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LEGISLATIVE ASSEMBLY

Tuesday 13 October 2015

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

The 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

AUSTRAL PUBLIC SCHOOL BUSH TUCKER GARDEN

Mr CHRIS PATTERSON (Camden) [12.11 p.m.]: Today I speak about a school that is in my electorate—Austral Public School. Yesterday I had the wonderful opportunity to visit the school to attend the opening of its new Bush Tucker Garden, along with special guests Christine Tasker, Director Public Schools NSW Macarthur network; Brad Bevis, President, Liverpool Aboriginal Education Consultative Group; Jestyn Nand; Trish Daniels; Rhonda McPherson; Aunty Carol; Vicki Bowen; Leslie Marks; Tristen Cannell; and Garth Jones. Approximately seven months ago the school decided to establish a bush tucker garden. The concept behind the garden was to promote Aboriginal and Torres Strait Islander histories and cultures and give the students the opportunity to learn about dreamtime stories through recreating them.

Pavers were purchased and all students from kindergarten to year 6 painted concrete pavers to form a storyboard of a familiar dreamtime story, with a vision to display them in a garden. The garden has become a learning place to promote Aboriginal histories for all the students, both Aboriginal and non-Aboriginal. Aboriginal students were also encouraged to help design and create the garden. They did a superb job. Thank you to Aragorn Bevis, Michellie Bevis, Imogen Maddon, Crystal Murray, Mikayla Murray, Liam Rose, Nathan Rose, Braiden Scholes, Preston Scholes, Sharaya Smith, Aria Trindall, Lillian Trindall, and Temeika Wilson. Now completed, the garden is a credit to everyone involved. It contains dreamtime stories, bush tucker plants and Aboriginal artwork created by our Aboriginal students and their friends, together with the assistance of the Local Aboriginal Education Consultative Group.

The garden has been given the Aboriginal name by the students of Warau-wa Wingarau Gunarga, which means meeting and learning place. And thank you to Richard Green for translating this. Austral was originally a parcel of land in West Hoxton purchased by Austral Banking and Land Proprietary. When residents pushed for a second public school in the Hoxton Park area in 1891, Austral Banking and Land Proprietary donated three acres of its land for the site and, in return, the school was named Austral Public School. The name of the school became synonymous with the area but the name Austral was not gazetted until 1972. Regular church services began at the Austral Church of Christ in 1935 and in 1938 a telephone exchange opened, followed by the connection of electricity in 1939. During World War II temporary army camps were established in the area.

Austral is now a vibrant area with approximately 3,200 residents. Major infrastructure is currently underway, including upgrades of the Northern and Bringelly roads. Pedestrians and cyclists will be able to

use both roads safely, similar to the almost completed upgrade of Camden Valley Way. I acknowledge the following people who were involved in bringing the vision of the garden to life. Special thanks and acknowledgment go to Mrs Sharon McPherson and Mr Brad Bevis and their supportive families in bringing this project to fruition. Their efforts are much appreciated. Thank you to Brad, Aragorn and Michellie Bevis, who conducted the wonderful smoking ceremony. Thank you also to Principal Jan Rogers, who does an outstanding job, as do all her staff; Mrs and Mr Tester and Mrs Tester's mum, Chris; Mr Thompson; Miss Ghassibe and Miss Gaut; Mr Ayuso; Mr and Mrs McPherson and their son, Aiden; Mick and Michelle Madden and family; Kellie and Brad Bevis and family; Catherine and Shane Rose and family; and Temeika Wilson.

Thank you to local businesses that stepped in and supported their local school: Australian Native Landscapes, Rhonda Butorac, Austral Hardware and Lou Noiosi, Addelec Power Services, and from Liverpool Council, Biljana Jovanovic and Rhys Ayuso for their contributions towards the establishment of the garden. It was wonderful to see the support, respect and community spirit at Austral Public School to complete such a great project. Well done, Mrs Rogers, on encouraging such a positive and comfortable environment for all. Austral Public School does a tremendous job and I thank it for everything it does. I look forward to working with the school in the future. The school is truly a wonderful part of the Austral community.

UNIVERSITY OF NEWCASTLE TRANSPORT

Ms SONIA HORNERY (Wallsend) [12.16 p.m.]: The University of Newcastle is my electorate's jewel. Although it has campuses on the Central Coast, in the Newcastle CBD and overseas, Callaghan is its largest and busiest campus. Home to world-class researchers, an engaged staff and an exemplary student body, Wallsend is proud of Newcastle university. Unfortunately transport to and from the university is a continual headache for staff, students and local residents. Peak time is snail's pace for commuters, with University Drive narrowing into a bottleneck around the Mater Hospital. Recently the Government noted its intention to sell off land in Warabrook to be set aside for a future bypass to the university, leaving no measure to alleviate congestion in the future. The university's global reputation is only getting better and as the area grows congestion will only get worse. Drivers who brave the traffic around the university then have to pay for parking but there is no guarantee that they will be able to park. And public transport in the area offers little reprieve. Law student Luke Maroney said that the university:

... is not very well serviced and the timetables aren't practical. The train gets in two minutes before class starts on the opposite side of the campus. There isn't enough linkage between train and bus times. If I catch the bus I end up waiting over half an hour for the train home.

Warabrook, the university's nearest train station, no longer provides direct access into the city since the Newcastle train service ceased, and although it is near the campus it is not available most of the time for students. The nearest bus stop to Warabrook is 1.3 kilometres, which is a long walk at night. Students riding from the junction to the university are on the bus for more than 40 minutes, and it is not far away. Students travelling from my patch in the western suburbs have an even worse drive or bus trip. These long travel times and inconvenient timetables discourage public transport usage and do nothing to relieve congestion in the area. Clare Swan, the President of the Newcastle University Students Association [NUSA], told me that public transport is a hugely important issue. She said:

There are people already struggling to make rent who just want to be able to get to class safely, quickly and conveniently, without having to pay a heavy price for parking—*IF* they can get a park! More parking would be great...

NUSA recommends more sensible, realistic, feasible and available public transport. I wish I could say my electorate's transport issues were limited to those around the university. Unfortunately, poor public transport plagues the western suburbs and we are overdue for a comprehensive bus review. We need integrated solutions to increase public transport effectiveness and to decrease congestion in the area.

Recently I asked the Minister for Transport and Infrastructure to review Newcastle bus routes. I had hoped—and I still do—that such a review would address a number of the concerns that I have raised, but the Minister's reply was less than encouraging. I was advised:

Reviews of public bus networks will take place across New South Wales. Any modification will be made to support the revitalisation of Newcastle and integrate with the wider public transport network.

This highlights a significant issue in the Government's approach. When this Government talks about revitalisation of Newcastle, one can safely assume that it is referring to the central business district and the inner-city precincts only. Newcastle continues well beyond its CBD and residents in the western suburbs also need public transport, yet the system and the current situation are letting us down. In the coming year I will bring together stakeholders for a roundtable discussion about the future of university transport with a view to implementing a holistic approach to solving the public transport woes in Newcastle's western suburbs.

TAMWORTH SERENDIPITY COMMITTEE

Mr KEVIN ANDERSON (Tamworth) [12.21 p.m.]: I wish to update the New South Wales Parliament on the excellent work being done by Tamworth's Serendipity Committee. The committee raises funds for the promotion of breast health awareness and ensures that those in the Tamworth electorate with cancer issues are given every opportunity. The committee raises funds to improve the cancer journey for local patients in the New England North West region. Since 1994, the Serendipity Committee has had a membership of local women who volunteer their time and expertise to raise funds to benefit cancer patients in the New England North West. Serendipity contributes to the purchase of specialised equipment and provides funds for special projects.

Tamworth's Peel Street is currently awash with what we are calling the "Serendipity yarn bombing", which looks magnificent. Committee members have wrapped Peel Street's beautiful palm trees in pink wool to raise awareness of breast health. The wrapping happened at the end of September and it is intended to raise awareness and bring happiness to the community and to those suffering from breast cancer. All money raised by the committee stays in Tamworth. I congratulate Sandy Brooks, president of the Serendipity Committee, on organising the yarn bombing with the support of the Tamworth Regional Council. Other committee members include Helen Tickle, Caroline Wright and Ruth Campbell.

On Saturday 10 October, the committee held its Wellness Day at the community centre. I had the pleasure of attending this wonderful promotion of breast health awareness with my 13-year-old daughter, Ella. The day also promoted taking steps to improve health and wellbeing. The range of speakers and topics included: "Look Good, Feel Better" with Margaret Rock, "Healthy Mental Wellbeing" with Fiona Little, "Importance of Exercise" with Andrew Mahony from Rural Fit, "Healthy Hearts" with Penny Milson, "General Financial Advice" with Ray Griffin, "University of the Third Age" with John Sharkey and "Breast Cancer and Family History" with Melissa Buckman.

The information sessions and stands included: "Look Good, Feel Better Workshop", Lioness Wig Library, BreastScreen, Cancer Council, Sweet Secrets, Tamworth Podiatry Centre, Tamworth Conservatorium of Music, De-Berns Mastectomy Collection, 360 Fitness Club, Healthwise, Heart Foundation, Tamworth Remedial Massage, Urban Vogue Organic Day Spa, Curves, Commonwealth Carer Respite and Bupa. The Serendipity Committee has a long history of raising funds in Tamworth, with all the funds going to local people who need support. Committee members do a magnificent job promoting breast health awareness. I congratulate them on their efforts.

HORNSBY KU-RING-GAI HOSPITAL

Mr MATT KEAN (Hornsby—Parliamentary Secretary) [12.26 p.m.]: I was thrilled to welcome my

friend the Minister for Health, Jillian Skinner, to Hornsby Ku-ring-gai Hospital on Saturday 5 September for the official opening of the new STAR building. The opening of the new hospital occurred nearly 92 years to the day since the hospital was officially opened. On that sunny Saturday morning in 1933, the Governor of New South Wales Sir Philip Game and local Hornsby resident Sir Edgeworth David joined 5,000 residents to officially mark the occasion. The *Hornsby Advocate* reported:

They had come from every point of the compass, with pride of ownership to see our Hospital contributed by our people.

This is fitting acknowledgment of the special relationship between the community and the hospital—a special relationship that still exists today. At the time the hospital consisted of the administrative block, a shock recovery ward, X-ray rooms and one operating theatre—a state-of-the-art facility then. While much has changed since that gala opening in 1933, the hospital's commitment to offering outstanding service and care to our community has not. The opening of the new STAR building marks another chapter in that story of outstanding service and care. The STAR building will provide our community with state-of-the-art service and care now and for many years into the future. The \$120 million STAR building is honouring the New South Wales Government's commitment to rebuild Hornsby hospital to provide eight new theatres, three 28-bed inpatient units and new anaesthetic and recovery services. This day has been a long time coming for long-suffering Hornsby shire residents after years of Labor neglect. These first-class medical services will cater for Hornsby's growing health needs.

When I was elected to Parliament in 2011, I made the rebuild of Hornsby hospital my number one priority and I am thrilled to deliver on my pre-election commitment. The New South Wales Government is committed to improving hospital facilities across New South Wales, including Hornsby. In five short years we have finished stage one of the rebuild and committed a further \$200 million for stage two of the project, which will facilitate two purpose-built, multistorey clinical services buildings. Planning for stage two of the hospital redevelopment is well underway. Stage two, which will be physically linked to the STAR building, will include a major upgrade to the emergency department, extra inpatient beds as well as paediatric, imaging and ambulatory care services. This will bring the total expenditure for Hornsby hospital to \$320 million plus an additional \$36 million for a new state-of-the-art mental health inpatient unit.

Health facilities like this are what Hornsby deserves. Our community was ignored for 16 years under the Labor Government. The situation was so bad that every time it rained doctors and nurses would have to put out towels and buckets in the medical units to stop the water getting in, and we all remember possums running through operating theatres. This was a disgrace and it should never have been allowed to happen. Labor turned off the funding to Hornsby hospital and for years the hospital was on life support. If it were not for the efforts of dedicated and caring doctors and nurses Hornsby hospital would have been boarded up and shut down for good.

It has not been an easy road to here and it certainly did not happen by accident, so I would like to acknowledge all those people who made it possible. In doing so it would be remiss of me not to mention the sheer dedication and campaigning skills of the doctors, especially Dr Robert Reid, Dr Pip Middleton and Dr Richard Harris. These guys make us politicians look like amateurs. I acknowledge the outstanding staff in the local health district [LHD] led by Carol Pollock and Vicky Taylor and particularly our local chief executive officer Frank Bazic. He is an outstanding public servant our community is lucky to have. Of course, I acknowledge the tireless advocacy of my predecessor, Judy Hopwood, and our outstanding health Minister Jillian Skinner and former Premier Barry O'Farrell. Finally, this would not have been possible without the efforts of the local community—a community that originally raised the money to build the hospital, a community that has fought to keep it going over the years and a community that has delivered this result.

For years their pleas were ignored by the Labor Government, the same Labor Government that ordered \$9 million in cuts to Hornsby hospital's operating costs. The Labor Government ordered

tradesmen to paint over cracks on the walls to hide water damage, and as a result some staff members slipped on water-logged floors, causing injury. But did the Labor Government act? No, it did not. The Labor Government chose to bury its head in the sand and ignore the doctors, nurses and community members' pleas. The lack of funding and investment meant that Hornsby hospital staff members were forced to patch up damaged walls with gaffer tape and endure leaking roofs with termites and possums running around in them. Hospital operating theatres were forced to be closed under Labor's watch, and the community had to rally to keep the hospital from closing in 1996, when Labor attempted to shut down the hospital for good. These conditions should never be acceptable under any circumstance. Conditions were made even worse for staff with slashed nursing numbers, blown out waiting times and reductions in the number of available hospital beds.

In 2004, Hornsby was voted among the top 12 worst performing hospitals across New South Wales, which regularly fails to treat emergency patients on time. Staff rebelled against the Labor Government and went out on strike to protest against the atrocious Third World conditions they were forced to endure. Since then the New South Wales Liberal Government has completely transformed this site and invested the initial \$120 million needed to bring the hospital back to the first-class standards that the community expects and deserves. I am proud that the Baird Government has delivered on its promise to upgrade Hornsby Ku-ring-gai Hospital to ensure the highest quality patient care for years to come.

DYSLEXIA

Mr DAVID MEHAN (The Entrance) [12.31 p.m.]: For many young children, learning to read independently opens up a whole new world—a world of visual delight, a world of information and, above all, a world of imagination, stimulated by the many wonderful books written specially for beginner readers. However, if a child is dyslexic, getting to that moment requires special help. The dyslexic child looking at a page of text may experience any of the following: Seeing letters as backwards or upside down; the text may appear to jump around on a page; letters that look similar in shape such as o, e and c may be hard to differentiate; letters with similar shapes but different orientation, such as b and p and d and q, may also be hard to differentiate; letters may appear jumbled and out of order; letters and words may appear to be bunched together; some words may appear backwards—"bird" may look like "drib".

Reading might induce a severe headache in the child. They may see the letters correctly but not be able to connect the letters to their sounds and to understand them; they may be able to connect the letters and sound out words but not recognise words they have seen many times before; and they may be able to read the words correctly but they may not be able to make sense of or remember what they read, so that they return repeatedly to the same passage.

A person with dyslexia could have all these symptoms or none. They might be able to read very well, yet find it difficult or even impossible to write or spell. The wonders of reading can be made available to the dyslexic child but to unlock them the learning process we must have regard to the tendency for dyslexics to think in pictures rather than words. Today I will talk about a constituent of mine in The Entrance electorate, Mr James Bond of Killarney Vale. Many in this Chamber on this side of the House will be familiar with Jim and his remarkable achievements. At age seven, Jim was diagnosed with severe dyslexia by Professor Delbridge from Macquarie University's linguistics department. Jim says:

From that point on, my dream was to do a degree at the University.

But achieving that dream was never going to be straightforward. Jim left Epping Boys High School aged 14 because educational methods were not sufficiently tailored at that time to students with needs such as his. Many people of lesser resolve would have abandoned their dream, but not Jim. He has said:

It was such a heartening experience to walk through the gates of Macquarie University at the age of 50, as one of the first Australian university students to graduate with severe dyslexia.

"Dyslexia" translates as "trouble with words". It is a neurological disorder affecting the processing of words and numbers. Although it was first recognised around 140 years ago, people with dyslexia continued until relatively recently to be stigmatised as "slow" or even "stupid". Today, an estimated 700 million people worldwide live with the condition, among them about 10 per cent of Australians. Everyone's experience is different and symptoms can appear and disappear from one day to the next.

For 40 years, Jim has been, and continues to be, a passionate activist and advocate for people living with dyslexia. He campaigned to have technological advances such as text-to-speech computer programs rolled out to libraries, schools and universities. He succeeded in having dyslexia included as a disability in the New South Wales Anti-Discrimination Act. He also advocated for teacher education programs to cater to the needs of students with dyslexia. Jim also campaigned for changes to the Human Rights Act, which saw dyslexia defined as a disability. He worked closely with former Labor education Minister John Aquilina on the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Act 2008. Jim began his bachelor degree in 2009 and, overall, received nine distinctions and three high distinctions—a huge achievement for any student.

With Macquarie University's Accessibility Services Unit he devised a personalised plan to help him with his studies. He used WYNN software, which highlights the text as it is spoken; the Digital Accessible Information System, or DAISY, which transcribes the written word and reads it aloud; and a camera called Pearl from the university's disability service, which takes pictures of a page and reads it back to the user. Even after his goal was realised Jim did not rest on his laurels. He graduated as Master of Research at Macquarie University in April this year and is currently a visiting lecturer and a PhD candidate at that university. Jim, we salute you not only for your achievements in your own life but also for your efforts on behalf of all Australians living with dyslexia and disabilities generally. I am sure that everyone in this Chamber will join me in extending our admiration and our congratulations to Jim.

OXLEY ELECTORATE EVENTS

Mrs MELINDA PAVEY (Oxley) [12.36 p.m.]: It gives me absolute pleasure to highlight to the House a magnificent event that was held in Wauchope on Friday night, the Wauchope Chamber of Commerce Service Awards. At least 100 people were in the room, including me as the local member, the Federal member, Mr David Gillespie, the local mayor and deputy mayor and great community leaders such as Neville Parsons from the Holiday Coast Credit Union. The Wauchope Chamber of Commerce Service Awards are about highlighting great service within the community. I was very proud to be able to present two of the awards to very deserving people.

One award went to Robbin Willemsen of Jennifer's Hair Salon. Robbin was quite overcome on the night and, in fact, was speechless. I finally got some words out of her when I presented the award and asked her some questions. She was genuinely moved and it was a beautiful moment to see someone so humble receiving an award for the great service she has provided over many years in Wauchope. I was also pleased to give an award to Kylie Joseph of Hastings Co-op SUPA IGA—a great business and part of the very fine Hastings Co-operative, which is celebrating its 100th anniversary as a cooperative this year and has enormous support within the Wauchope and Hastings community. I sat at the same table as TG's Child Care, which has services in Uralla, Inverell and Armidale. I was at the official opening of its new child care centre in Wauchope—which is already full—only a couple of months ago. It is providing great innovation in long day care.

I particularly highlight the three awards that went to Bennetts Steel, a company run by two sisters, Shiree Bennett and Tanya Newman. Those awards join a long line of awards that they have received. They were recently in three finalist positions at the 2015 regional NSW Business Chamber Business Awards. Bennetts Steel is a great local company which is very proud of its passionate delivery of service to local people. These are women showing the way in the steel fabrication industry—I do not think there would be too many female owner operators of such a business. They are great role models and great young women in the Hastings community and they are very proud of the 10 local people they employ at

their factory.

On Saturday I also was absolutely delighted to be part of the opening of the rejuvenated Stuarts Point tennis courts. I congratulate that community, particularly Byron and Jim, for the work they did in putting the application through the Community Building Partnership program. They said to me that they could not believe the community of Stuart's Point would get \$28,000 for the rejuvenation of the tennis courts. But they deserved it and that is what Community Building Partnership funding is about. Those courts are used by everyone who visits that community; people can get a key to use the tennis courts from the shop across the road from the courts. The courts have lighting so they can be used at night. It is a great community facility for locals and tourists alike.

I also raise an issue of concern. In my last private member's statement I highlighted the magnificent Toast Urunga festival, which attracted 8,000 people and raised \$90,000. The festival has run for nine years and has provided a brilliant day out in Urunga in the Bellingen shire. Unfortunately, the committee that has run Toast Urunga has decided that the work involved in arranging that festival is way too much. By way of example, they said that when they first started the event nine years ago 15 development application approvals were required by council; this year 53 development applications were required.

They were also concerned that the liquor licence approval was issued only three days before the event, which caused some grey hairs to emerge. They have not taken this course of action in a nasty or spiteful way. They have approached me as the local member to raise some sensible recommendations to be put to the Government to improve the process for volunteers who must navigate a very difficult pathway in dealing with roads, liquor and crowd management. I congratulate them on their positive approach in coming up with solutions to support other similar events throughout regional New South Wales. I congratulate the committee on its festival and on its attempts to make management easier for coming generations.

HOUSING AFFORDABILITY

Ms JENNY LEONG (Newtown) [12.41 p.m.]: It is hard to escape talk of the housing boom when one lives in Sydney. When we sit down in an inner-west or inner-city cafe inevitably the surrounding talk turns to capital gains, negative gearing, home renovations and speculation about whether housing prices will continue to increase and whether the bubble will burst. However, for the significant number of renters across Sydney, including the 56 per cent of households in the electorate of Newtown who are renters, life is a lot less about boom and much more about bust. There is much less talk about *Renovation Rescue* and much more about residual mould removal. Due to skyrocketing rents, unscrupulous landlords, short leases, the failure to fix basic maintenance issues, and the chronic shortage of affordable housing options, renters in Sydney and the electorate of Newtown are suffering. The impact of this situation on our community and our society is clear.

This week is Anti-Poverty Week, which highlights the causes and consequences of poverty and hardship around the world, and particularly in Australia. While there are many reasons that people experience poverty and many ways in which we must step up to address them, the Council of Social Service of New South Wales says that an issue raised time and again is the continuing lack of social and affordable housing. The last census found that nearly 95,000 households in New South Wales pay more than 50 per cent of their income in rent. These are often people who are not earning a huge wage in the first place. It is hard to fathom how they manage to survive on what they have left after handing over half to their landlord. The demand for social housing continues to rise when increasing rents price people out of the private market, when social or public housing is not available, and when people are forced on to the streets to sleep rough. Members know of numerous cases of constituents having been on the high-priority or at-risk waiting list for months and who in the meantime must sleep rough or deal with the insecurity of accessing temporary accommodation.

The Greens strongly believe that instead of selling public housing assets we should invest in them. We must recognise people's right to access safe, secure and affordable housing. At a recent public meeting at the Newtown Neighbourhood Centre people identified housing affordability and homelessness as their greatest concerns. The centre has noted an increase in the number of people who are in insecure housing or who are affected by homelessness. I look forward to working with the centre and the community in addressing these issues locally.

The housing crisis facing this State is not simply a problem in the public and community housing sector. The crisis in housing affordability is putting immense pressure on people throughout the community. Public housing tenants, private renters and private homeowners across the State are experiencing housing stress. The proportion of children growing up in privately rented properties continues to increase and the prospects of younger generations becoming homeowners are declining, with home ownership rates in the 25- to 44-year-old age group continuing to decline.

The prospect of long-term renting is now a reality for many, and that is why we need to address private rental insecurity. Almost half of single parents now rent privately, and we know and should address the impact that that housing insecurity will have on future generations. Today's *Sydney Morning Herald* has an article about an SGS Economics and Planning report that identifies Sydney's liveability. It points out the growing wellbeing gap that exists between those who have a secure job and home and those who are facing housing insecurity. The article states that the second most important issue defining personal wellbeing after our family and personal relationships is the house in which we live.

Another worrying and unsurprising trend is the growing rate of homelessness in our city. Homelessness NSW is acutely aware of that issue and raised it with me when I met with representatives recently. I was pleased to be able to attend the NSW Federation of Housing Associations' launch of the "Affordable Housing through the Planning System: Industry Strategy Paper". The paper seeks to set targets for the Government to mandate affordable housing in all new developments. We know that we will not solve the housing crisis by pumping money into the speculative housing market through the tax system or by holding the community to ransom and threatening not to invest unless it involves privatisation of our publicly owned assets.

We also know that we can make changes now to improve the security and safety of renters in our community. One of the things that we can do to protect the vibrant inner-city areas and to ensure diversity in our community is to reform the Rental Tenancies Act to remove no-grounds evictions, to cap rents according to the consumer price index and to ensure that rents can be increased only once a year. I will campaign strongly to achieve those changes so that we can provide security for renters in inner-city Sydney. We need a framework that protects renters' rights and we must amend our legislation to address the housing affordability crisis. We must treat housing as a social and economic right that requires public investment to improve the wellbeing of the people living in our cities.

HOLSWORTHY ELECTORATE FIJIAN AND INDIAN COMMUNITIES

Ms MELANIE GIBBONS (Holsworthy) [12.46 p.m.]: The Fijian, Indian and Fijian-Indian populations are an important part of my electorate of Holsworthy and represent the largest immigrant cultural groups in the area. It is often noted that south-western Sydney, in particular the Liverpool local government area, is the capital of Sydney for the Fijian, Indian and Fijian-Indian communities.

Dr Geoff Lee: Come on!

Ms MELANIE GIBBONS: I enjoy pointing that out to the member for Parramatta. He thinks he has all the Indian communities in his electorate. He is a good member of Parliament and represents his Indian community well in this place. I enjoy attending events with him because he looks after and entertains me. It has been a pleasure over the past few weeks to attend events sponsored and run by these cultural groups. A recent event was Ganeshotsava 2015, which is organised every year by Friends

of India and which is based primarily in the Liverpool area. The event celebrates the Hindu deity Lord Ganesh, a god who helps in overcoming obstacles. This year there was a large procession down Northumberland Street to the main stage in Macquarie Street Mall. Although it took us nearly an hour to walk just 150 metres, it was well worth it to see all the colour and dancing and to hear all the laughter and singing. It was an amazing event.

Dr Geoff Lee: It took a long time.

Ms MELANIE GIBBONS: We were very slow, but we took many photos and had a great time. After the procession, I addressed the attendees, including the Mayor of Liverpool, Ned Mannoun, and other Liverpool councillors. Attendees then headed to a makeshift pond at Chipping Norton, where, as part of the ritual, people placed statues made of clay as an offering to Lord Ganesh. That same night I also attended Starry Sari Night with Mayor Mannoun, Councillor Nazar Hadid, and the Federal member for Hughes, Craig Kelly.

