: The Federal Government is joining with the New South Wales Government to deliver infrastructure across the State.

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

Mr DOMINIC PERROTTET: We have more schools, more hospitals and more houses. Under this Minister for Family and Community Services, and Minister for Social Housing, we have 61,000 houses—

The SPEAKER: Order! The member for Londonderry will come to order. The Minister for Family and Community Services will come to order. Coalition members will come to order. The Minister has the call.

Mr DOMINIC PERROTTET: New South Wales is leading the nation on every economic indicator. That is why we are number one in the nation. That is why the Premier is smashing it. Members opposite have absolutely nothing; they have no credibility in this place on any front. They have never understood—let us take it from the finance perspective—workers compensation. That is a great example where we did the hard yards behind the scenes to get the scheme back into surplus. That means we can help more people.

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

Mr DOMINIC PERROTTET: We cannot help anyone when we have deficit after deficit after deficit.

The SPEAKER: Order! The member for Shellharbour should not interject when she is getting a drink of water.

Mr DOMINIC PERROTTET: Government members know that when we have strong economic and financial management, as the people in the gallery understand, we can build things. We can deliver the services that the State desperately needs. That is why, when it comes to education policy, we have more schools. Not only are we building more housing; we have the infrastructure to support it. That is why we have the most ambitious transport policy ever in the State. We have that agenda and we can deliver on that agenda because, for the first time in a long time in New South Wales, we have the finances in order.

Ms Linda Burney: Point of order—

The SPEAKER: Order! I do not know how the member for Canterbury can possibly hear what the Minister is saying because of the level of interjections.

Ms Linda Burney: I note that the Minister has gone nowhere near answering the question.

The SPEAKER: Order! I am not sure the question was in order. Asking somebody to comment on the comments of someone else who commented on something someone else said is not really within the confines of questions. But the Minister is having a go.

Mr DOMINIC PERROTTET: The record and history will always show that under Labor we had the lowest business confidence, the slowest jobs growth and the slowest economic growth in the country. But under the Baird-Grant Government, we turned this State around.

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

Mr DOMINIC PERROTTET: We lead on every front and we are proud once again that we are cleaning up the mess of those opposite. We know one thing—that is, that Malcolm Turnbull will continue the great work of Tony Abbott in fixing up the mess that the Federal Labor Government left this nation, because that is what those on this side of the House do. We are fixing up the mess of Labor at the State level and we will continue to do so at the Federal level.

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

EDUCATION REFORMS

Mr THOMAS GEORGE: My question is addressed to the Minister for Education. How is the Government delivering on its priorities to improve educational results for students in New South Wales?

The SPEAKER: Order! Interjections will cease. Several members are close to being ejected from the Chamber this afternoon.

Mr ADRIAN PICCOLI: I thank the member for his question. Unfortunately, I did not get a question on the Opposition's theme this afternoon. I would have loved to have been asked a question by the member for Canterbury. I have spent a bit of time in schools in the past few weeks and one thing I want more than anything in the world is for the member for Canterbury to remain Opposition spokesman for Education. While the member is the Deputy Leader of the Labor Party and Luke Foley, the member for Auburn, is Leader of the Opposition, those on this side of the House will look fantastic.

People will support us ahead of those opposite if that leadership group is the best that the Labor Party in Sussex Street can find. The Premier's priorities include two significant priorities in education. The first is to increase by 8 per cent the proportion of students in the top two National Assessment Program—Literacy and Numeracy [NAPLAN] band results by 2019. The second is to increase the proportion of Aboriginal students in the top two NAPLAN bands for reading and numeracy by 30 per cent by 2019.

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

Mr ADRIAN PICCOLI: Of course, we target improved student results across the board. The Premier and this Government have identified these two specific targets as priorities—and rightly so. I remind the House of what this Government has done for educational reform in the 4½ years we have been in office, in contrast to the 16 years of Labor Government when virtually nothing was done. We have increased the power of schools to make decisions about how they are managed and how they spend their resources—Local Schools, Local Decisions.

Mrs Jillian Skinner: The principals like that.

Mr ADRIAN PICCOLI: As the member for North Shore said, the principals love this. We have increased funding. New South Wales was the first State to sign up to Gonski. For the first time in this State's history, every Aboriginal student attracts funding—whether they go to school in Walgett or anywhere else. We have distributed resources differently through the resource allocation model, and we will make more announcements about that in the coming months. These two things target that disadvantaged cohort of students across New South Wales and, in particular, the second of the Premier's priorities. The quality of teaching is critical and we have introduced quality of teaching reforms—Great Teaching, Inspired Learning, with more than 40 separate initiatives.

These three key elements of decision-making, funding and teaching are tied up with the importance of leadership. We are making sure we have the right leaders in our schools and that they maximise the value of the three reform elements. There are also accountabilities around the school plan

and the School Excellence Framework to drive improved student results. NAPLAN is not the only measure of these results but it is an important measure. To achieve improved results we see the average proportion of students in the top two bands increasing from 32.7 to 35.3 per cent in 2019, which would be 8,500 more students in the top two bands.

We are seeing great results in schools. A couple of weeks ago I was at Hillvue Public School in Tamworth, which had fantastic NAPLAN results. This school's year 3 NAPLAN mean results were well above those achieved in 2014. The percentage of year 3 students in the top three bands for reading has almost doubled in one year, and 60 per cent of all year 3 students are in the top three bands for writing, compared to only 9 per cent last year. Our schools are doing a great job in supporting their students to obtain better results, while looking after students' wellbeing. If we combine improved student results with improved student wellbeing, supported by other initiatives like our Supported Students, Successful Students and increased funding for school counselling we find that that is exactly what students need and what parents expect from our educational system. The Premier's two priorities are designed to achieve this.

Question time concluded at 3.25 p.m.

INSPECTOR OF CUSTODIAL SERVICES

Report

The Speaker tabled, pursuant to section 16 of the Inspector of Custodial Services Act 2012, the report of the Inspector of Custodial Services entitled "Lifers: Classification and regression", dated September 2015.

Ordered to be printed.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by Mr ANTHONY ROBERTS agreed to:

That standing and sessional orders be suspended at this sitting to postpone the commencement of Government business until the conclusion of the motion accorded priority.

STANDING AND SESSIONAL ORDERS AND CITIZEN'S RIGHT OF REPLY

Motion by Mr ANTHONY ROBERTS, by leave, agreed to:

- (1) (a) The following standing orders be amended to read as follows—

MEETING OF NEW PARLIAMENT AFTER A GENERAL ELECTION

2. On the first day of a new Parliament after a General Election the proceedings shall be as follows:

- (1) Members shall assemble at the time and place specified in the Governor's proclamation calling Parliament together and the Clerk shall read the Proclamation and announce the receipt of writs of election and the list of Members elected.
- (2) The House shall await a message from the Commissioner(s) appointed by the Governor for the Opening of Parliament.
- (3) The House shall attend at the place named in the message to hear the commission read.

- The House shall then return to its own Chamber.
- (4) The Commissioner(s) appointed by the Governor for administering the pledge or oath to Members shall be announced, and the commission read by the Clerk.
 - (5) The writ of election of each Member, with the return endorsed, shall be produced by the Clerk.
 - (6) Members shall make a pledge of loyalty or oath as prescribed by law and sign the roll.
 - (7) The House shall then elect a Speaker (see SO 10 and Constitution Act 1902, section 31B).
 - (8) Until a Speaker is elected, the Clerk shall preside and in any debate shall decide any point of order and determine which Member is entitled to address the House.
 - (9) A Minister may then inform the House when the Governor will summon the House for the hearing of the Governor's reasons for calling the Parliament together. The House may then adjourn to that hour.

MEETING FOR A NEW SESSION

3. On the first sitting day of a new session the proceedings shall be as follows:

- (1) Members shall assemble at the time and place specified in the Governor's proclamation and the Clerk shall read the proclamation.
- (2) The Speaker shall read the prayer and acknowledgement of country and the House shall await a message from the Governor summoning the House to hear the Governor's opening speech or the commission read opening the session.
- (3) On receipt of the message the House shall attend at the place appointed.
- (4) Before the speech or commission is reported the House shall conduct some business of a formal nature without notice, in assertion of its rights.
- (5) After hearing the speech or commission read, the Speaker shall report and table the speech or the commission.

ABSENCE OF OR VACANCY IN THE OFFICES OF SPEAKER, DEPUTY SPEAKER AND ASSISTANT SPEAKER

15.

- (1) In the absence of the Speaker on a day when the House is sitting the Deputy Speaker shall perform the duties of the Speaker.
- (2) In the absence of both the Speaker and Deputy Speaker on a day when the House is sitting the Assistant Speaker shall perform the duties of the Speaker.
- (3) In the absence of the Speaker, Deputy Speaker and Assistant Speaker on a day when the House is sitting, a Temporary Speaker shall perform the duties of the Speaker.

TEMPORARY SPEAKERS

19. The Speaker shall nominate, at the commencement of each Parliament, not more than 5 Members as Temporary Speakers who, in the absence of the Deputy Speaker and Assistant Speaker, may exercise the powers and duties of the Speaker, and who shall be referred to whilst in the Chair as Temporary Speaker.

PLEDGE OR OATH OTHER THAN ON FIRST SITTING DAY

23.

- (1) Any Member not present on the first day of a new Parliament shall, at a subsequent sitting make the pledge of loyalty or oath as prescribed in law and sign the roll.
- (2) A Member returned at a by-election may be escorted into the Chamber by Members and shall make the pledge of loyalty or oath and sign the roll.

CHAIR'S DISCRETION ON FURTHER QUORUM

42. The Speaker has discretion to proceed with business or order that the bells be rung on a second or any subsequent quorum call on any one sitting day.

MATTERS NOT OPEN FOR DEBATE NOR AMENDMENT

80. The following matters are not open to debate nor amendment:

- (1) Adjournment of debate.
- (2) Adjournment of the House.
- (3) Extension of time.
- (4) Leave of the House.
- (5) Motion that a Member be suspended.
- (6) Motion that a Message be sent to the Legislative Council.
- (7) Motion that leave of absence be granted.
- (8) To withdraw or postpone an order of the day.
- (9) Personal explanation.
- (10) "That inspection of the paper be restricted to Members only and that no copies or extracts thereof be permitted".
- (11) "That visitors be ordered to withdraw".
- (12) "That the bill be declared urgent".
- (13) "That the order of the day be discharged and the bill be withdrawn".
- (14) "That the Committee report be printed".
- (15) "That the Member for be further heard".
- (16) "That the Member for be not further heard".
- (17) "That the Member for be now heard."
- (18) "That the petition not be received".
- (19) "That the question be put as separate questions...".
- (20) "That the question be now put".
- (21) "That the question be not now put".
- (22) "That the Member's speaking time be extended".
- (23) Motion to permit a Member to make an inaugural speech.

SPEAKING TO PRIVILEGE

91. A Member may rise on a matter of contempt or a breach of privilege suddenly arising relating to the proceedings then before the House. In order to move a substantive motion immediately or to request the Speaker to have a notice placed on the Business Paper with precedence, the Member must satisfy the Speaker (in a statement limited to 10 minutes) that:

- (1) The matter is one suddenly arising, relates to a matter then before the House and should be dealt with at the earliest opportunity;
- (2) There is a prima facie case; and
- (3) The Member has prepared a notice of motion and the matter should proceed forthwith or have precedence for the next sitting day.

MATTERS OF PUBLIC IMPORTANCE

110. The procedure for matters of public importance is as follows:

- (1) The matter, which must be definite, shall be handed in writing to the Speaker no later than 12.00 noon on days when the House discusses a Matter of Public Importance and immediately published.

- (2) The Speaker, in the event that more than one matter is submitted, shall determine which matter is of the greatest public importance.
- (3) At least 30 minutes prior to the time for Question Time -
 - (a) the Premier, the Leader of the Opposition, the responsible Minister in the House, Members submitting matters and the Independent Members shall be informed in writing by the Speaker of the matter determined by the Speaker to be discussed.
 - (b) the Speaker, by placing a notice on notice boards, shall inform Members of the matter.
- (4) If the Speaker decides that any matter proposed is in order it shall be announced to the House by the Speaker.
- (5) As provided in the routine of business the Speaker shall call the Member concerned to proceed with the matter. The matter cannot be amended.
- (6) The following time limit shall apply:

| | |
|--------------------------|--------------|
| Member submitting matter | – 7 minutes |
| Member next speaking | – 7 minutes |
| One other Member | – 5 minutes |
| Reply | – 5 minutes |
| Total | – 24 minutes |
- (7) At the conclusion of the discussion no question shall be put.
- (8) There shall be no dissent from the ruling of the Speaker in relation to the operation of this Standing Order.
- (9) A division on any question or quorum call shall not be permitted during Matters of Public Importance.

QUESTION TIME (ORAL QUESTIONS)

131. The procedure for Question Time is as follows:

- (1) Questions are asked orally and may be read and are subject to the same rules as written questions but shall not be recorded in the Questions and Answers Paper.
- (2) An answer to a question must not exceed five minutes.
- (3) At the conclusion of the Minister's answer to a question, the member who asked the question may, at the discretion of the Speaker, seek additional information from the Minister. The Minister's response on the additional information must not exceed two minutes.
- (4) The Speaker has discretion at any time during a Minister's answer to order that the timing clock be paused.
- (5) No question shall be asked after 45 minutes from the Speaker calling on questions or the answering of 10 questions whichever is the longer.
- (6) One supplementary question per Question Time may be asked immediately by the Member asking the original question. The answer shall count as one of the 10 answers.
- (7) The Leader of the Opposition is entitled to be called first by the Speaker at the commencement of Question Time.
- (8) Ministers seeking to provide additional information to questions already answered at the current or a previous sitting shall do so at the conclusion of Question Time.

WRITTEN QUESTIONS

132. The procedure for written questions is as follows:

- (1) Questions shall be handed to one of the Clerks-at-the-Table or lodged in the Procedure Office by 12.00 noon on a sitting day for publication in the next sitting day's paper.
- (2) A question containing argument, unbecoming expressions or otherwise not conforming with the practice of the House may:

- (a) Under the authority of the Speaker, be amended by the Clerk or divided if it contains matters that are not relevant to each other.
- (b) Be ordered not to be printed by the Speaker or removed from the Questions and Answers Paper.
- (3) The number of questions able to be lodged accumulative over one sitting week are:
 - (a) Members – three questions per sitting day.
 - (b) Leader of the Opposition – four questions per sitting day.
- (4) Ministers shall lodge answers to written questions within 35 calendar days after the question is first published. On sitting days answers must be submitted by 12.00 noon on the due date, to be published in the next sitting day's paper. Any answers lodged after this time will be published at a subsequent time. Answers must be signed and lodged in hard copy and also electronically.
- (5) If an answer to a written question is not received within 35 calendar days the Speaker, at the next sitting day after the expiry date, shall forthwith inform the House and the Minister shall immediately explain to the House the reason for non-compliance.
- (6) If the Minister, after explanation in the House, has not submitted an answer within 3 sitting days the Speaker shall again inform the House and the Minister shall again be called to explain with such procedure continuing until a written answer is submitted.

ALTERATIONS OF NOTICES

139. To alter a notice of motion already given, a Member must hand in an amended notice at least one sitting day before the motion is moved. The amended notice must not exceed the scope of the terms of the original notice.

- (b) The amendments be forwarded by the Speaker to His Excellency the Governor for approval.
- (c) The proposed amended standing orders operate as sessional orders on and from 16 September 2015 until such time as they are approved by His Excellency the Governor.
- (2) This House agrees to:
 - (a) The proposed amendments to the sessional orders as follows –

MATTERS NOT OPEN FOR DEBATE NOR AMENDMENT

That, during the current session, unless otherwise ordered, standing order 80 shall read as follows:

80. The following matters are not open to debate nor amendment:

- (1) Adjournment of debate.
- (2) Adjournment of the House.
- (3) Extension of time.
- (4) Leave of the House.
- (5) Motion that a Member be suspended.
- (6) Motion that a Message be sent to the Legislative Council.
- (7) Motion that leave of absence be granted.
- (8) To withdraw or postpone an order of the day.
- (9) Personal explanation.
- (10) "That inspection of the paper be restricted to members only and that no copies or extracts thereof be permitted".
- (11) "That visitors be ordered to withdraw".
- (12) "That the bill be considered an urgent bill".
- (13) "That this bill be read at a later time".
- (14) "That the Order of the Day be discharged and the bill be withdrawn".

- (15) "That the Committee report be printed".
- (16) "That the Member for ... be further heard".
- (17) "That the Member for ... be not further heard".
- (18) "That the Member for ... be now heard".
- (19) "That the petition not be received".
- (20) "That the question be put as separate questions".
- (21) "That the question be now put".
- (22) "That the question be not now put".
- (23) "That the Member's speaking time be extended".
- (24) Motion to permit a Member to make an inaugural speech.

SPEAKING TO PRIVILEGE

That, during the current session, unless otherwise ordered, standing order 91 shall read as follows:

91.

- (1) A Member may rise on a matter of contempt or a breach of privilege suddenly arising relating to the proceedings then before the House. In order to move a substantive motion immediately or to request the Speaker to have a notice placed on the Business Paper with precedence, the Member must satisfy the Speaker that:
 - (a) the matter is one suddenly arising, relating to a matter then before the House which should be dealt with at the earliest opportunity;
 - (b) there is a prima facie case; and
 - (c) the Member has prepared a notice of motion.
- (2) When a matter of contempt or a breach of privilege suddenly arising relating to the proceedings then before the House is raised, the business before the House is suspended until the Speaker:
 - (a) determines that there is no matter of contempt or breach of privilege; or
 - (b) defers the matter and either continues or adjourns the business under consideration; or
 - (c) determines that a prima facie case exists and allows a notice of motion to be moved forthwith or to have precedence for the next sitting; or
 - (d) takes some other form of action.
- (3) The maximum time available to a Member to satisfy the Speaker in accordance with paragraph (1) of this standing order is 10 minutes. The Speaker may determine the matter prior to the expiration of the 10 minutes.
- (4) If the Speaker determines that a prima facie case exists the Member must move a motion seeking either:
 - (a) the declaration of the House that a contempt or breach of privilege has occurred; or
 - (b) the referral of the matter by the House to the Standing Committee on Parliamentary Privilege and Ethics for consideration.

ROUTINE OF BUSINESS

That, during the current session, unless otherwise ordered, standing order 97 be amended in part as follows:

Wednesdays

- 4. Community Recognition Statements concluding at 1.35 pm.

Thursdays

6. At 1.00 p.m. consideration of tabled committee reports concluding at 1.30 pm. Any interrupted item of business shall stand as an Order of the Day for tomorrow.

COMMUNITY RECOGNITION STATEMENTS

That, during the current session, unless otherwise ordered, the following sessional order be amended to read as follows:

108A. The procedure for community recognition statements is as follows:

- (1) In accordance with the routine of business, the Speaker will ask if there are any community recognition statements.
- (2) Within the time allocated in the routine of business, Members may give community recognition statements for up to 1 minute each, for a total of 20 minutes.
- (3) Members may not give consecutive community recognition statements.
- (4) Community recognition statements may be taken between items of business with the leave of the House for a specified period or a specified number of Members or until certain business is to be conducted as notified by the Minister in charge of the House at that time.
- (5) Community recognition statements must not contain:
 - (a) Matters of policy;
 - (b) Requests for the Government or the House, or another body to take some Form of action or not; or
 - (c) Criticisms or negative reflections on any person, including Members, Office Holders, the Government, the Opposition or a third party.
- (6) A division on any question or quorum call shall not be permitted during community recognition statements.

MATTERS OF PUBLIC IMPORTANCE

That, during the current session, unless otherwise ordered, standing order 110 shall read as follows:

110. The procedure for matters of public importance within the daily routine of business, is as follows:

- (1) The matter, which must be definite, shall be handed in writing to the Speaker no later than 12.00 noon and immediately published.
- (2) The Speaker, in the event that more than one matter is submitted, shall determine which matter is of the greatest public importance.
- (3) At least 30 minutes prior to the time for Question Time –
 - (a) The Premier, the Leader of the Opposition, the responsible Minister in the House, Members submitting matters and the Independent Members shall be informed in writing by the Speaker of the matter determined by the Speaker to be discussed.
 - (b) The Speaker, by placing a notice on notice boards, shall inform Members of the matter.
- (4) If the Speaker decides that any matter proposed is in order it shall be announced to the House by the Speaker.
- (5) As provided in the routine of business the Speaker shall call the Member concerned to proceed with the matter. The matter cannot be amended.
- (6) The following time limits shall apply:

| | |
|--------------------------|-------------|
| Member submitting matter | – 5 minutes |
| Member next speaking | – 5 minutes |
| One other Member | – 3 minutes |
| Reply | – 3 minutes |

- Total – 16 minutes
- (7) At the conclusion of the discussion no question shall be put.
 - (8) There shall be no dissent from the ruling of the Speaker in relation to the operation of this standing order.
 - (9) A division on any question or quorum call shall not be permitted during Matters of Public Importance.

DISCUSSION ON PETITIONS SIGNED BY 10,000 OR MORE PERSONS

That during the current session, unless otherwise ordered, the following sessional order be amended to read as follows:

125A.

- (1) The subject matter of every petition received by the House and certified by a Member and announced by the Speaker as having been signed by 10,000 or more persons, shall be automatically set down as an Order of the Day for discussion on a future day.
- (2) The Order of the Day shall take place at 4.30 pm on the Thursday of the next sitting week.
- (3) Any further petitions received before the first Order of the Day is disposed of shall be set down on succeeding Thursdays in the order in which they are presented.
- (4) The following time limits shall apply:
 - First speaker – 5 minutes
 - Member next speaking – 5 minutes
 - Two other Members – 3 minutes each
 - Total – 16 minutes
- (5) If a Member does not seek the call when the Order of the Day is called on, the Order of the Day will lapse.
- (6) The Order of the Day cannot be amended and at the conclusion of the discussion no question shall be put.
- (7) A division on any question or quorum call shall not be permitted during discussion of the Order of the Day.

WRITTEN QUESTIONS

That, during the current session, unless otherwise ordered, standing order 132 shall read as follows:

132. The procedure for written questions is as follows:

- (1) Questions shall be handed to one of the Clerks-at-the-Table or lodged in the Table Office by 12.00 noon on a sitting day for publication in the next sitting day's paper.
- (2) A question containing argument, unbecoming expressions or otherwise not conforming with the practice of the House may:
 - (a) Under the authority of the Speaker, be amended by the Clerk or divided if it contains matters that are not relevant to each other.
 - (b) Be ordered not to be printed by the Speaker or removed from the Questions and Answers Paper.
- (3) The number of questions able to be lodged over one sitting week are:
 - (a) Members – Nine questions per sitting week;
 - (b) Leader of the Opposition – Twelve questions per sitting week.
- (4) Ministers shall lodge answers to written questions within 35 calendar days after the question is first published. On sitting days answers must be submitted by 12.00 noon on the due date, to be published in the next sitting day's paper. Any answers lodged after this time will be published at a subsequent time. Answers must be signed and lodged in hard copy and also electronically.

- (5) If an answer to a written question is not received within 35 calendar days the Speaker, at the next sitting day after the expiry date, shall forthwith inform the House and the Minister shall immediately explain to the House the reason for non-compliance.
- (6) If the Minister, after explanation in the House, has not submitted an answer within 3 sitting days the Speaker shall again inform the House and the Minister shall again be called to explain. The Minister will continue to be called each sitting day until a written answer is submitted.
 - (b) The proposed changes to the sessional orders coming into force on and from 16 September 2015.

CITIZEN'S RIGHT OF REPLY

- (3) During the current Parliament, unless otherwise ordered, the following Citizens' Right of Reply be adopted:
 - (1) That where a submission is made in writing by a person who has been referred to in the Legislative Assembly by name, or in such a way as to be readily identified:
 - (a) claiming that the person or corporation has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person or corporation; and
 - (b) requesting that the person be able to have consideration given to an appropriate response being published by the Legislative Assembly or incorporated into *Hansard*,
and the Speaker is satisfied:
 - (c) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the Standing Orders and Procedure Committee;
 - (d) the submission was received within 6 months after the relevant comments were made in the House unless the applicant can show exceptional circumstances to explain the delay; and
 - (e) that it is practicable for the Committee to consider the submission under this resolution, the Speaker shall refer the submission to that Committee.
 - (2) That the Committee may decide not to consider a submission referred to it under this resolution if the Committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the Legislative Assembly.
 - (3) That if the Committee decides to consider a submission under this resolution, the Committee may confer with the person who made the submission and any member who referred in the Legislative Assembly to that person or corporation.
 - (4) That in considering a submission under this resolution, the Committee shall meet in private session.
 - (5) That the Committee shall not publish a submission referred to it under this resolution of its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the Legislative Assembly.
 - (6) In considering a submission under this resolution and reporting to the Legislative Assembly the Committee shall not consider or judge the truth of any statements made in the Legislative Assembly or the submission.
 - (7) That in its report to the Legislative Assembly on a submission under this resolution, the Committee may make either of the following conclusions:
 - (a) that no further action be taken by the Committee or the Legislative Assembly in relation to the submission; or
 - (b) that a response by the person who made the submission, in terms specified in

the report and agreed to by the person or corporation and the Committee, be published by the Legislative Assembly or incorporated in *Hansard* by the Speaker.

- (8) That a document presented to the Legislative Assembly under paragraph (5) or (7):
 - (a) in the case of a response by a person or corporation who made a submission, shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and
 - (b) shall not contain any matter the publication of which would have the effect of:
 - (i) unreasonably adversely affecting or injuring a person or corporation, or unreasonably invading a person's privacy, in the manner referred to in paragraph (1); or
 - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.
- (9) That a corporation making a submission under this resolution is required to make it under their common seal.
- (10) The provisions of Standing Order 306, do not apply to any report made by the Committee to the Legislative Assembly under this resolution.

LEGISLATION REVIEW COMMITTEE

Report

Mr Michael Johnsen, as Chair, tabled the report entitled "Legislation Review Digest No. 6/56 of 2015", dated 15 September 2015, together with minutes of the committee meeting regarding Legislation Review Digest No. 5/56, dated 8 September 2015.

Report ordered to be printed on motion by Mr Michael Johnsen.

PETITIONS

The Speaker announced that the following petition signed by more than 10,000 persons was lodged for presentation:

Toronto Motor Registry

Petition opposing the relocation of services from the Toronto Motor Registry to the Warners Bay Service NSW centre, received from **Mr Greg Piper**.

Discussion on petition set down as an order of the day for a future day.

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

Inner-city Social Housing

Petition requesting the retention and proper maintenance of inner-city public housing stock, 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**.

Plastic Bags Ban

Petition calling on the Government to introduce legislation to ban single-use lightweight plastic bags at retail points of sale in New South Wales to reduce waste and environmental degradation, received from **Mr Alex Greenwich**.

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

West Bank Road Realignment

Petition requesting funding to enable the realignment of West Bank Road and its retention as a through road, received from **Mr Kevin Anderson**.

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

The Hon. Paul Toole—Council Amalgamations—lodged 5 August 2015 (Mr Andrew Gee)

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

China-Australia Free Trade Agreement

Mr DAMIEN TUDEHOPE (Epping) [3.30 p.m.]: Last week the member for Parramatta moved a motion in similar terms, inviting the Opposition to agree that the House support the China-Australia Free Trade Agreement, in its negotiated form, as signed by the Federal Minister for Trade and Investment, Andrew Robb, and the Chinese Minister of Commerce, Mr Gao Hucheng. The motion was responded to by the Leader of the Opposition, who feigned confected and, in many respects, inappropriate insult in relation to the framing of the motion. At the conclusion of his speech he said:

Members opposite can bring on a debate about China every day. It is going really well for them.

I accept the invitation. My motion is about character. In many respects, it is no longer a motion about the confected insult to the Leader of the Opposition, who always interprets such motions as being a slur on his character in relation to alleged xenophobia. It is not about xenophobia; it is about character in relation to the manner in which the member represents his constituents. The China-Australia Free Trade Agreement represents an opportunity to develop jobs in this State. It represents opportunities for the people of New South Wales. It is an agreement, signed in June 2015, which represents a single opportunity to increase trade and investment in this country. When in force, more than 85 per cent of Australian exported goods will enter China duty free; and that figure will rise to 95 per cent on full implementation. This would make New South Wales more competitive in arguably the largest single market in the world.

This is a move that is wholeheartedly celebrated by this Government. We want the free trade agreement for this State. This is a great tragedy for the Opposition. This is an opportunity for its representative to come into this Chamber and say, "We do not approve of the way in which the ETU and CFMEU are conducting their campaign." That is the question of character: for the member to get to his feet today and disavow the advertising campaigns of those organisations. Today is his opportunity to say, "We do not approve of the manner in which jobs in this country are attacked." Today is his opportunity to display character.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I remind members that a number of them

are on three calls to order. The member for Prospect is definitely on his last warning.

Federal Economy

Mr MICHAEL DALEY (Maroubra) [3.33 p.m.]: My motion should be accorded priority because, apart from the fact that we have had a change in the person holding the highest political position in the land, the relationship between the Prime Minister and the Premier of this State is of paramount importance for the people of New South Wales. Last night, Malcolm Turnbull said that the Prime Minister "has not been capable of providing the economic leadership our nation needs". We agree with that. He said that the Prime Minister "has not been capable of providing the economic confidence that business needs". And we agree with that. He said that "the country needs a different style of leadership", and that we need "advocacy, not slogans". That is what the country needs—that sort of talk and action from the reheated version two of the recycled Malcolm Turnbull.

What New South Wales needs is for Mike Baird, the Premier of this State, to be more successful and more capable of wrangling a win from Malcolm Turnbull than he was of wrangling one from Tony Abbott. We all admit now that Tony Abbott was a failure; that is comprehensively admitted. But he did have two victories in the past two years: one over Kevin Rudd and a rolling series of victories over the person sitting in the Premier's spot in this place, Mike Baird. Who could forget the 2014 Hockey budget? I know that the Premier and the Treasurer are trying to forget it, because they got monstered by Hockey and Abbott. The \$25 billion worth of cuts are still hanging over our heads, implemented in part by Joe Hockey to force the States to implement a rise in the GST. The \$7 co-payments—not objected to by the Premier—went by the wayside, no thanks to him. The \$100,000 fee for university degrees is still hanging over people's heads. The Premier's response could have been less equivocal. He said:

We will be standing up for this State. Make no bones about it.

Well, that is what he said on the Tuesday—until he got into a WestConnex press announcement with the Prime Minister and his knees went to jelly. At least the former Treasurer had a go; at least he called it a kick in the guts. But we could not have someone like him showing a bit of backbone, so he was moved. The current Treasurer plagiarised the former Treasurer. What we need from this New South Wales Premier is a more successful relationship, and the wrangling of a win from Malcolm Turnbull—in a way that he would not do with Tony Abbott. [*Time expired.*]

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

The House divided.

Ayes, 51

Mr Anderson
Mr Aplin
Mr Ayres
Mr Baird
Mr Barilaro
Ms Berejiklian
Mr Brookes
Mr Conolly
Mr Constance
Mr Coure
Mr Crouch
Mrs Davies
Mr Dominello

Ms Goward
Mr Grant
Mr Gulaptis
Mr Hazzard
Mr Henskens
Ms Hodgkinson
Mr Humphries
Mr Johnsen
Mr Kean
Dr Lee
Mr Maguire
Mr Marshall
Mr Notley-Smith

Mr Provest
Mr Roberts
Mr Rowell
Mr Sidoti
Mrs Skinner
Mr Speakman
Mr Stokes
Mr Taylor
Mr Toole
Mr Tudehope
Ms Upton
Mr Ward
Mrs Williams

Mr Elliott
Mr Evans
Mr Fraser
Mr Gee
Ms Gibbons

Mr O'Dea
Mrs Pavey
Mr Perrottet
Ms Petinos
Mr Piccoli

Tellers,
Mr Bromhead
Mr Patterson

Noes, 34

Ms Aitchison
Mr Atalla
Mr Barr
Ms Burney
Ms Car
Ms Catley
Mr Chanthivong
Mr Crakanthorp
Mr Daley
Mr Dib
Ms Doyle
Ms Finn

Mr Foley
Mr Harris
Ms Harrison
Ms Haylen
Mr Hoenig
Ms Hornery
Ms Leong
Mr Lynch
Dr McDermott
Ms McKay
Mr Mehan
Ms Mihailuk

Mr Minns
Mr Park
Mr Parker
Mr Piper
Mr Robertson
Ms T. F. Smith
Ms Washington
Ms Watson
Mr Zangari
Tellers,
Mr Lalich
Mr Warren

Pair

Mr Williams

Ms Hay

Question resolved in the affirmative.

VISITORS

The DEPUTY-SPEAKER (Mr Thomas George): I recognise Declan in the gallery this afternoon, a guest of the member for Hornsby. I know he is very disappointed that the Rabbitohs and the Dragons got beaten, but I see he is a Sharks supporter now. Well done, Declan. It is great to see you. I also recognise in the gallery this afternoon Jack Abadee from Barker College, a year 10 student currently on work experience with the member for Hornsby. Welcome, Jack.

CHINA-AUSTRALIA FREE TRADE AGREEMENT

Motion Accorded Priority

Mr DAMIEN TUDEHOPE (Epping) [3.43 p.m.]: I move:

That this House:

- (1) Supports the member for Kogarah's call to support the China-Australia Free Trade Agreement and to allow New South Wales businesses to take advantage of the significant opportunities on offer.
- (2) Notes the member's comments that "now is not the time for Labor to walk away from our Asian future, it's time to embrace it".

- (3) Calls on the members of the Opposition to join with their colleague and voice their support for the China-Australia Free Trade Agreement in its current negotiated form.
- (4) Joins with the member for Kogarah in again calling on the Federal Parliament to pass the China-Australia Free Trade Agreement this year to unlock benefits for New South Wales businesses and New South Wales-based industries.

I note that the Leader of the Opposition wholeheartedly supports the motion. During the recent election campaign I came across a constituent who was voting Liberal for the first time. Formerly a diehard unionist, he believed the unions and the Labor Party had lost their way. He said, "Labor used to be the party of workers; now they are the party of people who do not want to work." The Liberal Party is the party of workers. We are the party of a strong economy; we are the party of opportunity; and we are the party of creating jobs and strengthening ties with our economic trading partners. As I indicated, last Wednesday the member for Parramatta moved a similar motion to the motion that I have moved today. That was an opportunity for the Leader of the Opposition to express his support for the signing of the China-Australia Free Trade Agreement in its current form.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I remind the member for Londonderry that she is already on a call to order.

Mr DAMIEN TUDEHOPE: In fact, he fluffed the opportunity. It was an opportunity to come into this place and to say that this was an agreement which should be signed immediately for the benefit of all Australians. In fact, we had to wait until Monday of this week for the speech that the Leader of the Opposition should have given. It was delivered by the member for Kogarah in an editorial article in the *Sydney Morning Herald*.

Mr Luke Foley: What did your hero B.A. Santamaria say about the Chinese Communists?

The DEPUTY-SPEAKER (Mr Thomas George): Order! I call the Leader of the Opposition to order for the first time.

Mr DAMIEN TUDEHOPE: In the article the member for Kogarah said:

In 1980 the Asian region contributed 20 per cent of global GDP. Today that number is 40 per cent and by 2025 it is expected to rise to more than half of global GDP. That's more than Europe and the US combined. Australian businesses need to be competing in this market if we are to have any chance of being more than just a farm or quarry for Asia.

It is, as my hero B.A. Santamaria would say, an opportunity to show character. In fact, in his speech to this House the Leader of the Opposition was wont to condemn the failure of conservative governments to appropriately condemn Pauline Hanson for her xenophobic utterances. I agree with him. We were too slow to act. But again he had an opportunity to act in a similar manner. This was his opportunity to come into this House and to say, "We do not want to accept donations from the Electrical Trades Union [ETU] or the Construction, Forestry, Mining and Energy Union [CFMEU] while they continue to operate in the manner in which they do." The Leader of the Opposition should say, "We will not accept their donations." If he did, we would know that he had the character to say, "We stand for the future of Australia." Failing to say that means that he supports the statements made by those unions. This is his chance.

Mr LUKE FOLEY (Auburn—Leader of the Opposition) [3.48 p.m.]: I thank the Government so much for giving me yet another opportunity to confirm my support for the China-Australia Free Trade Agreement. After copping a flogging in this place last week on this matter members opposite have said, "Let's go double or nothing." The mover of this motion wants me to make my position clear. I refer him to the front page of the national broadsheet—the *Australian*, a publication I assume he is familiar with—on 2

September. Above the fold I am quoted as saying:

Labor has led the way on engagement with China. The next step is a free-trade agreement. Our future prosperity will rely on increased exports, particularly in non-mining goods and services.

I went on to say:

I agree with Bob Hawke when he says that the China-Australia free trade agreement should not be torpedoed.

I went on to talk about the history of Labor governments forging our relations with China. I talked about the appalling record of a predecessor of members opposite who condemned Neville Wran in 1979 for signing a formal agreement between the State of New South Wales and the province of Guangdong. Guangdong was then considered to be a backwater. Today it is responsible for a mere one-eighth of mainland China's gross domestic product. Was that a wise agreement for Neville Wran—who was the first Premier of any Australian State to visit China in 1977—and the Labor Government to enter into in 1979? Members opposite have failed to condemn the resolution of The Nationals conference that opposes foreign investment in Australian agriculture.

The Deputy Premier and Leader of The Nationals was present at that conference along with every other member of The Nationals in the Baird Government. They were silent when a resolution was carried to oppose foreign investment in Australian agriculture. The Premier has failed to stand up to Mr Hockey—or whoever the Federal Treasurer is this week—who is driving a discriminatory property investment regime in Australia. Joe Hockey amended the property investment regime in this country so that Chinese investors are treated differently from Americans. Have we heard a word from the Premier or any other member of this Cabinet condemning their Federal colleague for doing so? I will stand up to my Federal colleagues; I will tell Federal Labor that I want to see the China-Australia Free Trade Agreement passed and implemented this year.

Why will this Premier not stand up to Joe Hockey's discriminatory property investment regime? Why will the Premier, the Leader of The Nationals or any Minister in this Government not stand up to Barnaby Joyce when he says that he supports banning all foreign governments and foreign State-owned companies from buying Australian farmland? Why will no Minister oppose or stand up to Barnaby Joyce, the Federal Minister for Agriculture and Federal Deputy Leader of the National Party, when he says, "I just don't want to see agricultural land owned by a foreign government"? I will stand up to my Federal colleagues. I challenge the Premier and Deputy Premier to stand up to theirs when it comes to foreign investment. Their failure to do so and their failure to utter a single word about Joe Hockey's property investment regime or Barnaby Joyce's assault on foreign investment in Australian agriculture exposes their hypocrisy on this matter. Congratulations to the member for Kogarah. His op-ed is terrific. The Opposition supports the China-Australia Free Trade Agreement. [*Time expired.*]

The DEPUTY-SPEAKER (Mr Thomas George): I direct the member for Prospect to remove himself from the Chamber for a period of one hour.

[*Pursuant to sessional order the member for Prospect left the Chamber at 3.53 p.m.*]

Mr JOHN SIDOTI (Drummoyne—Parliamentary Secretary) [3.54 p.m.]: I will dispel a few of the myths being pushed by some in the community about the merits of the China-Australia Free Trade Agreement. First, the message that Chinese companies will have unrestricted ability to employ Chinese workers for major projects, thus threatening Australian jobs, is simply wrong—wrong, wrong. Employers must show the Department of Immigration and Border Protection that there is a demonstrated labour market need, that Australians have been given the first opportunity through evidence of domestic recruitment activity, and that there are no suitably qualified Australians available. The number of temporary work visas issued each year will depend on a demonstration of ongoing labour market need,

compliance with sponsorship obligations, including obligations to provide Australians with the first opportunity for employment and to provide training for Australian employees, and workforce profile.

The China-Australia Free Trade Agreement will not give Chinese workers unrestricted access to the Australian labour market. It will not allow Australian employment laws or conditions to be undermined nor allow companies to avoid paying Australian wages because they are using foreign workers. Through investment facilitation arrangements [IFAs] that were made under a separate memorandum of understanding concluded alongside the China-Australia Free Trade Agreement, Chinese companies that are making significant investments in Australia will have increased access to skilled overseas workers when suitable local workers cannot be found.

IFAs will strengthen infrastructure development and investment, leading to the creation of jobs and increased economic prosperity for the people of New South Wales. Investment facilitation arrangements will not allow unskilled or underpaid Chinese workers to be brought in to staff major projects. IFAs will provide certainty that investors will be able to access skilled overseas workers under Australian employment conditions when suitable local workers cannot be found. Under IFAs, Australian workers will continue to be given the first opportunity. Everyone working in Australia will be employed under Australian wages and conditions and will have to meet Australian standards for qualifications. I implore the Leader of the Opposition to show the leadership that we have seen from the member for Kogarah, to call out his union masters and his Federal Labor colleagues for their appalling campaign of misinformation about the China-Australia Free Trade Agreement, and to ensure that it is passed through the Federal Parliament as soon as possible.

Mr CHRIS MINNS (Kogarah) [3.57 p.m.]: I thank the member for Epping for moving this motion. Last week I was rudely thrown out of the Chamber, so debate on this motion gives me an opportunity to talk about this important issue. The truth is that the China-Australia Free Trade Agreement is important for this country, as the Leader of the Opposition and many others have said. We cannot simply be a farm or a quarry for Asia. We must take advantage of the enormous growth and economic opportunities that are opening up throughout South-East Asia. There is a lot of talk about how Australia is ready for the Asian century and how we will float into prosperity.

The truth is that we have more direct foreign investment in New Zealand, which has only four million people, than all of Asia combined, which is a region encompassing four billion people. By 2025 the Asian region will generate more than half of the world's gross domestic product [GDP]. Today it is generating 40 per cent. In 1980, when Lee Kuan Yew, then Prime Minister of Singapore, said that Australia ran the risk of being the poor white trash of Asia, the GDP was at 20 per cent. The Asian region has come a long way. If it were not for natural commodities, Australia would not be competing in this region, which is why the China-Australia Free Trade Agreement is important. An article in the 7 September edition of *The Guardian* carried the headline "Luke Foley joins Victorian and SA Labor premiers to back China free trade deal".