This is the third year that the event has been hosted by Liverpool City Council to celebrate Indian culture in the area, and it was a huge success. It featured many different attractions, including a best curry competition, Indian food stalls, and a sari fashion show. The main attraction was Brett Lee, who was there to showcase his new Indian-Australian film *Unindian*. I will mention the contestants in the best curry competition because they did a fabulous job. The mayor tried their food and said it was sensational. They included: Himalaya Restaurant; Fiji Style Desi Dehba Shop; Indian Aroma; Akash Pacific Cuisine Continental; Haven Function Centre and Restaurant; Hemani Mehmi Indian Restaurant; Riverside Indian Restaurant; and Woodland Family Restaurant.

I was proud that Riverside Indian Restaurant, which is in my electorate, won the competition. I had the chance throughout the night to talk with many stallholders and attendees and they were all very happy with how the night went and are looking forward to participating in the event next year. This weekend I attended Fiji Day in Bulldog Park, Liverpool. I thank Mr Rahul Raju, the chairman of Fiji Day 2015, for his invitation to be the chief guest, representing the Premier in celebrating the forty-fifth anniversary of Fiji Independence Day. I also thank Mr Raju for the hard work he has put into making this event a success and for bringing the community together. I also thank members of the local community for the work they did.

There is a deep friendship between the New South Wales Government and the Fijian people. Indeed, this week Sydney looks forward to hosting the Prime Minister of Fiji and hearing the outcomes of the Australia Fiji Business Forum being held in Manly. I hope to meet with the Prime Minister of Fiji at another function to celebrate our Fijian community in the Liverpool area next weekend. Community is key to a strong, cohesive State, and I noticed this element present throughout the celebration. As I walked around and met every single stallholder, they all had a similar message: "It does not matter what religion or ethnicity you are; we are all here to help celebrate and to work together." I think all of us could learn something from our Fijian community.

Sport is an important part of the Fijian culture. Unfortunately due to the weather over the weekend they were not able to hold many of their events, but on the evening I was honoured to award the first and second place trophies for their annual golf tournament. I also had the opportunity to thank the Indian golf club directors, who assisted with the planning of the golf tournament, for the work they do with youth in the Fijian community. I look forward to returning in coming weeks to present awards to the winners of the volleyball and all the other sporting competitions they are going to be hosting. I look forward to seeing them all as well. Another element that was evident at the celebrations was charity and the fact that so many of those stallholders were fundraising for charity on the evening to send money back to Fiji, particularly for educational programs. I thank all our Fijians, Indians and Fijian Indians for the contribution they make to the Holsworthy electorate and I cannot wait to attend more of their events. Mr Temporary Speaker (Mr Lee Evans), vinaka.

HAMILTON GASWORKS SITE CONTAMINATION

Mr TIM CRAKANTHROP (Newcastle) [12.51 p.m.]: As the Government concentrates on the revitalisation of Newcastle's central business district [CBD] and spends time and money on buildings and several versions of a new transport interchange, it is continuing to ignore and direct attention away from a sinister story that is unfolding in the suburb of Hamilton. Much like the Williamstown RAAF Base chemical contamination fiasco with its recently extended toxicity zone, the Hamilton former gasworks site is an area that the Government has realised is contaminated and on which it is acting too slowly. Despite the AGL gasworks site being the oldest contaminated site on the Environment Protection Authority's list of the most "significantly contaminated land" under the Contaminated Land Management Act, the Environmental Protection Authority [EPA], AGL, Jemena and the Government have acted too slowly to address the issue.

The Australian Gas Light Company took 18 years to respond to the first government order to remediate the old Clyde Street gasworks site. Documents with the Department of Planning and Environment include a 2005-06 report that found contamination was up to nine metres deep in some parts of the site, well below the watertable, with a remediation bill in the millions. Around 65,000 cubic metres of material was found to be contaminated. In 2011, the EPA launched a process requiring Jemena to remediate the site or risk prosecution. More than four years later the site continues to lie contaminated with chemicals including benzene, petroleum hydrocarbons, arsenic and lead. It is also believed that groundwater from the site is entering Styx Creek.

But while the site continues to lie derelict, the people who worked on this land are feeling the effect. Earlier this week, I received a call from Joy Callinan, a widow. Her husband of almost 50 years, John, died unexpectedly in 2008. John had worked on the Hamilton site for more than 20 years, had lived a healthy life and had never smoked. In February 2008 he started feeling odd, as if he was drowning when he was lying down, and was unable to get comfortable. When he saw a doctor he was urgently referred to an oncologist. In this instance, he was referred to Professor Ackland, a specialist in the treatment of cancer.

Professor Ackland diagnosed John with advanced lung cancer and told him he had four months to live. There was apparently evidence that John had worked with asbestos as it appeared that he also had asbestosis. John had never directly worked with or produced asbestos, had no family history of cancer and had never smoked a cigarette in his life. John was admitted to hospital where they drained more than four litres of fluid from his diseased lungs. He then spent six days in the intensive care unit as they worked to make him feel more comfortable. He died in July 2008. But why? The question remains as to why Jemena has not been forced to clean up the site in a more timely manner. They contaminated the land and it was deemed significantly contaminated in 2011.

Another disturbing case is that of the Frost family, who lived on the site in the manager's house between 1954 and 1973. Award winning journalist Joanne McCarthy has brought this issue to light and reported that this family has had a disturbingly high rate of disabilities, deaths and severe and life-threatening conditions, including cancer affecting two generations of family members. The youngest of the Frost children, born in 1961 with severe physical and intellectual disabilities, died in 2009 aged 48. The three next youngest children, including Dominique and her sister Corinne, have battled serious cancer.

The fourth youngest daughter was diagnosed five years ago with bowel cancer that spread to her lungs. Her daughter was diagnosed with breast cancer when she was 29. The second eldest of the Frost children was diagnosed with breast cancer when she was 46 and is one of two Frost children who have also had treatment for melanomas. Dominique Frost gave birth to six children, including twins. Two children were born with intellectual disabilities, one of the twins died the day after he was born and the second twin needed treatment for a physical disability. For years family members have talked about whether there was a link between growing up in the house on the gasworks site and the family's

extraordinary history of serious health issues. Dominique Frost said:

The gasworks site was our playground.

We used to play around the tar pit and in the coal piles.

Dominique and Corinne Frost said they were disgusted at the failure of the company to remediate the site. I have concerns for residents in the area surrounding the site. In August 2011 the EPA said that "contaminated groundwater may migrate further offsite and ultimately affect the Hunter River". This is clearly a matter of public importance—this is a matter that deserves as much attention as the Williamstown contamination. Jemena say the remediation will be completed by mid-2018. This is too long for the local community. I call for this process to be expedited. I call on the Government to tell local residents whether their groundwater is safe. I also call on the Government to investigate compensation for affected families.

COMMUNITY INCLUSION

Mr JIHAD DIB (Lakemba) [12.56 p.m.]: Over the past week or so, in response to the tragic event in our city and the loss of an innocent life, I have spoken at length about an inclusive and cohesive community where all people do not just survive but rather thrive. I often say that only a bipartisan, long-term and integrated whole-of-government approach can create the thrust for the change we need, but we also need to remember it is at the grassroots level of the community that change ultimately succeeds or fails. What is a society but the culmination of relationships between people and groups finding their way on a daily basis in families, workplaces and communities? While there is an incredibly important role for us in the Parliament and the various agencies of government, we need to be cognisant of the limitations of a top-down approach.

My experience as a high school principal was that unless everyone had a sense of buy-in it was difficult to effect any long-term change. Let us understand and recognise that every day community leaders—whether in their day jobs or as volunteers—are connecting people, building understanding and creating greater capacity in the community. We need to support them. So what does it look, sound, smell and feel like, this grassroots inclusion? Spending time in the electorates we represent, as I and many of my colleagues do, is not only uplifting; it also allows us to see community engagement in its purest form. In my electorate I have already seen multiple examples of it, some of it loosely connected with groups such as schools, sporting groups, churches, temples, mosques, returned services leagues, community gardens and parents and citizens associations. There is a long list and I have only just scratched the surface.

As an example of a group building a community, I recognise the Canterbury City Community Centre at Lakemba, established in 1972. Its vision strongly resonates with me and the values and beliefs I bring to my actions in this place. It talks about a strong, resilient community that values and includes every member. As at its sister community centre at Riverwood, the centre's approach and practice is to foster harmony, improve the quality of life of its members and to help people help themselves. The centre is an innovator in grassroots community engagement. In March this year the centre launched the Lakemba Community Market. These markets were set up in response to requests from local women from a variety of cultures and backgrounds who wanted a venue and an opportunity to showcase their emerging small businesses—these are the green shoots of small businesses that need nurturing.

Beyond providing a physical venue for the markets, the community centre has also provided training for these courageous and inspiring women. This is true capacity building. We all know the Chinese proverb about teaching someone to fish. The training is across a range of topics: a microbusiness course, workshops on how to be a stallholder, and food safety and food handling programs. As a starting point, stallholders got together and toured other well-established markets such as those in Kirribilli, Marrickville, Ramsgate and North Sydney for inspiration. The monthly markets bring together about 30 stalls and authentic entertainment, reflective of the great multicultural make-up of our

area. The Lakemba Community Market is still finding its feet but its founders and the many people who support it clearly show us that from small things big things grow.

Let us imagine the ripple effect of these women—often mothers—who, far from being marginalised, are being engaged and educated to learn the skills that will enable them to be active members of the local business sector. Consider the message this sends to the children of those women about the potential for education to change one's life and about the energy one can feel by being connected to other people with a shared interest and passion. These women—still strongly identifying with their cultural and religious roots—are able to develop confidence and become empowered as they experience a sense of freedom and financial independence through the development of new skills in this multi-faith and multicultural environment. Recently the community centre needed some limited funding, which was provided by a private foundation through the Building Multicultural Communities Program. The funding was used to pay for some basic equipment such as marquees and tables and chairs, and proved that a little bit of funding can go a long way for a community organisation.

I have spoken previously about the managers of these types of non-government organisations [NGOs] and the brilliant work they do in harnessing volunteers. My observation is that grassroots community engagement and action rely heavily upon goodwill, volunteer time and in-kind resources. In poorer electorates the pockets of volunteers are close to empty so their critical contribution becomes their time and their ideas. Sometimes these groups require a bit of investment: money to buy the all-important tables and chairs or to pay for the rental of the council hall once a month. An investment in people is something we should never be stingy about. We should look at the possibility of creating small grants that are easy to apply for and readily accessed in order to ensure that community-building activities do not fail due to a lack of basic funding. Spending on communities is the first and most important step in creating social cohesion.

PANTHERS ON THE PROWL KOKODA LEADERSHIP PROJECT

Mrs TANYA DAVIES (Mulgoa—Parliamentary Secretary) [1.01 p.m.]: On 19 September this year 14 Aussies, including me, set off on the pilgrimage of a lifetime: to walk the Kokoda Trail under the inspirational leadership of the Hon. Charlie Lynn. The pilgrimage was the second Panthers on the Prowl Kokoda Leadership Project and this time it was an all-girl event. I thank Brad Waugh, General Manager of Panthers on the Prowl, for taking up my suggestion to provide this experience to young women from our region. I was the first to sign up for this pilgrimage as walking the Kokoda Trail had always been on my bucket list. My grandfather, Francis George Pogmore, fought on the trail to defend Australia against the invading Japanese army.

The team that assembled for the second Panthers on the Prowl Kokoda Leadership Project included six young women from six high schools within the Penrith region and six mentors. The young women and their high schools were: Analiese Langer from Glenmore Park; Cassie Fitzpatrick from Jamison; Jessica Tibbett from Cranebrook; Aimee Carlin from Nepean; Sheridan Page from Cambridge Park; and Nicole O'Haire from Kingswood. The six mentors were: Fiona Scott, Federal member for Lindsay, Louise Ruxton and Jeannette Lucas from the Panthers Group, Vicky Dunne from the Pepper Group, Debbie Robertson from the Western Sydney Institute of TAFE, and me. I thank the sponsors of this project without whom the students could not have had this life-changing experience: Mike Culhane and Patrick Tuttle, joint chief executive officers of the Pepper Group; Ian and Kathryn Garton of the McDonalds Garton Group; Duncan Ellis from the Western Sydney Institute of TAFE; and Warren Wilson and Peter Kadar from the Panthers Group.

The Hon. Charlie Lynn travelled with the group and was a walking encyclopaedia of military history, which he shared with us on the trail. Nikki George, our adorable and ever-patient trek guide, also delighted us with her knowledge of the trail and checked on us each night to ensure that our health was maintained. I also thank Daniel Meyer, a young man who is about to complete a degree in filmmaking at Western Sydney University and who was brave enough to travel for 10 days surrounded by women. Even

more daring, he would ask us for video interviews at the very moment we looked our worst, felt dreadful and wanted to collapse into our tents. Daniel is a true gentleman and a young man who conducted himself with great professionalism well beyond his years.

The trek was so much more than people had told me it would be: a congested carpet of tricky tree roots that seemed to never end, creeks to be crossed—sometimes 22 in a day—large rocks, small rocks, clay, mud, leaves and fallen trees, all combined with a backpack weighing on average 13 kilograms. It was often very hard to concentrate on where to place one's next step. For three days in a row we left camp before dawn and arrived at the next campsite in darkness. Vicky Dunne from the Pepper Group recalled the following: "One particularly challenging climb was the mountain with three false tops. We thought we had reached the top only to realise there were more to go". Another despised climb was "the wall"—a steep part of the mountain that went on and on and on. I was at the front for this climb and powered up it for the first hour. The next 30 minutes were excruciating. On reaching the top of the wall we barely had time to stop because it was getting dark. We had a 45-minute steep descent on a muddy, uneven hill. On reaching the camp, drenched in sweat for about the sixth time that day, we learned that there was no creek or shower. That is Kokoda.

Nikky George said that everyone would have their "Kokoda moment", and she was right. Some expressed the strain, pain, physical illnesses and fatigue outwardly but others, like me, battled it all out in our minds. We all found it difficult to comprehend how our Aussie militia and soldiers did it. How could they survive and fight back against a stronger, better-resourced and better-trained army? How did our Australian boys do this, especially the men of the 39th Battalion? The Hon. Charlie Lynn gave me the answer: They all knew the atrocities that Japan had perpetrated upon the inhabitants of the countries it conquered and the Aussie fighters knew they were all that stood in the way of the Japanese landing in Australia. They fought for their families.

The trek revealed to us the importance of mateship, the incredible feats of heroism and endurance, and the desperate and selfless acts of courage by our Aussie men to protect our nation. We all struggled during the trek and hit our personal physical, emotional and mental barriers but in comparison to the men who fought along the trail we had nothing to complain about. We walked 130 kilometres in six days over rugged mountain terrain and visited the Bomana War Cemetery, where more than 3,400 of our brave men are buried. Along the way we were all impacted by the many lessons and life-changing experiences we had. They are too numerous to recount in this five-minute speech. We learnt firsthand the benefits of a buddy, the meaning of endurance, the lesson to never give up halfway through something, how blessed we are as Australians, and the duty we all have to live our life to its fullest potential in honour of our Australian soldiers who gave their lives so that we might live.

I pay tribute to the porters who assisted us, rescued us when we were falling and who set up camp each night. Almost 50,000 Papua New Guineans were conscripted to support the Allied Forces. They have never been awarded a medal under the Australian honours and awards system by any Australian government. This wrong must be righted and I call upon the Federal Minister for Veterans' Affairs to do so. I congratulate my trekking companions on achieving a mammoth personal milestone. I loved sharing my world with you for those 10 days and I know that we now have a bond that unites us forever.

Ms KATRINA HODGKINSON (Cootamundra—Parliamentary Secretary) [1.06 p.m.]: I congratulate the member for Mulgoa on her amazing contribution. We were all riveted by her remarks about Kokoda and her wonderful adventure with the other young women who took the 130-kilometre trek over six days with the Hon. Charlie Lynn. It was clearly a battle of wits designed to help us remember what others went through for the sake of our nation. It causes us to reflect upon how lucky our nation is to have had such men and women go before us. In this year of the Centenary of Anzac, we commemorate also Australia's contributions to the many war efforts throughout the past century. I again congratulate the member for Mulgoa and thank her for bringing this important issue to the attention of the House this afternoon.

HABERFIELD COMMUNITY

Ms JO HAYLEN (Summer Hill) [1.07 p.m.]: For many Sydneysiders, Haberfield is just another suburb that one drives past: a name on a map, a sign on Parramatta Road, maybe a place your grandma took you to in order to buy cannoli—really good cannoli. However, for the people who live in Haberfield it is obviously much more. Today I take this opportunity to speak about Haberfield and the importance of its community. Haberfield holds a unique place in the development of the Australian dream. It was, and always will be, owned by the Gadigal and Wangal people of the Eora nation. Over time it was held by the Ramsay family until the late nineteenth century, when it was subdivided and crafted into one of the world's first garden suburbs. The developers of the day described it as "slumless, landless and publess"—which these days might be a turn-off for young buyers who are house hunting in the inner west.

Back then, Haberfield represented something new and exciting. Streets were laid out, named after the fathers of Federation, including Barton, Deakin, Kingston and Forrest—a sign of optimism for the future of our brave new country. No two houses were built the same but each was a similar size and followed a distinctly Australian ideal that this was to be a classless suburb, without mansions or slums. This new suburb represented equality and our hopes for the Australian way of life. Haberfield's design grew from the City Beautiful movement—a school of architecture and planning that believed harmonious surrounds led to harmonious communities. The proof has been in the pudding—or the cannoli. A century later, Haberfield remains a special and harmonious place. In 1985 it was designated one of the State's first ever conservation areas. In 1991—six years later—the entire 2045 postcode was added to the Register of the National Estate.

More than 85 per cent of the conservation area remains largely intact, with strict regulations and controls placed on home owners who want to renovate. They include things such as second storeys cannot be added, fences must remain low to allow neighbours to see and talk to each other, lots are required to have 50 per cent soft landscaping, and paint colours are regulated to protect the architectural value of the suburb. Home owners are frustrated by those strict rules but they also cultivate a keenly felt civic pride that Haberfield has a reputation as a garden suburb. Its residents understand that personal sacrifices amount to a collective value—the preservation of an important movement in the history of Sydney. It was the moment when we realised we could live next to one another without the divisions of the past and that we could all own a piece of the Australian dream.

The noble notion of an equal and harmonious society is being implemented in Haberfield. I think of the hardworking people of the Haberfield and Dobroyd Point parent and citizens associations who volunteer to raise money for their schools; the St David's Uniting Church community, who hung banners in support of asylum seekers; the hardworking staff at the Ella Centre, who provide support and friendship to people with disabilities and the elderly; and the compassionate people who look out for their neighbours and who want to protect the things that make Haberfield one of a kind. This community is facing difficult times.

Despite strong objections by locals, the Baird Government is pushing ahead with plans to build WestConnex. The environmental impact statement [EIS] is damning of its impact on the unique heritage of Haberfield. The EIS notes that 53 properties within the Haberfield conservation area will be demolished and a further 11 heritage items and 29 contributory items will be lost forever. Robert Stanton's design will be fractured and destroyed, which will be a devastating loss to the State's heritage. The findings of the government heritage experts is that ugly ventilation stacks, noise abatement walls and tunnel portals will replace beautiful homes and tree-lined streets.

This week I will hand 450 postcards signed by concerned residents from across the State to the Premier. Those postcards express the disgust of the community at the attempt by the Government to ram through the WestConnex project in the face of its opposition. This Saturday I will host a WestConnex EIS

community action day at St David's hall in Dalhousie Street to help residents work their way through the thousands of pages and volumes of the EIS so that they can make submissions. I will also be moving a motion in this place to stop immediately plans to destroy Haberfield and to recognise its national significance by adding it to the State Heritage Register. During this difficult time I call on the people of Haberfield to remember the ideal that their suburb was founded on and to remember what makes them strong and special. Haberfield is more than a street sign, more than a suburb and more than an off ramp from the freeway; it is a strong community of proud, civic-minded residents who value their history, their heritage and one another. We will stand together.

CENTRAL METROPOLITAN REGION POLICE MEDALS AND AWARDS CEREMONY

Ms ELENi PETINOS (Miranda) [1.12 p.m.]: I acknowledge the success of the Central Metropolitan Region Police Medals and Awards Ceremony hosted by the Miranda Local Area Command on Wednesday 16 September 2015. Inspector Mark Magrath ably presented as the master of ceremonies on this occasion, which recognised the significant contribution made by members of the NSW Police Force and wider community in maintaining the peace, good order and safety of our State and, for my constituency, our shire. In acknowledging the efforts of the recipients, the awards presented at the ceremony signified a tangible appreciation of the invaluable achievements of the men and woman who serve our community with honour, distinction and selflessness. The significance of the awards ceremony was typified by the welcome presence and participation of the Deputy Premier, and Minister for Justice and Police, Troy Grant. As always, the Deputy Premier exhibited his passion and unbounded support for our police men and women, and I take this opportunity to thank him for making time in his busy schedule to attend the ceremony.

The tragic murder of Mr Curtis Cheng at the New South Wales police headquarters in Parramatta enforces the importance of recognising and celebrating the professionalism, bravery and enduring self-sacrifice of police in our State. Those traits, which are embodied within the culture of our police, are to be admired and warrant the ongoing praise, appreciation and meaningful reflection of this House and the other place. In almost every facet of our lives police men and women are an integral component in the regulation and function of the society in which we live. Our police officers go above and beyond the call of duty, whether they are dealing with social housing tenancy matters, ensuring that roads are safe for everyone to drive on, or dealing with confrontational acts of physical assault such as domestic violence. Miranda is an unparalleled place in which to live, work and raise a family, and I am fortunate to represent an area that is blessed with a proud history, incomparable natural beauty and unbounded sense of community. All this is due in no small part to the dedication of each member of the Miranda and Sutherland local area commands.

I take this opportunity to acknowledge Superintendent Michael O'Toole and Superintendent Julian Griffiths from the Miranda Local Area Command and the Sutherland Local Area Command respectively. The strength of our local police force is a testament to the leadership of those men. I sincerely thank them for their ongoing service to our community and the invaluable support they have provided to me. I turn now to some of the noteworthy award recipients. In particular, I congratulate Senior Constable James Russell and Constable Brett Taylor on being jointly awarded a Region Commander's Commendation, which recognised the commitment shown by the officers when responding to an attempted suicide by an individual who suffers from mental health issues but who was also intoxicated.

The incident occurred on North Cronulla Beach at approximately 3.40 a.m. when Senior Constable James Russell and Constable Brett Taylor entered the surf to remove the individual from harm. Despite strong seas, waves of 1.5 metres, minimal visibility and water temperature of 15 degrees, the men successfully rescued the individual and returned them safely to shore. The actions of Senior Constable Russell and Constable Taylor embodied the ethos of the NSW Police Force: They wholeheartedly put their wellbeing on the line in spite of potentially suffering harm or violence.

Finally, I take this opportunity to congratulate the award recipients for volunteering in policing.

Following 10 years of assistance as volunteers in the NSW Police Force, Ms Maureen Tubridy and Ms Penny Sumbati were awarded with a certificate and pin at the ceremony. The awards signify the ongoing contributions that both women make as dedicated volunteers at the Miranda Local Area Command. They have demonstrated persistence, devotion and an exemplary work ethic. I reiterate the fundamental role that the NSW Police Force plays in ensuring that our State remains safe, secure and prosperous. As the member for Miranda, I cannot stress enough how proud I am to have such a responsive local police force in the Miranda and Sutherland local area commands. I commend all involved for the success of the Central Metropolitan Region Police Medals and Awards Ceremony.

FORSTER DOLPHINS RUGBY UNION CLUB

Mr STEPHEN BROMHEAD (Myall Lakes) [1.17 p.m.]: I inform the House of the great feats of the Forster Dolphins Rugby Union Club, who are the 2015 lower mid North Coast premiers. They launched a back-to-back-to-back dolphin attack. The Forster Dolphins won the premiership in 2013, 2014 and 2015, resulting in a very rare "three-peat". It was hard-fought grand final against the Gloucester Cockies in a very tight competition. The gallant Gloucester Cockies are the favourite team of the member for Upper Hunter, Michael Johnsen. I believe the Forster Dolphins is the best rugby club in New South Wales. In the past eight years they have won five premierships and have appeared in every grand final bar one. They were awarded the Good Sports Club of the Year in 2009, which was not a bad accomplishment given the competition included all sports clubs around Australia. The club received the award for ensuring that it complied with all drinking regulations and changed its culture to become a family club. The Forster Dolphins are also an international rugby club following a grand slam winning tour of Ireland in 2005. They are forever known as "The Invincibles".

My wife, Sue, and I had the pleasure of attending the recent presentation night, which was ably presided over by Mark Coble, the master of ceremonies. I was interested to listen to the president, Damien Daczko, who has overseen the club since 2010. He is doing a fantastic job. Coach Ron McCarthy has been the first grade coach since 2008, which is when the Dolphins started their winning trend. There was a photographic presentation by Gerry and Sue Hobbs—and I will speak more about Gerry Hobbs shortly. Sue Hobbs is a life member of the club, as is Ron McCarthy.

The awards presented were: most improved, Jesse Logan; best new player to rugby, Rob McCabe; hard man, Brad Murray; best team player, Colin Harris; most exciting player, Jack Nicholson; highest try scorer, Jack Nicholson; highest points scorer, Lee Crozier—who is referred to as the "Bradman of country rugby", having scored more than 1,000 points in the past few years—best back, Matt Nuku; coach's award, Jack Woods; and best forward, Troy Haines. The rucker's mug is the prestigious players' player award, with points given by players after every game and the award going to the player who has the most points at the end of the season. This year the winner was Mark Hogarty. The best and fairest award, which is also known as the Bruce Greensill award, was won by Liam Brady. The bus traveller award was presented to Mark Coble; and the 50-game player award, to Kurt Forrester. Many players aspire to reach the milestone of 50, 100 or 150 games.

Bruce Greensill was the club's founding president. He played rugby for the Auckland College Rifles club, was then selected to play for Auckland, came to Australia and later played for Sydney, with 100 continuous first grade games for Eastwood. He was also in the Wallaby's train-on squad. Notwithstanding that, he remained a great All Blacks supporter. Some years ago I took enormous pleasure in attending Bruce's sixtieth birthday celebrations wearing my Wallabies gear shortly after watching Australia beat the All Blacks. Players from all over New Zealand came to Australia for his party. Gerry Hobbs, who was awarded the club person of the year award, has been part of the club since its foundation. In August 2003 a public meeting was called and shortly before that meeting I received a facsimile from Gerry and Sue Hobbs saying that if I could not find a secretary Gerry would do it—I presume Sue dobbed him in. He was secretary during the inaugural years of the club and has been involved in it ever since. I cannot think of a more worthy winner of that award.