The truth of the matter is that the Government will not take yes for an answer. For more than a week the Leader of the Opposition has been saying that this is crucial for Australia's future. Someone has cancelled the subscription to the *Australian*, because they did not get the message on Monday. They know that the Opposition supports the free trade agreement. They understand that a difficult decision was made on this side of the House in the interests of this country's future. All they need to do is listen when the Leader of the Opposition opens his mouth. The other thing they should look out for is comments from Federal Ministers, including the Federal Minister for Agriculture, Barnaby Joyce. According to the ABC on 16 June, in opposing the sale of Kidman and Co farm, Minister Joyce said:

I have, and as does everybody, concerns about state-owned enterprises, because if we didn't there wouldn't be a \$1 limit before it has to go to the Foreign Investment Review Board.

Companies quite rightly want to make sure they make a profit, but a state-owned enterprise is

driven by the articles and ideals of a state.

I am not quite sure what the insinuation is. Perhaps he thinks that the Chinese are going to make the cows Communists or something. The truth of the matter is that there has been a persistent xenophobic campaign run by members of The Nationals at the Federal level, and not one member of The Nationals at the State level will stand up to members like Barnaby Joyce. They should show some leadership rather than be hypocritical on this issue. [*Time expired.*]

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Lakemba should inspect the House when his leader is not present and see how many are here.

Mr DAMIEN TUDEHOPE (Epping) [4.00 p.m.], in reply: I am glad I afforded an opportunity to the Leader of the Opposition to have another go. I invited him to say something about the Electrical Trades Union [ETU] and the Construction, Forestry, Mining and Energy Union [CFMEU]. Again, he refused to do so. It is clear that the CFMEU and the ETU are dictating to the Federal Leader of the Opposition. The member for Auburn should be picking up the phone to Mr Shorten. There was not one word in the member's speech about his conversations with Mr Shorten. When will he pick up the phone to Mr Shorten and tell him about his attitude to the China Free Trade Agreement?

When will the member for Auburn send Mr Shorten a copy of the member for Kogarah's editorial article? He is the only one who has correctly identified the importance of this agreement to the country. The member for Auburn is the Leader of the Opposition in this State; he should ring Mr Shorten today. He should ring his friends in the ETU and the CFMEU and tell them that he will not take one further dollar of funding from those organisations until such time as they withdraw the campaigns which they are currently running in relation to the China Free Trade Agreement. Those campaigns, if nothing else, are xenophobic. The Leader of the Opposition ought to be objecting to those campaigns. It is all very well to come in here today and say, "I am the great protagonist of a free trade deal with China," but the Leader of the Opposition's words mean nothing until he acts on those words in a way which demonstrates strength of character.

The Leader of the Opposition does not have that character while the ETU continues to run one of those ads on television during the night. I welcome the contribution of the member for Drummoyne, who elucidated in an articulate manner the benefits which will flow from that agreement. I welcome the early opportunity given to the member for Kogarah to demonstrate his leadership potential for the Opposition by articulating the benefits of the agreement. He is the only one on the other side of the Chamber who has the courage to say what a great benefit that agreement is for this State. I welcome his contribution. The member for Kogarah has—he has identified it—some vision. It is a vision that is palpably lacking in his leader.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Drummoyne will cease interjecting.

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

Motion agreed to.

Pursuant to sessional order Government business proceeded with.

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL 2015

Second Reading

Debate resumed from 8 September 2015.

Mr LUKE FOLEY (Auburn—Leader of the Opposition) [4.05 p.m.]: The Labor Opposition supports the Independent Commission Against Corruption Amendment Bill 2015. On the same day in April that the High Court of Australia delivered its judgement in the Cunneen matter, I said:

I believe the parliament needs to consider legislating to strengthen the ICAC's powers to fight corruption. Labor wants to see a powerful statutory corruption fighter.

I sought to work with the Premier to ensure that the Independent Commission Against Corruption [ICAC] is given the legislative powers it needs to effectively combat corruption. To that end Labor, under my leadership, gave full support to the establishment of an independent panel to review the jurisdiction of the ICAC. That panel consisted of the Hon. Murray Gleeson, AC, and Mr Bruce McClintock, SC. This bill draws on the recommendations of this panel, and the amendments to the substantive Act strengthen the powers of the Independent Commission Against Corruption. On 26 May 1988, in this place, then Premier Greiner spoke to the bill that established the Independent Commission Against Corruption. He said:

Nothing is more destructive of democracy than a situation where the people lack confidence in those administrators and institutions that stand in a position of public trust. If a liberal and democratic society is to flourish we need to ensure that the credibility of public institutions is restored and safeguarded, and that community confidence in the integrity of public administration is preserved and justified.

He went on to say that the definition of the legislation has been framed to include everyone who is conceivably in a position of public trust. There are no exceptions and there are no exemptions. Under the leadership of Bob Carr, the establishment of the Independent Commission Against Corruption was supported by Labor in 1988. The ICAC has served the people of New South Wales well since then. This bill should ensure that the Independent Commission Against Corruption continues to serve the people of New South Wales well. The bill seeks to implement the recommendations of the Gleeson-McClintock review.

The review recommended that the Independent Commission Against Corruption's jurisdiction be extended to the corrupt conduct of non-public officials that could impair confidence in public administration. That recommendation is implemented by the provisions contained at schedule 1 [3] of this bill. The independent panel recommended that the ICAC's education, advisory and prevention functions should be used to promote the integrity and reputation of public administration. That recommendation is implemented by provisions contained at schedule 1 [8] of this bill.

The panel recommended that the powers of the Independent Commission Against Corruption [ICAC] be limited to making findings of corrupt conduct against an individual when that conduct is deemed serious. Item [15] of schedule 1 to the bill gives effect to that recommendation. Finally, the panel also recommended that the ICAC be given the power to investigate breaches of electoral and lobbying laws. Items [10] to [14] of schedule 1 to the bill give effect to that recommendation. By item [5] of schedule 1 to the bill the ICAC may investigate the corrupt conduct of those seeking public office, even if they do not succeed in being elected or appointed. These are significant amendments to the principal Act, the Independent Commission Against Corruption Act 1988, that will ensure those who seek public office do so in the public interest rather than for private advancement.

Taken as a whole, this bill will help to ensure that the vital work of the ICAC continues in this State. We should remember that by international standards Australia is not a place where corruption flourishes. Last year, the global organisation, NGO Monitor, ranked Australia eleventh out of 175 countries for levels of public sector corruption. Position one denotes the country with the lowest levels of corruption. Ahead of Australia is Canada and just behind Canada is Germany. Denmark, New Zealand and Finland ranked first, second and third. Unsurprisingly, North Korea ranked 175 out of the 175 surveyed. By international standards, Australia is not a corrupt country, but relative success should not be confused with absolute success. Wherever corruption exists, it remains a corrosive influence on our

public institutions. It eats away at the public's confidence in the instruments and actions of our democracy. Corruption need not involve each of us to impact on every one of us. As I wrote earlier this year during the election campaign:

All of our politics suffers when the integrity of any one of us is called into question.

The truth is that in recent years both sides of politics have disappointed the people of New South Wales. If we are to restore faith in the processes and functions of our democracy, the people of this State must have confidence in their policymakers, public servants and parliamentarians. The people of New South Wales must be confident that those in public office are making decisions in the public interest and not for private gain. The bill before the House amends the Independent Commission Against Corruption Act 1988 to implement the recommendations of the Gleeson-McClintock panel's review. This amending bill will ensure the Independent Commission Against Corruption remains effective and a fierce advocate for the integrity of public administration in this State. Labor believes that is essential and so the Opposition fully supports the bill.

Mr DAMIEN TUDEHOPE (Epping) [4.13 p.m.]: I support the Independent Commission Against Corruption Amendment Bill 2015, which gives effect to the recommendations of the independent panel that conducted a review of the jurisdiction of the Independent Commission Against Corruption [ICAC] and delivered its report on 30 July 2015. The genesis of the review is the decision of the High Court in *ICAC v Cunneen*. In recent years there has been no other High Court decision that seems to have attracted so much publicity. Margaret Cunneen is a very public figure. When it was announced that she would be the subject of a public inquiry to be conducted by the ICAC relating to advice that she had purportedly given her son's girlfriend, it was not surprising that there was significant disquiet. Had the ICAC overreached its jurisdiction in seeking to investigate the behaviour of private citizens in that manner? By a majority of four to one, the High Court found that it had.

The consequences of the decision were far-reaching. First, it put into jeopardy some past corruption findings and future investigations. On 20 April 2015, five days after the decision in *ICAC v Cunneen*, ICAC released a public statement indicating that the decision would "substantially damage the Commission's ability to carry out its corruption investigation and corruption prevention functions". The response of the Government, supported by the Opposition, was immediate: The Government introduced the Independent Commission Against Corruption Amendment (Validation) Bill 2015 on 6 May 2015. The bill was passed by Parliament and received assent on that same day.

Clause 35 of new part 13 provides that anything done or purported to be done by the ICAC before 15 April 2015 would have been validly done, if corrupt conduct included "relevant conduct", which is a defined term, which is taken to have been validly done. "Relevant conduct" is defined to mean conduct that adversely affects, or could adversely affect, the efficacy but not the probity of the exercise of official functions. That legislation itself was a clear demonstration by the Government and the Opposition of a determination to insure that the ICAC was not undermined and that its work was able to continue. In his second reading speech the Premier stated:

In simple terms, we will not tolerate corruption in this State, end of story. All previous findings of corruption by the Independent Commission Against Corruption [ICAC] should, and will, stand. While the High Court's recent decision in *ICAC v Cunneen* raises important questions about the ICAC's jurisdiction for the future, it should not provide those who have done the wrong thing in the past with a loophole. We need a strong ICAC, and we will have one. This Government is committed to upholding and promoting integrity in public administration. A strong ICAC plays a vital role in investigating, exposing and preventing corruption involving or affecting public administration.

Broadly speaking, the ICAC has jurisdiction to investigate and report on allegations or complaints of corrupt conduct by public officials as well as conduct by any person who could adversely affect

the exercise of public official functions. However, the recent High Court decision in *ICAC v Cunneen* has determined that the ICAC's jurisdiction is narrower than had previously been understood in relation to conduct that could adversely affect the exercise of public official functions. The majority of the High Court found that for the conduct to be corrupt conduct it must adversely affect the probity of the exercise of public official functions rather than simply the efficacy of the exercise of public official functions.

As expected this legislation was itself challenged in *Duncan v ICAC*. The High Court unanimously rejected the appeal and upheld the Government's legislation. This effectively clears the way for the ICAC to complete its work in operations Spicer and Credo. In the words of the Premier "it should get cracking". It is to the Government's undying credit that it has acted so swiftly and that its quick action has been upheld by the High Court. The second problem for the Government was to address the limits of the ICAC's jurisdiction. The validation Act did not deal with the central thrust of the Cunneen decision. What and where are the limits of the jurisdiction of the ICAC?

To what extent should it have power to investigate the activity of private individuals? Should there be any limits on the use of the extraordinary powers that have been vested in it? ICAC as a body was established in 1988 and has performed a valuable service to the community since that time. Not without its critics—many of whom railed against the powers of such an investigative body that had been granted powers and privileges far greater than most police forces in the name of stamping out corruption—it is fair to say that the model has been lauded throughout the world. Yet from time to time there has been a level of discomfort at the manner in which it operates. As one journalist put it:

Before Cunneen, ICAC's view was that its powers were so broad that just about anything qualified as corruption. Even a mother telling her son's girlfriend to fake chest pains to avoid being breath-tested after a car accident.

The decision of the High Court in Cunneen has put paid to that view held by the ICAC. In response, the Government sought the advice of the Expert Panel, consisting of the Hon. Murray Gleeson, AC, and Mr Bruce McClintock. The panel has advised the Government to back the decision of the High Court and not accede to the request of the Independent Commission Against Corruption [ICAC] to restore to it the powers it thought it had. Private individuals should not ordinarily have their affairs investigated by ICAC. However, it recommended that the Independent Commission Against Corruption Act be amended to define "corrupt conduct" to:

... include conduct of non-public officials that could impair public confidence in administration and which could involve any of the following:

- (a) collusive tendering,
- (b) fraud in relation to applications for licences, permits or other authorities under legislation designed to protect health and safety or the environment or designed to facilitate the management and commercial exploitation of resources.
- (c) dishonestly obtaining or assisting in obtaining, or dishonestly benefitting from, the payment or application of public funds for private advantage or the disposition of public assets for private advantage,
- (d) defrauding the public revenue,
- (e) fraudulently obtaining or retaining employment or appointment as a public official.

Additionally, the panel recommended that the jurisdiction of the ICAC be limited to the investigation of "serious corrupt conduct". The panel observed that "a power which has such obvious capacity to harm

individuals should be reserved only for cases where the misconduct in question is serious". This is no trite recommendation. The panel re-affirmed the authority of judicial review of decisions of the commissioner. Those decisions include decisions to hold public inquiries. The panel observed:

Such judicial review behoves the ICAC to take a far more cautious approach for one very simple reason. No judge—and the Commissioner of the ICAC has always been a Supreme Court Judge—likes to have their findings overturned, and especially not on threshold questions of whether it should have launched the investigation or held a public inquiry.

The definition of "serious corrupt conduct" is not spelt out, and the commissioner will need to determine that and at all times will need to be cognisant that the decision will be the subject of review. Finally, the panel turned its mind to the referral of various offences under the Parliamentary Electorates and Elections Act, the Election Funding, Expenditure and Disclosures Act and the Lobbying of Government Officials Act. It recommends that offences under those Acts may properly be referred to and investigated by the ICAC. Significantly, the legislation legitimises those electoral funding cases that have already been referred to ICAC without the necessity of ICAC making a decision that they fall within the notion of serious corrupt conduct. This bill gives effect to all the recommendations made by the expert panel, together with the consequential amendments that flow from the implementation of those recommendations. The bill demonstrates that the Government has zero tolerance for corruption. As the *Sydney Morning Herald* editorial so concisely put it:

NSW Premier Mike Baird has stepped through the morass with not only integrity but a considerable degree of political dexterity. He has demonstrated his commitment to transparency and democracy, first by engaging two of the state's best legal minds to review the ICAC's power, then by wholly adopting their set of recommendations to secure a solution which will restore trust in the ICAC and keep it strong, just as the public wants it.

Before finishing I will canvass some of the matters that the panel elected not to cover and on which it chose not to make recommendations. Some of those matters have given rise to public misgivings. These include: Should we have public inquiries at all? [*Extension of time agreed to.*]

Commonly, the argument has been put that the public inquiry is a show trial. It is only used to damage people's reputations. This was a submission made by the Rule of Law Institute of Australia. The panel rejected this proposition as being inconsistent with the inquisitorial nature of the manner in which the ICAC operates. ICAC, although presided over by a judge and having many similarities to a court, is not a court. It does not make judgements but, rather, delivers reports and recommendations. The panel observed:

The Panel accepts that public inquiries, properly controlled, serve an important role in the disclosure of corrupt conduct. They also have an important role in disclosing the ICAC's investigative processes. The Panel is not attracted to the idea that the powers of the ICAC should all be exercised in private.

Secondly, should there be a body that reviews the decision of the commissioner to hold a public inquiry? Such a body existed previously and was referred to as the Operations Review Committee. The oversight before inquiry model was agitated by the Bar Association. The panel concluded:

By the time a decision is made to hold a public inquiry, an investigation is likely to be well advanced and there will be a substantial body of material to be evaluated. To introduce an outside oversight body at that stage would not be practical.

Finally, there is the issue of the perceived failure to obtain convictions against some high-profile individuals who, although the subject of an adverse report and recommendations to prosecute, remain at large and appear to thumb their noses at the system. It is incumbent on us to do better in this regard. In

November 2014 the joint parliamentary committee issued a discussion paper suggesting that additional offences be considered by the Government which related to offences in public office. This is the next challenge for addressing the scourge of corrupt behaviour. The Parliament should be proud of this legislation and its part in seeking corruption-free governance for the people of New South Wales. I commend the bill.

Mr PAUL LYNCH (Liverpool) [4.25 p.m.]: I make a contribution to the debate on the Independent Commission Against Corruption Amendment Bill 2015. As already indicated, the Opposition supports the bill. As shadow Attorney General I have had the benefit of several briefings from the Government and its advisers on the bill and on its previous iterations. The overview of the bill records the history that has led to this bill. The bill seeks to implement the recommendations of a panel consisting of Murray Gleeson and Bruce McClintock concerning the jurisdiction of the ICAC. The panel resulted from a challenge to the jurisdiction of the ICAC in the now notorious case of *ICAC v Cunneen* [2015] HCA 14. That decision focused on section 8 (2) of the Act and on the meaning of the expression "adversely affect the exercise of the official function of any public official".

Did it mean adversely affect the probity of the exercise of the function, or did it mean adversely affect the efficacy of the exercise of the function? The High Court adopted the former narrower of these definitions, rather than the latter expanded jurisdiction. The reality, I think—and the bill tries to incorporate this—is that the most desirable position is neither of these extremes. It is a real issue not just because of the Cunneen case but, as the panel report indicates, there seem to have been at least four inquiries whose validity would have been challenged if the decision in Cunneen had been applied in those cases. They are operations Columba, Bosco, Charity and Squirrel. Of course, a court does not have a role of re-writing legislation. It must choose between the possible interpretation of given provisions.

The parties are compelled to argue the strongest cases they can on the provisions in dispute. Neither of the parties in the Cunneen case had much option. ICAC had to argue for a very wide jurisdiction in the litigation; otherwise a whole range of quite reasonable jurisdictions would have been lost. The subject of the proposed inquiry, the respondent in the High Court appeal, had to argue for a jurisdiction that in the view of many was absurdly narrow, because it was about the interpretation of existing statutory provisions. Both parties had to adopt what one might call an all-or-nothing approach because it was based on existing provisions. The problem with the broad approach was highlighted in the majority decision of the High Court by some examples of what would be in ICAC jurisdiction on the broad view.

The theft of a garbage truck from a local council, an offence of lying to a police officer to avoid being prosecuted, any form of State tax or revenue evasion, any offences of harbouring a criminal, any violent attack on a public office wholly unrelated to their public duty would, on the broad view, be within ICAC's jurisdiction. There are equally undesirable results from the narrow interpretation. Some of these things, excluded from jurisdiction on the narrow view, were itemised in the minority judgement of Gaegler J in the High Court. ICAC would have no power to investigate, expose, prevent or educate about statewide endemic collusion among tenderers in tendering for government contracts.

It would have no power to investigate, expose, prevent or educate about serious and systemic fraud in the making of applications for licences, permits and clearances under New South Wales statutes designed to protect health and safety or under statutes designed to facilitate the management and commercial exploitation of valuable State-owned natural resources such as minerals, fisheries and forestry. As Justice Gaegler said, these are extreme consequences. The parties or the court, by definition, cannot do what this Parliament is now doing, that is, rewrite the law to avoid these extreme consequences. Following the recent decision, there was a review of the issue by Murray Gleeson and Bruce McClintock. Their recommendations have been incorporated in this bill.

One of their primary recommendations relates to the section 8 issue and ICAC's jurisdiction over people who are not public officials. The panel proposed what seems to me to be a sensible solution to the

problem of the extreme consequences that were presented to the High Court. They start by accepting that the current definition of "corrupt conduct" is now settled as a result of the recent High Court litigation. In addition to ICAC having jurisdiction over corrupt conduct set out by the High Court in *Cunneen*, corrupt conduct is also defined in new section 8 (2A) to include behaviour by a person, who does not have to be a public official, that impairs or that could impair public confidence in public administration.

To be within this new additional definition of corrupt conduct, it must also be such that it could include collusive tendering; fraud concerning licences, permits and other authorities under legislation designed to protect health and safety, the environment or facilitate the management and commercial exploitation of resources; dishonestly obtaining or benefiting from the payment, application or disposition of public funds or assets for private advantage; the defrauding of public revenue; or fraudulently obtaining or retaining employment or appointment as a public official. This gives a significant scope to investigate people who are not public officials without including, for example, someone who steals a council-owned garbage truck.

It avoids, I think, either of the extreme views advocated for in the High Court proceedings and thus avoids the extreme consequences of those views. Gleeson and McClinton made other recommendations, which are also included in this bill. ICAC's functions relating to education, advice and corruption prevention can be used generally to promote the integrity and good repute of public administration without restrictive definitions applying. The bill also limits the powers of ICAC to make findings of corrupt conduct against an individual to cases where the corrupt conduct is serious. New section 74 BA provides in subsection 1:

The Commission is not authorised to include in a report under section 74 a finding or opinion that any conduct of a specified person is corrupt conduct unless the conduct is serious corrupt conduct.

This is clearly an attempt to restrict the focus of ICAC to serious corruption which, I think, was the original intent in that body's establishment. This issue has, of course, been the subject of lively public debate. In a sense, this gives justiciable form to section 12 A in the current Act, which is not legally enforceable. That is a point that was made by the panel. There are several points to observe about this provision. "Serious" is not defined and will no doubt offer a basis for Court of Appeal proceedings—I do not say that as a criticism of either the drafters or the Government, or indeed of Gleeson and McClinton, because it is hard to point to a sensible alternative way. The truth is that those who wish to impugn inquiries by the ICAC in the appellate courts will do so in any event, and I am certainly the last person who would seek to deny judicial review.