EPPING ELECTORATE SCHOOLS

Mr DAMIEN TUDEHOPE (Epping) [1.22 p.m.]: This week the Minister for Education wished our 70,000 Higher School Certificate students luck as they began their exams. I take this opportunity to do the same, particularly to the students in my electorate. Although I am sure that this is a stressful time for students, I also sympathise with their parents—it is sometimes more difficult sitting on the sidelines watching, hoping that all your support and encouragement will pay off. As a father of nine children, I know all too well the anxiety a parent feels in wanting their child to do the best they can. One thing I have noticed since becoming member for Epping and visiting the schools in my electorate is how outstanding my local schools are. I already have great working relationships with a number of principals in my electorate, and they know they have my full support. I also take this opportunity to thank our regional director of public schools, Tim McCallum, for offering his advice and support and for the genuine care and attention he pays to the schools in his area.

In June the Minister came to my electorate to announce \$7 million in funding for Cherrybrook Technology High School. Our Government is delivering a new three-storey building that will provide 18 new classrooms. I was pleased to take a tour of the school and see firsthand why Cherrybrook Tech has such an outstanding reputation. I was particularly impressed with the student leadership team, who showed maturity and were very positive and welcoming. Speaking of Cherrybrook, I advise the House that schools in the area are excited about the opening of Cherrybrook train station in 2019 as part of the Sydney Metro project. What a difference that will make to the lives of parents and students alike. I also recently visited Karonga School, which does an amazing job educating children with a disability. The Government provided the school with funding under the Community Building Partnership program. The Beecroft-Cheltenham Lions Club, of which I recently became a member, also did some great work raising vital funds for Karonga. Those funds will be used to renovate a kitchen at the school. The school makes an invaluable contribution to the lives of the students and parents it supports. I am immensely proud to have Karonga School in my electorate and I look forward to attending the year 12 graduation later this month.

Another great local school I visited recently is Cheltenham Girls High School. This is a highly sought after all-girls public school—for good reason—that does a great job. I recently dropped in on its art exhibition and was amazed to see the quality of many of the works on display. They are just some of the impressive local schools in my electorate that I have visited recently. I acknowledge all the outstanding schools across my electorate—unfortunately, I cannot name them all today, although I would like to. New South Wales is fortunate to have high-quality education providers, and the Epping electorate is no exception. I am proud to say that regardless of whether parents in my electorate choose to send their child to a public, private or religious-based school, they can be assured that their child will be given every opportunity to succeed and reach their potential.

Of course, it is no accident that my local schools perform so well. We cannot take for granted the hard work of the teachers, parents, staff, parents and citizens committees, volunteers and supporters who are the unsung heroes of our local schools. Without their efforts our students would not have the same opportunities, support and encouragement that they enjoy today. But I say to our Higher School Certificate students that now is not the time to reflect on this and thank those who have supported them; they still have work to do. I wish them all the very best over the next few weeks. I wish them luck in their exams and hope they all enjoy every success.

CLEAN4SHORE PROGRAM

Mr ADAM CROUCH (Terrigal) [1.26 p.m.]: Recently I had the extraordinary experience of joining Graham Johnson—or "Johnno" as he is affectionately called by the locals—and his green army of volunteers to clean up Erina Creek. Graham Johnson is an incredibly inspiring man, who for the past four years has volunteered to clean up our creeks and waterways. Johnno has the tenacity to call on school students, community groups, government departments such as the National Parks and Wildlife Service,

and our councils to work together to improve our patch of paradise on the Central Coast. In 2014 Graham Johnson and his Clean4Shore clean-up program took out the Hey Tosser! Litter Reduction Award at the Keep NSW Beautiful awards night. The Clean4Shore program was recognised as a litter reduction initiative that targets the clean-up of our local waterways.

It was also recognised that Johnno had completed 80 field trips and dedicated more than 2,500 volunteer hours to the program. Some 100 tonnes of debris have been collected from targeted waterways, including the removal of more than 300 tyres, which have been recycled. Johnno accepted the award proudly and was accompanied on the night by students Matt, Nathan and Braydon from Brisbane Water Secondary College, their supporting teacher, Louise Branton, and Gosford council's Warren Brown. Johnno thanked the people behind the scenes who give enormous support to his team, such as Gosford and Hornsby councils, Greater Sydney Local Land Services, the Community Environment Network, Tangaroa Blue Foundation—an Australian registered charity focused on the health of our marine environment—and local oyster growers Simon Funnel and Rob Moxham from the Hawkesbury River. Johnno said:

... the backbone of this program is the schools, youth, disability, community and corporate groups, who's efforts in "trudging" through mud and mangroves, "rock hopping" over slippery rocks, to remove plastic and disused rubbish from our foreshores and waterways ...

How is this volunteer program funded? It is literally funded by other good people—people who volunteer their time to raise money for Johnno and his team. For example, the Macs Beach Australia Day book sale raised \$2,070 to help the Clean4Shore program. Exactly what does Clean4Shore collect out of our beautiful waterways and rivers? There are tonnes of tyres, bottles and cans, dead animals, shopping trolleys, building rubble and old boats by the truckload—so much in fact that Johnno wore out his trusty old LandCruiser hauling the junk to the Woy Woy tip. Fortunately, today Gosford council provides a tip truck to pick up the rubbish and take it to the council tip once a month. A positive aspect of this program is that Johnno organises kids from the region—many of whom have become disengaged from schooling or have learning and physical disabilities—to get stuck in and give a hand. They feel needed and are applauded at the end of a hard day.

In 2013, Pelican Island, located in Brisbane Water at Woy Woy, was given a spring clean by Johnno and his team of volunteers. Pelican Island is a nature reserve managed by the National Parks and Wildlife Service. The island provides a haven for endangered vegetation communities such as saltmarsh, and habitat for the bush stone-curlew as well as Woy Woy's famous pelicans. The Hunter-Central Rivers Catchment Management Authority [CMA]—in partnership with the Community Environment Network, the National Parks and Wildlife Service and Graham Johnson—worked alongside high school students from Brisbane Water Secondary College to remove six tonnes of litter from the island. That was an incredible effort.

Johnno explained that in the project to clean up Pelican Island, the students from the Brisbane Water Secondary College were involved in challenging and back-breaking work to remove plastic, glass and aluminium cans, as well as plastic mesh and dangerous debris. The program is partnered with a wide range of groups including Brisbane Water Secondary College, the Glen Centre Central Coast Alcohol and Drug Rehabilitation Centre, Umina Police Citizens Youth Club and others to bring together a diverse team of volunteers, who provide life skills and alternative outdoor educational programs to students, youth and adults with social or mental disabilities.

Aims of the program include reducing the amount of marine debris within Brisbane Water and the Lower Hawkesbury River, raising community awareness on issues relating to marine debris, improving native breeding grounds, and preventing litter from harming marine animals. Compared to the others, my voluntary task last month was miniscule but I can honestly say the experience with Johnno and his green army will be hard to forget for a very long time. Johnno had the team out in the boats and down Erina Creek like a well organised army. The team was out there for four hours that morning—I contributed for

two hours. We were literally up to our thighs in mud, picking up rubbish such as tyres, cans, bottles and plastic bags.

I went out thinking that we would come back with a tiny load of stuff but we came back with two large boats-loads, which filled a council truck. While I was covered in mud and stank, I was exhilarated by the whole experience. What an accomplishment, in just one morning, by everyone involved. Today, in the New South Wales Parliament, I applaud Graham Johnson and his team of volunteers from all walks of life, who are proud Central Coast residents cleaning up their little patch of paradise. As the member for Terrigal I commend Graham "Johnno" Johnson for all his hard work. I hope it will continue well into the future.

Private members' statements concluded.

[Temporary Speaker (Mr Bruce Notley-Smith) left the chair at 1.31 p.m. The House resumed at 2.15 p.m.]

VISITORS

The SPEAKER: I welcome to the gallery 16 students and their teachers from the Korean Youth with Disabilities Group, guests of the Deputy Leader of the Government in the Legislative Council, Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. I welcome 14 members from the Mannering Park Men's Shed, guests of the member for Swansea. I also welcome 15 members of the Riley Motor Club.

PHOTOGRAPHY IN THE LEGISLATIVE ASSEMBLY

The SPEAKER: My attention has been drawn recently to incidents of members taking photographs of other members within the Chamber during sittings of the House. I remind members that it is disorderly to take photographs on the floor of the Chamber without the Speaker's permission. Prior permission means that the Chair is able to give appropriate advice to the House so as not to distract other members. I ask all Temporary Speakers to be vigilant about this ruling.

CENTENARY OF FIRST WORLD WAR

The SPEAKER: On 16 October 1915 General Sir Ian Hamilton personally deciphered a telegram he had received from Lord Kitchener, British Minister of War. It notified him of his dismissal as the commander in chief of the Mediterranean Expeditionary Force, the man in charge of the Gallipoli campaign. History has not been kind to General Hamilton, and he has shouldered much of the blame for the conduct of the Gallipoli campaign. Some may say that is not altogether fair. On that fateful day of 25 April two unrelated events led to his making an initial decision from which the campaign never recovered.

First of all, a simple mistake by a naval midshipman resulted in the Australian 3rd Brigade landing in the wrong place, at what became known as Anzac Cove. Secondly, a message from the Australian submarine the *AE2* reached Hamilton announcing its success in penetrating the Narrows and thus potentially being able to disrupt Turkish reinforcement reaching the peninsula, but this never happened. Hamilton was faced with immense pressure from his commanders on the ground to call off the invasion and evacuate the same day. His response in a famous telegram to General Birdwood, commander of the Anzac forces, read:

You have got through the difficult business, now you only have to dig, dig, dig, until you are safe.

And that is what they did. They dug trenches and graves, and more trenches and graves. General Hamilton was the subject of a famous letter written by visiting journalist Keith Murdoch that was smuggled to British Prime Minister Asquith and laid the blame for the Dardanelles shambles squarely on his shoulders. That was the end of Hamilton's command. Hamilton's successor, Sir Charles Monro, took but a

few days to assess the situation and commence planning for the evacuation of the Gallipoli peninsula—an operation praised for its success.

BROADCASTING OF PROCEEDINGS

The SPEAKER: I inform the House that Corporate Technology Services Pty Ltd has commenced as the camera system operator for the broadcast of proceedings, having been awarded the camera operator agreement tender for the Fifty-sixth Parliament.

REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS

Mr MIKE BAIRD: I inform the House that in the absence of the Minister for Planning this week the Minister for the Environment, Minister for Heritage, and Assistant Minister for Planning will answer questions relating to his portfolio.

ASSENT TO BILLS

Assent to the following bills reported:

Health Services Amendment (Ambulance Services) Bill 2015
Real Property Amendment (Electronic Conveyancing) Bill 2015
Biosecurity Bill 2015
Jobs for NSW Bill 2015
Dams Safety Bill 2015
Impounding Amendment (Unattended Boat Trailers) Bill 2015
Independent Commission Against Corruption Amendment Bill 2015
Child Protection Legislation Amendment Bill 2015

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from His Excellency the Lieutenant-Governor:

| | | |
|----------------------|---|----------|
| T | F | BATHURST |
| | | Go |
| vernment House | | |
| Lieutenant-Governor | | |
| | | Sy |
| dney, 1 October 2015 | | |

The Honourable Thomas Frederick Bathurst, AC, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, His Excellency General the Honourable David Hurley, AC, DSC (Ret'd), being absent from the State, he has assumed the administration of the Government of the State.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from His Excellency the Governor:

| | |
|----------------|--------|
| DAVID | HURLEY |
| | Go |
| vernment House | |
| Governor | |
| | Sy |

dney, 2 October 2015

General David Hurley, AC, DSC (Ret'd), Governor of New South Wales has the honour to inform the Legislative Assembly that he has re-assumed the administration of the Government of the State.

STANDING ORDERS

The Speaker reported a communication from His Excellency the Governor, dated 8 October 2015, approving the amended standing orders adopted by the House on 15 September 2015.

DEATH OF CURTIS CHENG

Ministerial Statement

Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) [2.24 p.m.]: Once again we in this House have the sad duty of remembering and paying tribute to an innocent victim of a terrorist act in our State. Like Katrina Dawson and Tori Johnson, Curtis Cheng was one of our very finest. It is hard to think of anything more cowardly than perverting the mind of a child so entirely that they are prepared to take an innocent life at random as well as sacrificing themselves. But I do not want to dwell on those people today; I want to talk about Curtis Cheng.

Curtis was born in Hong Kong—his parents and two brothers still live there. One tragic irony is that Curtis is a perfect example of how much we gain by maintaining a vibrant, multicultural society that not only welcomes but also embraces newcomers and their contribution—the very values that the terrorists want to frighten us into abandoning. He was a man of high achievement. He studied in the United Kingdom at the University of Bath and was a lecturer of economics in Hong Kong. He was a member of CPA Australia for 36 years. He loved soccer and was a Chelsea supporter. He loved watching both the Premier League and the A League. His other hobbies included badminton, mahjong and dancing—I am assured he was quite something to see in action out on the dance floor. An ocker? No way. An Aussie? One hundred per cent.

Curtis was a highly respected and devoted worker with the NSW Police Force. He joined the NSW Police Force on the 11 November 1997 and was an extremely proud member of NSW Police Force. He had received the Commissioner's 15-year long-service award, among others, and proudly wore his medals at police events. We should make no mistake—men such as Curtis Cheng are integral to the wonderful work of the NSW Police Force in keeping our communities safe. Curtis Cheng may never have collared a criminal, but he was most certainly part of the thin blue line that stands between us and those who wish us harm.

But above all Curtis was a family-oriented man who adored his wife Selina and two grown children, Alpha and Zilvia. I had the pleasure of meeting them, and I think any parent would be incredibly proud of such beautiful kids. Our hearts go out to them and to his lovely wife Selina. Curtis had the ability to get along with everyone, and was universally described as a kind, happy and humble man. Curtis's plan was to retire around this time next year, when he turned 60, so that he could enjoy life with his many interests and his precious family. That has been taken away. But he will never be taken from our hearts, or from the heart of this city, where he will live forever next to Katrina and Tori.

On behalf of the Government and all the people of New South Wales, I offer my deepest condolences to Selina, Alpha and Zilvia, to the rest of Mr Cheng's family, and to his many grieving friends and colleagues at the NSW Police Force. We remember today the incredible work of the NSW Police Force. We are proud to have them working in this State on a daily basis and that they are prepared to risk their lives for us. That incredible act is something we should never take for granted. I pay tribute to Curtis Cheng.

Mr LUKE FOLEY (Auburn—Leader of the Opposition) [2.27 p.m.]: I join the Premier in honouring the memory of Curtis Cheng. Curtis Cheng was a dedicated family man, a cherished colleague to his workmates and a humble servant of the people of New South Wales. His murder was a cowardly and callous act perpetrated on a kind and gentle man. Ten days ago Curtis was simply serving the people of New South Wales, as he had done for the past 17 years. He worked in the finance department of the New South Wales Police Force. He did not carry a gun and he did not walk the beat, but his contribution to the safety of the community and to the work of the NSW Police Force was vitally important.

Curtis Cheng kept the books, and in doing so he helped keep the Police Force going and in turn helped keep all of us safe. So we honour his contribution today. We also honour the response of those special constables whose decisive action helped contain this tragedy. Our thoughts are with all officers and all of those who work at the State Crime Command headquarters in Parramatta. Our thoughts are with all members of the Police Force, who have lost yet another colleague. On October 6 the *Daily Telegraph* published a series of photos of people laying wreaths at the site of Curtis Cheng's death. In one image a young woman is placing flowers among the many others placed before. A second image is of three people kneeling with their hands clasped in prayer. A third image records a message left on a card at the site, which read:

Dear Curtis,

We didn't know you but we feel for you and your family. Thank you for your service. May the Lord bless your soul.

Rest in peace.

The fourth image shows Dr Jamal Rifi holding a wreath with the message "Muslims for Australia." Those four images not only help to capture the impact of his death on our community but also on how we should respond to this tragedy. Once again a terrible act of violence has shaken our community but those images show us a way forward. The death of Curtis leaves us to reflect upon the nature of our society and upon the darkness that remains amid so much light. Once again we must not yield to hatred, division or fear, for that is what the terrorists seek; instead, we must renew our faith in each other and dedicate ourselves to community and common purpose. Those are the values that sustain our State and our nation. Let us be faithful to the memory of Curtis by renewing ourselves to those values today. I offer my sincere condolences to Curtis Cheng's colleagues, friends, family, wife and children. May Curtis Cheng rest in peace.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

Private Members' Business Notices of Motions (for Bills) given.

QUESTION TIME

[*Question time commenced at 2.33 p.m.*]

DOMESTIC VIOLENCE

Mr LUKE FOLEY: I direct my question to the Premier. Could the Premier update the House on his Government's plans to use new technology as a way to provide crisis accommodation for women fleeing from domestic violence?

Mr MIKE BAIRD: The Leader of the Opposition's question raises an important point. The Government is currently considering a number of measures in the domestic violence area and we will shortly be making an announcement about that. I am happy for the updates referred to in the question to be included in that announcement. I appreciate the support that the Leader of the Opposition has given to this issue. Indeed, in the spirit of that bipartisanship it is appropriate that we should congratulate the Federal Government on the domestic violence funding package that it recently announced. Domestic violence will no longer be hidden behind closed doors in this country; it is being brought out into the public domain. A light is being shone on these acts and we are openly talking about it. The more we talk about it, the more options we will have to stop it. There must be a zero-tolerance approach to domestic violence. A national position needs to be taken on such an important issue.

It is great that we are taking appropriate actions and talking about this in the way we are. In fact, it speaks to the character of this nation. The Government has already made a number of announcements on this issue, including the long overdue domestic violence register. Such a register has been used in the United Kingdom. The register will enable people to find out if their partner has a history of committing domestic violence. People have the right to know that. The Government is in the process of finalising the register, but there is a lot more work to be done. We will have more to say about this in the coming days, but this is an incredibly important area that we are proud to be participating in. Finally we are seeing the sort of discussion required to make a difference in this space.

COUNTERTERRORISM LEGISLATION

Dr GEOFF LEE: I address my question to the Premier. How is the New South Wales Government working to strengthen powers to prevent terrorist attacks and improve our ability to respond to the changing terrorism environment?

Mr MIKE BAIRD: I take this opportunity to congratulate the member for Parramatta on the incredible work he has done in helping his community to deal with the horrendous crime that recently occurred at Parramatta. He has been a pillar of strength. He has helped to bring resolution and healing in his community. I do not think one could ask for a better local member. The recent event at Parramatta and that which took place at Martin Place last year remind us that we must take appropriate actions to ensure that our children and communities are safe. It is critical that we do so, but there is no easy solution. We need to take all necessary steps, on the basis of the information that we have, to make a difference. Importantly, it must be multifaceted and it will involve all of us.

Yesterday I took part in a meeting with the Leader of the Opposition, the member for Lakemba, the Minister and many leaders of the Muslim community. We all have a role to play—whether security forces, community groups or sporting groups. In order to make a difference it is important that every single area be targeted. At yesterday's meeting we came together as one. There was universal condemnation of this horrendous crime and universal agreement that we have the capacity to make a difference if we act together. Indeed, that is the only way we can make a difference. We are considering a range of measures to counter the impact of radicalisation of our youth, including in our schools. This has to be done and will be done. This is not a sprint; it is a marathon. We must ensure that we take every possible action.

I thank the leadership of the Muslim community, many of whom were at the meeting yesterday, for the ongoing role that they will play as we go about tackling this together. We are also working with the Federal Government to enhance the counterterror laws that are available to law enforcement agencies to ensure the safety of all our citizens. State and Federal police must have all possible powers to prevent terrorist acts and protect the public, while also ensuring that the rights of law-abiding citizens are maintained. The events in Parramatta reinforced the need to keep counterterrorism legislation under close, ongoing scrutiny and to ensure our laws are kept up to date and are relevant to the needs of our agencies.

I appreciate the support of the Prime Minister on this issue. His leadership is very important. There has been agreement to strengthen provisions for arrest, detention and questioning of those who present a threat to national security, to lower the age threshold of those who can be subject to terrorism control orders and to provide adequate safeguards to protect detained persons. This is part of the overall approach, but it is an important part. The police must have the powers they need to hunt down those who are determined to take away our values and freedom—those who are determined to take innocent lives. That cannot happen. That is why we must respond to the police request for these powers.

It is important that our response to terrorism evolves as we march forward. This problem will not be solved overnight. There is no script on how to deal with it. But I assure every person in this House and across the State that our police, on a daily basis, are doing everything they can to protect our children and our community. This is a joint problem that requires a joint solution, and the police have a role to play. The onus is on us as members to ensure that, as we respond to our communities, we promote unity and love. We stand against hate. We stand against those who seek to divide us. This problem will not be solved if we are divided. It will be solved by us coming together and standing up for the values and freedom that we hold so dear. There is much more that unites us, and that is how this problem will be solved.

DOMESTIC VIOLENCE

Ms JODIE HARRISON: My question is directed to the Minister for Women, and Minister for the Prevention of Domestic Violence and Sexual Assault. Is an Airbnb-style app for victims fleeing domestic violence an appropriate replacement for the hundreds of specialist women's only refuge beds lost as a result of the Government's failed Going Home Staying Home program?

The SPEAKER: Order! The Minister for Women has the call. The Minister for Family and Community Services will come to order.

Ms PRU GOWARD: I am not aware of Airbnb being involved in measures to prevent domestic violence.

The SPEAKER: Order! I call the Minister for Family and Community Services to order for the first time.

Ms PRU GOWARD: The Government established the Friends for the Prevention of Domestic Violence and Sexual Assault. I am pleased to see that it now has an executive made up of members of each of the major parties in this place. The Government is committed to the prevention of family and domestic violence. We all agree that not only is it a tragedy; it is a crime. As the State's first Minister for the Prevention of Domestic Violence and Sexual Assault it is my job to see that prevention occurs. Members should think about one of the gaps in domestic violence policy, and that is the terrible reoffending rate. Domestic violence has one of the highest reoffending rates of all major crimes.

That is why the Government has made it a priority to reduce within 12 months—within this term—the rate of reoffending by perpetrators of domestic violence. While maintaining our support for victims and their families, we must also put perpetrators in the centre of the frame. It is through strategies that focus on the behaviour of perpetrators or possible perpetrators that the prevention of domestic violence will occur. The task will not be easy. It will not happen overnight, but we can and we must make this change happen. In its first term the Government established a number of information technology responses.

Ms Linda Burney: Point of order: My point of order is taken under Standing Order 129. The Minister was asked whether there had been any consideration of an Airbnb style of accommodation. The Minister should be very careful with her answer.

The SPEAKER: Order! The Minister answered that question and remains relevant. The Minister has the call.

Ms PRU GOWARD: Members will recall that in its first term the Government established the Aurora app, which enables women escaping domestic violence to access online help. The Government also established alert buzzers, which women at high risk of domestic violence can use to call the police. That has enabled a very high level police response, including sirens and whistles. The Government has been pleased with the response brought about by that initiative. The Government has embarked upon a number of other strategies. The Premier referred earlier to a domestic violence disclosure scheme, which is an Australian first. There is also a need for criminal justice processes to be effected to deal with cases of domestic violence, which is why the Government brought forward the groundbreaking domestic violence evidence in chief reforms, which mean that, for the first time, victims of domestic violence can give their main evidence via a prerecorded video statement for use in criminal proceedings for a domestic violence offence.

That evidence can be collected when police are called to an incident. A victim's video statement can be filmed professionally and sensitively as soon as possible. The Government is improving the service system to support victims through the domestic and family violence framework for reform, which is called It Stops Here. That is all about prevention and early intervention. It streamlines referrals to secure victims' safety. It is person centred because every victim has a different set of needs. As well as the person-centred service responses, there is a strong and skilled workforce and a strengthened criminal justice system. Safer Pathway is part of It Stops Here. It is a new approach to victim safety assessment, referral and service coordination. It was launched in Orange and Waverley last year. I was pleased to take the Opposition spokesperson and the Greens spokesperson for domestic violence to the launch.

We were all pleased to witness the collaboration of everyone around the table in working to better help those who need support. Safer Pathway commenced in Tweed Heads, Parramatta, Bankstown and Broken Hill on 1 July this year. My office continues to meet with organisations to discuss the further use of technology in domestic violence prevention. One organisation is developing an app like the one that the member for Charlestown mentioned. The project was discussed at a recent forum. That organisation is liaising with the sector about how the project could be developed. The Government remains focused on providing a strong criminal justice response and ensuring that victims are well supported.

STATE ECONOMY

Mr ALISTER HENSKENS: My question is addressed to the Treasurer, and Minister for Industrial Relations. How has the Government ensured New South Wales remains the nation's leading economy while retaining its triple-A credit rating?

Ms GLADYS BEREJIKLIAN: I thank the member for Ku-ring-gai for his question. I know that he takes a particular interest in the financial management of New South Wales. I am pleased to advise the House that the Government recently received good news from Standard and Poor's that reaffirmed the triple-A credit rating of New South Wales. In its report Standard and Poor's said the credit rating was due to very strong financial management "in recent years". I emphasise that point, because we know what kind of mess members opposite left New South Wales in. The Standard and Poor's report went on to say:

NSW has demonstrated stronger financial management in recent years ... More recently, the NSW economy has strengthened sharply to become the strongest nationally ...

This has not happened by accident. It is because the Government has worked hard. Contrast the economic management of this Government with the economic mismanagement and recklessness of members opposite. Another important point that the Standard and Poor's report highlighted was the Government's asset recycling strategy. The report said:

Amid its pressing infrastructure needs, the Government has also demonstrated willingness to use its balance sheet to help meet those needs without solely relying on debt.

The SPEAKER: Order! There are too many audible conversations coming from members on both sides of the Chamber.

Ms GLADYS BEREJIKLIAN: I note the member for Maroubra particularly is engaging in conversation because he is too embarrassed about the record debt he left New South Wales.

The SPEAKER: Order! Indeed he is. Members will cease having conversations within the Chamber. If members wish to have private conversations, they should take them outside.

[Interruption]

The SPEAKER: Order! I do not care what the member for Maroubra is talking about. I am not interested.

Ms GLADYS BEREJIKLIAN: Whilst the member for Maroubra tries to ignore this State's success in economic management perhaps we should refer to the Labor Party's lack of economic policy. With one exception, the Labor Party has said nothing about what it stands for on economic policy, what its vision is for the State's future financial relations and what its vision is for future tax reform in New South Wales. I stress that there has been one exception to the absence of economic policy from the other side of the House. Who is the person who spoke about economic policy? Was it the invisible Leader of the Opposition? No, it was not. Was it the member for Maroubra? No, it was not, because that would require him doing some work. Was it the member for Kogarah, who is not in the Chamber today but who I know supports the China-Australia Free Trade Agreement? No, it was not. It was the member for Maitland. The Labor Party has referred its economic policy development to the member for Maitland.

The SPEAKER: Order! There is far too much audible conversation in the Chamber. Opposition members are clearly under instructions to chat among themselves. If Opposition members are not interested they can leave the Chamber.

Ms GLADYS BEREJIKLIAN: It is interesting that on economic policy we do not hear from the Leader of the Opposition, we do not hear from the shadow Treasurer and we do not hear from the shadow finance Minister but we hear from the Opposition backbench—the member for Maitland. But the member for Maitland's contribution to tax reform was not about supporting the Government's position in relation to raising greater revenue for New South Wales through the GST; she suggested we raise the Medicare levy. She suggested we increase income tax when there is no guarantee of that coming back to the States.

But the real question is: Was she acting on her own or was she given a rubberstamp from the Leader of the Opposition? Was she given a rubberstamp from the shadow Treasurer, who has been awfully silent on economic policy development? The Labor Party's lack of policy on the State's financial relations highlights that it simply cannot be trusted to run New South Wales. The Labor Party simply cannot be trusted to invest in infrastructure, to create jobs or to do all the things that are needed to maintain the State's triple-A credit rating. These things have not happened by accident.

The SPEAKER: Order! The member for Rockdale will cease his conversation. He is showing a lack of respect. The member for Prospect will also cease his conversation or take it outside.

Mr Michael Daley: You need a new speech.

Ms GLADYS BEREJIKLIAN: The Standard and Poor's report came out only recently. Have you

read it?

The SPEAKER: Order! The member for Maroubra should not be so disrespectful.

Ms GLADYS BEREJIKLIAN: The member for Maroubra should be really embarrassed that he has said nothing on the State's finances for a long time.

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

Pursuant to standing order additional information provided.

Ms GLADYS BEREJIKLIAN: I inform the member for Maroubra, following his interjection, that the Standard and Poor's report is very recent and he should read it because he might learn something. The report articulates what we have achieved that those opposite could not.

The SPEAKER: Order! I remind the member for Hornsby that the Treasurer has the call and is answering the question.

Ms GLADYS BEREJIKLIAN: In addition to the triple-A credit rating we also received some very positive news about housing supply in New South Wales. I pay tribute to the Minister for Planning, who has done much in relation to this issue. The most recent Australian Bureau of Statistics [ABS] figures show that—

The SPEAKER: Order! The member for Hornsby and the member for Blacktown will come to order. The Treasurer has the call.

Ms GLADYS BEREJIKLIAN: If those opposite care about housing affordability they should listen to how it is done, because the most recent ABS figures show that in the 12 months to August 2015 New South Wales reached a record high seasonally adjusted number of dwelling approvals. Over this period nearly 63,000 building approvals were granted in New South Wales—the highest result in more than 41 years and 68 per cent above the decade average. The good news for the people of New South Wales is that they have a government that will continue to work hard to create jobs, to maintain the State's triple-A credit rating, to invest in infrastructure and to provide those services that the people of New South Wales deserve—unlike those opposite who left the State in a shambles and who, until today, do not have a clear policy for the State's future economic growth.

DOMESTIC VIOLENCE

Ms LINDA BURNEY: My question is directed to the Minister for Women, and Minister for the Prevention of Domestic Violence and Sexual Assault. I refer to a 9 October email from the Department of Premier and Cabinet to the Minister's agency, discussing the development of an Airbnb-style app for emergency accommodation. How will the Minister guarantee the safety both of domestic violence victims and accommodation providers under such an arrangement being proposed by the Government?

The SPEAKER: Order! The Minister may have had difficulty hearing the question because of interjections from Government members. Government members will come to order. Would the Minister like the question repeated?

Ms PRU GOWARD: Yes.

The SPEAKER: Order! Government members will come to order. The question will be read in silence so that it can be heard.

Ms LINDA BURNEY: My question is directed to the Minister for Women, and Minister for the

Prevention of Domestic Violence and Sexual Assault. I refer to a 9 October email from the Department of Premier and Cabinet to the Minister's agency, discussing the development of an Airbnb-style app for emergency accommodation. How will the Minister guarantee the safety both of domestic violence victims and accommodation providers under such an arrangement being proposed by the Government?

Ms PRU GOWARD: I will get back to the member with further information.

DOMESTIC VIOLENCE

Ms TRISH DOYLE: My question is directed to the Minister for Women, and Minister for the Prevention of Domestic Violence and Sexual Assault. How would women and children fleeing domestic violence, who have had their phone smashed by a violent partner or who do not have an internet connection, access crisis accommodation under the proposal being developed by the Minister's department?

The SPEAKER: Order! I do not think that question is relevant any longer.

Ms PRU GOWARD: I will get back to the member when I have more information, but I think it is absolutely untoward—

Mr Michael Daley: Because you don't know the answer.

The SPEAKER: Order! The member for Maroubra does not know how to be quiet.

Ms PRU GOWARD: —to attempt to politicise domestic violence.

The SPEAKER: Order! I call the member for Keira to order for the first time. He will cease shouting at the Minister. It shows a lack of respect for each other and for this issue.

Ms PRU GOWARD: We will achieve a reduction in domestic violence reoffending rates only if we have—

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

Ms PRU GOWARD: —bipartisan support for the reforms that we are undertaking.

TOMORROW'S SYDNEY

Mr BRUCE NOTLEY-SMITH: I have a sensible question.

The SPEAKER: Order! We will wait until members come to order so that we can hear the question.

Mr BRUCE NOTLEY-SMITH: My question is addressed to the Minister for Transport and Infrastructure. How is the Government progressing the massive infrastructure build for Tomorrow's Sydney?

The SPEAKER: Order! Opposition members will come to order. The Minister has the call.

Mr ANDREW CONSTANCE: I thank the member for Coogee for his belated question—and possibly his last one.

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

member for Canterbury to order for the second time.

Mr ANDREW CONSTANCE: First, what a great place New South Wales is to live.

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

Mr ANDREW CONSTANCE: And tomorrow Sydney is going to be a great city. It is going to be great because of the infrastructure build the Government is getting on with, but also because the people of Sydney are great. The first example that comes to mind is the resilience and good spirit shown by tens of thousands of bus commuters in the past week. I thank the city for its collective patience with every bus route entering Sydney changing only 10 days ago. I also thank the pink shirt brigade; the CBD Coordinator General, Marg Prendergast, and her team; the bus drivers; and the NSW Police Traffic and Highway Patrol Command for their work in the past week. We asked commuters to prepare, and they did; we asked commuters for patience, and they gave it in spades. It is that nature that sets Sydney apart.

I know the citizens of Sydney will continue to take this same approach as the Government delivers the light rail project in order to unclog the city. This project will set the city up for generations to come, transforming the way we shop and get around town. But I have to say, it is hard to keep up with those opposite. We know that they went to the election promising to build the CBD light rail, but afterwards the member for Keira read some serious Government reports. The Leader of the Opposition also described it as "the Berlin wall that will divide the city". In the past week or so the members for Keira and Auburn have been busily echoing the message that the city was going to be congested as a result of the closure of George Street.

Mr Ryan Park: So were you.

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

Mr ANDREW CONSTANCE: I thank the member opposite for reinforcing the Government's message. The member went on to say that there was no long-term benefit.

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

Mr ANDREW CONSTANCE: The member got the next question from the press last week: What are you going to do about it? Guess what he said—oh, oh. He said, "Contracts the State has entered into with transport operators will be honoured by a future Labor Government". So the member for Auburn has flip-flopped on his position. If he went down to George Street right now, he would notice the difference with buses out of the way. It is a better experience for pedestrians, whom we are encouraging to go into the business community without concern about disruption caused by construction.

Those opposite love light rail one day and hate it the next. Members will recall that in the last sitting week the member for Newcastle voted against the light rail project for Newcastle. The following week—because Crackers sits on council—he went to a council meeting and on item number 60, which is the endorsement of the UrbanGrowth NSW draft community engagement plan, Newcastle Urban Transformation and Transport Program, he voted in favour of extending the light rail project in Newcastle, having voted against it in the House.

The SPEAKER: Order! Members on both sides of the House will cease interjecting and shouting across the table.

Mr Guy Zangari: Point of order: My point of order is under Standing Order 75. The Minister should refer to the member for Newcastle as the member for Newcastle and not in the way in which he has.

CHAIR: Order! The point of order is upheld. I ask the member to refer to members by their correct titles.

Mr ANDREW CONSTANCE: I apologise to the member for Newcastle. The bottom line is, he is flopping around on this issue like a dead fish and we need clarity. He has been dead against it from the very start. Let us face it: This is going to be a positive thing for the people of Newcastle.

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

Pursuant to standing order additional information provided.

Mr ANDREW CONSTANCE: The member for Newcastle is like the catherine wheel on cracker night—just going round and round. The member for Newcastle needs to get on board with this project and the CBD and South East Light Rail project once and for all. We have a serious issue at hand with the closure of George Street to traffic on 23 October. I am sending a message to motorists to avoid the city and to drive to town only if necessary. If it is not necessary to drive into town, I ask motorists to avoid it. We want to make the city work well during this construction period. We are also sending a clear message to the wider community through our Activation Precinct and through working with the Business Reference Group that we want shoppers to continue to support small businesses along the CBD light rail route.

I ask shoppers to go to George Street and to shop in the upcoming Christmas and Boxing Day period as they always have. Pedestrians will be able to fully access all businesses, particularly during this busy time, and we want the community to support those businesses. We face many challenges in the months and years ahead as a result of this project. I thank the people of Sydney for the way they have responded thus far. We have a long way to go. There will be challenges and congestion, but I thank Sydney for the way it has responded in the past 10 days.

ILLAWARRA JOBS

Mr RYAN PARK: My question is directed to the Treasurer. Given the men and women employed at the BlueScope Steelworks have made enormous sacrifices to try to ensure that the plant continues to operate, when will the New South Wales Government deliver payroll tax relief to ensure job losses in the Illawarra do not go into the thousands?

Ms GLADYS BEREJIKLIAN: I thank the member for Keira for his question. I start by giving credit where credit is due. The unions took a tough decision but they worked with management to make that decision and I appreciate what that means to workers who face losing their jobs. I commend the unions and management for working together on that. There is no doubt that, as a government, we are continuing to monitor the issue carefully. I pay tribute to all members representing electorates in the Illawarra and also the member for Kiama, who has been representing the Government strongly there on this issue. The Government is working hard to increase jobs in the region and I know that the Minister for Industry, Resources and Energy has been down there and has spoken to many stakeholders.

We will continue to engage with the community and continue to work with all key stakeholders on this issue. These are challenging issues and whilst New South Wales is doing well, whilst our job figures are doing well, we are cognisant of the fact that we must maintain that level of growth in our regions and continue to support industry into the future. That is why we will continue to talk to all stakeholders. I regret making part of this answer political, but I stress the hypocrisy of the Labor Party because when it was in Government in 2010, BlueScope suffered similar challenges. I have an article from the *Illawarra Mercury* in which the Labor Party was asked to use steel from BlueScope to upgrade WIN Stadium, but it chose not to do that.

Mr Michael Daley: Point of order: My point of order is under Standing Order 129. The question

was simple: When will the Government deliver payroll tax relief?

The SPEAKER: Order! The Minister has been relevant to the question.

Mr Michael Daley: She has not answered the question.

The SPEAKER: Order! The Minister has remained relevant throughout her answer.

Ms GLADYS BEREJIKLIAN: I ask members of the Labor Party to keep working with us as we continue to monitor the situation closely and as we support jobs in New South Wales. When this Government introduces legislation to establish the Jobs Action Plan to create jobs I ask members of the Labor Party to vote for it and not to oppose it.

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

Ms GLADYS BEREJIKLIAN: I call on those opposite who care about jobs and growth in regional New South Wales to support this Government's bid to increase jobs, especially in regional infrastructure. This Government assures the Illawarra community and all regional communities that it knows it is facing a challenge in maintaining a healthy level of jobs in regional New South Wales. It will continue to work to deliver that. I also ask members of the Labor Party to keep working with us to deliver the best job solutions for people in the Illawarra. I thank all stakeholders and commend the brave decision taken by management and the unions relating to the future of the company in the medium term.

HIGHER SCHOOL CERTIFICATE

Mr ANDREW FRASER: My question is addressed to the Minister for Education. What is the Government doing to assist students undertaking their Higher School Certificate [HSC] examination?

Mr ADRIAN PICCOLI: Yesterday the Higher School Certificate commenced with the English examination right across New South Wales. More than 77,433 students will undertake 118 different examinations from 12 October until 4 November, which I know can be stressful for students, parents, friends, relatives, supporters and teachers. I say to those former high school principals who are in the Chamber that I know how much time and effort is put into the Higher School Certificate and I acknowledge all those who are supporting students undertaking it. The member for Davidson has two sons undertaking Higher School Certificate examinations. One son is undertaking one subject and the other son is completing the whole certificate. The goddaughter of the member for Holsworthy is undertaking the Higher School Certificate as is my nephew, so I extend best wishes to my sister and brother-in-law.

The SPEAKER: Order! Members will come to order. I would have thought all members would have been interested in this subject matter.

Mr ADRIAN PICCOLI: I thank the member for Keira for his support.

The SPEAKER: Order! He has not yet done the HSC.

Mr ADRIAN PICCOLI: I am the one who is making the jokes.

The SPEAKER: I thought that was a good one though.

Mr ADRIAN PICCOLI: I thank the member for Keira for all the support he has given to those students undertaking the Higher School Certificate since he was elected as a member of Parliament. The best thing he ever did for those students was to stop being a teacher. I thank him for that. There are many different views about whether mathematics should be a compulsory HSC subject. This year 81 per cent of

students doing the Higher School Certificate undertook one of the mathematics courses.

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

Mr ADRIAN PICCOLI: We have heard a lot about science, technology, engineering and maths [STEM] education. Ninety per cent of 60,000 students are enrolled in at least one STEM subject. To build confidence and capacity in STEM subjects the Government has already announced the creation of specialised primary maths and science teachers to engage students at a young age in primary schools to get them interested in the pleasures of science and maths so that they choose that as an elective subject in high school. In the lead-up to the Higher School Certificate certain circumstances can impact on a student's abilities to undertake his or her examinations. A couple of weeks ago significant issues were raised relating to Arthur Phillip High School in Parramatta. For a long time the Board of Studies has given special consideration to students when incidents or issue arise, for example, not only at Arthur Phillip High School but also in the Blue Mountains when there were bushfires prior to students undertaking their HSC.

If a school considers that a student should be given special consideration, that is taken into account by the Board of Studies, which does everything it can to support all students. Students undertaking these examinations should remain as relaxed as possible; make sure they talk to people if they are stressed; and seek advice and assistance from teachers, school principals, school counsellors, family and friends. The more relaxed they are as they go into these examinations the better off they will be. Students should remember that they have already completed 50 per cent of their Higher School Certificate through their assessment tasks. I know that this is a difficult and challenging time for students and their families. However, in a few weeks those examinations will be completed, the results will be available on 16 December and they will have an internationally renowned credential that they can use anywhere in the world. [*Time expired.*]

STATE GOVERNMENT PROPERTY ASSETS

Mr JOHN SIDOTI: My question is addressed to the Minister for Finance, Services and Property. How is the Government unlocking the value and making sensible use of its property assets? Is the Minister aware of any alternative strategies?

Mr DOMINIC PERROTTET: That is a sensible question from a sensible member. There is no doubt that this Government has changed the infrastructure game in New South Wales. As the Treasurer said, we have done this through pioneering a strategy of asset recycling.

The SPEAKER: Order! The member for Cessnock, the member for Hornsby and the member for Kiama will cease interjecting. There is too much audible conversation in the Chamber.

Mr DOMINIC PERROTTET: The Government owns more than \$270 billion worth of real property assets, including infrastructure, with \$60 billion of land and property owned directly by New South Wales government agencies. Because we are sound financial managers we are determined to make the best use of these assets for the people of this State. That means that this Government will look at divesting assets which are not core to service delivery and invest those proceeds into productive infrastructure. Instead of paying for empty buildings, having money tied up in office space, forking out expensive maintenance or paying for bureaucrats to occupy prime central business district real estate, we will exit non-core and non-strategic assets and invest that capital where it can make a difference to the people of New South Wales.

That is why the Minister for Education is building brand-new schools across New South Wales, ensuring we provide the best education for the next generation. That is why the Minister for Health is opening new hospitals from one end of this State to the other. That is why the Minister for Family and Community Services is providing high-quality social housing for some of the most vulnerable people in

our community. When Labor was in office our social housing stock was reduced by more than 900 homes every year.

Asset recycling is the key that unlocks the prosperity of this State. As members would have seen recently, this approach has enabled a once-in-a-generation government revitalisation of Circular Quay, the jewel in the crown of Sydney Harbour, which is seen by tourists and locals alike—the iconic gateway to our harbour and our great city that is recognised everywhere in the world. Just like everything else in this great State, it was run down and neglected by that do-nothing, invisible Labor administration. This Government is not content with second-best; it is not content with wallowing in mediocrity like those opposite, which is why it made the decision to divest a number of assets that are not core to service delivery—assets that are owned by the Sydney Harbour Foreshore Authority. The estimated \$200 million in proceeds will be used to fund the redevelopment of Circular Quay. Taking the capital locked up in assets and investing the funds to make a real difference to people's lives is asset recycling at its best.

The SPEAKER: Order! Members will come to order. There is too much audible conversation in the Chamber.

Mr DOMINIC PERROTTET: It will create jobs in construction and tourism and boost the visitor economy by attracting more tourists. It will make our scenic and world-famous harbour even more enjoyable for visitors and locals. But our strategy is not the only property management strategy. New South Wales Labor also has one.

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

Mr DOMINIC PERROTTET: Labor executed its strategy very well in 2011 when, as the member for Upper Hunter knows, it sold Crown land in the Hunter Valley for that great sum of \$1. When was that dodgy deal done? In caretaker mode, when Labor pulled off some of its best moves. And the finance Minister at the time was the member for Maroubra.

Mr Matt Kean: The Sensibles.

Mr DOMINIC PERROTTET: He is not so sensible. He is known in property circles as "One Dollar Daley". Doing deals in caretaker mode is not very sensible. It makes one think about who was part of the Sensibles. The member for Maitland is certainly not in the Sensibles. The member for Cessnock is sitting on the fence. Whether members opposite are the Invisibles or the Sensibles, the Baird-Grant Government will always be the Incredibles.

Question time concluded at 3.21 p.m.

GOVERNOR'S SPEECH: ADDRESS-IN-REPLY

Presentation

The SPEAKER: I have ascertained it to be the pleasure of His Excellency the Governor to receive on Thursday 15 October at 10.15 a.m. at Government House the Address-in-Reply to His Excellency's Speech.

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 on Thursday 15 October 2015 to provide for

the following routine of business prior to 1.00 p.m.:

- (1) At 10.00 a.m. Speaker takes the chair.
- (2) The Speaker to leave the chair for the House to proceed to Government House for presentation of the Address-in-Reply at 10.15 a.m.
- (3) At 11.30 a.m. consideration of General Business Notices of Motions (for Bills) for a period of up to 30 minutes.
- (4) Consideration of General Business Notices of Motions (General Notices).

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by Mr ANTHONY ROBERTS agreed to:

That standing and sessional orders be suspended to provide for:

- (1) The taking of community recognition statements on Tuesday 10 November 2015 from 1.30 p.m., or the conclusion of private members' statements if earlier, for a period of up to 20 minutes.
- (2) The following routine of business on Wednesday 11 November 2015:
 - (a) At 2.15 p.m. Speaker takes the chair;
 - (b) Ministerial Statements;
 - (c) Giving of Notices of Motions for Government Business, Bills and Business with Precedence;
 - (d) Giving of Notices of Motions to be Accorded Priority;
 - (e) Question Time;
 - (f) Ministerial Statements;
 - (g) Papers;
 - (h) Committees—Tabling of reports and notification of inquiries;
 - (i) Petitions;
 - (j) Re-ordering of General Business Orders of the Day (for Bills) and General Business (Notices of Motions);
 - (k) Placing or Disposal of Business;
 - (l) Motion Accorded Priority;
 - (m) Government Business;
 - (n) Private Members' Statements;
 - (o) Matter of Public Importance; and
 - (p) The House to adjourn without motion moved.
- (3) The period for the taking of community recognition statements on Thursday 12 November 2015 to be 40 minutes.

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 "Old and inside: Managing aged offenders in

custody", dated October 2015.

Ordered to be printed.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The Speaker tabled, pursuant to section 78 of the Independent Commission Against Corruption Act 1988, the report of the Independent Commission Against Corruption for the year ended 30 June 2015.

Ordered to be printed.

REGISTER OF DISCLOSURES BY MEMBERS

The Speaker tabled, in accordance with clause 21 of the Constitution (Disclosures by Members) Regulation 1983, a copy of the Register of Disclosures by Members of the Legislative Assembly as at 30 June 2015.

Ordered to be printed.

STRATHFIELD MUNICIPAL COUNCIL

The Clerk announced, pursuant to section 433 of the Local Government Act 1993, receipt of the report of the section 430 investigation into Strathfield Municipal Council, dated October 2015, including appendices 1 to 46, received out of session on 8 October 2015 and authorised to be printed.

PUBLIC ACCOUNTS COMMITTEE

Report

Mr Bruce Notley-Smith, as Chair, tabled the report entitled "Report on the Parliamentary Budget Office 2015 Post-Election Report", Report No. 1/56, dated October 2015.

Ordered to be printed on motion by Mr Bruce Notley-Smith.

LEGISLATION REVIEW COMMITTEE

Report

Mr Michael Johnsen, as Chair, tabled the report entitled "Legislation Review Digest No. 7/56", dated 13 October 2015, together with minutes of the committee meeting regarding Legislation Review Digest No. 6/56.

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

PETITIONS

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

WestConnex

Petition calling on the Government to halt the tender and construction processes for WestConnex

and establish a parliamentary inquiry into the project, received from **Ms Jenny Leong**.

Belmont Motor Registry

Petition requesting the Government to reverse its decision to close the Belmont Motor Registry office, received from **Ms Yasmin Catley**.

Discussion on petitions 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:

Independent Police Investigatory Body

Petition requesting the establishment of an independent complaints body with investigatory powers over police actions, received from **Mr Alex Greenwich**.

Sydney Electorate Public High School

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

Inner-city Social Housing

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

Pet Shops

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

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 petitions signed by more than 500 persons were lodged for presentation:

Nursing Homes

Petition requesting the Government to retain the legislative requirement of having a registered nurse on duty at all times and the appointment of a director of nursing to provide quality care in all nursing homes in New South Wales, received from **Mr Troy Grant**.

Hunter Region Transport

Petition requesting improvements to public transport in the Hunter region, received from **Ms Jenny Aitchison**.

Ingleburn Motor Registry

Petition opposing the closure of the Ingleburn Motor Registry, received from **Mr Anoulack**

Chanthivong.

Daylight Savings

Petition requesting that daylight savings in New South Wales be reduced to four months, received from **Mr Adam Marshall**.

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

The Hon. Anthony Roberts—Renewable Energy—lodged 5 August 2015 (Mr Jamie Parker)

The Hon. Rob Stokes—Blue Mountains Planning Framework—lodged 5 August 2015 (Ms Trish Doyle)

The Hon. Jillian Skinner—Manning Base Hospital—lodged 13 August 2015 (Ms Kate Washington)

The Hon. Andrew Constance—John Hunter Hospital and Hunter Stadium Shuttle Bus—lodged 26 August 2015 (Ms Sonia Hornery)

The Hon. Adrian Piccoli—Strathfield Girls High School—lodged 8 September 20125 (Ms Jodi McKay)

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

CBD and South East Light Rail

Mr BRUCE NOTLEY-SMITH (Coogee) [3.28 p.m.]: The CBD and South East Light Rail project will transform the future of transport in Sydney, deliver tremendous economic benefits and create thousands of jobs. As such, my motion deserves to be accorded priority. The light rail is one of the Liberal-Nationals Government's key infrastructure projects forming part of the Government's record level of investment in statewide public transport projects that are aimed at getting New South Wales moving again. This light rail is of incredible significance, and that is why my motion should be accorded priority.

The CBD and South East Light Rail will link Circular Quay and Central, and attractions such as the Moore Park sporting and entertainment precinct, the Sydney Cricket Ground, Allianz Stadium, Royal Randwick Racecourse, the University of New South Wales and the Prince of Wales Hospital at Randwick. During the last election campaign just recently the Australian Labor Party committed to complete the CBD and South East Light Rail project. In its own infrastructure plan the Labor Party committed to revitalising George Street. Interestingly now we have the Opposition leader deliberately misleading the electorate and claiming that the project will deliver no long-term benefits. Shame!

This motion should be accorded priority because this project will in fact provide residents with conveniently located stops along the 12-kilometre route. It will provide frequent "turn up and go" services during peak periods. The service will allow for special event services between Central station, Moore Park and Royal Randwick Racecourse. Residents will receive the added benefit of the services ending at major interchanges for bus, ferry and heavy rail services. The services will be easier for many older residents to access, with the light rail vehicles being air-conditioned and having an accessible low-floor design.

This project is long overdue and comes following exhaustive consultation with local community and business groups. For too long residents of Sydney's eastern suburbs have been subject to overcrowded buses and completely at the mercy of the city's congested roads. Congestion costs the New

South Wales economy around \$5.1 billion, and this is expected to rise to \$8.8 billion by 2021. That is why this motion should be accorded priority this afternoon. The Government is focused on getting in and getting the job done in George Street. I commend the motion to the House.

Domestic Violence

Ms LINDA BURNEY (Canterbury) [3.31 p.m.]: My motion deserves to be accorded priority because there is no greater illustration of this Government's callousness than its cuts to women's domestic violence services in this State and its thought-bubble solution—an app—to solve the problem it created. The Going Home Staying Home program saw the number of women's-only refuges cut to just 28 from 60, and only 18 continue to have women running them. New South Wales Assistant Commissioner of Police Mark Murdoch confirmed in the media earlier this year that the police, those often responsible for referring women to services, were not even warned that changes were coming.

Today the Opposition has been informed that the Government is considering a proposal for an "Airbnb style app" to replace these services for women in need. The women who have been consulted about this proposal have raised grave concerns about how suitable such a system would be. We have no detail on how an app would ensure the safety of hosts or victims seeking refuge and no detail on how the security required for these homes would be funded or whether training will be given to hosts. This is a thought bubble and nothing else. It does not fix problems like women in regional New South Wales being referred to refuge services in other States, victims of domestic violence being referred to generic homelessness services, services in areas of high demand being completely empty as a result of women refusing to attend, or children being forced to attend refuges with the general homeless population.

On this Government's watch we have the dismantling of our State's women's refuge system, a domestic and family violence council which rarely meets and a chronic shortage of accommodation. This sector knows what is needed. It is crying out for more funding for refuges and emergency accommodation. I have not heard anyone ask for an app. It is an insult to the community that, when women's-only services have been closed or merged across the State, this Government is planning to spend much-needed resources on an untested and untried thought bubble. At the end of the day it is a fact that the Going Home Staying Home reforms have had a devastating effect on women services across New South Wales. The Minister knows it and so do the former Ministers sitting in this House.

Mr Brad Hazzard: This is bull—absolute bull. The member is full of bull.