Additionally, the provision in section 74 BA (1) relates only to findings of corrupt conduct—that is, there can be a whole range of other findings, as section 74 BA (2) makes explicitly clear. And it does not have any restriction on behaviour and activities by ICAC that are otherwise lawful, most obviously its investigations. This provision is actually quite narrow. It merely stops the use of the word "corrupt" unless it is serious corrupt conduct. Granted the potential reputational damage that flows from such a finding, that is obviously important. But it is important, I think, not to argue that it is broader than it actually is. The provisions of section 8 (2A) apply to people who seek to become public officials but do not actually achieve it.

The other major element of this bill is proposed in section 13 A, which adds a significant extra jurisdiction to ICAC and is radically at variance with the current architecture of the legislation. This is the function of investigating matters referred by the Electoral Commission. This is not based upon corrupt conduct and is thus a considerable broadening of what ICAC can investigate. This is balanced by it being only matters specifically referred to ICAC by the Electoral Commission and by having a number of additional safeguards. The safeguards do not apply to other ICAC investigations, but those other investigations have to be into corrupt conduct, while this new jurisdiction is based upon a lesser standard than that.

Of course, ICAC continues to have its existing jurisdiction to investigate corrupt conduct into electoral matters and related issues unconstrained by the provisions of section 13 A. The Gleeson and McClintock report deals with these issues. It makes suggestions as to change without making recommendations. The panel's reluctance to do so is based upon the assumption that electoral or lobbying misconduct is uniquely an issue for Parliament. Such misconduct involves the breach of one of three pieces of legislation: the Parliamentary Electorate and Elections Act 1912, the Election Funding, Expenditure and Disclosures Act 1981 and the Lobbying of Government Officials Act 2011. ICAC suggested that its investigation in Operation Spicer into breaches of the Election Funding, Expenditure and Disclosures Act is prevented by Cunneen. As well, some of what ICAC was inquiring into may additionally not have fallen into the definition of corrupt conduct, leaving aside the Cunneen issues. As the report said at paragraph 8.1.7:

The question arises whether the Act should be amended so that the ICAC has jurisdiction to investigate and make findings about breaches of the electoral laws, whether or not they constitute corrupt conduct and, if so, how that change should be implemented.

The report concedes that much of the conduct breaching the electoral laws would not technically constitute corrupt conduct. The Electoral Commission has jurisdiction to investigate these issues, but its powers are nowhere near as extensive or as effective as those of ICAC. Moreover, Keith Mason, Chair of the Electoral Commission, told the panel that the commission had not been given the resources to investigate matters touching electoral probity. The panel makes no final recommendation because these matters are uniquely ones of Parliament. At paragraph 8.5.5 the report does say:

There is a case to be made that the ICAC should be given jurisdiction to investigate and make findings in such matters.

ICAC has the resources and willingness to carry out such work and has operational experience. It has the powers and resources the Electoral Commission does not have. The panel rejects the idea of simply including this misconduct within the meaning of corrupt conduct. The solution proposed by the panel is contained in paragraph 8.5.11:

If Parliament wishes to give the ICAC jurisdiction, it could do so by inserting a subsection in section 13 (1) to the following effect:

- (ba) to investigate any allegation or complaint that, or in any circumstances which in the Commission's opinion imply that there has been a breach of the Parliamentary Electorates and Elections Act 1912; the Election Funding, Expenditure and Disclosures Act 1981 or the Lobbying of Government Officials Act 2011.

There is some elegance and simplicity in this legislative proposal. It is not, however, what the bill does. The bill maintains the same conceptual approach as the panel—that is, it does not alter the definition of corrupt conduct or include electoral and lobbying misconduct somehow within that term. Rather, it expands the jurisdiction of ICAC in a completely new direction. The bill does a number of things different to the panel's suggestion. [*Extension of time agreed to.*]

Under this bill, ICAC does not have a general capacity to investigate electoral lobbying misconduct. It can only investigate matters referred to it by the Electoral Commission. I note parenthetically that this constraint applies only to this new jurisdiction and does not apply if the matters are already within ICAC's traditional corrupt conduct jurisdiction, which is confirmed in section 13 A (4). The matters that the Electoral Commission may refer are not simply any breach of the three pieces of legislation. Rather, they are breaches specified in section 13 A (9) or if they are related to matters ICAC is already investigating.

The list of offences in subsection (9) is fairly extensive. In the case of the Lobbying of Government Officials Act, for example, there are only two criminal offences under that Act and both of those are included in section 13 A (9). This list, however extensive, is not exhaustive. I understand that those offences not included in subsection (9) are minor offences. I also understand that the list of offences set out in subsection (9) are those endorsed to be included in it by the ICAC. While new subsection (9) does not have the elegance or simplicity of the panel proposal, granted ICAC's concurrence in this provision, you would expect it to be effective. And, of course, there are echoes in subsection (9) of the list in the already existing provisions of section 8.

This is quite a significant increase in ICAC's jurisdiction and quite a dramatic alteration to the architecture of Act. Nonetheless, as is very clear, the Opposition supports the bill. Other provisions of section 13 A are also quite a difference to the ICAC structure. Subsection (3) has a specific provision for ICAC to discontinue its investigation. Subsection (5) provides an itemised list of considerations for a matter to be referred by the Electoral Commission and investigated by the ICAC. Subsection (6) requires the Electoral Commission to provide the ICAC with a statement of the reasons why it was referred for investigation. When it determines to investigate a referral, ICAC must provide a statement of reasons to the Electoral Commission.

Both sets of reasons must be included in a report by ICAC under section 74. These are quite unlike other provisions of the ICAC legislation dealing with other parts of ICAC's jurisdiction. Justification for that, I suppose, must be that the bar for this new part of the ICAC jurisdiction is much lower than corrupt conduct. The bar is lowered, but the trade-off is that more procedural steps must be undertaken. The overriding public policy surrounding this bill is to maintain an effective and robust anti-corruption body in this State. It is not credible to argue that we do not need such a body in this State; that is not a tolerable argument to advance. This bill, by maintaining that objective, is very much to be supported. I commend the bill to the House.

Mr GARETH WARD (Kiama—Parliamentary Secretary) [4.38 p.m.]: I support the Independent Commission Against Corruption Bill 2015. I commend the Premier for taking decisive action in relation to this legislation and all parties for their support of this bill to ensure that we have a robust and strong corruption watchdog in New South Wales. Before I commence my substantive remarks I particularly commend the member for Epping, the Chair of the Independent Commission Against Corruption oversight committee, for his remarks in relation to the need to convert common law offences such as misconduct in public office to statutory offences so that is quite clear when actions are being brought against people who have abused the trust and confidence of the public.

Offences such as pecuniary interest offences and others are currently offences under the common law, rather than statutory offences. As an example, the Crimes Act has offences relating to corrupt conduct. But, in the matter of New South Wales and Snedden, which I think would be a matter of interest to members of the House, it was deemed that the corrupt conduct provisions extended only to the Executive, and not necessarily to the Parliament. As has been seen with conduct and corruption matters in this State, one does not necessarily have to be a member of the Executive to have influence over the Executive. It is for that reason that I think we need stronger corruption provisions relating to misconduct in public office. I reiterate in the House today my previous calls to make these statutory offences in order to have an even tougher regime than the one we have at present. I hope the Government acts in that regard.

The bill amends the Independent Commission against Corruption Act 1988 to implement all the recommendations of the Independent Panel. The Hon. Murray Gleeson, AC, chaired the panel, assisted by Mr Bruce McClintock, SC. They were commissioned to review the jurisdiction of the Independent Commission Against Corruption [ICAC] following the decision of the High Court in *Independent Commission Against Corruption v Cunneen*, which interpreted the scope of the ICAC's jurisdiction over non-public officials more narrowly than had previously been understood. The Independent Panel made the following specific recommendations that are implemented by this bill.

The first was to extend the ICAC's jurisdiction to investigate corrupt conduct to include certain fraudulent conduct of non-public officials that could impair public confidence in public administration. The second was to provide that ICAC's education, advisory and prevention functions can be used broadly to promote the integrity and good repute of public administration; and I am sure that is a point on which all members can agree, as it is important that the ICAC be both investigator and educator to ensure that, across all government instrumentalities, there is appropriate knowledge and understanding of what we expect from people who have the confidence and trust of the public in some way, shape or form. The third recommendation was to limit ICAC's power to make findings of corrupt conduct against an individual to cases where the corrupt conduct is serious. This, of course, addresses directly the matters raised in the Cunneen matter and the scope of corrupt conduct.

The Independent Panel also recommended that the ICAC be given new jurisdiction—separate from its anti-corruption jurisdiction—to investigate breaches of electoral and lobbying laws should Parliament consider it appropriate to do so. Having been chair of the Joint Standing Committee on Electoral Matters, I fully support this recommendation, because aspirants to Parliament as well as those in Parliament should be covered by these laws as they relate particularly to donations and other electoral law. That is entirely appropriate. The bill implements this recommendation as follows: certain criminal offences against electoral and lobbying laws may be referred to the ICAC for investigation by the Electoral Commission—which has primary responsibility for enforcing compliance with those laws—as may conduct related to possible corrupt conduct that the ICAC is already investigating.

After a preliminary investigation, the ICAC is required to discontinue an investigation referred by the Electoral Commission if the conduct does not involve possible criminal offences of the designated kind and is not related to possible corrupt conduct that the ICAC is already investigating. The Electoral Commission and the ICAC will be required to take into account certain factors before referring a matter for investigation or accepting a matter for investigation. The members of the Independent Panel have been informed of the proposed approach for the implementation of this recommendation and have confirmed that it is consistent with the recommendations that they have made.

The bill also ensures that, for the purpose of the Independent Commission Against Corruption Act, individuals seeking to become public officials, such as candidates for election, may be engaged in corrupt conduct in respect of the proposed future exercise of their functions as a public official, even if they do not succeed in being elected or appointed—I repeat: even if they do not succeed in being elected or appointed. The Inspector of the Independent Commission Against Corruption will continue to examine the matters included in the Premier's request to the Inspector, and the ICAC's decision to initiate Operation Hale, the Cunneen investigation, in accordance with his statutory functions. The Inspector has been provided with additional resources and his reports will be provided to the parliamentary Committee on the Independent Commission Against Corruption for further review and examination as part of its standing terms of reference.

I turn now to the recommendations. It was proposed to expand the definition of "corrupt conduct" to include a new section 8 (3) to include the conduct of any person that impairs or could impair public confidence in public administration, and involves collusive tendering, fraud regarding application for licences, permits or clearance to protect health and safety or exploitation of resources, dishonestly obtaining public funds or public assets for private advantage, defrauding the revenue, or fraudulently obtaining or retaining employment as a public official. It was further recommended that the concept of "adversely affects" in section 8 (2) has now been authoritatively interpreted and should not be amended. It was noted that to expand section 8 (2) to the broad view favoured by ICAC would create an artificially wide definition and include things that are not corrupt, for example, simple tax evasion.

It was said that section 8 (2) as read by the High Court is also too narrow, as it excludes things that are "corruption", for example, widespread collusion among tenders for government contracts. The new type should be focused on conduct that both involves serious criminal behaviour and could impair

confidence in the integrity of public administration. Any expansion would still be limited by section 9; for non-public officials, the conduct must be a criminal or disciplinary offence. The expansion is consistent with the original purpose of ICAC, as established by the Greiner Government in 1988. Expansion should cover past conduct, consistent with existing provisions.

It was also proposed to expand the advisory, educative and preventative functions by adding "promoting the integrity and good repute of public administration". Currently, all functions are limited by the technical definition of "corrupt conduct". There is no reason in principle that advisory, educative and preventative functions should be subject to the constraints applying to investigations and findings. Those functions do not involve the same potential for substantial interference with the common law rights and freedoms of citizens.

It was recommended that we consider expanding ICAC's jurisdiction to include any breaches of the lobbying and campaign finance laws—not corrupt conduct, but a separate jurisdiction. Keith Mason, chair of the Electoral Commission, supports ICAC being given this jurisdiction. ICAC has powers, resources, capacity and operational experience, where those of the police are inadequate. The Electoral Commission also does not currently have such resources. The alternative is to give ICAC more resources and more extensive powers to investigate. Relevant breaches strike at the heart of this democratic process. Other stakeholders' views would need to be taken into account. If this is done, it should be done through a separate jurisdiction, because while some breaches would be corrupt conduct, others are far from what an ordinary and reasonable person would consider to be corrupt conduct and may not involve any moral issues or dilemmas. An alternative approach would be to give the Electoral Commission more resources and powers.

One of the other recommendations was to constrain the power to make findings to cases of "serious corrupt conduct". Although ICAC opposed this restriction, if conduct is not serious it should not be stigmatised as corruption. This of course has been the experience of ICAC. A finding of corruption can seriously harm individuals. ICAC is already charged with focusing on serious or systemic corruption, and it is appropriate that its findings be so limited. I would argue it is unnecessary to define "serious". This should be a matter for the investigator, with oversight by the Inspector. A definition by reference to the associated criminal penalty would not be a reliable indicator of the seriousness of corruption. Judicial review is available if there is doubt about whether conduct is sufficiently serious. The bill seeks to make vast improvements in public administration. It seeks to address issues outlined by the High Court in order to ensure that avenues of legal loopholes are not available to those who may benefit from such loopholes. I commend the legislation to the House.

Mr JAMIE PARKER (Balmain) [4.48 p.m.]: On behalf of The Greens I contribute to debate on the Independent Commission Against Corruption Amendment Bill 2015 and welcome the legislation introduced by the Premier. When the Government announced that an Independent Commission Against Corruption [ICAC] review panel would be established it was something that concerned me and many other people. The mandate for that panel was quite broad. Many people are interested in attacking and undermining the ICAC and seeing the corruption-fighting power of the ICAC reduced, but I am pleased to say that the panel that was formed, with broad-ranging terms of reference into the ICAC, came up with sensible proposals.

The Premier should be acknowledged for bringing those recommendations to the Parliament in the form of this legislation. We are concerned about a few matters that we think may be unnecessarily narrow and that will provide this Government with an opportunity to take further action to strengthen the corruption-fighting capacity of the ICAC and ensure that its work is expanded. Several people have raised concerns about the provision in the bill relating to the general nature of corrupt conduct. The following amendment is to be made to schedule 1:

Section 8 General nature of corrupt conduct

Insert after section 8 (2):

(2A) ...

- (b) fraud in relation to applications for licences, permits or other authorities under legislation designed to protect the health and safety or the environment or designed to facilitate the management and commercial exploitation of resources.

This definition relates to the exploitation of resources, mining licences and so forth. The Greens are concerned that this provision is unnecessarily narrow because in our experience there has been corruption in the area of development applications and development consents. We invite the Government to address the question as to why the definition of "corrupt conduct" is made with specific reference to licences and permits, particularly in regard to the exploitation of resources but not when it comes to the issuing of development applications and other development consents, as we know the corruption risk around development consents and so on is significant. In our view this provision might be unnecessarily narrow and should be addressed by the Government to ensure there is confidence in the development application and development consent process.

We know there is a tainted history of planning and development decisions in New South Wales. In our view it is necessary to restore community confidence in the integrity of the planning system by ensuring that development consents are included in this aspect of the legislation. In our view including fraud in relation to planning and development consents within the provision of corrupt conduct and similar matters would be a welcome addition to the legislation. That is the first issue that we raise with the Government. Of course we will be supporting the legislation but our concern is that that issue could be more robustly addressed by the Government.

The member for Kiama correctly raised the issue of statutory offences. Mr Deputy-Speaker, you may well have similar issues in your electorate. There is a view in the community that people come before the Independent Commission Against Corruption and have corruption findings made against them but they then escape any form of prosecution. There is a concern that former politicians and others who have had findings of corruption made against them in the ICAC do not go before the courts. In fact we have seen on television former members of Parliament thumbing their noses at the ICAC and saying, "There is a 99.9 per cent chance you will not get me into court." That, of course, is the sticking point between corruption findings in the ICAC and convictions and punishments in the courts. I strongly support the member for Kiama on that point.

The Greens fully support the statutory model for bribery and corruption offences. I issued a press release to this effect encouraging the Premier to be emboldened by the most recent High Court decision in *Duncan v Independent Commission Against Corruption*. And there is an opportunity for further corruption-fighting reform. In our view statutory provisions should be introduced around misconduct, bribery and corruption in public office. That would reduce complexities and the difficulties that currently arise when we take action to prosecute. It would make clear the codification of common law offences such as misconduct in public office and bribery, and facilitate prosecutions arising from ICAC investigations.

In 2014 the Committee on the Independent Commission Against Corruption issued a discussion paper on this issue. It is a good paper, which identified a number of different options. In the view of The Greens, steps should be taken now by this Government to ensure the implementation of the strongest possible versions of statutory offences, in particular in relation to bribery, misconduct, conspiracy to defraud and having an interest in government contracts. A recent report supported the Western Australian model relating to misconduct in public office. When we are dealing with conspiracies to defraud a public official, we need to take into account the statutory offences in the Commonwealth Model Criminal Code. Furthermore, Queensland and Tasmania have similar provisions relating to anyone who has an interest in

government contracts. When we examine the model code, which applies to agents, public officials and certain persons in the private sector, we find there are clear offences relating to dishonesty—an issue which should be noted by this Government.

Section 141.1 (1) of the Criminal Code Act regarding bribery of Commonwealth public officials provides clear guidance in relation to bribery, dishonesty, offering or promising to provide a benefit, corrupting benefits and dishonest means. Section 249 (1) of the South Australian Criminal Law Consolidation Act 1935 addresses improperly giving, offering or agreeing to a benefit to a public officer or former public officer or a third person as a reward or inducement. There is also, of course, the well-known Bribery Act 2010 in the United Kingdom. In all those examples, bribery offences in particular are given statutory provisions and will enable the Director of Public Prosecutions [DPP] to pursue prosecutions.

I acknowledge the work of the Premier in this regard. Whether we are discussing giving a bribe, which I outlined, or receiving a bribe, the provisions in the Commonwealth model code, the South Australian legislation and the United Kingdom Bribery Act are all very similar. We now have an opportunity to take a further step forward and not rely on these common law offences but rather introduce some certainty. This Parliament should introduce laws that ensure we can tackle bribery, corruption and misconduct in public office. I join the member for Kiama in calling on this Government to take that approach.

At the moment I am working on legislation to achieve such an aim. I would love to see my legislation adopted by this Parliament. I would welcome the Government introducing similar legislation that would become law as we still have a significant amount of unfinished business. This legislation is a step by this Government towards ensuring that these important matters are addressed. We must continue to move forward to ensure that we have the strongest corruption-fighting laws in this jurisdiction and internationally. We must emulate the United Kingdom Bribery Act and take the best from the world to ensure we have the lowest possible risk of corruption.

In our view the Premier should be emboldened. The Greens encourage him to move forward and will be offering him our full support. By codifying these offences New South Wales will finally come into line with the Commonwealth and with other States that have introduced statutory offences in this area. The Greens will be supporting this legislation and look forward to working with the Premier and this Government to ensure that these statutory offences are introduced. We look forward to ensuring that the ICAC is the strongest corruption-fighting body in this State.

Mr GREG PIPER (Lake Macquarie) [4.58 p.m.]: I support the Independent Commission Against Corruption Amendment Bill 2015 and congratulate the Premier on introducing it. This bill addresses many of the concerns the community holds about recent attempts to undermine the strength of the Independent Commission Against Corruption [ICAC]. It will reinforce the powers of that entity and in so doing restore community confidence in the intentions of its elected representatives—I refer to all members in this current Parliament—and call on them to stand firm against corruption. It would be hard for anyone to doubt the strength of the Premier's convictions and his willingness to deliver in line with those convictions. That is evident in this bill.

The Premier's party has been as scarred as any by the revelations of the ICAC. He has lost colleagues and indeed his former leader. In fact, two Liberal premiers have been forced from office by the revelations of the ICAC over its 26-year lifespan. In my view, neither was guilty of the worst excesses that have come before the ICAC—far from it. However, the fact that both were ultimately moved to step down illustrates the high benchmarks for behaviour in public office that have been set and maintained since the ICAC came into being. It is significant to note, too, that both premiers were advocates for a strong corruption watchdog.

The current Premier could have taken the easy way out and let the High Court ruling stand, essentially narrowing the power of the ICAC and rendering it greatly diminished, if not virtually ineffectual.

It has been branded a star chamber, a kangaroo court, a show trial, and worse. Prominent conservative commentators have made many calls for the institution to be restrained, if not disbanded altogether. That is not what the public wants and that is not what the Premier promised. He gave a commitment to clean up corruption in public office and by validating the powers of the ICAC in this bill, he is honouring that undertaking.

My region of the Hunter has been significantly affected by the revelations of both Operation Credo and Operation Spicer. Those inquiries have changed the political landscape in the Hunter and it has undermined the public confidence in elected representatives. Lake Macquarie sits almost at the epicentre of much of that activity and I take no joy in witnessing the departure of certain members of the previous Parliament as a result of those inquiries. I did, and still do, call some of them friends. Their levels of complicity may vary and some may have paid a high price for their indiscretions, but these are the standards we have set and they are standards that are necessary to ensure that politicians perform their duties without undue influence. No-one who values honesty in government wants to see those standards watered down. I am pleased, therefore, that the Government has adopted the main recommendations of the independent panel that was appointed to review the jurisdiction of the ICAC following the High Court decision in the Cunneen case.