Ms LINDA BURNEY: There is evidence. The Minister for Family and Community Services calls this bull. I hold in my hand a copy of the instruction from the Premier's department to the Minister for Women and her agency to go ahead and develop such an app which says, "New South Wales has been approached by an Airbnb style app whereby individuals who need it might find emergency accommodation in their local community". The Minister for Family and Community Services knows this is true. He has spoken to women about it, and they have told him how nuts this idea is.

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

The House divided.

Ayes, 48

Mr Anderson
Mr Aplin
Mr Ayres
Mr Baird
Mr Barilaro

Ms Goward
Mr Grant
Mr Gulaptis
Mr Hazzard
Mr Henskens

Mr Provest
Mr Rowell
Mr Sidoti
Mrs Skinner
Mr Speakman

Ms Berejiklian
Mr Brookes
Mr Conolly
Mr Constance
Mr Crouch
Mrs Davies
Mr Dominello
Mr Elliott
Mr Evans
Mr Gee
Mr George
Ms Gibbons

Ms Hodgkinson
Mr Humphries
Mr Johnsen
Mr Kean
Dr Lee
Mr Maguire
Mr Marshall
Mr Notley-Smith
Mr O'Dea
Mrs Pavey
Mr Perrottet
Ms Petinos

Mr Taylor
Mr Toole
Mr Tudehope
Ms Upton
Mr Ward
Mr Williams
Mrs Williams

Tellers,
Mr Bromhead
Mr Patterson

Noes, 37

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 Greenwich

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

Mr Park
Mr Parker
Mr Piper
Mr Robertson
Ms K. Smith
Ms T. F. Smith
Ms Washington
Ms Watson
Mr Zangari

Tellers,
Mr Lalich
Mr Warren

Pairs

Mr Roberts
Mr Piccoli

Mr Foley
Mr Minns

Question resolved in the affirmative.

CBD AND SOUTH EAST LIGHT RAIL

Motion Accorded Priority

Mr BRUCE NOTLEY-SMITH (Coogee) [3.41 p.m.]: I move:

That this House:

- (1) Notes that the Government is making a record investment in public transport projects across the State.
- (2) Supports the Opposition's election commitment to "complete the CBD and South East Light Rail Project".

- (3) Notes that the CBD light rail will transform the way people move around the city, taking hundreds of buses off congested streets.
- (4) Condemns the Leader of the Opposition's comment that the light rail project will deliver "no long-term benefit".
- (5) Calls on the Opposition to support its own infrastructure plan, which committed to revitalising George Street.

The CBD and South East Light Rail project will truly transform the Sydney central business district [CBD] and the eastern suburbs. It is a topnotch example of how this Government is investing in infrastructure that is so desperately needed in our State and all I am hearing in my electorate is overwhelmingly positive feedback. I thank the Minister and the former Mayor of Randwick, Mr Ted Seng, for their assistance in saving High Cross Park. My electorate of Coogee will be one of the most heavily impacted by this project, but I am confident that the Minister and the Government are doing everything in their power to minimise disruption and hear out community concern.

By 2031 approximately 780,000 trips will be made to the city centre each weekday—150,000 more than in 2013. Alarming, CBD congestion costs the New South Wales economy around \$5.1 billion a year, and this is expected to rise to \$8.8 billion in 2021. Sydneysiders already spend more time stuck in traffic than do people in New York. We cannot sit idly by with our hands over our eyes. Existing infrastructure cannot keep pace. We need a fully integrated and innovative transport system. This Government is prepared to make the hard decisions in order to deliver the transformative infrastructure projects that this State needs to keep moving. That is why we are building the CBD and South East Light Rail and other projects such as the North West Rail Link, the Wynyard Walk and a new Barangaroo ferry hub. Billions of dollars will be spent on infrastructure that will actually be delivered.

In just a few short years we will have fundamentally transformed Sydney's transport network and I know the people of Coogee will be grateful. This plan has come about through extensive consultation with community and local businesses. I am advised that more than 30 community and business forums and 12 community reference and business reference group meetings have been held, and the project team has made more than 4,000 visits to businesses and residents. This is in addition to meetings and working groups such as the Sydney Light Rail Round Table, the Urban Domain Reference Group, the Utilities Reference Group and the Minister's round table. The light rail is expected to have 97 per cent reliability and will carry more than 9,000 passengers during the morning peak—more than 40 per cent additional capacity compared with existing buses. The added economic benefits have been estimated at approximately \$4 billion and 10,000 extra jobs.

The CBD and South East Light Rail will make 19 light rail stops along its 12-kilometre route, including stops at major tourist attractions such as Circular Quay, Moore Park, Sydney Football Stadium, Sydney Cricket Ground and Royal Randwick Racecourse. Stops will also be placed at key centres such as the University of New South Wales, Prince of Wales Hospital and Souths Juniors. These world-class facilities deserve to be serviced by a world-class light rail system. All this will be ready in but a few short years. The Government is committed to getting the job done quickly, then getting out as quickly and efficiently as possible with minimum disruption for such a major project. But where has the commitment of the Leader of the Opposition to complete the light rail—which was given only a few short months ago—gone?

Mr RYAN PARK (Keira) [3.46 p.m.]: What a set-up that contribution was. Minister Constance was looking around the backbench before he decided that the member for Coogee should move this motion. What a tragedy—I hope those dead fish are still swimming. Those opposite seem interested in referring to historical comments so I thought I would remind them of some remarks made by a couple of people they may or may not be familiar with—namely, Nick Greiner, who has a portrait in the Premier's corridor

somewhere, and Paul Broad. In 2012 Nick Greiner said about light rail in George Street:

The narrowness of George Street may mean that high capacity light rail service is fundamentally incompatible with a high quality pedestrian boulevard along this corridor ...

Light rail is significantly more expensive than buses, has no material speed benefits, is less flexible in traffic and if service reforms to the operation of CBD bus services are implemented, does not offer significantly greater capacity.

Why is that important? Nick did not say that to a think tank. Former Premier O'Farrell asked Nick Greiner and Paul Broad to prepare a detailed infrastructure report, and that is what the Liberal Party elder statesman had to say about light rail. I am interested to know what this Government intends to do about compensation. The member for Rockdale, the Leader of the Opposition and I have taken the time to speak with some of the small business owners on George Street. Interestingly, those men and women pay in excess of \$40,000 per month to keep their doors open—no profit; rental payments.

However, the other day I stumbled across something and I thought to myself, "This cannot be true; it must be a set-up." I took another look. I saw that there was a compensation payout. It should be remembered that those opposite are the party of small business. Indeed, members will recall the day when Minister Barilaro spoke for several hours about small business. I thought to myself, "Good. This will be about small business." I kept looking; it was about the Centennial Park and Moore Park Trust. Those small business owners on George Street that the member for Rockdale, the Leader of the Opposition and I met with are worried that they will be lucky to get through Christmas, let alone the next three years. They will not receive one cent in compensation, yet a government agency is to be compensated to the tune of millions of dollars.

If the Government is a friend of the small business community, I would hate to see who its enemies are. The Government supports big business and government agencies. But it gets worse than that. The Opposition asked a simple question during estimates. The Minister did not answer—but that is par for the course with this Minister. The simple question was: What has the additional \$500 million blowout in project costs been spent on? The Minister looked around at his officials—that is always a worry—scratched his head and said, "I will have to take it on notice." The Minister allocated an additional \$500 million and does not know what it has been spent on.

The situation gets worse. Under public-private partnership guidelines the contract has to be published. To date, that has not happened. Guess what the Government has done? This will bring people into the city in their thousands. There will be face painting in the city at Christmas. There will be a dirty great Christmas tree. I cannot wait. There will be clowns, a Christmas tree and face painting. The message today was, "Do not come into the city" or, rather, "Come and see the activities, but do not drive in." People will have to walk in. They will walk in from Pitt Street. What a joke! [*Time expired.*]

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I remind the member for Keira that he is on three calls to order. I direct the member to remove himself from the Chamber for a period of one hour.

[*Pursuant to sessional order the member for Keira left the Chamber at 3.51 p.m.*]

Mr JOHN SIDOTI (Drummoyne—Parliamentary Secretary) [3.51 p.m.]: It is clear that Sydney is outgrowing itself and that public transport problems and traffic congestion in the city must be addressed. Congestion in the central business district costs the economy around \$1.5 billion per year. If left unchecked, that could increase to \$8.8 billion by 2021. By 2031 it is estimated that 780,000 trips will be made into the city centre each day. That represents 150,000 more trips than in 2013. The Government is trying to alleviate these problems by investing in infrastructure to deliver long-term change. That is why the CBD and South East Light Rail is essential to meet the growing transport needs of our city. Sydney

commuters already spend more hours gridlocked in traffic jams than people in New York City. This problem must be addressed. We need more transport options and a fully integrated system. The Government is acting now to tackle the problem of congestion in the central business district.

The Government is getting on with the job and doing what it said it would do before the election. The CBD and South East Light Rail will transform Sydney by reducing congestion. It will provide the capacity to meet the projected increase in passenger demand for decades to come. The implementation of light rail as an alternative method of travel will lead to 220 fewer buses in the central business district. The city cannot accommodate the 1,600 buses that currently pass through it at morning peak time. There are many facets to the Government's plan. The Barangaroo ferry hub, which will open next year, will provide more opportunities for people to access Barangaroo and the mid-town precinct by public transport. An upgrade at Wynyard station has commenced that will make it easier for customers to move in and around the station. Also due to open next year is the Wynyard Walk—a world-class, fully accessible pedestrian link between Wynyard station, the developing western corridor of the central business district and Barangaroo.

Unlike members opposite, the Government has a plan to tackle congestion head on. The Government will turbocharge New South Wales by investing \$20 million in infrastructure. It will boost the economy by almost \$300 million in 20 years and generate more than 100,000 jobs by 2035-36. The Government has a plan to rebuild New South Wales. Only this Government is willing to make the investments needed to finally address the challenging congestion problems that face this great city. After 16 long years of neglect, positive action is being taken to meet the public transport and traffic congestion challenges of the future. The CBD and South East Light Rail will prove a wonderful solution to the problems facing Sydney's congestion and transport issues.

Mr RON HOENIG (Heffron) [3.54 p.m.]: There is something happening. It is called incompetence. It is called arrogance. It is called stupidity. I am pleased that the Government wants to congratulate Labor on its policy. Labor does not oppose the concept of light rail; Labor opposes stupidity. It notes that the former Minister for Transport and now Treasurer announced that light rail would cost \$1.2 billion and that today it is costing \$2.1 billion—almost 100 per cent over-expenditure. Is that the mark of a responsible government? The Government proposed a light rail stop in front of Randwick racecourse to service the people attending functions hosted by the Australian Turf Club. I told the then Minister, as did Randwick City Council, that a light rail stop should not be put in front of Randwick racecourse because there is a building in the way. It is the Australian Turf Club administrative office.

When the Government let the contract, guess what the contractor told the former Minister for Transport? The contractor said, "We cannot put the light rail stop in front of Randwick racecourse because there is a flamin' building in the way." The Minister was told that there was a building in the way, but that information went straight over her head. Labor told the Government that it did not need to put a light rail stop in Randwick at High Cross Park, near the Anzac memorial, in the electorate of the member for Coogee. Did the Government listen? It was not until about two weeks ago that the current Minister for Transport finally listened, after two years of pleading from the community and local members. Even the member for Coogee came on board during the election campaign. Prior to that, he was trying to defend the indefensible.

What about the Albert "Tibby" Cotter Bridge that the Auditor-General spoke of in such glowing terms? That \$38 million bridge over Anzac Parade, to link the cricket ground and the football stadium with a light rail stop, is an over-expenditure of \$13 million. There is no light rail stop within cooee of the bridge. The project is a shambles because it is not part of any integrated strategy. If the Government is spending at least \$2.1 billion on a light rail transport strategy, how about having an integrated strategy? How about looking to see where buses can be relocated? Is there a bus plan? No. Is there a long-term strategy for George Street? No. No wonder small business operators in George Street are terrified about what will happen to their business. The Leader of the Opposition reflected their concern about the actions of an incompetent Government.

Mr JAMIE PARKER (Balmain) [3.57 p.m.], by leave: While The Greens do not support all the public transport projects that the Government is proceeding with, we acknowledge that paragraph one of the motion is true. We support the motion because Labor made a strong commitment to complete the project yet did not follow through on that commitment. When I stood for election I ran against a Labor candidate who was a loud advocate for the project. We are used to Labor abandoning election promises when it wins office. Labor did not win the election yet it still abandoned this promise. Light rail is a significant commitment that affects the future of the city. The city needs a broader public transport network that includes light rail.

My local community strongly supports a light rail route to Balmain, along Parramatta Road. The only alternative is Nick Greiner's ridiculous proposal: the economically destructive, expensive, dangerous and retail-destroying bus tunnel under George Street. That is the only other option to light rail in the central business district. It cannot proceed. Light rail in the central business district is the way of the future, and we need to acknowledge that. The Greens support the motion.

Mr BRUCE NOTLEY-SMITH (Coogee) [3.59 p.m.], in reply: I thank members for their contributions to this debate: the member for Keira, even though it was a shocking display; the member for Drummoynes, who made a great contribution; the member for Heffron, who gets himself tied up in knots—it is no wonder the Labor Party never gets anything done because they get tied up in knots by asking rhetorical questions—and the member for Balmain, who pointed out that Labor not only cancels projects when it is in government but also cancels its own projects when in opposition.

This is a revolutionary and game-changing project for the city; it will make the city a greater place. It will make transport more accessible to many more people and it will make Sydney a much more pleasant city in which to live. But what do we hear from those opposite? We hear nothing but criticism of the entire project. The Labor Party hates light rail and it hates public transport. The Opposition spokesman wants to keep cars and buses in the middle of Sydney. I commend the motion to the House. Light rail is coming. Getting there will be difficult, but it is a revolutionary project.

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

Motion agreed to.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! It being 4.00 p.m. the House will now consider Government business. I call the Minister for Industry, Resources and Energy.

Mr Michael Daley: I called for a division.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I called the motion in the ayes before there was a call against the motion. As far as I am concerned—

Mr Michael Daley: We said no.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I called, "The ayes have it. The ayes have it".

Mr Michael Daley: I said, "The noes have it".

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! By the time the member for Maroubra spoke I had already called on the next item of business. As far as I am concerned the motion has passed. If the member wishes to register his opposition to the motion on the voices I will accept that, but I will not call for a division; it is now past 4 o'clock.

Mr Paul Lynch: Charles I lost his head for less than that.

Pursuant to sessional order Government business proceeded with.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! Before I call the Minister, I consider the comment of the member for Liverpool to be unparliamentary. I remind the member that he holds the dubious record of being the only member to be sat down by a Speaker from his own side during his inaugural speech.

Mr Paul Lynch: That is, in fact, untrue, Mr Assistant-Speaker.

Mr Michael Daley: I place on record our displeasure with what has occurred. I am the manager of Opposition business. I was sitting under your nose, Mr Assistant-Speaker, and I called quite loudly for a division.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I have ruled on the matter. The Clerk has read the next item of business and I have called the Minister.

Mr Paul Lynch: Mr Assistant-Speaker, I seek leave to move dissent from your ruling.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I draw the attention of the member for Liverpool to Standing Order 95, which states:

The procedure for dissenting from a ruling or decision of the Chair is as follows:

1. The Member must give notice of a motion at the time for notices with precedence stating the grounds of the dissent.

Mr Paul Lynch: I seek leave to move dissent.

Leave not granted.

ENERGY LEGISLATION AMENDMENT (RETAIL ELECTRICITY AND GAS PRICING) BILL 2015

Bill introduced on motion by Mr Anthony Roberts, read a first time and printed.

Second Reading

Mr ANTHONY ROBERTS (Lane Cove—Minister for Industry, Resources and Energy) [4.04 p.m.]:
I move:

That this bill be now read a second time.

The New South Wales Government is committed to putting downward pressure on energy prices and improving the experience for households and businesses. We want to ensure that customers remain in the driving seat. As the House would know, in July 2014 the Government removed retail price regulation for the New South Wales electricity market. Since that time the market has seen both increased retailer competition and greater customer choice. At the time of deregulation customers still being supplied at the regulated price were moved to transitional tariff arrangements to help them move into the competitive market. Since deregulation, nearly 38 per cent of transitional tariff customers have taken advantage of the choices available to them and have moved into the competitive market. This equates to more than 418,000 customers. Needless to say, as a result they are now saving a considerable amount on their bills. As a result, less than 21 per cent of the State's 3.3 million electricity customers now remain on the transitional tariff.

Concurrently to the commencement of our reform last year we ran a mass market education campaign about the changes to the electricity market, informing customers how they could get a better deal. The results of the campaign showed increased awareness of the changes to the rules around electricity pricing. They also revealed an increase in the proportion of respondents who were aware that there was a free and impartial government website where they could go to compare energy plans. More than 100,000 hits were registered on the campaign website in the first three months alone, and the Australian Energy Regulator's Energy Made Easy comparison website experienced a doubling of New South Wales based traffic.

It is important that this House remembers that electricity regulation was no defence against price rises. Indeed, under Labor, regulated customers saw massive hikes in electricity prices, including a whopping 22.4 per cent increase in 2009-10 alone. The simple truth is that effective competition puts downward pressure on prices. Less than three months ago the "NSW Energy Prices July 2015" report released by the St Vincent de Paul Society made clear the benefits of a deregulated, competitive marketplace. The report found that "customers switching from the worst electricity standing offer to the best market offer can save up to \$550 to \$1,050 per annum". The report analysed prices from July 2014 to July 2015 and found that the average electricity retail standing offer is now \$190 to \$400 less per annum; average market offers have dropped by between \$220 and \$380 per annum; and the price difference between the worst and best market offer is now between \$590 and \$1,060, depending on a customer's network area.

The St Vincent de Paul Society's report also found that the average gas customer in Jemena's network area could potentially save \$120 on their annual bill by switching from the regulated offer to the best market offer. Additionally, the report stated that the annual energy cost for dual-fuel households with typical consumption levels had decreased by \$190, to \$575. These findings were supported by analysis undertaken by the Independent Pricing and Regulatory Tribunal [IPART] and the Australian Energy Market Commission [AEMC]. In its draft report on a review of the performance and competitiveness of the retail electricity market in New South Wales, IPART found that families are now saving, on average, between \$290 and \$390 a year. IPART also found that average small business customers are saving between \$360 and \$610 simply by switching to competitive market offers. In its 2015 Retail Competition Review, the AEMC found that rivalry between retailers in New South Wales is increasing, with households able to find a market offer up to \$720 cheaper than the most expensive offer.

The facts are clear: Energy prices are in decline and deregulation is driving that change. The removal of retail electricity price regulation has lowered barriers to entry and expansion in the New South Wales market for energy retailers. This is supported not only by independent analysis from the Australian Energy Market Commission [AEMC] but by the figures themselves. Since deregulation came into effect, we have seen four new brands enter the retail electricity market in New South Wales. There are now hundreds of deals to choose from and the availability of platforms such as Energy Made Easy means customers are able to compare and narrow down those offers that suit them. Furthermore, Energy Made Easy is available both online and over the phone, ensuring that all customer demographics have access to the resource and to assistance, if needed.

I encourage all customers who have yet to take advantage of this new resource to do so by visiting energymadeeasy.gov.au or by calling 1300 585 165 and speaking to an operator. The success of electricity deregulation is clear and it is now time to turn our attention to the New South Wales gas market. The Energy Legislation Amendment (Retail Electricity and Gas Pricing) Bill 2015 achieves two objectives. First, it implements the strategic direction for retail gas pricing over and beyond the next two years. Secondly, it will complete the electricity price deregulation process by making amendments that remove redundant terms and monitoring requirements. These changes retain important consumer safeguards and extend these to the gas market. These changes will benefit consumers.

Turning now to the details, I will first talk about our strategic direction for gas. This is the next

major step in delivering greater choice and lower prices to customers. The bill will refresh the gas pricing order provisions in the Gas Supply Act 1996, which had lapsed, to support the continuation of light-handed retail gas price regulation from 1 July 2016 to 30 June 2017. Additionally, the amendment will provide the Independent Pricing and Regulatory Tribunal [IPART] with the powers to ensure that customers are protected from unnecessarily high prices in the lead-up to deregulation. It will update out-of-date terminology to use voluntary pricing agreements to align with the terms used by IPART and the retailers. And it will remove, at a later date, the gas pricing order provisions and the references to retail gas price regulation from the Gas Supply Act 1996 and the Electricity Supply Act 1995.

This will be the last step in the deregulation of gas prices and will only occur when the Government is satisfied with the levels of competition in the State's gas market. I stress that point again: I have stated publicly and reiterate to the House that the Government will only act upon this provision when we are confident that the levels of retail competition in regional areas has sufficiently improved. In deciding upon this, we will take into consideration the annual market reports from IPART and the AEMC, which analyse competition levels across the State. This acts as a clear message to the retail industry, with a clear time frame to up its game and increase the level of competition, customer choice and retail offers in regional areas. This strategic direction sees the current light-handed approach to retail gas price regulation continue for one year from 1 July 2016 to 30 June 2017.

I have already issued IPART with an instruction for the termination of voluntary price agreements between it and the regulated offer gas retailers for the next financial year from 1 July 2016 to 30 June 2017. Under this light-handed approach, a voluntary pricing agreement is reached by IPART and the regulated offer gas retailers, AGL, ActewAGL and Origin Energy generally, with some negotiation. However, if agreement cannot be reached, it is important for IPART to have the power to issue gas pricing orders. Under this mechanism IPART can issue gas pricing orders that establish prices or pricing mechanisms. I point out that at this time New South Wales is the only jurisdiction that regulates retail gas prices. All other jurisdictions have already deregulated retail gas prices.

I turn now to the removal of gas pricing order provisions and references to retail gas pricing regulation from the Gas Supply Act 1996 and the Electricity Supply Act 1995. I make it clear that the relevant schedule will only commence on proclamation. The proclamation, if scheduled, would coincide with the introduction of amendments to the National Energy Retail Law (Adoption) Regulation, which would remove the obligation on retailers to offer regulated gas prices, expand the market monitoring role to include the gas market, and to make transitional arrangements for existing regulated customers. As with electricity, retail gas price deregulation will not degrade customer consumer protections. The AEMC's 2015 competition review found, "Competition is effective though less intense" than electricity "in the retail gas market in most of NSW, with six retail brands competing".

However, the Government has identified a number of areas in which competition could be improved and we are taking action to address this. The first example is in the Shoalhaven area. As a matter of legacy, the Shoalhaven is explicitly excluded from the process document that market participants follow when switching customers from one retailer to another. This process document, the Retail Gas Market Procedure (NSW and ACT), is administered by the Australian Energy Market Operator [AEMO]. I have taken action and requested that this explicit exclusion of the Shoalhaven be removed from the Retail Gas Market Procedure. Once the procedure has been updated by AEMO, gas retailers will be able to develop gas price offers and start competing for customers in the Shoalhaven.

The second example is regional New South Wales. In some areas in regional New South Wales, such as Wagga Wagga, the AEMC's 2015 Retail Competition Review found significantly less independent rivalry and product differentiation in the gas market. The report indicated that in February 2015 only five market offers from one retailer were available for regional residential customers. The commencement of retail gas price deregulation on proclamation will give the market the necessary time to remedy this situation. We have already seen the market take action to reduce one of the barriers to retail competition in regional New South Wales. Industry has recently come together to rely on the New South Wales

requirements for electronic business communication systems with those applying in other jurisdictions. These have been identified previously as a barrier to competition. This means retailers will no longer have to operate multiple systems, which will make it more attractive for retailers to do business in this great State.

I have also set up a New South Wales gas retail competition working group to look at any barriers to retail gas competition in regional areas. I expect the working group to provide me with a road map of ideas that I can take to address industry and consumer and customer concern. Where it is within my power, I will do my utmost to encourage retailers into the regional market. Setting out our strategic direction for gas in this way will provide the market with the incentive it needs to remove barriers to competition where possible and to increase competition in regional areas. Let me be clear. We will only deregulate retail gas prices in New South Wales if we are sure that this change will provide greater competition and choice for retail gas customers.

I turn now to electricity amendments, which are largely administrative. Retail electricity price deregulation in New South Wales came into effect via the National Energy Retail Law (Adoption) Amendment (Retail Price Deregulation) Regulation 2014. Deregulation via regulation was required in order to meet the 1 July 2014 commencement date that the Government, the electricity industry, and consumers and customers had prepared for. However, this path to deregulation carried a certain amount of risk to the market in the form of uncertainty, as the success of deregulation could be undone at any time, and without notice to industry or consumers, by repealing the regulation. This bill will remove this risk by completing the deregulation process. This will involve removing references to retail price regulation in the Electricity Supply Act 1995 and the Electricity Supply (General) Regulation 2014.

The electricity amendments in this bill are administrative in character and are aimed at ensuring that all legislative and regulatory instruments are consistent. The bill amends terminology to remove references to "regulated customers", "regulated offers" and "regulated offer retailers". New defined terms are inserted that maintain the existing customer right or retailer obligation. The bill will also remove the redundant requirement for IPART to monitor the obligation on regulated offer electricity retailers to comply with pricing determinations. It also removes the requirement for IPART to provide an annual report on such retailers. The bill includes transitional arrangements in the Electricity Supply Act 1995 to ensure that customers remain protected for outstanding issues, even though regulated retail prices no longer exist. These amendments will provide greater market certainty and should encourage even greater competition in the State's electricity market.

Lastly, the bill makes a statute law revision amendment to insert a reference to network operators consistent with other amendments made by the Electricity Network Assets (Authorised Transaction) Act 2015. This amendment will ensure that IPART can monitor and report to the Minister on the extent to which all network operators comply with their licence conditions. Currently, transmission network operators are excluded from this requirement. The bill amends both national and State-based energy laws and regulations as they apply in New South Wales. In deregulating retail energy prices, New South Wales will satisfy its obligations under the Australian Energy Market Agreement, which was entered into by the former Labor Government in 2004.

The agreement, signed by the Commonwealth and all State and Territory governments, set the agenda for phasing out retail electricity and gas price regulation in markets where competition is found to be effective. So far New South Wales, Victoria, South Australia and the Australian Capital Territory have successfully deregulated retail electricity prices. The evidence is clear that a competitive market provides the best form of customer protection and the lowest prices for customers. Competitive markets give customers the power to change retailers if they are unhappy with the prices or level of service offered by their existing retailer. And electricity price deregulation has already delivered benefits to New South Wales customers. I commend the bill to the House.

Debate adjourned on motion by Mr Paul Lynch and set down as an order of the day for a

future day.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Bills

Mr ANTHONY ROBERTS (Lane Cove—Minister for Industry, Resources and Energy) [4.21 p.m.]:
I move:

That standing and sessional orders be suspended to permit the resumption of the adjourned debate on Wednesday 14 October 2015 and passage through all remaining stages at that or any subsequent sitting of the Electricity Supply Amendment (Energy Savings Scheme) Bill and the Energy Legislation Amendment (Retail Electricity and Gas Pricing) Bill.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 46

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

Noes, 35

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

Pairs

Mr Baird
Mr Grant
Mr Piccoli

Ms Burney
Mr Foley
Mr Minns

Question resolved in the affirmative.