The definition of "corrupt conduct" and the purview of powers it recommended, and which are put forward in the bill, strike a balance without extending to judicial overreach. They will allow the ICAC to continue to hold politicians and those in public administration to account through a transparent inquiry process. It is important that the ICAC has the power to investigate any matter that could undermine confidence in public administration, not just when the actions of a public official are questioned. I am pleased that the provision to allow this, which is contained within the definition of the "general nature of corrupt conduct", will apply to conduct occurring before the commencement of the amendments.

I acknowledge there are some concerns regarding the ICAC's power to make findings against an individual and about the lack of definition of what constitutes "serious corruption". However, if that is to be tested by the courts in future, then so be it. That is an avenue that exists now and, once the definition is tested, a benchmark in case law will be set that will no doubt guide subsequent appeals. I appreciate that trying to articulate such a definition in legislation can equally leave the meaning open to challenge.

I am pleased that the ICAC's jurisdiction will be extended to include the investigation of serious criminal offences relating to electoral fraud, funding irregularities and lobbying. I have been a strong advocate for electoral reform in this area and I welcome any move that will increase surveillance and bring more accountability to the fundraising activities of candidates and parties.

It is important, too, that the legislation clearly specifies that anyone who stands for public office is covered by these provisions, regardless of whether or not they are elected. The community will be reassured that the retrospectivity of these provisions will allow the ICAC to complete and report on its investigations in Operation Spicer and Operation Credo. The ICAC has played an invaluable role over the past 26 years in exposing corruption in public administration. It does not discriminate. Its findings and inquiries have inflicted damage on both major parties, and many others in public office. Its extensive inquisitorial powers have made it the target of attack, but we must remember that its function is to uncover the truth, not to prosecute. Members of the public sometimes seem unaware of that difference, but they overwhelmingly support the ICAC having the means and authority to effectively conduct its investigations.

There may well be a need for further changes, such as the codifying of offences to bring them in line with community expectation and the ability for a prosecution or a criminal offence to be found by the ICAC, and some of those have been forecast by previous speakers. We must continue to look at those issues. I believe there are always challenges for any area of law. There are always people who will push the envelope and test the boundaries. We must be vigilant. If flaws are found or expectations are not being met, we must revisit them. I believe that this legislation has been well prepared and that it is a good

response to the situation in which we have found ourselves in recent times. I hope that the ICAC will continue to be an independent overseer of conduct, exercised by elected representatives and those involved with public administration in this State. I commend the bill to the House.

Dr HUGH McDERMOTT (Prospect) [5.05 p.m.]: I speak in debate on the Independent Commission Against Corruption Amendment Bill 2015 and I commend the bill to the House. Corruption is a force that tears our State apart. Sometime it feels as if corruption is ever present in the corridors of Parliament. The recent scandals have uncovered the stain on society that corruption brings. Now the New South Wales Parliament has a chance to move the State towards ending corruption in New South Wales public life. The bill is a window of opportunity to make a difference. For too long the people of New South Wales have had little reason to have faith in the administration of their State. We have seen the abuse of coal licences being granted for personal gain and the abuse of power in granting leases for waterfront cafes. A legion of members of Parliament have been forced to leave office as a result of their corruption. Premiers have left office as a result of the Independent Commission Against Corruption [ICAC] investigations.

Stones have been left unturned. The case of *Independent Commission Against Corruption v Cunneen* exposed weaknesses within the system of investigating corruption in New South Wales. Those weaknesses must be addressed. I fear there are still many cases of corruption about to be unearthed—cases that must be unearthed—and that will happen only if the Independent Commission Against Corruption Act is amended accordingly. The current process in New South Wales is flawed and clearly does not provide justice for the people of New South Wales. The community has moved beyond wanting to expose corruption. It now expects that justice will be served.

Currently, findings of corruption made by ICAC can only be referred to, and a prosecution recommended by, the New South Wales Office of the Director of Public Prosecutions [DPP] for determination on whether the ICAC findings and evidence constitute criminal behaviour under criminal law. The New South Wales DPP considers whether fraud, theft, tax evasion or other such criminal conduct has occurred. It then makes a decision whether or not to proceed with a criminal prosecution of the individual or individuals who were found guilty of corrupt conduct by the ICAC. If the New South Wales DPP does not believe that a crime has been committed, or if the evidence obtained by the ICAC is inadmissible before a criminal trial, regardless of the corrupt conduct determination of the ICAC or the scale of wrongdoing, nothing can be done and the corrupt individual can profit from his or her illicit behaviour.

It is a significant problem that when evidence is considered in a public inquiry—rather than a court applying rules of criminal evidence—it has the effect of compromising the evidence. It is unlikely that the New South Wales DPP will prosecute based on flawed evidence. It is ironic that the very process that is designed to expose corruption is the one likely to prevent justice being served on the corrupt parties. The ICAC must have the necessary means to investigate and take action on corruption. Unless we agree to all the recommendations made by the Hon. Murray Gleeson and Bruce McClintock, the remaining integrity of New South Wales is in danger. The first recommendation to broaden the definition of "corrupt conduct" regarding collusive tendering, fraud and dishonesty is decades too late to undo the corruption of the recent past.

Nevertheless, it paves the way towards preventing our State being sold off by corrupt politicians, which is a risk that is ever present unless the ICAC is strengthened. Unfortunately, a grey area has emerged between plain language and legal discourse. Even the meaning of "adversely affect" has fallen into the syllogistic reasoning of the High Court to bring doubt to the existing provisions of the Independent Commission Against Corruption Act. That is, should an individual whose conduct in activities that adversely affects the reputation of the office he or she holds be held accountable to the ICAC?

The public's answer is: yes, they certainly should. The crux of the matter goes beyond the girlfriend of a son of a senior public prosecutor. This is an issue of the very validity of the Independent

Commission Against Corruption [ICAC] and the protection of our State from corruption. Recommendation No. 3 is perhaps the most important and covers elections. Elections are far too easily influenced by money, greed and corruption. The formalised cooperation between the New South Wales Electoral Commission and the ICAC is long overdue, and I look forward to any corrupt individuals attempting to influence election results being stopped dead in their tracks.

The Independent Commission Against Corruption Amendment Bill adopts another necessary recommendation from the Gleeson-McClintock review—that is, to focus ICAC's attention on serious and systemic corrupt conduct. I agree with the Gleeson-McClintock report that the role of ICAC is to complement the existing justice system and to provide relief when no other remedy is available. Occasionally, as the report outlines, there may be a risk of serious, systemic corruption, or an absence of capacity or willingness on the part of a body to implement anti-corruption strategies. These issues are extremely serious and are likely to be far more common than the people of New South Wales are willing to accept. Therefore, the recommendation that ICAC direct its attention to cases of serious corrupt conduct and systemic corrupt conduct must be ratified by this House.

Clearly, corrupt officials who are not elected should not be able to escape the reach of ICAC. Non-public officials are responsible for the day-to-day running of New South Wales, and their importance is reflected in their high salaries and their power to make changes within their respective organisations. I am proud to be a member of an Opposition that is ready to take action to provide ICAC with the power it needs to investigate suspected corruption by non-public officials. The Gleeson-McClintock report is wise to resist the proposal that ICAC's power to find corrupt conduct not be limited to serious and systemic cases of corruption. Members of this House are aware that individuals who have made the conscious decision to be corrupt and who have taken action in their own interests have been able to escape punishment, even if their crimes against society have been publicly and truthfully exposed. Members are also aware that corruption is never committed individually. There must be undue influence and a motive to pursue illicit profit. That is what it all comes down to—the desire for power, ownership and money.

ICAC must evolve to meet the challenges that it faces. The amendments offered by the Premier are the first step in a long-overdue evolution of ICAC's powers. Just like biological evolution, if ICAC does not adapt it will perish. The commission's powers must be broadened to include those addressed in the Independent Commission Against Corruption Amendment Bill. I would like to see further evolution in ICAC and amendments that have not been included in this bill. The first is to introduce a seizure system for the assets derived through corruption, which would provide a disincentive for corruption in the first place and return to the people of New South Wales the millions, possibly billions, of dollars that have been stolen from them through corruption spanning decades. The second is to introduce a national version of ICAC that has the ability to target systemic and serious corruption at a national level that so far has remained undetected due to the lack of mechanisms available to Federal investigators.

New South Wales is—and should be—proud of ICAC. It as an anti-corruption body that many places, if not most places, around Australia and the world lack. But there is more to do. It has been only 27 years since ICAC was established and it has uncovered challenges thought impossible when it started its inquiries. The evolution of ICAC is a core interest to this State and it is the responsibility of this House to ensure its relevance into the future. It is vital that the Government provide justice for the people of New South Wales and that those guilty of corruption be punished. We need to send a clear message that those who enter public life for the purpose of abusing power will never have the opportunity to profit from corruption. I commend the bill to the House.

Ms JENNY AITCHISON (Maitland) [5.13 p.m.]: I support the Independent Commission Against Corruption Amendment Bill 2015. All members of this House are aware of the terrible scourge of corruption and its impact on our State Government and our community—perhaps none more so than those of us in the Hunter, who were so deeply affected by this in the last term of government. In that last term, the Independent Commission Against Corruption [ICAC] hearings became a daily event for people of the Hunter, as—like an onion—layer upon layer was peeled back to show even more behaviour that

was so terrible that none of us could quite believe it. We waited daily to hear which of the newly elected members would resign when allegations about brown-paper bags containing money and other forms of corruption were broadcast. Back in the 1990s I was proud to be a Commonwealth Government official, so I was appalled to hear of this corruption. I could not believe that this kind of behaviour could be acceptable and that people would seek the office that we hold with such honour and privilege and want to take more for themselves.

I have travelled the world as a travel agent and have seen countries where corruption, baksheesh and other kinds of favours are par for the course. I had always believed that those practices had not reached our community nor had an impact on us. I believe, and I have always said, that corruption starts with a single cup of coffee. When offered a gift from someone, we must be clear about why it is being offered. If we feel that taking the gift could lead to a sense of obligation to that person in the future, we should not accept it. It is important to be clear whom we represent in this place. We represent our communities, not sectional interests. It is sometimes hard to make these things clear because we have all come from different groups, organisations or businesses and different backgrounds. Those experiences have informed the way that we came into this place. However, we must always remember that when we walk through the doors into this Chamber we come in here solely as representatives of our community, solely to work for the benefit of our State and solely to ensure that the good of our whole community is put above the good of any organisation with which we may have some association.

I am proud to be a member of the New South Wales Parliament. It is such a sad and disgraceful thing that there are people who have been in this place who have not taken that commitment seriously. In supporting this bill, it is important for all of us to take to heart what it seeks to achieve so that we do not place ourselves in those positions. I also draw to the attention of the House the importance of being clear in what we say to the community. We have seen what happened in the Hunter and the way that that was dealt with by the sitting members. Some of them left their parties and some left Parliament, which necessitated by-elections. Promises were made about the action that would be taken, but they were not acted upon. It was said that apologies would be made so that people could feel that there had been clarity.

I am concerned about what is happening with our rail line in Newcastle. I believe that we need to ensure that the Government is acting clearly on that issue. I can say, hand on my heart, that I am there for my community in respect of that issue. I also want to ensure that we speak honestly in election campaigns. My dear friend the member for Strathfield has been through the ICAC process. Damage was done to her life and her political career when she was attacked by people with other agendas. It is important to ensure that that kind of behaviour does not happen and that it is not accepted.

I have been lucky enough to see elections being held in other countries on my travels around the world. People in some countries have to have their hands dyed when they vote to ensure that they vote only once. I have also seen people with low levels of literacy use symbols on ballot papers, which allows them to participate fully in the democratic process. Our universal ballot is a fairer electoral process, and that is important. It provides a level of safeguard against corruption because it makes it harder for people to buy votes. It is also important that we transfer some of the provisions in this bill into the Federal sphere and that we examine the Federal approach to this issue. We must ensure that the rigour that is being applied to us in terms of donation caps—the amounts that donors can provide to our campaigns—is applied to the Federal sphere. At the moment it is too easy for people to donate to different levels of parties and in so doing seek to influence the political debate in our country.

I have no issues with unions. As my Government friends have said, that is because Labor members know that unions are there for the workers—the men and women of our country who actually do the work and try to help each other—and are there for the general community. The unions have done a wonderful job of advocating on behalf of our community at different times. In conclusion, I commend the bill to the House. It is always good to see a government that is prepared to look for better ways to fight corruption and better ways to ensure that those who are corrupt are brought to account. I am pleased to

state that the Opposition, with the very same commitment to integrity and honesty in politics, supports the bill.

Mr RAY WILLIAMS (Castle Hill—Parliamentary Secretary) [5.20 p.m.], in reply, on behalf of Mr Mike Baird: I take great pleasure in closing debate on behalf of the Premier. I thank the Premier, the Leader of the Opposition, and the member for Auburn, the member for Epping, the member for Liverpool, the member for Kiama, the member for Maitland, the member for Prospect, the member for Lake Macquarie and the member for Balmain for their contributions to the debate. In May this year the Government commissioned an independent panel to review the jurisdiction of the Independent Commission Against Corruption [ICAC] in the light of the High Court's decision in *ICAC v Cunneen*. The bill will implement all of the recommendations made by the panel. It will help to ensure that the ICAC is fully equipped to fight corruption and that its powers are most effectively targeted. This Government is unwavering in its commitment to restoring integrity in public administration and will not tolerate corruption in New South Wales.

I turn now to address briefly some of the matters raised by the member for Liverpool. The bill amends the Independent Commission Against Corruption Act so that the ICAC's power to make findings of corrupt conduct may be exercised only in the case of "serious corrupt conduct". This amendment directly reflects the independent panel's fourth recommendation. As the panel explained in its report, the purpose of that recommendation is to ensure that "A power which has such obvious capacity to harm" is "reserved only for cases where the misconduct in question is serious". In making its recommendation, the panel also considered whether "serious corrupt conduct" should be defined both in relation to the ICAC's power to make findings of corrupt conduct, which is addressed in new section 74BA of the bill, and the existing requirement in section 12A of the Independent Commission Against Corruption Act that the ICAC direct its attention to serious corrupt conduct and systemic corrupt conduct.

The panel's conclusion was that "serious corrupt conduct" should not be defined. The panel believed that such a definition was unnecessary. The Government accepted the panel's recommendation that "serious corrupt conduct" be left undefined in the bill. There is a risk that an attempt to define the term may result in inflexibility and create loopholes. For that reason, a prescriptive definition may in fact be more susceptible to legal challenge than the undefined term. If any clarification of the meaning of "serious corrupt conduct" is required, it is most appropriate that that is developed by the courts. I note that the restriction to matters of "serious corrupt conduct" applies only to the ICAC's power to make findings of "corrupt conduct". This limitation does not, for example, limit the ICAC's power to investigate corrupt conduct or make other findings.

In response to some issues mentioned by the member for Balmain, I point out that new section 8 (2A) in item [3] of schedule 1 to the bill extends the definition of "corrupt conduct" to conduct of any person, whether or not they are a public official, that could impair public confidence in public administration and that could involve a list of certain matters, such as collusive tendering and defrauding the public revenue. The list of matters in new section 8 (2A) adopts the list proposed by the independent panel. As the panel acknowledged in its report, certain kinds of fraudulent conduct, not necessarily involving any actual or potential wrongdoing by a public official, should be treated as corrupt conduct when they impair or could impair confidence in public administration.

The list of matters in new section 8 (2A) does not create loopholes but instead reflects the panel's recommendation for the kinds of conduct that should fall within the ICAC's purview, even if it does not involve wrongdoing by a public official. I also remind the House that new section 8 (2A) does not operate to define exclusively the ICAC's jurisdiction in respect of "corrupt conduct". Subsections (1) and (2) of section 8 remain unchanged by this bill. Following the High Court's judgment in *Cunneen*, those provisions allow the ICAC, first, to investigate the conduct of public officials when they are exercising public official functions and, secondly, to investigate the conduct of any other person, if the conduct could adversely affect the probity of the exercise of a public official's functions. Subsection (2A) extends rather than limits the ICAC's jurisdiction in respect of corrupt conduct.

The member for Balmain also raised issues in relation to prosecutions arising from ICAC investigations. I point out that this Government expects to see any person who is guilty of corruption or any other wrongdoing to be prosecuted to the full extent of the law. That includes any person who is investigated by the ICAC. While this specific issue was not within the remit of the panel as part of its review, the Government will remain vigilant in addressing any barriers to the successful prosecution of those who would break the laws of the State. As the Premier has stated repeatedly, "We have zero tolerance for corruption" in New South Wales, and we will do whatever is required to ensure it is eradicated and that the perpetrators are prosecuted. The Government is pleased to acknowledge the support of all members of the House for proposals in the bill. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Ray Williams, on behalf of Mr Mike Baird, 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.

RESIDENTIAL TENANCIES AND HOUSING LEGISLATION AMENDMENT (PUBLIC HOUSING—ANTISOCIAL BEHAVIOUR) BILL 2015

Second Reading

Debate resumed from 26 August 2015.

Ms LINDA BURNEY (Canterbury) [5.27 p.m.]: I continue my contribution to debate on the Residential Tenancies and Housing Legislation Amendment (Public Housing—Antisocial Behaviour) Bill 2015. Previously I made the point that the Opposition is not so much concerned with the provisions of the bill as it is concerned about what is not in the bill. The Opposition will move a number of amendments to try to remediate the consequences of some measures in the bill, particularly those affecting vulnerable people. I also made the point that members know that, without question, people who come into our electorate offices are desperate and in need of social housing. It is true that the waiting list is long.

Although I can appreciate where the Minister is coming from with this bill, it does not take into account the consequences that this bill could have on vulnerable people. I am particularly concerned about women and children in domestic violence situations. The bill makes no provision for people who are living under duress caused by people in their house who may transgress, or for the consequences of those transgressions, which will be eviction. There is no way that the Baird Government has considered issues associated with the potential for increased homelessness and the potential increase in the number of people in very desperate situations who, through no fault of their own, end up on the streets as a result of the measures in the bill.

In terms of the so-called 12 new priority areas for the Government, which has done away with several hundred performance measures, there is nothing that deals with increased social housing. Social housing is fundamental to many things. It is fundamental to a life of choice and to children having a chance of succeeding at school. It is irresponsible that this bill is such a blunt instrument in dealing with

issues that we all know are important to the safety and security of people living in social housing. There is no argument about that. The argument is that the bill does not contain measures that will protect the vulnerable. As I said, the shadow Minister has crafted a number of amendments. Hopefully, the Minister responsible for the bill can have some sensible discussions with the shadow Minister to ameliorate what could be the blunt instruments.

In conclusion, we understand the objects of the bill. We also understand that this issue is close to the hearts of many members in this Chamber who have large social housing populations in their electorates. We have no qualms about the problems created by antisocial behaviour; they are completely unacceptable. But it is also unacceptable that there are no measures in the bill to ameliorate the situation for the vulnerable, who could be caught up and evicted through no fault of their own but for the fact that the bill has been rushed, has not been thought through and does not cover the sorts of issues that people, if they were honest, would find concerning. I urge the Government to work collaboratively with the shadow Minister in considering amendments that will protect vulnerable communities, vulnerable people and, in particular, vulnerable women and families in social housing properties.

Mr JOHN SIDOTI (Drummoyne—Parliamentary Secretary) [5.32 p.m.]: I support this legislation, which is long overdue and which will be welcomed by the many social housing tenants in New South Wales. I am happy to see the Assistant-Speaker (Mr Andrew Fraser) in the chair because we have had numerous discussions about public housing and how we would welcome more in our electorates. In February this year the Premier announced that measures would be introduced in this Parliament to crack down on antisocial behaviour in public housing. This legislation delivers those measures by allowing for tenants who commit serious crimes to be evicted. There are approximately 140,000 public housing tenancies in New South Wales, and most tenants are good. They look after their properties and they are respectful of their neighbours.

However, among these tenancies is a minority who engage in antisocial behaviour and who create an unsafe environment for their neighbours. There are some 800 Housing NSW places in my electorate of Drummoyne, and my office receives numerous complaints from tenants about the antisocial behaviour of their neighbours. Most of these people are too scared to leave their names for fear of recrimination. One lady told me that she is scared to leave her house because if she does her neighbours break in, and she finds them in her living room when she returns home. She has also complained of drug dealing, noise and heckling. She has nowhere else to go and has to put up with this behaviour on a daily basis. That is no way to live. She has a right to feel safe in her own home.

The primary aim of the bill is to improve the behaviour of tenants engaging in antisocial behaviour and to create safer communities for the large number of law-abiding tenants who treat their properties and neighbours with respect. However, antisocial behaviour has increased in recent years. In 2012 the crime rate in public housing estates was 2½ times higher than the New South Wales average. Furthermore, despite a significant drop—10 per cent to 30 per cent—in almost all crime categories in New South Wales during that period, crime rates in public housing increased. During the Government's recent consultation process on the social housing discussion paper, antisocial behaviour and its impact on tenants was one of the most common issues raised. It is clear that this bill is long overdue.

The bill demonstrates that the Government has listened to the concerns of social housing tenants and that it is committed to delivering an improved quality of life for people living in social housing. A recent survey of 780 tenants indicated that 78 per cent believed that antisocial behaviour in public housing is a problem, while 72 per cent supported the idea of eviction as an appropriate response. The survey also found that 51 per cent of tenants have experienced antisocial behaviour in public housing, and one-third have experienced or witnessed serious crime. Currently, social housing landlords have limited resources with which to manage bad behaviour until it escalates to require eviction in the NSW Civil and Administrative Tribunal. Many of the acts classified as antisocial behaviour are not criminal acts, so the police can do little but calm the situation until the next time.

The bill will protect vulnerable tenants by removing those engaged in serious breaches of their tenancy agreement from their social housing property. The bill will introduce a three strike policy, giving tenants a warning system, with the aim of modifying their behaviour prior to eviction. The three strike policy will be used to address breaches of a tenancy agreement that are not considered serious enough to warrant immediate eviction. If a tenant has three strikes within a 12 month period, action can proceed to the tribunal to terminate the tenancy. New South Wales is following the example of some other States in introducing this legislation. Under its New Directions for Social Housing framework, Victoria has committed to strengthening its three strikes policy in relation to antisocial behaviour and to taking a zero tolerance approach to illegal activity such as drug dealing. It has also specified the nature of material breaches of tenancies. Probationary periods for new tenants were introduced in January this year.

Similarly, Queensland has introduced a three strike policy targeting unacceptable tenant behaviour. The Government recognises that evicting tenants is a last resort. However, it is the obligation of the Department of Family and Community Services to protect vulnerable tenants. These include children, the elderly and those with mental illness. As I said, many tenants who have experienced disruptive antisocial behaviour have been reluctant to come forward either to their member of Parliament or to Family and Community Services. They are reluctant because they fear they will be targeted by those guilty of antisocial behaviour.

The bill introduces confidential neighbour impact statements for consideration by the tribunal once a breach has been proven. Those impacted will be able to have a confidential discussion with Family and Community Services at which they can outline the extent of the antisocial or criminal behaviour and its impact on other tenants. The source of the information will not be released and the tribunal will take these statements into account when making its decision. Currently, the only way the tribunal can hear about the impacts of antisocial behaviour is when Family and Community Services can find a witness willing to appear at the tribunal hearing. Naturally, many tenants find this confronting and fear retribution. They may give evidence only to find their neighbour is not evicted and continues to live alongside them.

Other aspects of the bill will allow Family and Community Services to address the problem of subsidy fraud. Rent paid by public housing tenants is linked to household income, with most paying about 25 per cent of their income in rent. The law provides that, should a tenant incorrectly declare their home and be found out, arrangements can be made with Family and Community Services to repay the debt in small, manageable payments over an agreed period. The bill will allow any debt arising from a proven subsidy fraud to be classified as rent arrears and to be managed by the department as such.

It is much easier legally to have rent arrears repaid than if it is classified as a civil debt. The bill also gives the Department of Family and Community Services the power to obtain evidence from third parties, such as employers, to investigate whether fraud has occurred. When a tenancy has been terminated for rent arrears or for antisocial behaviour, the tenancy should be terminated within a reasonable period of time. This ensures that rent arrears do not continue to accumulate and that neighbours do not have to put up with antisocial behaviour for longer than necessary. Where a tenant has been evicted, Family and Community Services will provide access to private rental, including bond loans, advanced rent and assistance with locating properties.

Family and Community Services will also continue to make referrals to health services. Once the tenant has been evicted, they will be given 28 days to make alternative arrangements. The bill further makes provision for the costs of repair to Housing NSW property when it is found the tenant is responsible. This legislation proposes that when assessing the cost of malicious damage to a property, the tribunal will be obliged to accept Family and Community Services' actual cost of repairs. Tenants will be able to dispute whether the repair is necessary and whether they were responsible for the damage. Tenants will be made to pay for the cost of repair so that New South Wales taxpayers are not left to foot the bill. I take this opportunity to thank the Minister for Family and Community Services for the part he has played in the introduction of this legislation. As the member for Canterbury said, this is an issue that touches the electorates and hearts of a lot of members.

The Minister is well suited to this legislation and the ongoing generational problems in public housing, due to his experience in planning. The Minister is well placed to looking at solutions to encourage people to transition out of the vicious circle of public housing. As I said, there are some 800 public housing properties in my electorate and there is no problem with many more coming into my electorate. I regularly doorknock public housing in my electorate and feel many tenants are treated like second-class citizens by Housing. As a last resort, some tenants come to their local member, who tries to push their case. We have been successful in upgrading many houses—kitchens, cupboards, carpets and so forth. This legislation is aimed at dealing with the antisocial behaviour of public housing tenants, but the overwhelming majority of tenants in my electorate do a sparkling job in maintaining public assets. I commend the bill to the House.

Ms JODI McKAY (Strathfield) [5.42 p.m.]: I contribute to debate on the Residential Tenancies and Housing Legislation Amendment (Public Housing—Antisocial Behaviour) Bill 2015. While it has been indicated that the Opposition will support this bill, I have serious concerns about the bill and the powers within it, and know I am not alone. I am pleased that the shadow Minister has foreshadowed amendments to the bill, which I believe will go some way to easing those concerns. We are elected by the people of New South Wales to serve them and to provide infrastructure and support services for the community. This includes those who are disadvantaged, marginalised and isolated in our community. It is a grave responsibility, and one that must be taken seriously.

We also have a responsibility to ensure that people who live in social housing can do so without the serious disruption of neighbours, who can impact on their quality of life and, more worryingly, their safety. I firmly believe that all the decisions we make in this place should be respectful of human rights. I believe this bill in part impinges on those rights in some cases, and I note my view is shared by the Law Society and Women's Legal Services. In particular, I believe we enter uncertain areas of law when we take away the NSW Civil and Administrative Tribunal's [NCAT] right of discretion. While I understand that antisocial behaviour and criminal activity in social housing must be dealt with appropriately, there must always be discretion.

I bring to the attention of the House the circumstances of a young woman in my electorate. I do not wish to identify her. She is an ice addict and lives in social housing. I visited her unit recently. There was graffiti on the walls and there was evidence of a fire in the unit; she readily admits to being in the unit when the fire was lit. There was no lock on the door and there was not a scrap of furniture. She carried a milk crate, which she sat on. She slept under a bundle of clothes. She had no mattress or blanket. I would guess that she would be an awful neighbour. She also has very serious charges against her. It was clear she had damaged her unit and had no regard for the publically owned property given to her. When I walked into that unit, I thought about the more than 60,000 people on the Housing NSW waiting list who would value the unit and understand how lucky they were to be given a property. This young woman did not value what she had been given.

But, she is an ice addict and without this unit she has nowhere to go. While we worked to have a lock installed on her door so men could not come uninvited to her house at night, I searched for somewhere for her to go. I could not send her to a women's refuge, even though in the previous two weeks she had been seriously assaulted by her boyfriend. She has a severe and unrelenting addiction that has a terrible hold on her life. I cannot see a life for her. That unit, with no furniture, is all she has. So my question to the Government is: Where does she go? Once this legislation is enacted she will be evicted and there is nowhere for her to go. I managed to get her temporary accommodation, but she is not suitable for a women's refuge—it is hard to get temporary accommodation if you have a drug addiction.

Like others in this House, I represent a community with areas of public housing. The waiting list for housing is long, there are the typical issues with maintenance that are common across the State, and my constituents often raise issues of antisocial behaviour. It is a complicated area of government service

delivery, and I have empathy for both the people struggling to find housing and dealing with others issues such as drug dependency and joblessness, and for people who may be disrupted by antisocial behaviour. It is also an area where people on both sides of the debate can talk in generalisations about people who need public housing and those making complaints about it.

For me, a strong public and community housing program is part of the social safety net that is, or should be, at the heart of government. One of the reasons I am in the Labor Party is that it is a political party built on protecting the vulnerable in our community. Public housing tenants, and in particular the unemployed, elderly, children and those suffering mental illness, are especially vulnerable and need greater support than others. Nonetheless, I acknowledge that the Government should send a strong message that antisocial behaviour cannot be tolerated, and the Government must protect other members of the community when it occurs.

When speaking on public and community housing the discussion always comes back to values. What type of society do we want to be, and how do we want to treat our most vulnerable? I have outlined some of the values I hold dear, and whenever these issues are raised I always remind myself how homelessness is something that can happen to anyone. The mark of our society is how we treat our most vulnerable, and the compassion we show with full acceptance that there are things we cannot control. With that in mind, I will share some of my concerns about this bill, some of which will be alleviated by amendments proposed by the Opposition, which I urge members opposite to support.

My primary concern relates to the removal of NCAT's discretion in cases of eviction. Under this bill the tribunal will be directed to make a decision on a tenancy without considering all the circumstances. It is one strike and you are out. The bill outlines the offences that would generate an automatic eviction. I do not intend to recount those offences, but I note that they are serious. The three strikes policy is certainly a fairer way of approaching the issues the bill seeks to solve. However, as the shadow Minister has outlined, the Opposition believes the bill requires amendment to ensure that the tribunal retains a certain degree of discretion when determining matters, specifically matters where the antisocial behaviour is that of an occupant of a social housing residence rather than a tenant. As the shadow Minister said, "If tenants have no knowledge of antisocial behaviour occurring at or near their property they should not have their tenancy terminated".

This leads to my fourth fundamental objection to this bill—the fact that it is all about stick. This bill may create a good headline for the Government, but what is it going to do to support people who may be evicted? What additional resources will it provide to key community groups, like the Salvos or Vinnies, who will no doubt be further stretched as a result of these evictions? I think I know the answer. After their first term in government, and slashing support for vital community groups, I think it is unlikely the Government will do any better this time around.

Many States operate a strike policy for antisocial behaviour in public housing properties. Properly managed and with sufficient safeguards, such a scheme could work effectively in balancing the care we should provide to the vulnerable in our community, with the community's frustration with antisocial behaviour. Safeguards would need to include natural justice and appeal rights for tenants, sufficient notice of eviction, discretion for a tribunal or court in evicting tenants, and access to support services for those affected. Most importantly, we must realise that every person deserves a home. I commend the bill to the House.

Mr JONATHAN O'DEA (Davidson—Parliamentary Secretary) [5.50 p.m.]: The New South Wales Public Account Committee [PAC], which I chaired during the last Parliament, chose to examine tenancy management in social housing in a substantial inquiry last year. As a separate initiative, we also followed up the Government's response to the Auditor-General's 2013 report entitled "Making the Best Use of Public Housing". The Auditor-General had reported that in order to provide a sustainable social housing sector, changes were required. One of his recommendations was to align tenant management with emerging client need. When the PAC reviewed the Auditor-General's performance audit, the committee

queried whether the current legislative framework provided enough power for Housing NSW to manage antisocial and criminal behaviour on their properties. In evidence before the committee, a Family and Community Services employee advised the committee:

Antisocial behaviour is a significant problem in social housing, with roughly half of all tenants having experienced antisocial and illegal behaviour among their neighbours during their tenancies.

Though only a small minority of tenants exhibited behaviours that affected their neighbours, Family and Community Services suggested there could be a better balance of consideration of the needs of neighbours and those of tenants. It also believed that the NSW Civil and Administrative Tribunal [NCAT] should consider how all relevant neighbour and community voices could be heard, particularly in serious cases where witnesses are often scared to provide evidence. After considering various issues relating to social housing, the Public Accounts Committee also decided to conduct a separate public inquiry into tenancy management in social housing. The PAC delivered its report, entitled "Tenancy Management in Social Housing", in November 2014 and made a number of recommendations. Recommendation 16 was:

That the New South Wales Government develop guidelines by 1 June 2015 for the use of the New South Wales Civil and Administrative Tribunal and other adjudicatory bodies promoting a stronger recognition of the rights of tenants and the community to good amenity and the enjoyment of their properties and public spaces relative to the rights of individual tenants who exhibit antisocial or criminal behaviour.

Antisocial behaviour was a recurring theme during the Public Account Committee's public inquiry. It was agreed that antisocial behaviour needed to be strongly addressed for the benefit of the majority of social housing tenants, who deserve a safe and secure environment in which to live. In the past, the NSW Civil and Administrative Tribunal has been criticised as being a toothless tiger, being overly lenient with difficult tenants. This adversely affected other tenants who wanted to enjoy their properties but often could not. There has been no firm message about bad behaviour, and there has been inadequate consideration of the other tenants quietly going about their business.

Getting tough on antisocial behaviour is a key to successful social housing in the community. Allowing communities to create a culture where antisocial behaviour is accepted or tolerated, and in some cases even revered, is not conducive to promoting healthy, functioning communities for people who have fallen upon difficult times or who are vulnerable. We must also remember, as has been said in this debate, that there are literally tens of thousands of people still on the waiting list for social housing in New South Wales. While those opposite might level criticisms about this situation, I advise members that reports of the committee and the Auditor-General noted that there had been an appalling lack of attention to these matters during the 16 years of the Labor Government.

A primary task of social housing management is managing the neighbourhood and antisocial behaviour issues. In its submission to the Public Account Committee inquiry, Family and Community Services cited many new challenges, especially the changing socio-economic profile of public housing tenants. This involved a decrease in the number of tenants in paid employment; an increase in the number of highly disadvantaged and vulnerable tenants who require specialist support; and elevated levels of antisocial behaviour. In their evidence, community housing providers also cited problems dealing with difficult tenants. They are constantly working in partnership with the police to combat and weaken antisocial behaviour in social housing communities. Compass Housing Services explained to the committee how it works with the police:

Compass Housing Services has worked with local council and police to improve the environment in and around the South Muswellbrook estate, in a joint initiative known as 'Operation Stormbreaker'. The focus is on identifying antisocial behaviour and nuisance issues and putting in place initiatives aimed at improving the ambience of the estate. To date, these have included

implementing a clean-up using skip bins and street sweeping of the South Estate, cutting back bushes and trees in council owned parks, identifying unregistered dogs and increasing ranger patrols.

Efforts are being made, but there is need for greater powers, particularly where there is serious antisocial behaviour. We need to provide better legislative frameworks for not only Family and Community Services and the police but also community housing providers, so that tenancies can be managed more effectively for everyone. During the Public Account Committee's inquiry, Family and Community Services identified many challenges it faces when managing nuisance and annoyance by tenants. These included managing failure to pay rent, failure to keep properties tidy, tenants keeping problematic pets, excessive noise, violent and threatening behaviour and wilful property damage—all of which are breaches of tenancy agreements. There should be repercussions for tenants who do not live by the rules of their tenancy.

Under the proposed legislation, these actions will incur a strike against a tenant. This will help Family and Community Services and social housing providers to regain control over tenancies. They will be given the power to penalise tenants who breach the terms of their tenancy and terminate their leases if they breach their tenancy agreements three times over a period of 12 months. Further, the introduction of confidential neighbourhood impact statements will enable social housing tenants to lodge complaints about the behaviour of other tenants without recrimination. This will empower tenants and enable management to act on serious problems more promptly.

A recent survey of tenants found 78 per cent of tenants think antisocial behaviour is a problem and 72 per cent think eviction is an appropriate response for people who commit criminal acts in public housing. This new legislation is about potentially penalising a minority of tenants for bad behaviour so that the vast majority of tenants may experience a reasonable quality of living without fear of annoyance, violence or intimidation. While I do not intend to comment on the individual amendments that have been foreshadowed, I emphasise that the rationale for this bill is both sound and welcome. There is a need for appropriate balance in the Government's approach to this issue. The best and most complete social housing program puts roofs over the heads of vulnerable people as well as seeks to improve the circumstances of housing tenants. In this respect I congratulate the Minister and commend the bill to the House.

Ms JENNY AITCHISON (Maitland) [6.00 p.m.]: I speak on the Residential Tenancies and Housing Legislation Amendment (Public Housing—Antisocial Behaviour) Bill 2015. In my electorate of Maitland an Aboriginal single mother of four young children, whom I will call Jane, had her tenancy terminated after her casual boyfriend did several small marijuana deals from her premises over a period of two weeks. Jane was not involved in the drug deals, was not charged and cooperated with police to such an extent that they sent a letter of support for her to the NSW Civil and Administrative Tribunal. The tribunal reluctantly terminated Jane's tenancy because it thought it had no discretion to do otherwise following a 2013 New South Wales District Court decision in *New South Wales Land and Housing Corporation v Cain*. The New South Wales Court of Appeal would eventually overturn that decision, affirming the tribunal's discretion to decline termination, but in the meantime Jane's case was decided. Many people from both sides of politics regarded that decision as an injustice.

It was Abraham Maslow who first articulated the need for shelter as the most basic human need in his hierarchy of needs. Before we start to motivate ourselves to work towards realising our full human potential or self-actualisation, we must fulfil the most basic levels of need. Shelter in modern-day terms refers, of course, to housing or, as we now call it within this Government, "social housing". We must be very careful when we start to tinker with this most fundamental aspect of the human condition. Our role as parliamentarians, as decision-makers and as legislators, is vital in guaranteeing that everyone in our State has access to safe, affordable and accessible housing. While the right to appropriate housing is a fundamental need and a human right, the community expects that when we help those most vulnerable in our community they will in turn feel obliged to behave in a way that does not impinge upon others in our community. This, of course, is the essence of being a good neighbour and making sure that your own

enjoyment of life does not impact on that of your neighbours.

About eight months ago, a lady in Metford—let us call her Freda—told me a story of unneighbourly behaviour that she, as a social housing tenant herself, could not seem to resolve. Freda lived in a small area of social housing within the suburb. Every night Freda was greatly disturbed by the behaviour of a tenant and his partner. Freda told me that they were habitual drug users, they were often loud and violent, and there were many fights between them. During the day the man was constantly banging with a hammer, creating furniture for sale, which was in breach of his lease arrangements. Freda had often called the police. However, without a warrant, they had not entered the property. Housing seemed unable to act without a police report.

Another resident nearby suffered from a mental health condition and consequently swore and yelled at Freda whenever she went outside. Sometimes the resident made threats towards her. As an elderly and immobile lady, Freda felt unsafe just going to her letterbox to collect her mail and she was not getting much sleep during the day. When I went to Freda's house to speak to her, she had convened a small meeting of some of her neighbours. They had all observed the behaviours Freda had reported, but they were reluctant to report them as they knew Freda was already reporting them and, like many people in social housing, they felt their presence there was a privilege and did not want to rock the boat. Many of them had been residents of the area for many years. They now felt unsafe in their neighbourhood and were greatly disturbed by the actions of the couple in the residence above Freda's.

A staff member from the Department of Housing who was at the meeting advised that all residents should make complaints, that it was better if the complaints did not come from the same person all the time and that they all needed to complain so that they could corroborate Freda's complaints. The staff member also expressed concern about what would happen to the couple if they were evicted for breaching their lease agreements: Where would they go? The Department of Housing staff member articulated quite well the delicate balance that exists between the rights of tenants and our obligations to ensure the welfare of all within our community who require social housing. In his second reading speech the Minister indicated that such people would be moved into private housing, but surely an eviction from public housing would preclude them from such an arrangement or at least make it very difficult. We need to have an option of last resort for people before they are evicted.

I note that a few weeks ago when this bill was introduced it was Homelessness Week. I want to know what we are doing with those people whose problems are not being addressed with all the cuts that have been made to community counselling, health, education, skills and TAFE. The basic fundamental need that we are talking about today is for more social housing. Throwing out the very small minority of people who put others in their community at risk will not address the problem. Throwing out the bad people will not build more social housing. I must reiterate that the people who use social housing are, in the main, upstanding members of our community. They have fallen on hard times, but use the provision of social housing as a second chance and do their best to improve their economic situation.

There is a trend within the media to report instances in which people in public housing do not conform to community expectations of good neighbourly behaviour and to highlight situations where those who receive a benefit from the State have committed criminal or hurtful acts against others. This is largely because these people are the exception to the rule. When we see ourselves as behaving charitably or with good intentions, we want to get thanks and we want the beneficiary to be grateful. If they do not behave with this attitude of gratefulness, as a community we feel somehow betrayed—as if they did not appreciate our efforts to help them. Unfortunately, these reports tend to hold up those who fail to be neighbourly as indicative of the kind of people who live in social housing. They tend to be held up as an example rather than as an exception.

A few weeks ago another family in my electorate came to my attention. This family had a very complex case history, with mental illness, disability, poverty and family breakdown all taking their toll. There had been a complete breakdown to the extent that the family's public housing property was

significantly destroyed and the family was broken up. What was worse was that the young people in the family had been engaging in antisocial behaviour and residents living around them were concerned about what would happen if they returned to the house, having lived through a long period in which there had been destruction of property, threats of assault and theft—things that this bill is meant to address.

I was contacted by a newspaper to discuss what action police, Housing and community health were taking to deal with the family. I had already followed up with these agencies and been told that the situation was being dealt with through government processes. I am proud to report that these agencies were confident the matter would be resolved, but the media interest got me thinking: Would the media be interested in this story if they were renting privately? Why were they concerned about this one house when the majority of public housing tenants behave well? I know that the majority of social housing tenants are model tenants, intent on improving their lives and opportunities for their families. Where do they want those who do not fit into this kind of social housing to go?

This is where I am concerned about this bill. Yes, there are behaviours that are highly undesirable and the ability to live in social housing is a great privilege for the vulnerable in our community. As a society we reject the idea that people who are impoverished should live on the street. But in all this we need to look at the factors that contribute to homelessness and the need for social housing. For the Government to introduce this bill in the weeks after Homelessness Week seems somehow off to me. What will happen to the people who are not meeting their obligations in social housing? Will they end up like those in Martin Place who rely on the food vans every night to eat? The Opposition has proposed amendments to this legislation and I urge the Government to consider them with an open heart.