Motion agreed to.

ELECTRICITY SUPPLY AMENDMENT (ENERGY SAVINGS SCHEME) BILL 2015

Bill introduced on motion by Mr Mark Speakman, read a first time and printed.

Second Reading

Mr MARK SPEAKMAN (Cronulla—Minister for the Environment, Minister for Heritage, and Assistant Minister for Planning) [4.30 p.m.]: I move:

That this bill be now read a second time.

As Australia's leader in energy efficiency, this Government is committed to driving down the cost of living, improving energy productivity and reducing environmental impacts from energy use. We have a genuinely ambitious energy savings target to assist households and businesses to save 16,000 gigawatt hours each year by 2020 above business as usual levels in 2010. This target is driving policy and programs that are making New South Wales number one in energy efficiency. Among other things, we have released a progressive Energy Efficiency Action Plan, an ambitious Government Resource Efficiency Policy and given \$61.5 million in new funds to energy inefficiency programs, including \$26.8 million to help low-income households become more energy efficient.

I am pleased to introduce the Electricity Supply Amendment (Energy Savings Scheme) Bill 2015 to enhance the New South Wales Energy Savings Scheme [ESS], further demonstrating this Government's strong commitment to energy efficiency for the people of New South Wales. Part 9 of the Electricity Supply Act establishes the Energy Savings Scheme, the largest energy efficiency program in New South Wales. The ESS is a market-based mechanism. It sets legislated targets and provides financial incentives for households and businesses to save energy, but leaves it to the market to innovate and find the lowest-cost ways of delivering energy savings and meeting these targets. Since 2009 the ESS has helped to implement energy efficiency projects that will already save more than 12,000 gigawatt hours of electricity over the lives of the projects. These existing savings will deliver more than \$1.7 billion in bill savings to energy consumers by 2025.

The Department of Industry, and the Office of Environment and Heritage have conducted a broad review of the ESS, with extensive stakeholder consultation. The review was underpinned by robust economic analysis. In November 2014 the New South Wales Government announced its intention to strengthen the ESS and said that it would consult on further enhancements in April 2015. The Minister for Industry, Resources and Energy and I jointly released an ESS Review Report package for public consultation on 21 April. The consultation sought stakeholder feedback to inform the statutory review of the Energy Savings Scheme required under the Electricity Supply Act 1995 and to refine options on enhancements to the scheme following the Government's announcements in November 2014, including expanding the scheme to recognise gas efficiency measures.

In November 2014 the New South Wales Government announced its intention to reform the Energy Savings Scheme and released the ESS Review Information Paper outlining those reforms. This bill will implement the key recommendations from that review and create more opportunities for households and businesses to save energy and reduce the cost of their energy bills. When the now Opposition introduced the bill to establish the ESS in 2009, the Coalition did not oppose it. In fact, we asked why the scheme only included electricity savings and did not include gas as well. Now we are delivering on our long interest in gas efficiency. This bill will enhance the ESS in key areas, including extending it to 2025 and increasing the energy savings target. The bill expands the ESS to facilitate gas saving activities, addressing a significant opportunity not taken up in 2009 by the now Opposition. It will mean that more households and businesses will be investing in energy efficiency, saving money and creating new green jobs in the energy efficiency sector.

The bill will extend the automatic termination of the ESS by five years from 2020 to 2025. Making energy efficiency part of everyday life and everyday business in New South Wales requires transformation of the energy efficiency services market. That can only happen over the long term. Extending the ESS to 2025 will encourage the energy efficiency industry to invest in long-term and sustainable business models and will help to avoid the need for costly energy infrastructure in the medium term. There are opportunities to implement cost-effective energy efficiency projects in New South Wales beyond 2020. Extending the ESS to 2025 will help to make sure that those opportunities can be realised.

The bill will expand the ESS to provide incentives to save gas as well as electricity. Gas is a vital source of energy for many households and businesses. Including gas in the ESS will drive the efficient use of gas in New South Wales and help households and businesses to save on their gas bills. That is particularly important at a time when gas prices are rising and placing increasing pressure on households and businesses. Victoria, South Australia and the Australian Capital Territory include gas in their energy efficiency schemes, as do similar schemes in the United States and Europe.

Accredited certificate providers will be able to create energy savings certificates when they implement energy savings activities that reduce gas consumption. Accredited certificate providers will be also able to create certificates when they implement activities that provide a net energy saving by replacing gas consumption with electricity consumption and vice versa. The changes to the ESS will introduce two separate conversion factors to allow for energy savings activities that involve gas, electricity or both. This will provide a clear system for rewarding both gas and electricity savings on an equivalent basis. The New South Wales Government supports having a single target on electricity, with equivalent value gas certificates being able to be counted to that electricity target. This is simpler administratively than having separate targets for gas and electricity and will drive the most cost-efficient measures between gas and electricity.

This bill will increase the energy savings targets to deliver more energy savings and greater reductions in energy bills. ESS targets will increase from 5 per cent in 2015 to 7 percent in 2016, 7.5 per cent in 2017, 8 per cent in 2018 and 8.5 per cent in 2019. This gradual approach to increasing the energy savings targets provides certainty to the energy efficiency industry in New South Wales and will facilitate its sustainable growth. The new targets will significantly increase the amount of energy saved by households and businesses, and will deliver net economic benefits to New South Wales by avoiding costly electricity generation and gas supply, deferring investment in electricity networks, and reducing carbon emissions and air pollution. The increase in targets will also make a significant contribution to meeting the New South Wales energy savings target of 16,000 gigawatt hours each year by 2020.

In addition, we will avoid upward pressure on energy bills due to the increase in targets by using savings in the Climate Change Fund. We will also revise the ESS rule to fairly reward energy savings in regional New South Wales. Saving energy is important for these customers, who typically pay more for energy than those in metropolitan areas and face larger costs for energy efficiency products and services.

More energy is lost in the long transmission and distribution networks that deliver electricity to households and businesses in regional New South Wales. To fairly reward the greater value of energy savings activities in regional areas we will introduce a regional network factor. This factor will multiply the number of energy savings certificates created for energy efficiency activities undertaken within the Essential Energy regional network area by 3 per cent.

The bill will facilitate the New South Wales ESS linking with other State-based energy efficiency schemes, which New South Wales has long supported. The NSW Energy Efficiency Action Plan puts forward our vision to harmonise energy efficiency schemes with other States and Territories to build the market for energy efficiency. Currently, if the Minister approves a corresponding interstate scheme under the Electricity Supply Act 1995 there is nothing preventing energy savings made outside New South Wales from being used to meet participants' New South Wales targets.

The New South Wales Government prefers enabling a staged approach to the harmonisation of corresponding schemes. This bill allows us to approve a corresponding interstate scheme, without interstate certificates being used to meet the New South Wales target, to harmonise schemes across the States and Territories. This will allow an eventual second stage for a seamless national market in energy efficiency by allowing interstate trading. It will reduce red tape while enabling a staged approach to harmonisation and opening the door for New South Wales businesses to expand their operations interstate.

[Quorum called for.]

[The bells having been rung and a quorum having formed, business resumed.]

One of the problems identified in the review was that the scheme was somewhat inflexible when responding to changing market conditions. The two principled triggers are a sustained undersupply of energy savings certificates, as evidenced by scheme participants being required to pay a substantial energy savings shortfall penalty for two or more consecutive years, or a sustained oversupply of energy savings certificates, as evidenced by the total number of certificates created substantially exceeding the total number of certificates required to meet all individual energy savings targets for two or more consecutive years.

These are qualitative triggers, which create uncertainty in the market due to their lack of clarity on triggers for changing targets. This is a problem for a market-based scheme, and is clarified by the regulatory changes that allow quantitative targets. The bill allows for regulations to prescribe conditions under which energy savings targets and base penalty rates may be changed based on an undersupply or an oversupply of certificates. By clarifying how and when changes may occur, the ESS will be more responsive to market conditions. The bill will also require the scheme regulator to report each year on the extent of any oversupply or undersupply of certificates, as well as provide advice on the request of the Minister.

The bill will enhance and modernise the scheme administrator's enforcement powers. To date there have been relatively few material instances of noncompliance under the ESS. For example, in its role as scheme administrator for the ESS, the Independent Pricing and Regulatory Tribunal [IPART] has managed compliance by negotiating voluntary remedies with accredited certificate providers. But these negotiations can be protracted and costly in terms of staff resources and the cost of court action. The large and often disproportionate criminal penalties may lead to delay in enforcing compliance with the full powers available. As the scheme expands in size and complexity, the risk of noncompliance may also increase.

The proposed changes will provide the scheme administrator and scheme regulator with a greater range of compliance powers. The bill will give the scheme administrator the power to order an accredited certificate provider to surrender certificates if the scheme administrator is satisfied on the balance of

probabilities, on the basis of an audit or information obtained, that the accredited certificate provider has improperly created certificates or contravened their accreditation conditions.

Currently, the Act requires the scheme administrator to take court action and the accredited certificate provider to be found guilty of an offence before the scheme administrator can require the provider to surrender certificates. The Act already provides an avenue to appeal these decisions. These reforms will maintain due process and the right of appeal. The bill also introduces the concept of an enforcement officer to issue penalty notices, if so prescribed in future regulations. This will make enforcement under the Act much more efficient and avoid disproportionate responses to minor breaches.

In addition to the major changes I have already mentioned, the bill will make a number of minor amendments to improve the administration of the ESS. Orders to exempt emissions-intensive and trade-exposed industries will be able to take immediate effect. This will streamline the process for changes to exemptions, avoiding what can be up to a 13-month delay until an emissions-intensive, trade-exposed site would receive an exemption. Under the bill, the purchase of a megawatt hour of electricity by scheme participants will only be captured once as a liable acquisition. The current drafting of the Act can create circumstances in which purchases of electricity can accidentally be counted twice as a liable acquisition. This is a simple housekeeping measure that will reduce the administrative burden for the scheme regulator and scheme participants.

ESS certificate registration fees have remained at the same level since the scheme was established in 2009, while penalty rates are adjusted over time in line with the consumer price index. The bill provides that certificate registration fees may be adjusted over time for movements in the consumer price index, in accordance with the regulations, to help the Government to cover the costs of administering the scheme from the businesses that benefit. The bill will also clarify that a certificate created before these amendments come into effect will still be recognised as a certificate under the ESS, even though certificate conversion factors will be changing to include gas savings in the scheme. This will provide continuity and stability for stakeholders active in the ESS.

In summary, these reforms to the ESS, including expanding the scheme to facilitate gas saving activities, increasing the scheme targets, and extending the scheme to 2025, are a sign of this Government's genuine commitment to energy efficiency. These reforms will deliver an additional \$8.2 billion in much-needed energy bill savings for New South Wales households and businesses over the next 25 years. The enhancements to the ESS are clear proof that this Government can strengthen our economy while delivering environmental benefits. These reforms will deliver an additional \$853 million net benefit to our State by avoiding costly electricity generation and gas supply and deferring investment in electricity networks, while protecting the environment by reducing carbon emissions and air pollution.

This bill before the House provides for amendments to the Electricity Supply Act 1995 that can provide households and businesses in New South Wales with billions of dollars in much-needed relief through energy bill savings. Expanding the scheme to facilitate gas-saving activities will help to alleviate energy bill pressures on households and businesses. Including gas in the scheme would generate gas savings of 5.2 petajoules in 2020, delivering an additional \$1.6 billion in gas bill savings for households and businesses over the next 25 years. Increasing scheme targets to 7 per cent in 2016 and up to 8.5 per cent from 2019 will help us to deliver these bill savings and unlock this economic benefit, as will extending the scheme until 2025.

All these changes will enhance the ESS so that it continues to deliver economic benefits and unlock new energy efficiency opportunities for households and businesses across New South Wales. More than 3,000 people are employed in this industry across Australia with the help of initiatives like the ESS. Importantly, these reforms will also help the New South Wales energy efficiency industry to grow sustainably. These reforms are crucial in preparing our economy for the challenges of the twenty-first century. These reforms will drive innovation and improvements in energy productivity in households and businesses across the State. I am impressed by how our State's ambition in energy efficiency has seen

the private sector, families and communities step up and raise their ambitions on sustainability. The ESS is a key driver of new sustainable jobs, and is helping all parts of the community save energy and save on bills. I commend the bill to the House.

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

**LOCAL GOVERNMENT AMENDMENT (COUNCILLOR MISCONDUCT AND POOR PERFORMANCE)
BILL 2015**

Second Reading

Debate resumed from 16 September 2015.

Mr GUY ZANGARI (Fairfield) [4.50 p.m.]: I contribute to debate on the Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015 on behalf of the New South Wales Labor Opposition as the representative of the shadow Minister for Local Government, the Hon. Peter Primrose, in the other place. The object of the bill is to amend the Local Government Act to address misconduct, poor performance and council maladministration by streamlining processes, improving effectiveness and providing additional powers to both the Minister and the chief executive of the Office of Local Government. I take this opportunity to congratulate Minister Toole on delivering yet another shambolic piece of legislation in this place. Well done. This poor, confused and messy piece of legislation has the right kind of idea in some sections. The problem is that this little idea starts to pedal as fast as it can but it then stops dead in its tracks and falls off the bike.

Members will agree that the introduction of a well-planned and sensible approach to putting an end to councillor misconduct and poor performance has merit, but it should be done correctly. The Government cannot say it is tackling the problem and claiming this legislation is the solution to everything, whilst only delivering a half-baked approach that does not do enough to tackle the problems we are facing. Given the magnitude of the changes being enacted in this bill several of the proposed amendments are worth noting. Schedule 1 [25] amends the definition of "misconduct" in section 440F to include:

- (e) an act or omission of the councillor intended by the councillor to prevent the proper or effective functioning of the council or a committee of the council.

That sounds as though it will help to ensure that councillors toe the line and do the right thing, but the definition is far too broad. In fact, it may result in councillors being penalised simply for doing the right thing—for example, in a minority council where a councillor may be attempting to block the votes on a proposal that is being rammed through. Indeed, a councillor may take such a step when a proposal is considered detrimental toward the community. Should councillors take such action they could be penalised and subsequently investigated for doing their job and what was right for their community.

The primary role of a councillor in local government is to be the voice and representative of his or her local community. The object of the bill is to take action against councillors who are doing the wrong thing or who are doing absolutely nothing for the community they are elected to serve. This legislation should not simply be about penalising and scrutinising councillors for doing their job in representing their community. New section 440F (1) (e) may not only unfairly penalise councillors but also mandate loopholes that could be abused in order for individuals to get their own way. Why would one push to create such an enormous problem when the opportunity to get it right the first time has been presented?

Schedule 1 [27] amends section 440H to omit the word "relevant" when bestowing the departmental chief executive with the ability to investigate or seek a report on the misconduct of a councillor. The omission of the word "relevant" will open a can of worms and grant the chief executive a

substantial amount of power. As a result of this change, the chief executive may require any person to provide information or produce documents relating to misconduct of a councillor—except in the case where privilege exists. In the current Act, this power only applies to "relevant persons" defined as councillors, council staff, a delegate of a council or an administrator—another case where we really need to be clear about this issue. This amendment will require local community groups, political parties and others to produce documents or be considered guilty of an offence under section 661 and carries a maximum of 20 penalty units. This change makes no sense.

The bill proposes to amend section 440L, which gives a councillor the right to appeal a decision in the Civil and Administrative Tribunal as to reprimands and counselling. No justification for this has been provided. It removes a vital provision to ensure that any such actions taken against a councillor are fair and justified. I cannot fathom a system where elected representatives have no right to appeal a decision made and have their matter heard before an independent body. Giving someone the power to be the judge, jury and executioner is not the democratic system we abide by in this country. Local Government NSW strongly opposes the amendment. Indeed, it describes the running of this rodeo as something akin to a bull in a china shop.

Ambiguity exists in many of the proposed amendments in the bill and will leave large sections open to interpretation. Should these amendments be enacted there will be widespread misuse and abuse in the system. The proposed amendments were intended to strengthen the regulations and to curb cowboy-like behaviour that may affect councils in New South Wales; they simply muddy the waters and introduce a range of loopholes and punishments that completely contradict the essence of this bill. It would be great if further amendments were made to tighten the bolts and enact sensible change.

This bill is all the Government has to offer—another slapdash attempt to fix one problem whilst creating a dozen more in the process. It does contain a number of amendments that will result in sensible changes to the legislation but much more needs to be done. In its current form the mischievous behaviour the bill intended to rectify will not be stamped out; interestingly, it has raised a few new avenues for these mischief makers to explore. One can only hope that these fresh problems will be tackled in future renditions of Minister Toole's escapades—otherwise known as "cracking local government". It has truly been a remarkable adventure so far and I cannot wait to see what the future holds in store for us. The New South Wales Labor Opposition does not oppose the bill.

Mr GEOFF PROVEST (Tweed) [4.57 p.m.]: I make a contribution to debate on the Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015 and state at the outset that I have a totally different view to that of the member for Fairfield. This bill is a good working document. In 2012 this Government introduced reforms to provide a more effective regulative framework for prescribing the ethical and behavioural standards expected of individual council officers and officials. In 2013 the Government sought to address the poor performance of councils by enacting an early intervention framework to allow a more rapid response to poorly performing councils in order to drive improvement.

The early intervention framework introduced new powers to issue performance improvement orders. These powers required actions by councils and individual councillors to improve their performance and new powers to allow for a councillor to be suspended for up to three months, with the possible extension of a further three months if required. This bill proposes a number of amendments to the Local Government Act 1993 to more effectively deter and address misconduct by councillors. It provides for the automatic disqualification of a councillor from holding civic office for a period of five years after a third suspension for misconduct. It expands the definition of "misconduct" in the Act to include conduct that is intended to prevent the proper or effective functioning of a council through the disruption of council and committee meetings.

The bill streamlines the process for dealing with misconduct by councillors to ensure faster but fair outcomes. It removes the requirement for notice to be given of a motion at a council meeting to

formally censure a councillor, in recognition that councils may now only do so on the recommendation of an independent investigator, following a formal investigation process. The bill provides that prior to taking disciplinary action against a councillor, the chief executive must give the councillor at least 14 days notice of his or her intention to do so, including the disciplinary action that is proposed to be taken and the grounds upon which it is to be taken, and consider any submissions made by the councillor in relation to the notice.

Tweed Shire Council services Murwillumbah and other areas of the Tweed. I applaud council officers for the great job they do. However, some councillors are involved in matters that are about to go to court. There are apprehended violence orders pending. One councillor has allegedly assaulted another. That is deplorable behaviour. Ratepayers are the losers in that situation because it is they who fund legal challenges. When councillors are busy fighting each other they lose sight of their responsibility to provide services for the good people of the Tweed.

I support this bill and commend the Minister for Local Government. Action needs to be taken. Disagreements within councils need to be dealt with in a streamlined way so that ratepayers are protected. It is their money that is frittered away on legal proceedings. Tweed Shire Council has a history of dispute. In the past, councils have been sacked and administrators appointed. The councillors who are doing the right thing should be supported. But those councillors who deliberately go out of their way to do the wrong thing—and there are a number on that council—should be disciplined effectively and fairly. The current framework does not allow for that, which is why I support the amendments proposed by this bill.

The bill promotes community confidence in council planning decisions by amending the provision in the Act that allows councillors to participate in the consideration of changes to a planning instrument applying to the whole or a significant part of a council's area in which they have pecuniary interests. It does this by limiting its application to the interests councillors have in their principal place of residence and those of related persons, thereby preventing participation in consideration of such matters by councillors with other property interests.

The bill removes impediments to effective action in response to serious corrupt conduct. It provides that a former councillor may be disqualified from holding civic office for serious corrupt conduct. Where the Minister, on a recommendation by the Independent Commission Against Corruption [ICAC], suspends a councillor from civic office for serious corrupt conduct and the councillor brings legal proceedings to challenge the ICAC's recommendation, the suspension will continue until the proceedings are concluded, and for six months afterwards, to allow time to arrange for his or her dismissal and disqualification, should this be warranted. This bill maximise the effectiveness of performance improvement orders issued by the Minister to a council by reducing from 21 to seven days the minimum consultation period for a notice of intention to issue a performance improvement order.

A council may be required to provide more than one report on its compliance with a performance improvement order, allowing the Minister to vary the terms of an order, on giving seven days notice, and allowing other intervention action while the order is in force. The bill acts to deter non-compliance by individual councillors with a requirement under a performance improvement order by empowering the Minister, where he or she is satisfied that a councillor has failed to comply with such a requirement, to effectively suspend the councillor until he or she has complied with the requirement or for a period of up to three months, with a possible extension of a further three months. It allows the Minister to request the chief executive to refer non-compliance to the NSW Civil and Administrative Tribunal for disciplinary action.

This bill will more effectively address council maladministration by reducing the time that a council has to respond to recommendations made by the chief executive arising from the investigation of a council. Currently a council has 40 days to respond when the chief executive makes recommendations. This will be reduced to a more reasonable 28 days. This bill is an important step forward. Mr Deputy-Speaker George, you and I hold similar views about the Tweed Shire Council. We are dismayed

at the issues it faces. A small number of councillors are not working in the best interests of the ratepayers. There has been alleged criminal activity and charges have been laid. Those matters will go to court and be dealt with properly and efficiently. This bill gives the Minister the power to ensure that ratepayers' money is not wasted. I commend the amendment bill to the House.

The DEPUTY-SPEAKER (Mr Thomas George): The member for Tweed made some comments about Tweed Shire Council. I wholeheartedly support him, but that is in no way a reflection on the workings of the council itself. General Manager Troy Green and his staff are doing a magnificent job.

Dr HUGH McDERMOTT (Prospect) [5.06 p.m.]: I speak in debate on the Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015. An effective and independent system of local government is essential to the functioning of government in New South Wales. Local government should reflect the concerns of local neighbourhoods to the best of its ability, promote social cohesion and provide bespoke local services. The community is well aware of, and concerned about, the unique vulnerability to external forces, corruption and budget pressures that local government faces. But I have deep concerns about this bill. It gives the Minister and the appointed chief executive of the Office of Local Government more power over local government by introducing a series of bureaucratic hurdles, and more red and beige tape. Although introduced in good faith, if this bill were to pass unaltered there would be few checks and balances on the power of the Minister over local government.

The Opposition does not oppose this bill in its entirety; however, a number of provisions allow the Minister to bully democratically elected councils. Should the Minister not be pleased with the outcome of his demands, he would have the power to ban councillors' right of appeal to the NSW Civil and Administrative Tribunal. I trust that the Minister has good intentions, but there must be an understanding that these powers would be enforceable over democratically elected representatives. Handing a red card to councillors for broadly defined misconduct—at the whim of one of Her Majesty's Ministers or a bureaucrat appointed by the Minister—is against the wishes of the people of New South Wales. In other words, it is a threat to the separation of powers that underpins our social democracy.

Schedule 1 [25] is also questionable. Under this bill, simply leaving a council meeting, introducing a rescission motion or submitting a "large number of questions on notice" could be grounds for disciplinary action. How could a councillor ask too many questions? Asking questions is vital to establishing facts and showing a transparent government process. How can an elected councillor, a representative of the local community, ask too many questions? There are multiple problems with this amendment. Normal meeting procedure could be defined as "misconduct" and there is ambiguity regarding how "intending to prevent the proper or effective functioning of council" could be proven.

No court or tribunal is involved in determining this definition. As the member for Fairfield said, the Minister or the chief executive serves as the judge, jury and executioner. Furthermore, amending section 440H to expand powers for "any person" to provide documents gives too much power to the chief executive. It is unclear who may have to provide documents under threat of a \$2,200 fine. Would it be local community groups or political parties or the person who is active in their local community group? The purpose of this new section is unclear and it needs to be refined. Labor's plan for local government is better than what the Government has offered. The Leader of the Opposition has offered a three-point plan to reduce the potential for councillor misconduct by banning developers from becoming councillors, introducing donation caps and having popularly elected mayors.

If the Baird Government were serious about local government reform it would adopt Labor's plan to reduce the potential for corruption in local government and it would encourage a greater level of professionalism from local councils by supporting popularly elected mayors. If the Baird Government were serious it would not put local government in the too-hard basket and offer blanket solutions such as increased ministerial power and forced council amalgamations. If the Baird Government were really serious it would repeal former Premier O'Farrell's amendments to the Local Government Act that dilute conflict of interest provisions. The Opposition believes that section 451 of the Act needs to be amended

so that a "special disclosure" is not enough for councillors when voting on council-wide matters. A conflict of interest, especially for property developers, should mean no vote allowed.

Local government is important to the people of Prospect. In the east, the residents of Holroyd are deeply concerned about the future of their local services if Holroyd City Council is disintegrated and forcibly amalgamated by the Baird Government. Ironically, a recent mayoral election meeting had to be postponed because the Liberal councillors did not bother to attend. Such an occurrence would not happen under Labor's plan as the mayor would be popularly elected for four years. One can only speculate whether the Liberal Minister would red card a Liberal councillor for not attending an important meeting. In the south, similar fears about local services linger. Fairfield City Council already has a popularly elected mayor, which I believe has provided stability within that council.

In the north, Blacktown City Council faces its own raft of problems. A two-time Liberal candidate for mayor was recently evicted from a council meeting for shouting abuse at a former Liberal councillor, calling her "Judas". Would that kind of conduct attract a red card from the Minister, even if it meant upsetting the balance of power in the State's most populous local government area and the Diaz family's Liberal Party dynasty? It is evident that important local government issues need to be resolved. I recognise that the Minister for Local Government is taking action to address some of those problems, but this legislation has deficiencies that need to be ironed out in Committee. More importantly, reform of local government is needed and the State Government should take the path of promoting a higher standard of local representative rather than spreading fear. I support the passage of the bill through this House, with the recommendation that it be amended at the consideration in detail stage.

Ms KATRINA HODGKINSON (Cootamundra—Parliamentary Secretary) [5.13 p.m.]: I speak in support of the measures proposed in the Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015 for addressing repeated councillor misconduct and disruptive behaviours. Many in this Chamber will recognise that while the vast majority of councillors put in long hours serving their communities selflessly, there are a recalcitrant few who make it their business to obstruct and disrupt the effective functioning of their councils and who, by their actions, bring all councillors and the local government sector as a whole into disrepute. This is an important part of the bill because misconduct causes embarrassment to ratepayers who want to get good value for money from their rates and who want to respect their councillors but are unable to do so.