This bill does not address any of the complexities and comorbidities that impact on many in social housing, including drug dependence, domestic violence, mental health, disability and family dysfunction. People do not arrive in social housing after asking for a bed for a night; they arrive after experiencing significant social disadvantage, sometimes across generations, and other massive negative upheaval in their lives. These are some of the most vulnerable people in our community and they are often the most ill-equipped to defend themselves against unfair evictions. The Opposition's amendments are designed, amongst other measures, to protect innocent parties from termination orders; to maintain the tribunal's discretion not to terminate in certain circumstances; to ensure the tribunal has regard to tenants' remedies of previous breaches; to accept out-of-time submissions in special circumstances; and to ensure procedural fairness and natural justice in the hearing of neighbourhood impact statements.

I believe we must strive, as a community, to meet the most basic human need for housing and shelter for all in our community. I also believe we cannot allow people who harm others to have the benefit of social housing without consequence. There must be some way to ensure that this is balanced and that communities are not harmed by the actions of a few. In taking the drastic step of withdrawing a helping hand and, instead, shutting the door to social housing, we must ensure that those people have an option. I do not want to see more homeless people in our community. I want everyone in our community to live in dignity, safe from harm and free from harassment. I urge the Government to consider the amendments of members on this side of the House before it passes a bill that may not tread the fine line between the rights of all residents of social housing as softly as it should.

Ms YASMIN CATLEY (Swansea) [6.10 p.m.]: I make a contribution to debate on the Residential Tenancies and Housing Legislation Amendment (Public Housing—Antisocial Behaviour) Bill 2015. The Government is proposing to amend the Residential Tenancies Act 2010 and the Housing Act 2001, which would require the NSW Civil and Administrative Tribunal [NCAT] on application of a social housing provider to make an automatic termination order for a breach of a social housing tenancy agreement due to the tenant, or any person not the tenant but a person who is occupying or joint occupying the premises, being charged for certain serious one strike offences while using the premises for the following offences: drug manufacturing, sale, or supply; storing of firearms for which a licence or permit is not held; serious damage or injury by a tenant or another occupant and the violence caused grievous bodily harm; and show cause offences under the Bail Act 2013.

The tribunal will be required also to issue an automatic termination order if the tenant or any person occupying the premises is charged with any of the following offences while using the premises and the tribunal is not satisfied that exceptional circumstances justify the termination order not being issued: serious damage or injury by a tenant or another occupant and the violence did not involve grievous bodily harm; premises being used unlawfully as a brothel; premises being used to produce or disseminate, or the tenant is found to be in possession of, child abuse material; premises being used to facilitate organised car and boat rebirthing activities; or the other unlawful purposes and the use of the premises is sufficient to justify the termination.

The proposed legislation would also introduce a scheme for social housing providers to record strikes against tenants for breaches of their social housing tenancy agreements due to certain serious offences and to seek a termination order on the basis of three or more breaches occurring within 12 months. These changes are numerous and could have some serious ramifications for people in social housing in New South Wales, so we must approach this matter with the seriousness that it deserves. I state from the outset that, while the Opposition has some concerns about the bill, it does not oppose it. However, I have some suggestions that will serve to make the bill fairer to more vulnerable or marginalised social housing tenants—those tenants who, through no fault of their own, have found themselves on the periphery of antisocial or criminal behaviour.

Every parliamentarian in this place will be able to recount circumstances when concerned constituents have come to see them about their tenancies because of criminal or antisocial behaviour that has been occurring in their residences without their knowledge. Whilst I understand the serious nature of these offences and the need for the safety of tenants, I am concerned that the power to protect innocent parties is being removed from the tribunal. Members on this side of the House are not the only ones who are concerned about some aspects of the bill. The Law Society of New South Wales has outlined its concerns about the bill.

They include: first, innocent tenants being evicted under this proposed legislation because the bill provides for tenants to be evicted in circumstances where they have no knowledge of antisocial behaviour occurring at or near their property; secondly, the bill reduces the rights of social housing tenants, but not private tenants, thus creating a two-class residential tenancy system, which is a breach of the principle that everybody should be treated equally before the law; thirdly, the bill proposes to remove the discretion of NCAT and substitute a one-size-fits-all approach to one strike offences, which is likely to produce unjust outcomes in many cases; fourthly, the bill further threatens the independence of the tribunal through "conclusive proof" provisions that mean the tribunal must accept a certificate of a landlord as conclusive proof of certain facts. This amounts to inappropriate interference by the legislature with the functions of the tribunal.

These concerns are mirrored by other concerned stakeholders and local community members in the electorate of Swansea who have raised this issue with me. Currently, the Residential Tenancies Act 2010 allows a landlord to issue a notice of termination when there has been a serious breach of the agreement. The NSW Civil and Administrative Tribunal makes a decision to terminate a tenancy based on the evidence provided regarding the breach and considering relevant factors about the circumstances of the case. The tribunal can and does terminate tenancy agreements when a breach is proven and the circumstances are considered.

I will share a couple of examples in my electorate that have come to my attention. One tenant was charged with drug supply, which was significant, and was issued a notice of termination by Housing NSW. Despite the matter being dealt with in the criminal court, Housing NSW pursued termination in the tribunal and the tenancy was terminated. In another instance, an older tenant was issued a notice of termination for ongoing noise and nuisance relating to visitors coming to the premises. The tribunal heard the matter and determined that despite the circumstances of the tenant, who was elderly and on a low fixed income, the impact on the neighbourhood was too great and the tenancy was terminated.

The proposed amendments take discretion from the tribunal and give social housing landlords decision-making power with very little chance of review or appeal in many instances. Social housing providers have been known to issue termination notices, even when they know the outcome would be unjust, considering the circumstances of the household, including when they know that there may be a power imbalance—for instance in the case of domestic violence—or where the tenant or co-tenant had no knowledge of the illegal use. Another example that was brought to my attention was a family consisting of two parents and five young children who were facing homelessness after Housing NSW took steps to terminate their tenancy when one of the occupants was charged with drug supply, which was cannabis.

Despite the matter being dealt with in the Local Court, Housing NSW pursued this matter to the tribunal, seeking orders to have the tenancy terminated due to illegal use. Only one occupant of the premises was involved in and had knowledge of the illegal use but the whole family faced homelessness. The tenancy was ultimately saved through negotiation. Without the discretion of the tribunal to consider the circumstances of the case, it is likely this tenancy would have been terminated. Another example is that of a disabled tenant who was in a controlling and violent relationship and was living in social housing. Her abusive partner grew cannabis at the property against her wishes.

The tenant had no control over her abusive partner. Charges were laid against the partner and the tenant was issued a notice of termination for illegal use. After negotiation with the housing provider, the tenancy was issued with orders for compliance with the tenancy agreement. It is important that the legislation maintain the tribunal's discretion not to terminate under certain circumstances where there is an opportunity for negotiation and considered outcomes. There is a risk that antisocial behaviour policies may be applied to evict social housing tenants on accusations of unlawful conduct that may not be successfully sustained on further investigation in the criminal justice process. That is just not good enough. We need to ensure that procedural fairness is upheld and we need to ensure that those in vulnerable situations are not worse off as a result of this legislation. I hope that the Government will consider allowing the tribunal to be the independent umpire.

Ms ELENI PETINOS (Miranda) [6.19 p.m.]: I support the Residential Tenancies and Housing Legislation Amendment (Public Housing—Antisocial Behaviour) Bill 2015. It was an election commitment of the Baird Government to pursue with determination its goal of eliminating the antisocial and, in some cases, criminal behaviour of a small minority of public housing tenants. In order to attain this objective the Minister for Family and Community Services, and Minister for Social Housing, who is present in the Chamber, introduced a bill that will enable Family and Community Services [FACS] to crack down on both antisocial and fraudulent activities in our public housing system. As the Minister outlined in his second reading speech, the behaviour that this bill seeks to mitigate ranges from ongoing nuisance and annoyance to outright physical violence or the manufacture of and dealing in illegal drugs.

In my first few months as the member for Miranda, I have already heard firsthand of the deleterious effect of antisocial behaviour in public housing complexes. I stress that the majority of public housing tenants do the right thing. In general, public housing tenants pay rent on time, keep peace with their neighbours, and go about the normal business of life as they work for a stronger economic future for their families. Public housing should represent a springboard for our community's most vulnerable to a stronger and more independent economic future. When housing facilities are rife with antisocial behaviour, the quality of life and mental health of tenants is degraded to the point of debilitation. The proliferation of drug use, violence and harassment are of particular concern to me. I note that although serious crime has trended downwards in New South Wales, this downward trend is not reflected in our public housing properties.

These amendments provide more effective interventions for FACS through the bill's three main planks of cracking down on rental fraud, introducing a one strike policy for serious criminal activity, and introducing a supplementary three strike policy for minor misdemeanours. These changes will have a flow-on deterrent effect right across the public housing sector, galvanising our public housing providers'

ability to evict tenants who commit serious antisocial behaviour, and will link existing tenancy management systems with stronger outcomes for law-abiding public housing tenants and their neighbours. These reforms will be supported by a policy of probationary tenancies whereby new tenants must demonstrate that they can meet the obligations of a public tenancy before securing long-term leases of five or 10 years. The policies this bill will seek to introduce to the Residential Tenancies Act and Housing Act include one strike and three strike policies. The first of these policies will require the NSW Civil and Administrative Tribunal [NCAT] to make a termination order when an occupant has been charged with a serious show-cause offence under the Bail Act, has been charged with illegally storing firearms, or, in particular, has been involved with the manufacture or supply of drugs and the infliction of violence occasioning grievous bodily harm to another individual.

The second of these policies will introduce a three strikes rule for repetitive but low-level antisocial behaviour on a 12-month basis. This will act as a warning system—not disqualifying problematic tenants from our public housing system as a first point of call, but seeking to eliminate problem behaviours and encouraging retention of existing tenancies where tenants can refrain from further strikes under this policy. The Government will ensure that the one- and three strike policies feature strong safeguards, especially for tenants struggling with mental health, in line with natural justice and procedural fairness. In particular, the Government will ensure that evicting tenants is regarded as a last resort, only doing so in cases where the risk to our most vulnerable citizens, including small children and the elderly, outweighs the risk of evicting an antisocial or criminal tenant.

A particularly commendable feature of this bill is that of neighbourhood impact statements. So often, the impact of the crimes and antisocial behaviour that I have discussed is difficult to convey on an individual level or in regard to a particular neighbour or unit. Importantly, these statements enable tenants to speak with FACS officers on a confidential basis. For the vulnerable victims within our public housing system the significance of being able to speak with impunity is impossible to overemphasise.

At last those who have witnessed or suffered appalling crime or continual antisocial behaviour, often at the hands of their immediate neighbours, will be able to speak of their experience without fearing retribution from those with whom they live in close quarters. This will assist immeasurably in colouring the understanding of the tribunal of the issues at hand in our public housing developments. This bill will also facilitate a strengthened crackdown on rental fraud and a change to the way in which fraudulent tenants repay their debts to the State. The change, which will mean that these debts are paid as rent in arrears, will result in these sorts of debts being made more tangible in the mind of the debtor and will mean that there is more accountability of public debts.

As the member for Miranda I have had frequent visits and calls to my office from distressed public housing tenants—upstanding individuals who just want to enjoy the amenity of their space and strive for a better life, who feel harassed and disturbed by the way fellow tenants are using common spaces within these facilities. Others claim to have had violence made part of their daily lives, with abuse becoming a daily struggle. One constituent, whom I will refer to as Andrew, approached me recently to tell me of his experience. A father of three whose family has undergone a lot of strain in the past few years after his wife suffered from a suicidal breakdown, Andrew applied for emergency accommodation so that he could get back on his feet but was deeply disappointed to find that the property which he was allocated in my electorate is another stress in his already complicated situation.

When I met with Andrew, he explained to me that the most important part of his life are his children, and that in his current home his 14-year-old daughter is too scared to visit. This is because she does not want to re-encounter the nudity, drug use and thievery which she has witnessed at the premises. Andrew applied for an urgent transfer a few short months after moving in. After his clothes were stolen in the chaos of the blood-stained laundry facility, he was forced to install, at his own expense, a washer and dryer in his unit. The antisocial behaviour to which he is subjected has rendered him a recluse, confining him to his home and stopping him from venturing out to socialise—something that is very much out of character for Andrew. Indeed, in correspondence Andrew has written, "I no longer sleep

at nights. I now suffer from anxiety and depression. I feel like a prisoner in my own home." It is my sincere hope that these amendments will bring relief for people like Andrew.

The other constituent I will mention today I will refer to as John. John was one of the first public housing tenants in my electorate to approach me upon my election. He has lived in public housing for over a decade and he tells me that endemic drug use, inaccessibility of communal resources, fire hazard and ongoing harassment from neighbours, are constant stresses and result in anxiety. He informs me of the difficulty that he has in accessing his laundry. He reports that it has been appropriated for use as a drug-injecting site and that reckless damage has led to fires damaging the facility. He states in correspondence to me, "I do not believe I could survive another decade, and I am asking for your help." Like Andrew, John will be assisted by this Government's reforms.

In addition to the experiences of victimised tenants, there is a great deal of concern among the wider residential community in Miranda, both in public and private housing. The changes to which this bill gives effect must not be implemented in a vacuum. They must be applied in alliance with community strengthening partnerships between FACS staff, local police, residents' groups and tenants' groups. I make special mention of the Miranda Local Area Command and its commitment to regular patrols of properties experiencing antisocial behaviour, and its consultative and community focused approach which includes barbecues with tenants at these properties.

The many reports I have received of conflict and disorder from those within my community who want to do the right thing—as outlined in the case studies to which I have referred today—have driven my passionate support for this bill. The driving message behind this legislation is that one's home is meant to be a stable place of sanctuary, not a place of conflict and strife. By providing FACS with the tools it requires to crack down on the antisocial behaviour of the small minority of problematic tenants and to resolve instances of rental fraud in an effective manner, we will strengthen the public housing system in an invaluable manner for generations to come. I thank the Minister for his work and I commend the bill to the House.

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

Pursuant to sessional order private members' statements proceeded with.

PRIVATE MEMBERS' STATEMENTS

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION NORTHERN MINING AND NEW SOUTH WALES ENERGY DIVISION MEMORIAL SERVICE DAY

Ms YASMIN CATLEY (Swansea) [6.29 p.m.]: Last weekend marked an important milestone, which was the twentieth annual Construction, Forestry, Mining and Energy Union [CFMEU] Northern Mining and New South Wales Energy Division Memorial Service Day. In my opinion, this ceremony is perhaps one of the most important annual events in the calendar for workers in this country. Held every year for the past 20 years at Federation House in Cessnock, the ceremony is a sombre and humbling tribute to mineworkers from northern New South Wales who have lost their lives as a result of a mining accident. The Jim Comerford Memorial Wall, which lines the perimeter of Federation House, sadly is adorned with 1,800 names of men, women and boys who went to work one day in our district's coalfields and tragically never came home.

Jim Comerford was a remarkable man—a labour movement legend. He was one of the last three survivors of what is sometimes called the Battle of Rothbury and sometimes the Rothbury Riot of 1929. At that time he was a 15-year-old pit boy who was working underground but he went on to a successful

career as a trade union leader and writer who penned the iconic *Lockout*, which is his personal account of the Rothbury Riot. When in 1996 the then Prime Minister, Paul Keating, unveiled a memorial at Cessnock to miners who lost their lives in pit accidents, he paid tribute to the man after whom the memorial is named:

Jim Comerford is quite simply a Labor legend, the embodiment of Labor's greatest ideals, of solidarity and the pursuit of justice for working men and women.

Every time I go to Federation House what strikes me about the memorial wall is the ages of the young men and boys whose names are on the wall. There are far too many young people's names on that wall, with children as young as eight years old having lost their lives while coalmining in the Hunter Valley. On the back of Sunday's service program, an article published in the *Miners' Advocate* and in the *Newcastle Morning Herald* reprinted the report of the Stanford Merthyr Colliery tragedy of 29 October 1905 when five men were killed and another nine were injured. It shows the effects of what such tragic events mean for mining communities, and I would like to share those words with the House:

Words fail to adequately express the deep-felt sympathy with the relatives of the five men who met their deaths yesterday at the Stanford Merthyr Colliery, and with the men who were injured. The occurrence was sudden, and the victims had no warning. Death leapt at them from the shaft which was being sealed up, in consequence of the fire which had broken out in the tunnel. The sole consolation is that no lingering suffering was inflicted on the men who have lost their lives. There is no cause for thankfulness in the fact that the fire in the mine occurred at a time when the workers were absent. The district has thus been spared the distressing story of men being cut off from the surface and dying of suffocation or in the flames, while agonised mothers, wives and children were waiting piteously at the mouth of the shaft. But the sad event of Sunday, in its tragic rapidity, has filled many homes with that bitter grief which time alone can assuage, not only the homes that have been desolated by sudden bereavement, but those of the men who have been injured. To everyone the heartfelt sympathy of the district will go forth today, and the hope will be fervently expressed that the death roll is now complete. The effect of the occurrence will be to throw out of work a large number of men who have for some time past found steady employment at the colliery. So that not only will the disaster make itself felt by those whose relatives have been killed or injured, but in the household of every employee of the mine. The disaster is thus one which has far-reaching effects, and should strongly appeal to a public which is never backward in relieving affliction.

I think this succinct article, which was penned over 110 year ago, sums up very well the situation of death in the workplace—a reality that we who live in mining regions know all too well. Mine safety is a big issue in the Hunter and on the Central Coast. I am pleased to inform the House that no new names were added to the memorial this year. I would like to say to union secretary, Grahame Kelly, and to the president, Peter Jordan, as well as the executive and rank and file of the Northern Mining and New South Wales Energy Division of the CFMEU, "Thank you for providing our community with such a fitting tribute to mourn and reflect the lives that have been lost."

BATHURST COMMUNITY ALLIANCE

Mr PAUL TOOLE (Bathurst—Minister for Local Government) [6.34 p.m.]: It gives me great pleasure to speak in this House about a newly formed community group in my electorate, the Bathurst Community Alliance, which comprises a number of community organisations. I draw this local community support group to the attention of the House because the organisations that comprise the alliance work for individuals, families and carers in my electorate. Five community organisations decided to band together to constitute a formidable force and reach out to people in our community who are most vulnerable. The alliance comprises Bathurst Community Transport, the Interchange Bathurst Inc., Bathurst Meals on Wheels, the Bathurst Seymour Centre, and Accessible Living Options.

The importance of the group banding together is that it is better able to meet the needs of individuals, families and carers. It is important that each group, which individually is vital to our local community, is supported by both State and Federal governments. The alliance is constituted by a wide-ranging group of volunteers who give their time and who are committed to working alongside managers and organisers of each group. I acknowledge the incredible women who run the organisations: Teresa Ashworth from the Bathurst Seymour Centre, Cheryl Keogh from Accessibility Options, Linda Roszkiewicz from Bathurst Meals on Wheels, Melinda Phillips from Interchange Bathurst and Leonie Schumacher from Bathurst Community Transport.

For the information of the House, I point out that Accessibility Options is committed to undertaking programs and activities that have a direct impact on the lives of people who are aged, people with dementia, people with a disability, people with a mental illness and their carers. This includes committing to the development and delivery of high-quality community care, contributing to planning and development activities, and committing to community development initiatives and broader sector research, leadership and mentoring. The group prides itself on being creative, proactive and innovative. It thinks outside the square and always works to ensure that the needs and preferences of the people it works for are central to its endeavours.

The Bathurst Seymour Centre is a centre-based day care service that provides support for older people as well as people with a disability and their carers who live in the Bathurst regional area. The centre offers a safe, friendly and welcoming environment so that people are encouraged to keep healthy and active. The centre also provides centre-based respite for carers so that they can have a break from the caring role for a few hours. I visited that facility on a number of occasions and was impressed by the activities, games and support provided at the centre. The work of the centre is a credit to everyone who is involved.

Bathurst Meals on Wheels is a not-for-profit community-based organisation that provides nutritious meals for frail and elderly people so that they are able to remain in their homes. For people with a disability and their carers, Meals on Wheels provides a valuable service that allows people to continue to live independently in their homes and receive important social contact. Interchange Bathurst Inc. provides respite, recreational activities and accommodation services for people with disability and their carers. The group meets the unique needs of families and individuals by providing support and creating opportunity for relationships to develop.

Bathurst Community Transport is another wonderful organisation in my electorate. It aims to assist clients to live independently in their own homes for as long as possible. The group offers a range of services and endeavours to meet the needs of each client. Bathurst Community Transport provides both in-town and out-of-town transport. I note the presence in the House of the member for Orange, who can attest to the wonderful community support provided by Bathurst Community Transport. The group transports patients to Orange so that they have access to cancer treatments and services. The member for Orange and I both know the importance of that service. I congratulate each of the groups that constitute the Bathurst Community Alliance. The groups formed the alliance with two important missions—to raise the highest possible level of awareness and engage services in a more proactive manner across the Bathurst community. Because each organisation is committed to making a difference, I congratulate them on forming the alliance and for providing a beneficial pathway for all involved.