A lot of work has been done already to address these behavioural issues. In 2012, following an extensive review, the Government legislated a more robust regulatory framework for prescribing the ethical and behavioural standards expected of individual council officials and the enforcement of compliance with those standards. This constituted a Model Code of Conduct for Local Councils in NSW, which prescribes the ethical standards that councillors are required to comply with; procedures for the administration of the Model Code of Conduct for Local Councils in NSW, which prescribes clear rules to ensure that breaches of these standards by councillors are dealt with in a manner that is robust, fair and at arm's length from council; and amendments to the Local Government Act 1993 to confer on the Office of Local Government and the NSW Civil and Administrative Tribunal [NCAT] greater scope and flexibility for dealing with councillor misconduct, including the capacity to impose tougher penalties.

Despite these reforms, a small minority of councillors continue to act in defiance of the behavioural standards expected of them and the penalties that apply to such breaches. I was astounded to hear that one councillor has been suspended on six separate occasions for misconduct. It is apparent, therefore, that the existing penalties—which include suspension for up to six months and disqualification for up to five years—are not, on their own, an effective deterrent to such conduct. If a member of Parliament were suspended six times for misconduct in this place it would not reflect very well on members of this Chamber. We know that we must uphold the very highest values in this place and serve our communities respectfully and appropriately. If local councillors are not doing that action needs to be taken on behalf of the ratepayers, who expect better behaviour from the councillors they have elected.

In my capacity as Parliamentary Secretary for Southern NSW, I have observed councils across the length and breadth of southern New South Wales and, for the most part, there is respect for them. There are obviously differences within council—different political opinions, good, solid arguments and very vocal arguments sometimes—and one can read in newspapers how different opinions are directed at opponents. There is nothing wrong with that; it is part of the system. But I have also observed appalling conduct by a particular council, Wingecarribee Shire Council. It might make for a juicy newspaper article but I am told by my colleagues that there are worse councils out there, particularly in metropolitan areas. So this legislation is clearly needed.

It is particularly concerning when misbehaviour impacts on the performance of an entire council, preventing it from serving its community effectively. Reforms introduced by the Government in 2013 conferred on the Minister for Local Government the power to address dysfunction and poor performance in councils by issuing performance improvement orders against poorly performing or dysfunctional councils, and requiring councils and individual councillors to take action to improve their performance. One option available to the Minister when a council fails to comply with an order is to suspend the council. This is a blunt instrument because it applies equally to all councillors, irrespective of whether they complied with the order. It can also act as an incentive to councillors who are intent on disrupting a council not to comply with the order and so engineer the council's suspension.

I am pleased the bill contains measures that I believe will offer an effective deterrent to this type of repeated and disruptive behaviour. Firstly, councillors who are suspended on three or more occasions for misconduct will be automatically disqualified from holding civic office for five years—effectively, two terms of a council. Secondly, the proposed amendments will allow disciplinary action to be taken against councillors by the Chief Executive of the Office of Local Government or NCAT for conduct that is calculated to disrupt council or committee meetings.

Thirdly, in cases where a performance improvement order has been issued against a councillor and individual councillors fail to take the required steps under the order to rectify their performance, the Minister will be allowed to, effectively, suspend those councillors from exercising their functions as councillors until such time as they have taken those steps and, where they fail to do so, for up to six months. As I mentioned earlier, the overwhelming majority of councillors serve their local communities diligently. Regrettably, the actions of a few tarnish the reputations of all councillors and undo the good work they do. For this reason, I believe these measures will be welcomed by the overwhelming majority of councillors. I commend the bill to the House.

Ms JODI McKAY (Strathfield) [5.20 p.m.]: I speak in debate on the Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015. I note that the Minister for Local Government is in the Chamber. I thank him for his attendance today because this is an important issue that many of us feel strongly about. Sometimes councils do not do the right thing. As has been foreshadowed, Labor will not oppose the bill. Sensible amendments will be moved in the other place that I urge the Government to accept. Essentially, the bill is designed to fix the mess made by the Liberal Party in 2012.

We opposed the changes that are now in question but the Government went ahead and allowed councillors to be involved in decisions where there is a direct benefit to them. It is extraordinary that councillors who have vested interests in decisions are able to vote on planning instruments that will benefit those interests. These are the very instruments that provide enormous uplift in the value or otherwise of precincts within a local government area, including the development of local environmental plans [LEPs]. Councillors are privy to information that sometimes goes beyond what is provided to the community.

While this bill goes some way to rectifying the situation, I believe it does not go far enough. For instance, the bill applies only to a councillor's principal place of residence. Councillors are privy to such important information about the growth and progress of an area that they know, often before anyone else,

the areas that are targeted for development or for a change in rezoning with, for example, a local environmental plan. This information is valuable to those who would seek to speculate on development. This is particularly relevant in the inner west, where we are experiencing enormous population growth and projects that will lead to significant development opportunities. Developers are speculating on property, particularly relating to the Parramatta Road renewal plan. I offer that as a hypothetical situation, but it is relevant to the discussion today.

The Parramatta Road renewal plan provides up to 40,000 units from Granville to Camperdown and involves eight local government areas. All those local government areas have been involved in discussions about the plan and the rezoning that UrbanGrowth—the Government's property development arm—wants to undertake. I am not suggesting in any way that any councillor involved in those discussions has done anything wrong at this point. But I will say that some of the councillors who are property developers have been privy to information that would benefit them and their interests. In August the Leader of the Opposition proposed a way forward that is strongly supported by the community. I can say that because of the situation I have identified in the inner west, where population growth is prompting significant development. It is a subject that has been discussed a lot within the community that I represent.

The Leader of the Opposition proposed—and it is the way we wish this bill was headed—that developers and real estate agents be banned from holding office in local and State government levels. I do not think anyone in this place would stand against that because it makes sense. However, it is disappointing that it is not included in the bill. I believe that, while it is important at a State government level, it is critical at a local government level. In this place there are mechanisms that go some way to ensuring transparency and disclosure while also minimising the potential for conflict of interest. Those mechanisms are much weaker at a local government level, as we have seen in recent times. I am disappointed, as are others on this side of the House, that the proposal by the Leader of the Opposition has not been included in this bill, or indeed considered by the Minister.

The Minister is in the Chamber and I urge him to consider banning property developers and real estate agents from serving as local councillors. I think it is a smart step that would be supported by the community. If it were introduced there would be no requirement for the bill to address the other issue that I spoke about. It is an overarching response that is important. Instead, the Minister—and I say this because he is in the House—is focused on amalgamating councils. On the weekend there was an anti-council amalgamation—

Mr Gareth Ward: Two words: Canada Bay.

Ms JODI McKAY: I think the Minister is in the Chamber because he wants to speak about Strathfield council, not Canada Bay.

Mr Gareth Ward: Section 430.

Ms JODI McKAY: I appreciate the involvement of the member for Kiama in this issue.

TEMPORARY SPEAKER (Mr Lee Evans): Order! The member for Kiama will take his medication.

Ms JODI McKAY: I note that Mr Temporary Speaker said that, not me. What I will say is that it is great that the member for Kiama is interested in the inner west. In the inner west we have had local government issues and councillors and council staff who have done the wrong thing. A number of matters have ended up before the Independent Commission Against Corruption [ICAC]. That is why matters involving developers, population growth and development and councillors all come together, and unless we deal with that particular issue, as the Leader of the Opposition is proposing, we will not resolve a significant concern in my area. I return briefly to council amalgamations. That is the only policy that this

Government has put forward: We make councils smaller, we take away local opposing voices and then we allow our developer friends to be councillors. It is a good deal for some. The Leader of the Opposition is showing leadership on that issue.

I mention one other issue that I know will interest the member for Kiama. Labor has urged the Government to place a cap on political donations and campaign spending during council elections. The member for Kiama does the right thing, and I know he feels strongly about this issue. The proper mechanisms have been put in place at a State level, but not at a local government level. If the Government is introducing a bill that purports to deal with council misconduct then surely it must examine the roots of that misconduct, including political donations. We urge the Government to put a cap on political donations and campaign spending during council elections. I think that State-level caps could serve as a starting point for re-examining the caps on ward level expenditure. Again, this action is supported by the community—and I do not think anyone in this place would argue otherwise.

In this State we have embarked on a long but necessary journey to clean up politics. There has been progress at the State level but not at the local government level. The Opposition has put forward those two sensible proposals that are strongly supported but are not in the bill. The bill is largely bureaucratic legislation dealing with matters that will not impact significantly on the conduct or misconduct of councillors in New South Wales. As the shadow Minister said, Labor will not oppose the bill. The shadow Minister also referred to our concerns with the bill, and I do not intend to go over them other than to foreshadow that amendments will be moved in the other place.

My contribution centres on two key issues that are missing from the bill. Councillor misconduct is real and the community is sick of it. It is disappointing that it has taken an over-the-top wedding to bring this issue before the House. It should have been dealt with a long time ago. We raised the issue that is at the forefront of this bill in 2012 when we opposed what was being proposed. It has taken the extravagant wedding of the deputy mayor of Auburn and his involvement in local development to push the issue forward. The Minister referred to Strathfield council, and in my area there have been problems with councillor and council staff misconduct. That is why I am speaking in debate on this bill.

I believe there are real concerns, particularly in an area like mine, where there is strong development and money is being made from speculating on rezoning applications and local environmental plans and the involvement of developers and real estate agents who are councillors and thus privy to information that would benefit them. That is why this bill does not go far enough. The Opposition will not oppose the bill because, like the Government, we believe misconduct is a serious issue within councils across the State, including in my electorate.

Mr GARETH WARD (Kiama—Parliamentary Secretary) [5.30 p.m.]: As a councillor who served on Shoalhaven City Council for 8½ years, I am delighted to speak to the Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015 introduced by the Minister for Local Government. I will respond to a number of matters raised by the member for Fairfield, representing the shadow Minister. During the last term I chaired the Joint Standing Committee on Electoral Matters in this Parliament. The member for Strathfield mentioned capping political donations and campaign spending. All sides of politics have sought to place certain limitations on who can contribute. We sought to ban corporations and unions from contributing. I think ensuring that those sorts of donations bans were in place would have reduced considerably, or indeed eliminated, the donations-for-deals culture that existed. Unfortunately, the laws were challenged by the union movement in the 2014 Unions NSW case and the legislation was overturned, which I think is a great shame. One wonders what a person who is not on the electoral roll would have to gain from making a contribution.

I note that the member for Strathfield takes a deep interest in this matter. Of course, reference was made to the section 430 inquiry that has been tabled in this House. The Minister for Local Government, who is in the Chamber, understands local government not just as an outstanding Minister and great contributor to the local government space but also as a highly regarded former mayor of

Bathurst. I believe his father was also a former mayor of Bathurst so local government and supporting local communities runs deep in his DNA. I am pleased that we have a Minister for Local Government who understands how this topic has developed. I reflect that once upon a time there was no code of conduct for local government. In fact, if a problem needed to be resolved the Local Court was the avenue one had to go down. In 2005 the former Labor Government brought forward legislation to introduce a code of conduct. During that debate then Opposition members raised in this place their concerns about how codes of conduct could be used as a weapon.

There was very little control over the appointment process. Essentially, someone who controlled the council could appoint whoever they wanted to establish a kangaroo court and pass judgement on those they did not like. I was a minority party member on Shoalhaven City Council and faced many vexatious complaints that would never have been upheld under the current system. Many other councillors faced similar vexatious complaints, as the majority sought to repress the minority. I note that the member for Mount Druitt indicates that he was in exactly the same circumstance. Having experienced that type of treatment, I have always been reticent about codes of conduct but Parliament has, over several incarnations, tried to improve the situation. For instance, under the old model the mayor and the general manager served on the code of conduct committee. I am sure that general managers would be the last ones who would want to be on that committee, given that the council must determine their contracts. It is inherently political having the mayor also adjudicating on councillors' behaviour and conduct, and handing out penalties accordingly.

There have been a number moves away from that model and towards greater independence. Following consultation, the Minister for Local Government has introduced further amendments. The Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015 builds on previous reforms by this Minister and this Government. Indeed, in 2012 the Government legislated for reforms to provide a more effective regulatory framework for prescribing the ethical and behavioural standards expected of individual council officials and the enforcement of compliance with those standards. In 2013 the Government sought to address dysfunction and poor performance by councils by enacting early intervention frameworks to allow a more rapid response to poorly performing councils and to drive improvement. The early intervention framework introduced new powers to issue performance improvement orders. This power requires action by councils and individual councillors to improve their performance and new powers allowing for a council to be suspended for up to three months, with a possible extension of a further three months as required.

I have always been impressed by the way that previous local government Ministers—regardless of whether they were Liberal or Labor—dealt with councillor misconduct. All members want our councils to function well. We are all ratepayers or renters in our local electorates and, as such, we want to see ratepayer dollars used effectively and good local municipal services provided. On the whole, I think everyone would agree that the vast and overwhelming majority of councillors are there to serve their communities. They do not want to get involved in the type of tit-for-tat behaviour that we sometimes see that brings local government into disrepute. As with former members of this place, sometimes it requires only a few to damage the reputation of many.

The bill proposes a number of amendments to the Local Government Act 1993 to deter and address councillor misconduct more effectively. Suggested amendments include providing for the automatic disqualification of a councillor from holding civic office for a period of five years when they have been suspended for misconduct on a third occasion. Previously those decisions could be made by tribunals but now the Minister is seeking to mandate it in legislation. Under the new model, if a councillor is found to have engaged in the sort of conduct that requires suspension that is very serious. If a councillor has engaged in that sort of behaviour on five occasions clearly they are not the sort of person who should stand for local government and nor are they of sufficient character to put themselves forward for election. The bill seeks to expand the definition of "misconduct" in the Act to include conduct that is intended to prevent the proper and effective functioning of a council, such as through the disruption of council and committee meetings.

There are several types of disruptive behaviour. For instance, councillors might give a string of notices of motion or continue to disrupt meetings for no benefit other than either attention seeking or the disruption and dysfunctionality of councils. That is not good for ratepayers or for the community. The bill streamlines the process of dealing with councillor misconduct to ensure faster and fair outcomes by removing the requirement for notice to be given of a motion at a council meeting to formally censure a councillor in recognition that councils may now do so only on the recommendation of the independent investigator following a formal investigation. Previously a councillor could move those types of motions. Some codes of meeting practice disallowed those motions but this amendment clarifies that motions of censure can come forward only following the independent investigator's report.

The bill removes the mandatory requirement for the Chief Executive of the Office of Local Government to undertake an investigation as a prerequisite to taking disciplinary action for misconduct where the conduct has been investigated previously under the council's code of conduct and for minor misconduct that requires only a reprimand or counselling, and removes rights of appeal in relation to reprimanding and counselling. I note the comments of the member for Fairfield in relation to this matter. Obviously there is an opportunity in most cases for merit assessment but it is better to resolve those types of matters at a local level, given that we are talking about local government. The bill also provides that prior to taking disciplinary action against a councillor the chief executive is to give that councillor at least 14 days' notice of his or her intention to take disciplinary action, including disciplinary action that is proposed to be taken, and the grounds upon which the proposed disciplinary action is to be taken, and to consider any submissions that may be made by the councillor in relation to a notice. That is simply about procedural fairness and is a sensible administrative requirement.

The bill expands the class of persons whom the chief executive may direct to provide written information or a document for the purposes of investigating councillor misconduct to any person, but excluding privileged information or documents provided without the person's consent. The bill promotes community confidence in council planning decisions by amending the provisions in the Act that allow councillors to participate in the consideration of changes to a planning instrument applying to the whole or a significant part of a council's area they have pecuniary interests in by limiting its application to the interests councillors have in their, and related persons', principal places of residence, thereby preventing participation on consideration of such matters by councillors with other property interests.

This bill removes impediments to effective action in response to serious corrupt conduct by providing that a former councillor may be disqualified from holding civic office for serious corrupt conduct providing that the Minister, on a recommendation by the Independent Commission Against Corruption [ICAC], suspends a councillor from civic office for serious corrupt conduct and the councillor brings legal proceedings to challenge the ICAC's recommendation. The suspension will continue until the proceedings are concluded and for six months afterwards to allow time to arrange for their dismissal and disqualification should this be warranted.

There are several foreshadowed amendments to the bill. I note that the Opposition will not oppose the bill but it has not brought its amendments to this Chamber, which is odd. However, I accept that it has foreshadowed it will move amendments; I do not know why Opposition members do not want to debate them in this Chamber—perhaps they are afraid. I would be afraid if I were them because this is the best Minister for Local Government this State has ever had. He is doing an outstanding job and this is another great example of his leadership in the local government space.

Ms KATE WASHINGTON (Port Stephens) [5.39 p.m.]: I make a contribution to debate on the Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015. Councillor misconduct and poor performance go to the heart of many issues that my community is facing, so I am pleased to support any attempt to make our laws governing such activities more robust. Let me explain. In Port Stephens there is a dire need for greater protections for residents and the environment in which we live in the face of longstanding, systemic and endemic relationships between elected councillors and

developers. Those relationships have torn families apart through the impact of decisions made by council whereby developer and business interests have been placed before those of the community time and again.

Since I was elected to represent the people of Port Stephens in this place people have come to me through a revolving door to describe their experiences with Port Stephens Council. The complaints range from those of residents who have lost their home fighting council in an effort to ensure that proper process is followed to those from council staff who fear raising their voice against the status quo. I have also heard complaints from community groups that have formed in opposition to council plans to sell off large tracts of public land, that are railing against a sand mine proceeding on council-owned land and that are questioning the dubious tendering process that led to council awarding a tender for a sand mine to a Buildev and Nathan Tinkler related company at a time when no-one in their right mind was entering into any business dealings with them.

One such person who came to see me was a representative of a local pony club. The woman represents the club on the grounds committee, which looks after the equestrian park used by her club members and other pony clubs. She described arriving at the equestrian park recently to find mountains of dirt dumped on the grounds. Despite being on both the pony club and the grounds committees, she knew nothing about the piles of dirt. Shortly after they appeared one of her committee members was approached by someone who said that they worked for council. He indicated that he knew where the dirt had come from and said that it was contaminated, and likely to be acid sulphate soil. The pony club members then sought answers. What was the dirt for, where was it from, and was it contaminated?

Answers to some of those questions were provided in an exposé on Port Stephens Council titled "The sand mining mayor who loves a deal", which aired recently on Radio National. On the program the mayor confirmed that he had council deliver the dirt to the site. He confirmed that he had decided to build a BMX park on the site. The council confirmed that there was no development application [DA] for a BMX park, and council stated that the soil was not contaminated. However, because council did not provide any certification for the quality of the dirt the pony club members obtained their own soil testing. They were concerned because kids were climbing on it, and their horses drank ground and bore water on the site.

Independent soil testing was undertaken by Southern Cross University and the results have returned positive. The dumped piles of dirt—approximately 2,000 tonnes—are acid sulphate soil. With no DA, no assessment of risks to horse park users and contaminated dirt the mayor is fixed on building a BMX park on the site in spite of the wishes of the park users and despite the complete absence of any process having been followed. Initially—and this is not uncommon amongst people speaking with me—the pony club representative did not want to be identified for fear of retribution to the members of her club.

In today's *Newcastle Herald* is another story involving the same players. I was pleased to read in the article that the Minister for Local Government is concerned that the mayor of Port Stephens is reported to have used his position as the head of a council committee to benefit his private interests. I will elaborate a little so members can better understand why concern is warranted. The mayor of Port Stephens sits as the chair on the grounds committee of the equestrian park. The park is known as the Bruce MacKenzie Complex. During the recent *Background Briefing* program Ann Arnold from Radio National asked the mayor, "Did you approve section 94 council funds of \$100,000 to be given to the horse park?" The mayor's response was, "Totally and absolutely." Ann then asked, "Did you then supply the soil and bill the horse park for that soil?" The mayor's response was, "I think we provided a bit of sand." In fact, \$100,000 of council funds was allocated to the park. Under his own company, Macka's Sand and Soil, the mayor then billed the park \$5,000 for sand and \$26,000 for the grading work.

I am disappointed that the Minister's office is of the view that the general manager of council should examine the issues in the first instance. Whilst I am aware that a formal complaint has been made

today to the general manager, given the length of time that my community has had to put up with a lack of process, intimidation and abuse I am afraid no-one in my community has any faith left in council's processes. Let us look at another example of what could be described as—at best—councillor misconduct. Council sought tenders for a sand mine operation. The mayor's company submitted a tender.

The day before councillors were to vote on the tender the mayor's company withdrew its tender. A five-person panel representing council had undertaken the tender evaluation and unanimously recommended Collins Sands. In the Radio National interview the mayor said, "I knew the tenders." Ann Arnold asked, "You knew the recommendation?" The mayor's response was, "Of course, but we weren't the preferred tender, but I didn't want Collins to get it either." The mayor led his voting on council to reject all tenders and introduced another tender, Castle Quarry Products—a Buildex and Tinkler related company. Castle Quarry Products was ultimately awarded the tender despite it being—

Ms Melanie Gibbons: Point of order: The member has strayed a long way from the bill. I ask you to ask her to return to the leave of the bill.

TEMPORARY SPEAKER (Mr Lee Evans): Order! The member will return to the leave of the bill.

Ms KATE WASHINGTON: The points I am raising are directly related to the matters that the bill seeks to address. I will continue. I am of the view that the reform proposed by this Government does not go nearly far enough. Let me give yet another example as to why. The mayor of Port Stephens has a reliable voting bloc. How did that occur? In November 2012 the *Newcastle Herald* reported that Councillor MacKenzie had helped fund the campaigns of eight of his political rivals at the election, five of whom now sit alongside him as councillors. It also revealed that Councillor MacKenzie had links to 29 of the candidates registered at the poll—almost half of all candidates. The Herald reported that Mayor MacKenzie is "a self-confessed property developer" and the owner of the site of the Raymond Terrace Dan Murphy's liquor store. That makes him arguably a prohibited donor and yet no-one has been held to account. In addition to the mayor's complete disregard of the very laws—

Mr Gareth Ward: Point of order: I challenge the member for Port Stephens to take a few steps out of the door and say this.

Dr Hugh McDermott: What standing order is it? You are trying to waste the member's time.

Mr Gareth Ward: It is Standing Order 76. The member is smearing people, under parliamentary privilege, who cannot respond. I ask you to call her back to the leave of the bill, or I dare the member to take some steps outside and say it.

TEMPORARY SPEAKER (Mr Lee Evans): Order! I uphold the point of order. The member will return to the leave of the bill.

Ms KATE WASHINGTON: I ask the member for Kiama to listen to the Radio National program. In Port Stephens we are the living, breathing example of the need for reform in local government. However, it needs to be meaningful reform that will end the practices I have described today. When proper process is disregarded and the community's interests are not the first priority, authorities need to have the power to act. Meaningful reform would cap spending during local government elections and it would prohibit property developers from nominating as councillors. Such reform could mean a very different outcome for my community. It would mean that many residents would not have to spend time fighting battles they should not have to fight. Residents are tired of having to spend so much time to ensure that proper process is followed. It is not right, nor is it fair.

In the absence of meaningful reform I again call on the Minister for Local Government to act, to place Port Stephens Council into administration and to stop the unashamed disregard for the law. I have said before in this place and I will say again that corruption is not just a theoretical concept or something

we read about in newspapers that brings politicians down; it hurts people and it hurts communities. It has been hurting the people of my community for too long. I do not oppose the bill, but I urge the Government to take its commitment to cleaning up local government further. On behalf of the residents of Port Stephens I urge the Government to prohibit property developers and real estate agents from nominating to be councillors in local government elections and to place spending caps on local government elections. If, like me, the Government wants honesty and integrity in local government and wants communities to have faith in council decisions I urge it to go further than the small improvements the bill gives effect to. I again call on the Minister for Local Government to use his authority to act in what is clearly an out-of-control situation in Port Stephens.

Ms MELANIE GIBBONS (Holsworthy) [5.48 p.m.]: I support the Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015 and thank the Minister for Local Government and his staff for their hard work on the bill. As a former deputy mayor and councillor for 8½ years at Sutherland Shire Council I welcome this bill that aims to provide a stronger sense of confidence in councils and assist in ensuring their decisions and actions meet the highest possible standards of integrity. This is the level of Government closest to the people. It deals with the issues that matter in their very own homes—the building of their own house, their roads, their rates, their local services and even their rubbish collection services.

As the Minister said earlier, we must ensure that we legislate robust ethical standards, as these will help the community to feel confident that their elected officials are focused on the public interest. Since our election in 2011, the New South Wales Liberal-Nationals Government has legislated to provide a more effective regulatory framework for prescribing ethical and behavioural standards and sought to address dysfunction and poor performance with an early intervention framework. Today we are building on these. We are focusing on serious and repeated councillor misconduct and finding ways to uphold the standards expected by the local community.

This bill will provide the tools to make sure that all councils and councillors will be more accountable and will provide the Office of Local Government and the Minister with greater powers of oversight and action. The main aim of this bill is to more effectively deter and act upon councillor misconduct and to stop prolonged speculation over councils and councillor conduct. The changes outlined in the bill provide for an automatic disqualification of a councillor, if they have been suspended for misconduct on a third occasion, from holding public office for a period of five years. That equates to two council terms where there will be no interference from the councillor. This will allow councils to get on with assisting their local residents.

To assist in the interpretation of misconduct, the Government has also updated the definition to include "conduct intended to prevent the proper or effective functioning of a council". These changes provide a clear deterrent to some of those in local Government who seek to prevent the works of good councils and the wonderful work they do for our communities. The Minister said earlier that "stronger penalties offer no deterrence where the means do not exist to support timely enforcement actions". So this bill seeks to ensure faster and fairer outcomes by streamlining the process for dealing with councillor misconduct.

Under the changes, there will no longer be a requirement for notice to be given at a council meeting to formally censure a councillor, with councils given the ability to do so after the recommendation of an independent investigator, following a formal investigation process. Additionally, extra responsibilities will be granted to the Chief Executive of the Office of Local Government to undertake disciplinary action for misconduct without the need for an investigation. This will be initiated where the conduct has been investigated previously under a council's code of conduct and for minor misconduct complaints. Having confidence in our elected local representatives is important to the continued functioning of local government—corruption breaks this confidence.

Incorporated in these new reforms is the removal of roadblocks that previously halted action in

response to serious corrupt conduct. By implementing these changes we are able to better deal with corruption in a more effective time frame. Under this amendment a former councillor can be disqualified from holding public office for corrupt conduct that is of a serious nature. The Minister will now also have the ability to suspend a councillor on a recommendation from the Independent Commission Against Corruption [ICAC] until an investigation and legal proceedings have concluded. This suspension will continue until all legal proceedings have taken place, and will continue six months afterwards to allow time for their dismissal and disqualification if needed.

This bill also creates community confidence in council planning decisions as it allows for a reduction of the risk that councillors who are also property developers will abuse their powers. It limits its application to the interests councillors have in their, and related persons', principal places of residence. This then prevents the participation in local planning decisions of councillors with other property interests. The changes outlined in this bill are important for the future governance of our local councils. I must also acknowledge the countless councillors who already do their jobs without issue and who will not need the measures outlined in this bill.