THE DRESSMAKER

Mr GREG APLIN (Albury) [6.39 p.m.]: Today I celebrate the journey of a story that has its origins in and around Jerilderie in the north-west corner of my electorate of Albury. The story became a book, *The Dressmaker*; *The Dressmaker* became the actor, Kate Winslet. *The Dressmaker* had its world premiere on Monday, yesterday, at the Toronto International Film Festival, receiving a strong and appreciative review in *Variety* today. Rosalie Ham's *The Dressmaker* was first published in 2000. From the start it was well received by critics and readers alike. The dressmaker of the title grows up in a small

town deep in the New South Wales countryside. She travels to Paris, where she works in the fashion houses. Then she returns to her home town with her sewing machine and begins dressing the local women in her glamorous creations.

It is the 1950s, and high fashion transforms the women of her country town. The dressmaker also finds love in this place of her youth. As an aside, one reviewer rhapsodised that "the screen chemistry between the handsome leading couple burns hotter than the radiator of a sun-baked Holden on a midsummer's afternoon". And that was just from seeing the trailer. This is also a comic tale of revenge. Tilly, played by Kate Winslet, is there to right some wrongs from her past. *The Dressmaker* has now become not only a story; it has also broadened its reach to be the story of the storytellers. The writer and the film's producer, Sue Maslin, have a shared history. In the 1970s the two girls would come home to the Jerilderie region's sheep farms from their boarding schools, riding the same coach for long hours.

Some 30 years later the two women reconnected. This time one was producing films and the other had written a successful novel. As time passed, the two careers naturally intersected, and Sue Maslin, who completed her schooling at The Scots School, Albury, produced the film of her old school friend's best-selling book. Other producers had shown interest in the book and it might have gone off in quite a different direction in the hands of someone lacking the shared experience of Sue and Rosalie in the Riverina landscape, one from Pooginook Merino Stud, the other from Lara Plains. Fortunately for us, they got together and are telling the story as only locals can. We as viewers will know we are seeing something authentic to that corner of regional New South Wales.

The Dressmaker reminds us that living in regional Australia can be isolating, and also that it can be enlivened when someone comes home bringing their experiences with them. One of the roles of State Government is to work hard to reduce the effects of isolation, and to see that regional residents do not lack the resources and community infrastructure enjoyed in Sydney. Programs such as the Community Building Partnerships program are a cornerstone of my work in a regional electorate. The annual grants program is a huge boost to local groups and to the maintenance and improvement of community facilities, sport and culture. At this time I must point out that, having incorporated the Urana and Jerilderie towns and regions into the electorate at the last election, I am surprised to find that the amount allocated for distribution in Albury has not increased from the bottom threshold of \$200,000. If a family lives in Urana, Henty or Khancoban, it makes no difference that a netball court has been funded in Mulwala or a scout hall improved in Albury. They are beyond any notion of accessibility. One does not hop to the next suburb.

Each town needs its mirror of essential community infrastructure. It must be maintained and, from time to time, improved. Good government is for everyone; and good government obliges us to make fair and equitable provision for communities when boundary changes or other structural or administrative restructuring takes place for the overall benefit of the State. It is important that the Government recognises and assists the regional towns of New South Wales and gives them their share of the Community Building Partnership grants. The health Minister, through her rebuilding and extending of three of the multi-purpose services in my electorate, is showing leadership. This initiative is energising these communities. It is this Government telling people that they have a future right where they are.

As the dressmaker brought a cultural breath to her hometown, we must do the same: send us your halls, your fountains, your war memorials, your sports facilities and your statues commemorating heroes and your remarkable events. The Community Building Partnerships program would be a good next step. *The Dressmaker*, starring Kate Winslet, Liam Hemsworth, Judy Davis and Hugo Weaving, and written and directed by Jocelyn Moorhouse, with the renowned Don McAlpine as director of photography, will have its Australian premiere in Melbourne on 18 October, and a special screening will occur in Albury later that month. I encourage everyone to see this movie, to read the book, and to delve into the fabric of regional Australian life. In some countries they talk in folk tradition about imagining one's life as a patchwork quilt. Here, in regional New South Wales, *The Dressmaker* is materially different from but equally authentic to its place, its time and its people: the people of the Southern Riverina.

WHERE'S WILLIAM? WEEK

Ms JENNY AITCHISON (Maitland) [6.44 p.m.]: I remember in my days of being a tour director on coaches that we would find stories to tell about specific areas along the way. Being based in Walcha in the New England at that time, we visited Guyra a lot and one of those stories we told related to Stephen Walls. For four days and three nights in February 1960 Steven Walls was lost in the rugged New England Ranges near Guyra. He was a small four-year-old farm boy. He became immortalised forever as the "Little Boy Lost", made famous by the 1960 country singer John Ashcroft. It is such a close-knit community in the New England that I remember telling this story one day on the coach and finding that his sister, Julie, was travelling with us. She said that Stephen was a very shy boy. He had been raised on a farm with his father and mother and was very shy of people. Indeed, at the time he was lost he had probably met only about seven people in his life.

Stephen was helping his dad to look after some sheep on the property and went to find a lamb that had been separated from the rest of the flock. He kept walking after it, and eventually got so far away from his father that he could not see him anymore. As an intelligent, bright young country lad, he knew that if he got lost the best thing to do was to follow the fence back to the farmhouse. He also knew how to shelter himself and to find some water. Unfortunately for Stephen and for his mum and dad, he was heading in the wrong direction—he was going further away from the homestead. He walked and walked. When he heard things that scared him, he hid from them.

In those days the community was small, but they mobilised behind this family. Men and women were called out of pubs and their homes. They even stopped on the New England Highway as they drove by to help in the search. One can imagine how some of those blokes coming out of the pub to find this little lost boy were so loud and scary. In all, 5,000 people and seven aircraft searched for Stephen Walls. Most importantly, an Aboriginal tracker named William Stanley realised while tracking Stephen that he was going further away from the noise and that he was hiding from the searchers. Eventually, and luckily for him and his family, he was found.

It is important to know that although the song Johnny Ashcroft wrote about the incident went on to become a top 40 seller because of the community spirit that had emerged, he withdrew it shortly afterwards when Sydney school boy Graeme Thorne became Australia's first kidnap victim and was later found murdered. It is important to tell the story again because today we heard in this place about William Tyrrell, who was only three years old when he disappeared on 12 September last year. The NSW Police Force still believes that he was abducted and that he might still be alive. Today I met William's mother and I heard speeches by the Deputy Premier and the member for Strathfield. It was the most heart-wrenching experience to hear those speeches, both in this place and in the Jubilee Room.

As a young mother of a little three-year-old boy, I remember that when I told the story of Stephen Walls the emotion would catch in my throat. I was imagining the fear and terror of a mother who had lost her boy for four days. I could not imagine losing my boy for four seconds. I hope that the community continues to rally around mothers in situations like this, just as they have in the past. We saw that this weekend, with thousands of people walking as part of the Where's William? campaign. Not only that, I read online that 300 calls had been received by the police in their search to find William. The Where's William? campaign was launched to provide the community with more information about little William Tyrrell's disappearance with the aim of finding him and bringing him home to his family, where he belongs.

We may not stop cars on the road in our attempt to find people, but on the information superhighway, on Facebook and the internet, there is perhaps a chance that someone out there knows something that can help us to find this little boy. I urge all people in the community to help find William but, most importantly, to keep hoping. As my own little boy is now 15 years old and I have spent so many years of joy with him, my heart goes out to the Tyrrells and I hope that their search comes to a good

conclusion soon.

BIODIVERSITY CONSERVATION

Mr ALEX GREENWICH (Sydney) [6.48 p.m.]: Biodiversity is the variety of plants, animals and micro-organisms in the environment. Protecting biodiversity is important to my constituents because it supports human life, clean air, clean water, fertile land and pollination. Australia has a shameful record of biodiversity loss with the highest rates of species loss among developed countries. In New South Wales, 100 animals and plants have become extinct since European settlement and nearly 1,000 are at risk, with 59 per cent of animals listed as threatened. We have lost more than one-third of our native vegetation and almost all of our rainforests. Last year the Government began a review of the legislation that protects threatened species and, I understand, is considering introducing a single piece of biodiversity legislation.

The various Acts protect different aspects of biodiversity and these protections should not be eroded in any way, with enforcement and administration better resourced to make them more effective. Of particular concern are indications that protections under the Native Vegetation Act 2003 could be removed to permit broadscale clearing of biodiversity-rich, privately owned land. Before the Native Vegetation Act, New South Wales was one of the world's worst clearers of valuable bushland. Biodiversity-rich land was being destroyed at shocking rates and native animals were being killed and displaced. The situation was out of control. The Native Vegetation Act, while not perfect with its many exemptions, remains one of the most important laws preventing wildlife destruction. Loss of biodiversity affects everyone in the State, indeed the world, given its implications on climate change, food security, air and water. It especially impacts future generations.

Regardless of whether publicly or privately owned, biodiverse land must be protected from destructive land clearing and the community will not support a return to rapid native vegetation loss. Biodiversity is under threat from the forestry industry. Its 20-year history has already devastated the State's forests and current logging levels are unsustainable, yet the industry wants to intensify logging in areas previously unlogged. Logging of biomass from State forests to generate electricity has already been approved, creating an incentive to sell forestry fuel for power. Vital controls that reduce impacts on soil, streams and threatened species during logging operations in the State's coastal forests were up for review last year, and there is grave concern that industry is driving changes.

The four specific coastal integrated forestry operation approvals could be replaced with one single broad approval that would apply to all logging areas. Detailed and prescriptive rules would be replaced with broadly stated high-level principles and pre-logging threatened species surveys, which currently identify threatened plants and animals, would be abolished. There will be a trial to allow logging on very steep slopes on the State's North Coast. Logging was banned on slopes greater than 30 degrees decades ago due to serious environmental destruction, including landslips and soil washing into rivers. Logging steep slopes causes soil erosion, water pollution, including hydrological changes in catchments, weed invasion and increased flood impacts. The trial will be in areas that provide native species habitat in tree hollows and areas of strong koala populations. The koalas are already under threat from habitat fragmentation, disease and inbreeding, and they use the steep slopes of the North Coast for feeding and as corridors between colonies.

The logging industry wants to use cables to clear-fell these steep slopes—a technique where cables are dragged up slopes to remove all of the trees. It is a highly intensive and destructive operation and must not be permitted in native forests. Native forests do not recover from logging for hundreds of years and we must work to transfer the industry to plantation logging with forests protected and transferred to national park. There is growing community concern about undeveloped Crown land, particularly travelling stock routes and reserves. This includes a network of about 700,000 hectares across the State providing significant remnant habitat for threatened species. Last year's Crown Lands White Paper supported transferring this land to councils and allowing them to sell, subdivide and develop it. Intact bushland should be held in public trust and protected for its biodiversity value.

New South Wales has rich marine biodiversity that needs protection. Climate change, ocean acidification, pollution, overfishing and lack of safe havens for marine life to recover and rebuild are major threats, and 45 aquatic species and communities in New South Wales are listed as vulnerable, endangered or extinct. Eight commercial fish species are currently overfished and the fishing industry will survive only if marine biodiversity is protected. I welcome the establishment of the Sydney Harbour Strategic Initiatives Network to consider marine protections for Sydney Harbour, but it is vital that there be a full marine park with sanctuary zones to enable fish to replenish. We must reinstate bans on shoreline fishing in sanctuary zones. I call on the Government to protect the State's biodiversity with robust, principled, scientific-based, enforceable laws for future generations.

Private members' statements concluded.

Pursuant to sessional order matter of public importance proceeded with.

WHERE'S WILLIAM? WEEK

Matter of Public Importance

Mrs LESLIE WILLIAMS (Port Macquarie—Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) [6.53 p.m.]: On 12 September last year a small community in my electorate, Kendall, was thrown into the national spotlight for all of the wrong reasons. It was on that ill-fated day that three-year-old William Tyrrell went missing from the front yard of his grandparents' home. Despite an extensive search of the adjacent bushland, involving the NSW Police Force, the State Emergency Service and hundreds of locals, and the canvassing of everyone in the local community, William is still missing.

On Saturday at 10.30 a.m., across some 200 locations, schoolchildren, parents, grandparents, community leaders and businesspeople walked for William to mark the first anniversary of his disappearance. More than 500 people walked the three kilometres from Kew to the Kendall Showground on Saturday in a sea of red and blue, balloons, Spiderman outfits and painted faces to remind William's family that we have not forgotten him. I thank the local organisers—Rheannon Chapman, Wendy Hudson, Sandre Peterson, Heather Miller, Noelene Campbell, Iona Bligh, Ree Sharpley, Lydene Heslop, Dene Harper, Cheryl Butler, Karlee Butler, Janina Richardson, Dale Symons, Jodie Kelly, Shellie Cafe, Michelle Roelandts, Erica Walker and Amanda Calicetto. These people are not members of any particular organisation; they are people from the local community who, like hundreds of others who live in Kendall and surrounds, want to see William brought home.

The New South Wales Parliament today marked national Where's William? Week by wearing blue and red ribbons and hosting a special event for all members, including presentations and a Tea 4 William Tyrrell. I thank the co-hosts of the event, Deputy Premier and Minister for Justice and Police, the Hon. Troy Grant, and the shadow Minister, Jodi McKay, who reminded us all to continue to raise awareness of William's disappearance and to promote the message: If anyone knows something, they should report it. With the indulgence of the House, I will read a statement on behalf of William's family that was shared with us this morning:

To every Member of the Parliament of NSW, the many people in the community of Kendall and those of the greater area of Port Macquarie we hope you will accept our sincere and heartfelt gratitude for the incredible support you have given us and our Where's William? Campaign to help police find our little boy and bring him home.

It is this tremendous support that enables us to raise awareness of William's disappearance throughout NSW with the hope that somebody will come forward and provide police with vital information to assist in their investigation to find our little boy.

To Hetty Johnston AM, Bravehearts and our own Where's William? Volunteers, your unwavering love and support for our family has helped us to maintain hope that our boy will be found. We couldn't do any of this without you.

Today, we'd like to express our deep gratitude to all those who helped in the search for William during those darkest days when William first went missing and since including NSW Police force, including Polair, the mounted unit, motorbike and police diving team, the NSW Fire Brigade, SES, Surf Life Saving and the truly amazing people of Kendall and the mid-north coast. Your commitment to William and our family is forever embedded in our hearts and minds.

To all Australians, our sincere gratitude for the tremendous outpouring of love and support we've seen for William, our family and our Where's William? Campaign by taking William's image and our message into every corner of Australia.

To the men and women of the NSW Police force and in particular, Strike Force Rosann, your professionalism, dedication and commitment to find William and your sincere empathy for the depth of sadness we feel, has been overwhelming. From the moment we realised William was missing, every member of the NSW Police have been supportive of our loss and committed to finding our little boy.

We love William and when he was home we measured every second of everyday with him. Now with William missing we are faced with having to live our lives as a family incomplete. We have to face family holidays, sunrises and sunsets without him, new years without William, a Christmas without William and a birthday for William, but without William...

Since William was taken from us, we live every day with the loss, grief, anxiety, fear, stress, worry and the deepest sense of tragedy that has had a devastating impact on us, his sister and his family. Our heartfelt thanks to each and every one of you for your support for us and our Where's William? Campaign. With your support we hope that together we can help police find William and bring him home.

I know I speak for every member of this House in extending to William's family our deepest compassion; the pain they are experiencing must be engulfing. Many of us are parents and the extent of the family's pain is simply unimaginable. I know the Kendall community is also hurting. Their unwavering determination from the minutes following William's disappearance to this very day has not diminished and their resolve to bring William home is overwhelming. So I ask that everyone in this place, as my colleagues and my friends, to help me to ease his family's pain.

Ms PRUE CAR (Londonderry) [6.58 p.m.]: I speak on behalf of the New South Wales Opposition to this motion of public important recognising Where's William? Week. I commend the member for Port Macquarie, the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education, for drawing this issue to the attention of the House today, for acknowledging the struggle in her community, and for saying how strong her community has been in standing together on this matter. Everyone in this House, everyone in New South Wales, indeed all Australians, have been impacted by the shocking circumstances of the William Tyrrell case. As we all know, and have heard said today, William Tyrrell disappeared from his nana's home in Kendall on the New South Wales mid North Coast at approximately 10.30 a.m. on Friday 12 September 2014. This House acknowledges the anniversary of that event this week. That was the last time William was seen.

William Tyrrell was three years old at the time of his disappearance and was wearing the now infamous Spiderman costume that we have come to associate with him. This heartbreaking event has rocked this nation to the core. It has shaken our understanding of safety in our communities. When I see on television the videos and images of William laughing and playing and being a toddler, I cannot think of

any other way to say it than it just breaks my heart. No mother or father should ever have to endure this unimaginable uncertainty. Like many other members in this place, I too am a parent of a young boy, who is only months younger than William was when he disappeared. The thought of losing him in broad daylight as he was playing in a yard invokes a terrible fear in me. I could not even begin to explain that tonight. None of us could ever imagine the indescribable anxiety that his parents have felt every day of the more than a year that he has been missing. To them I say: I am with you; we are with you; we will stand with you every day until we find your precious boy.

Of course, our communities, the police, the friends and family of William, and most especially the communities of the mid North Coast, are demanding answers. That is why Where's William? Week is so important to raise awareness of this issue and of the crucial work that the NSW Police Force, Crime Stoppers and great organisations like Bravehearts do in promoting child protection in New South Wales. Any information about William's disappearance is helpful to police, no matter how small. We heard that today. This is the message that we want to send out this week as part of Where's William? Week. We cannot stop fighting in the search for this little boy. William, we will find a way to find you. A lot of very good people are working very hard so a little Spiderman once again can be back home with his parents, where he truly belongs.

Mr CHRISTOPHER GULAPTIS (Clarence—Parliamentary Secretary) [7.03 p.m.]: I am very happy to support my colleague the member for Port Macquarie, the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education in moving this important motion. William Tyrrell disappeared from Kendall, which is in the Minister's electorate. She knows William's nanna, and she knows how much the family and the community have been hurting since William's disappearance. I thank the Deputy Premier, the Hon. Troy Grant, and the shadow Minister for Justice and Police for hosting Where's William? Week in Parliament today. I can think of no better reason for this Parliament to come together in bipartisan support than for William Tyrrell and his family, indeed for all children who are missing or who have been abducted.

We often sling off at each other in this place, but it was with one very emotional voice that the launch of Where's William? Week took place in the Jubilee Room at lunchtime today. There was not a dry eye in the place as each speech was made. I commend Hetty Johnston and Bravehearts for the support they have been to the Tyrrell family, and equally commend Crime Stoppers for their support of the family. I was absolutely amazed at the courage displayed by William's parents. They have been in absolute purgatory over the past 12 months since William was taken from them. I can only imagine their pain at the loss of William. They penned a very beautiful and emotional statement that spoke of the pain, the anxiety and the stress, how difficult it was for them to cope from sunrise to sundown, and at the sense of loss experienced when William's birthday came around, or at Christmas, or when on family holidays. The family is not complete, and that is what Where's William? is all about.

It is about us, as members of Parliament, asking our communities to search for William, to come forward with any information. to encourage our communities to think about William and the pain that his loss has caused his family, to think about the grief that the family lives with day in and day out, to think about other children missing from their families, and not to accept stolen children or missing children as a norm in this country. We must protect our children from predators and say out loud that this is not acceptable, we will not allow our children to be stolen, we value our children, we value our families.

To show support for William and his family, I urge community members to host an event, a Tea 4 William Tyrrell or to organise a Walk 4 William Tyrrell; to wear William Tyrrell campaign colours of red and blue; and to remember him in his red Spiderman outfit. This may help trigger something in someone's mind. It may help the family. It may help another missing child. Our future is lost if we cannot protect our children. They are defenceless and vulnerable, and the strength of a community is measured by how it looks after the most vulnerable. Where's William? Week is an ideal time to show our support for William and every other missing child. His family and the Kendall community are in desperate need of our support. I urge every member of this place to inspire their communities to help search for William.

Mrs LESLIE WILLIAMS (Port Macquarie—Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) [7.06 p.m.], in reply: I thank the member for Londonderry and the member for Clarence for supporting me in this discussion on the matter of public importance. This is a matter of public importance because William Tyrrell's disappearance is simply unacceptable. We must join together, show our strength and say that the harming of our children will not be tolerated. I know that the community of Kendall will appreciate what has been said here tonight in support of them. I know that William Tyrrell's family appreciate our support. As the member for Clarence said, many of us had the opportunity today to meet William Tyrrell's family. His parents' grief was palpable in the room. It is heartening that all members of this Parliament have come together to say that this is not acceptable; that we must continue to work together to find answers to this crime.

As we were told by the NSW Police Force, its search goes on. It will be unwavering in its search for answers. William is still missing, but the NSW Police Force believes that he has been abducted and that he may still be alive. William went missing from his grandparents' home in Benaroon Drive, Kendall. I know the Kendall township. I know Benaroon Drive; it is a dead-end street. William Tyrrell was taken in broad daylight, at about 10.30 a.m. on 12 September 2014. Somebody saw something. Somebody knows something. We know that somebody can help bring William home. We, as members of this Parliament and as advocates in our community, are urging anyone who can help, anyone who knows anything, no matter how small or how trivial they think it is, to call Crime Stoppers on 1800 333 000. Please help bring William home.

Discussion concluded.

**The House adjourned, pursuant to standing and sessional orders, at 7.09 p.m. until
Wednesday 16 September 2015 at 10.00 a.m.**