I believe that my local government colleagues at Sutherland Shire Council and Liverpool City Council are doing a great job in representing their areas; I am pleased to see them being proactive and working cohesively on council to solve large issues that affect their local residents. I am grateful to have such supportive and responsive mayors and councillors within the Holsworthy electorate. I take this opportunity to pay tribute to Councillor Kent Johns, who has recently stood down as the Mayor of Sutherland Shire Council.

I welcome Councillor Carmello Pesce to the role of mayor, after serving as deputy mayor for a year. I also welcome Councillor Hassan Awada as the new deputy mayor of Sutherland Shire Council. I know they will do a fine job. But for those councillors who begin to drift or to perform poorly, the Local Government (Councillor Misconduct and Poor Performance) Amendment Bill 2105 will ensure they are dealt with appropriately and help to avoid a loss of confidence in local government. I commend this bill to the House.

Mr JAMIE PARKER (Balmain) [5.54 p.m.]: On behalf of The Greens I address the Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015. As a former mayor and a councillor from 1999, standing down from local government only in 2011 upon my election to Parliament, I have very deep experience in my own local community. I have found the vast majority of councillors to be very decent people. They are genuinely committed to their community and they undertake their work as councillors for only a small amount of money because they love where they live and they want to make their community a better place. I acknowledge that from the outset.

This bill seeks to create a scheme for dealing with councillor misconduct, as well as making changes to the processes around plan making under section 451 of the Act. This would mean that councillors cannot vote on planning decisions that they have a pecuniary interest in unless that interest is their primary residence. That is a very positive step forward in this bill. The Greens will not be opposing this bill. We recognise that there may well be opportunities to enhance the provisions in this bill, but even as it stands the bill makes some positive steps forward. We have seen and heard all about the details of this legislation. I will highlight just a few points.

The bill institutes a scheme whereby three suspensions from civic office by the Chief Executive of the Department of Local Government or the NSW Civil and Administrative Tribunal [NCAT] can result in disqualification, for five years, from holding civil office. Suspensions before the Act commences will count towards the three but the final suspension must come after the Act commences. I note that the Legislation Review Committee identified the potential retrospective nature of this legislation as an issue. But the provision that ensures that the final suspension comes after the Act commences is positive and militates against that retrospectivity.

The bill also reduces the time for councils to respond to reports from the director general, following investigations, from 40 days to 28 days, and makes the same reduction in the time for the Minister to require the council to do things recommended in the report. The bill creates a power for a Minister to vary a performance improvement order. The same notice requirements apply to this as making an order, and the Minister must advise the terms of the proposed variation and the reason for the change. It further reduces the period for the notice of giving a performance order from 21 days to seven days from when the notice is served. Currently seven days is the time required only in the case of urgency periods.

The Greens have serious concerns about some areas of the legislation, and these concerns are shared by many in the local government sector. When it comes to the matter of councillor conduct, there is real political complexity around one level of government—State Government—legislating the workplace conditions and disciplinary mechanisms for other elected representatives. In general, the tendency of the Coalition Government over the past few years has been to increase power over local government, shift costs onto local councils and remove planning powers—rather than allowing the community to retain control over planning powers. In this context it is understandable that many local councillors have concerns about the Minister's intentions with this bill, and with the prospect of forced amalgamations hanging over their heads.

We acknowledge that there is some need to improve the process when councillors are failing to appropriately discharge their duties. However, changes such as reducing the time for consultation on performance improvement orders from 21 days to seven days in all cases, without any requirement to prove urgency, will in our view reduce the quality of decision-making. We think this change should not be supported by this House. The removal of appeal rights for minor matters is also a cause for concern. This is limited to disciplinary action in the form of counselling or a reprimand, which are private and not enforceable. Nevertheless, the removal of procedural fairness by not allowing those people to have an appeal right is critical. People should be allowed some form of procedural fairness and we do not support its removal.

When it comes to councillors' pecuniary interests, we need to amend section 451. This is the provision that allows councillors to vote to rezone their own properties, which is something I have spoken out about strongly and loudly since the laws were passed in April 2012, before the local government elections in September of that year. It is now October 2015 and many local communities across New South Wales have seen planning decisions compromised by councillors with vested interests when it comes to voting on new local environmental plans [LEPs] and rezonings. The legislation was scandalous. It allowed councillors to vote on rezoning proposals, changes to development control plans and other broad planning decisions that impacted on land they owned, and opened the door to wide-scale and legal corruption at a local level.

It allowed councillors who owned shops in commercial precincts or other land holdings to increase the floor space ratio on that land, thereby greatly increasing its development potential and substantially increasing its value. Rural and regional councillors, particularly in growing towns such as Dubbo, Orange, Albury and Wagga Wagga and the like, voted to rezone land they owned on the outskirts of town from rural to industrial or residential, thereby reaping potentially very large personal benefits. Councillors should not be able to vote on these matters. When land zoned industrial or rural is rezoned residential there can be a huge uplift in its value. The Greens consider that to be a direct conflict of interest. The Government made a terrible decision in changing the rules to allow councillors to be able to vote on these issues.

We have also seen councillors who own commercial or industrial land vote, for example, to water down contribution requirements in council-wide parking development control plans where there is a change of use, such as changing from low off-street parking use in industrial areas to higher commercial. Councillors can deliver themselves hundreds of thousands of dollars in savings if they change from a less to a more intensive use. It will also encourage property owners and property developers to put up their hand to run for council. People will now say, "I can vote on rezonings so I am going to run for council."

The legislation was introduced before the council elections in September. Councillors had the opportunity to vote to improve the development yield on their land and be personally enriched. In other words, it was a golden invitation to carpet baggers and developers to run for council. They were legally allowed to vote on matters that I am sure the normal person on the street would recognise as being a conflict of interest.

The Greens will move amendments in the other place. I encourage all parties to support those amendments. The Greens amendments Nos 1 to 3 will make the amendments to section 451 commence on the day of assent of the bill. The Greens Amendment No. 4 will require the Office of Local Government to undertake an audit of, and report to Parliament within six months on, all planning decisions made by local councils since the 2012 amendments to the Act where a section 451 declaration was made by a councillor who then voted on a planning matter. In our view this is a small way to understand the impact of the 2012 legislation. The audit will consider if the public interest has been or may have been compromised, or if there is a reasonable apprehension that the public interest has been or may have been compromised by a councillor's conflict of interest. We are limiting the audit to circumstances where the pecuniary interest arises in areas other than where the only interest of a councillor is in the councillor's principal place of residence or an interest of another person whose interests are relevant under section 443 in that person's principal place of residence.

The Greens are also seeking to keep the current 40-day response time—we contend that is not an unreasonable period of time—rather than the proposed reduction. As I mentioned earlier, we believe that to put a seven-day consultation period in place of the current 21-day consultation period as proposed in schedule 1 [12] will not allow for good quality decision-making. The Greens will also propose the deletion of the provision that provides for past suspensions to be relied upon. The Greens acknowledge that there are a number of selfless councillors who contribute to their communities; however, we need strong provisions in areas of councillor misconduct poor performance.

Whether it is about introducing caps at local government elections or not providing an invitation to property developers to be enriched, we contend that the Government can and should do more. The Government should move immediately to implement the Election Funding, Expenditure and Disclosures Act to include local government. The caps on donations that apply to members of Parliament should also apply to local councillors. Indeed, in so many areas we see money flow into local government campaigns so that some can capture local council for their particular financial interests. I look forward to discussing this issue further. I hope the Government will look favourably at our amendments.

Ms JULIA FINN (Granville) [6.04 p.m.]: I make a contribution to debate on the Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015. I have been a local government councillor for the past 16 years. In that time I have seen many initiatives to address or enable councillor misconduct, including this Government's 2012 reforms that allowed councillors to vote on planning instruments in which they had an interest, provided they made a special disclosure. The 2012 changes to section 451 have been disastrous. Add to that the curious situation where donations from developers are banned but developers can run as candidates and fund their own campaigns. These reforms have allowed developers and councillors with significant property holdings concentrated in a small area to vote on special planning provisions to rezone their properties—even if the planning provision covered an area as small as a suburban town centre.

Prior to 2012, declarations were accepted only in planning instruments that covered such a large geographic area that most councillors would have a pecuniary interest in the rezoning. This was to ensure that the council would still retain a quorum when voting on a local environmental plan covering all or most of the city. It did not facilitate developers voting on their own small, local rezonings and did not need to be amended to allow this. I am pleased to inform the House that this has not happened on the council on which I serve—Parramatta City Council—because we have a single local environmental plan for the entire local government area and additional controls for the Parramatta central business district. And while some of our councillors work in the construction industry, none of them are developers. I cannot say the same for some of our adjoining councils, nor can I say it will not happen in future. I know of two local

developers with extensive local land holdings who are actively seeking support to run in winnable positions on Parramatta City Council at the next election.

This is an important reform but it should go further. The exemptions should apply only to a councillor's owner-occupied home, not their investments. Developers and real estate agents should not be councillors in local government areas where they do business—the conflict of interest is enormous. Other aspects of the bill are unclear and may also be a step too far. They need to be more carefully considered. I welcome proposals to target repeat offenders—councillors found to have committed multiple acts of misconduct—and to disqualify councillors who have been suspended from office three times from contesting subsequent local government elections. However, expanding the definition of "misconduct" to submitting large numbers of notices or questions on notice is absurd. It seems to be a solution in search of a problem.

Councillors need to ask a lot of questions. In fact, too often when councils have cost their ratepayers millions of dollars through bad decisions it has later become clear that councillors had not asked enough questions. But sometimes councillors ask lots of questions because the answers they receive are incomplete or unhelpful. Similarly, misusing rescission motions requires the establishment of intent to misuse. What is misuse of a rescission motion? Is seeking to reconsider an item when the votes on the floor of council would be different misuse? Is seeking to debate a controversial issue for a second time misuse? Is responding to community outrage at a council decision misuse?

It is also unclear what benefit lies in expanding the chief executive's investigative powers in relation to councillor misconduct to require any person to provide information or documents relating to misconduct of a councillor. A council's chief executive should not have broad investigation powers. Serious issues involving allegations of corruption are referred to the Independent Commission Against Corruption and other allegations to the police. Matters involving councillor misconduct that are not serious enough to warrant investigation by either the police or the Independent Commission Against Corruption should not involve similar evidence-gathering powers. From my experience, most chief executives are unwilling to investigate councillor misconduct properly. They take so long to investigate things in the hope that the complainant will forget about it because they have to work with all parties involved for years to come. It would be more useful to transfer any investigative powers to an independent party that does not have an ongoing professional working relationship with the councillors under investigation.

By way of example, in a previous term of council one of my colleagues lodged a code of conduct complaint against another councillor for yelling at me. That councillor called me a "bitch" and told me to "fuck off" at a public meeting attended by more than 50 people at the Dundas library. The room was full of witnesses, including the then general manager, who privately expressed outrage and disgust at the councillor's behaviour. For months the matter went nowhere. After the time frame for the lodging of complaints had expired, the complainant was advised the complaint had been lodged under the wrong section of the code of conduct. The former councillor who had abused me was a close ally of the then lord mayor; I was not; neither was the complainant. It was easier for the then general manager to let things die.

I have seen similar unwillingness to investigate code of conduct complaints almost every year that I have been a councillor. I use that example because I was a witness to, and a victim of, poor behaviour. Chief executives do not want further investigative powers. They are happy to refer matters to the Independent Commission Against Corruption or the police. Where there is misconduct by councillors, chief executives would prefer that the issue go away. I appreciate that other councillors have had a different experience and have found the breach of code of conduct process to be unduly onerous and the punishments unfair, biased or inappropriate. Those councillors should retain the ability to appeal those decisions to the NSW Civil and Administrative Tribunal.

The two councils in my electorate, Parramatta City Council and Holroyd City Council, operate in a financially sustainable manner. Neither has a problem with outrageous behaviour by councillors. The

recent failure to achieve a quorum at the Holroyd mayoral election appeared to be an attempt by some councillors to prevent the re-election of the mayor, Greg Cummings. However, when the council reconvened the following week Councillor Cummings was re-elected unopposed. Under the proposed reforms, if the failure to achieve a quorum were attributed to misconduct and councillors were found to have intentionally prevented the proper and effective functioning of the council, and if disciplinary action were taken against councillors who had taken leave on the day of the council meeting, depriving it of a quorum, those councillors would not have the right of appeal. Some of them may have had genuine reasons for non-attendance, such as illness or work commitments, but without the right of appeal they would be unable to contest the findings.

The Government would like us to believe that local government in New South Wales is in crisis. It talks of indebted councils lurching from one disaster to another while councillors bicker about irrelevant issues. The Government believes the only solution to the problems of local government is to amalgamate councils. Amalgamation will not change the rate base. The roads, footpaths, parks and libraries that need to be maintained will not change. The bins will still need to be collected. If councils amalgamate, the cost base of local government will not change much and nor will the revenue base. Parramatta and Holroyd councils are good, effective councils that do not need to be merged and will not be improved by a merger. Amalgamation is not a solution for underperforming councils either. As one man said at Holroyd City Council's forum before the last election, "If you have a litre of sour milk, you don't fix it by mixing it with a litre of fresh milk."

The greatest threat to the good governance of New South Wales councils is not councillor misconduct or small councils; it is councillors who are developers voting on the rezoning of their own properties and councillors who are real estate agents voting on the rezoning of their clients' properties. The solution is not to take away planning powers from councils and communities but to ban developers and real estate agents from becoming councillors. This bill seeks to address problems of councillor misconduct in an awkward way. It does not address the main problem it seeks to remedy—that of councillors voting on rezoning from which they significantly benefit. The bill does not address that problem because most councillors who have allegedly profited from rezoning decisions since the 2012 reforms have been Liberal or Liberal-aligned councillors. The simple solution that the Government has not considered is to ban developers and real estate agents from contesting local government elections.

[Business interrupted.]

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by Mr ANTHONY ROBERTS agreed to:

That standing and sessional orders be suspended to provide for the following routine of business for the remainder of this sitting:

- (1) Government business.
- (2) Private members' statements.
- (3) Matter of public importance.
- (4) The House to adjourn without motion moved at the conclusion of the matter of public importance.

LOCAL GOVERNMENT AMENDMENT (COUNCILLOR MISCONDUCT AND POOR PERFORMANCE) BILL 2015

Second Reading

[Business resumed.]

Mr RON HOENIG (Heffron) [6.13 p.m.]: I contribute to debate on the Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015. The Opposition does not oppose the legislation. I endorse the views expressed by the member for Fairfield. Nothing I say should be seen to be directly or by implication inconsistent with the views that he expressed. The Opposition does not oppose the bill, chiefly because the provisions it contains are necessary. A couple of years ago the Government once again intruded upon the regulatory mechanisms of the Local Government Act 1993 and created another debacle. In 1993 this House enacted on a bipartisan basis the Local Government Act. It was the culmination of years of work, led by John Mant, Gerry Peacocke, the then Minister for Local Government, and Ernie Page, the shadow Minister for Local Government. Since 1993 governments have not just rectified minor provisions but intruded upon the content of the Act, with very little understanding.

The reason for that lack of understanding is that those who draft the provisions to amend the Local Government Act have never seen an angry man. They have never been involved in a council. They have never been subject to the same pressures to which volunteers in local government are subject. They sit in the privacy of their office and think that they know how to improve local government. Several years ago the former Minister introduced amendments to section 451 of the Local Government Act 1993. Section 451 (4) related to the difficulties councils faced when they needed to adopt municipal-wide local environmental plans. Parliament insisted that councils review and adopt local environmental plans for their council area. It was discovered that most councillors owned their principal place of residence within the council area. It was virtually a requirement. The Act made provision for the Minister for Local Government to give dispensation to councillors who were affected by section 451 (4). At the time I was a member of a council that sought exemption and experienced delays caused by the incompetence of the then Department of Local Government.

Subsection (4) provides that, when a council makes a principal environmental planning instrument that applies to the whole or a significant part of the council's area or repeals an environmental planning instrument, if a councillor makes a special disclosure that councillor is considered to no longer have a pecuniary interest. Recently, developers who were also councillors were found to own land in a council area distinct from their principal place of residence, substantially affecting their evaluation of a proposed development. Subsection (4) can be improved by not permitting that provision to be applied to developers. The legislation governing election funding contains a definition of "developer". Having a similar definition in the Local Government Act would be a simple response to the problem. The Leader of the Opposition called for amendments to that provision in section 451. This bill proposes to remove from section 451 the provision that enables property developers or other landholders to request exemptions for property other than their principal place of residence.

The bill contains other provisions that will cause problems in local government. Most of the problems in local government are caused by the intrusion of Parliament. The difficulties relate to the code of conduct provisions, which are ridiculous. On 7 August this year, as a member of the Committee on the Independent Commission Against Corruption, I asked Dr Waldersee of the Independent Commission Against Corruption about corruption prevention in codes of conduct. According to Commissioner Latham, Dr Waldersee is regarded within the Asia-Pacific region as a leader in this field. Dr Waldersee agreed with me about codes of conduct. He said that codes of conduct as a single control can be aspirational. But he said this:

But if people want to use them as a disciplinary tool they stop being codes of conduct and become specific sets of rules. It has become quite problematic.

I asked him what the solution was and he said:

Having to rewrite these codes so that they do not become the specific sets of rules that have been problematic.

What is the Parliament's response to a failure of codes of conduct relating not only to our codes of conduct as members of Parliament or as Ministers but also to councils and right throughout the public sector? When it comes to local government we make it even more complex by adding more rules. The code of conduct provisions and the code of conduct complaints have been nothing but a debacle in local government. The initial provisions ended up putting an obligation on general managers and mayors to be part of a code of conduct committee. The Parliament then amended the Act to require independent people to review code of conduct complaints that were used as a political tool on many occasions by vexatious councillors or members of the public—at huge cost to councils—and entire industries were set up on these code of conduct investigations or committees.

One classic example relates to the member for Mount Druitt, who, as a councillor before the last Federal election, took out his own advertisement advocating a vote for the Labor candidate. He was subject to a code of conduct complaint in that in his advertisement, for which he had paid, he had described himself as a councillor. Blacktown council was forced to refer that complaint to an independent investigator at huge cost and the investigator had difficulty understanding that the member for Mount Druitt, as a councillor, had a constitutional right of freedom of political communication to take out the advertisement. Who appoints these people who pocket huge amounts of money? The effort and expense involving Blacktown council and the member for Mount Druitt were extraordinary. The whole provision has been a failure. But if ever there is an example of a great crisis impacting on local government it is item [25] of schedule 1 of the proposed amendments to section 440F. [*Extension of time agreed to.*]

Item [25] of the proposed amendments to section 440F provides the following definition of misconduct:

An act or omission of the councillor intended by the councillor to prevent the proper or effective functioning of the council or a committee of the council.

That judgement is purely subjective. What constitutes an act intended to prevent the proper or effective functioning of a council and what evidence will be utilised? We are talking here about the third tier of government and democratically elected councillors. It is a democracy and an adversarial system, so are those in a minority on a council who may be vocally opposed to a particular decision the ones who will be accused of obstructing the effective functioning of that council? If a mayor who does not want to ask questions wrongfully sits down a councillor and the councillor protests that he or she has a right to ask questions, whose judgement is it and on what evidence does that constitute misconduct?

I can see a raft of complaints from the minority of a council dissatisfied with decisions made by the majority. We cannot have such an extended definition of what constitutes misconduct. Does moving amendments to various motions before the council constitute misconduct? Will a particular councillor be restricted as to how many notices of motions he or she is entitled to move before it constitutes misconduct? Is he or she allowed to move one, five or 10? Is he or she allowed to ask one question, five questions or 10 questions? Where will the subjective line be? Councils will be inundated with complaints. For example, in the case of provisions that deal with the question of rescission motions, if a councillor carries a motion to do something and a rescission motion is lodged, that stops the implementation of the decision, providing the rescission motion is lodged before the end of the council meeting.

At council meetings if something is relatively urgent the majority may move a rescission motion to their own motion to prevent another rescission motion from being lodged when that rescission motion is a mischief and not a device being used by the majority of council to stop such a rescission motion. If one party cannot lodge a rescission motion, who determines whether it is misconduct if the minority lodges a rescission motion knowing that it will lose? A raft of difficulties will be created. The 1993 Act got it right—it

required councils to adopt their own meeting regulations. I submitted to the government of the day that the Minister ought to adopt regulations of the Local Government Act, which provide a code of meeting regulations. That is the way to standardise it, not having these ridiculous, oppressive codes of conduct that have caused nothing but trouble, difficulty and expense for councillors.

There are mechanisms in the Act to deal with the ratbags. Those mechanisms that require investigations by the director general and that provide for at least an independent review by the NSW Civil and Administrative Tribunal are the appropriate way to deal with ratbag councillors—those who are guilty of serious misconduct. But it is simply not enough to provide vehicles and rules written by people who have never seen an angry man and who do not know what it is like to have to chair a council planning meeting where objectors are screaming out in the gallery and they have to defuse difficult circumstances.

A review of the Act has been undertaken by Blackadder et al. that has never been produced by the Government. No doubt the former Minister put that in train. People like Mr Blackadder are pretty reputable—he was the general manager at Warringah and Rockdale councils for an extended time and his father was a town clerk at Drummoyne, so he comes from a family steeped in local government experience. I would have thought that if the Government really wanted to address some serious problems in respect of the entire fabric of the Act it would have produced the Blackadder report so that this House may have been able to consider it.

Mr DAVID HARRIS (Wyong) [6.28 p.m.]: People want and deserve their local government organisation to be both open and transparent. People want their local council to be making decisions in the public interest, but I am afraid, through experiences with our local council in Wyong, many people have lost confidence in their local council and I have heard lots of stories in other areas around the State where people have had similar experiences. This lack of confidence will not be fixed by amalgamations but by ensuring that we have proper procedures and requirements around decision-making, true consultation and procedural fairness.

I receive numerous complaints from local people and community groups about the actions of our local council—some of them are justified and some of them are not. But people get so disenchanted with the decisions that a council is making that sometimes the right decisions are included in the category of wrong decisions. That is what happens when people lose confidence. I have referred several of these complaints to the Office of Local Government, but I fear it does not have the proper resources to deal sufficiently with such matters. As other speakers have said, referring it to the general manager or to the internal ombudsman—people who have a lot of pressure on them from the ruling group of councillors—often means that the right outcomes are not achieved.

There seems to be a fine line between councillors' personal interests and the interests of the organisations and businesses in which they are involved. The public should be clear that in any decision-making there is no conflict of interest and that councillors follow the same rules that are applied to ratepayers and businesses. As the Leader of the Opposition said, developers have no role on councils and should not be allowed to become councillors. Their interests are too closely aligned and public perception of fairness is damaged, which results in low levels of trust. Sometimes a councillor is penalised for attempting to act in the public interest under the code of conduct. The member for Heffron discussed this situation.

In Wyong council there is an overuse of confidential sessions to discuss matters that should be in the public domain. Councillor Bob Graham—an independent councillor and a former Liberal Party member of this place—made a revelation about the mayoral chains that were bought at Wyong in 2003. Councillors had approved the purchase of standard mayoral chains in March 2013. At the time no budget was set, no design was specified and there was no discussion about what was the standard for mayoral chains. Councillors were told that they would cost a reasonable and economical \$8,000. One month later, the cost had risen to \$41,800. In November 2013, in response to a question from Councillor Graham, the

council made it public that it had spent \$56,211 on the chains, including \$3,000 for a safe, \$300 for engraving and \$240 for a carry case. Councillor Graham expressed disgust that the matter had been considered in the confidential part of the council meeting in an attempt to hide the cost of the chains from the public. Councillor Graham said that the public should be able to check on council expenditure because it involves public money.

For his efforts in the public interest, Councillor Graham was referred for a code of conduct dispute. The code of conduct review cleared him of the original leak and he released the review to the *Newcastle Herald* in 2013. The Office of Local Government then found that he should not have released the code of conduct review that had cleared him. Although he was acting in the public interest, he was penalised by being forced to forgo two months of his councillor pay of \$3,800 for breaking the confidential code of conduct. Councillor Graham was not permitted to clear himself of the charge of causing the leak—the reason he had been referred in the first place. This situation arose because there was a ruling block of six councillors on the Wyong council—five now because one of the Liberal councillors recently resigned. But this block rules the council and does so in such a way that it disgusts many people who sit in the gallery.

I can give an example of some development applications involving a member of the council's family business. The business, at Ruttleys Road, Doyalson, was set up in 2007 without development consent. It was given six months to install a driveway and intersection into the Ruttleys Road site as part of its operating conditions, but after five years the matter remained unresolved. The council took legal action against the company and a development application was submitted in 2010 after an order was issued by the Land and Environment Court. Approval was granted on condition that an intersection would be installed for safety reasons. Since then, the company—connected to one of the councillors—has made several attempts to amend the development application relating to the intersection. The application has been rejected each time and it has become a means by which it is put off. In an attempt to get around the problem the company lodged a submission to lower the speed limit on Ruttleys Road from 80 to 70 kilometres an hour. That was knocked back by the council's traffic committee.

Mr Andrew Whitbourne, the chairman at the time of the Mannering Park Precinct Committee, accused council of double standards because a business 400 metres north of the site of the councillor's family business was forced to close down because it did not have the right zoning, whereas the councillor's family business had been permitted to constantly delay its development application. Not long after that, the same company with the connection to the councillor opened a new hardware store at Ourimbah, at a place called the Big Flower nursery. The company only lodged a development application several months after residents notified council that it had started to operate without permission. This is why people lose confidence. They ask why a company can operate in this way when average punters have to do the right thing and follow procedures or be required to close down their businesses.

Many people write to me about poor meeting procedures and poor governance at Wyong council. They give me examples of late items or amended items where additional pages are made available only on the night of a meeting so that councillors do not have enough time to consider the amendment and the public is unable to understand what is going on. I am told of personal attacks on individual councillors which, when complained about, are turned back on them. Members of the public in the gallery sometimes walk out in disgust at the way in which councillors speak to each other and the things of which they accuse them. It is common for mayoral minutes to be issued, most of which are not advised to the public. On one occasion a hand-out was distributed to councillors on the night. The person who made this complaint to me said that it was plain from the gallery that there had been a discussion earlier that afternoon on the same matter but that the mayor had ambushed people and had not told them at the time what he was going to do.

The most egregious misuse of a mayoral minute related to the purchase of land for a so-called regional airport. This was a \$17 million purchase brought to the meeting by a late mayoral minute. The general manager was away so there was an acting general manager. Some of the other councillors were

away, no staff members were reporting the matter and only the briefest detail appeared in the minute. The mayor pressed for a decision on the night and it was finally agreed, on the mayor's casting vote, to spend \$17 million to purchase two parcels of industrial land, subject to due diligence and valuation. *[Extension of time agreed to.]*

Development of the airport has been cancelled because a different airport has been upgraded instead. It is extremely poor governance to make such decisions on a mayoral minute, without proper consultation and without councillors having a full understanding of what is being proposed—with councillors simply using their numbers to force through decisions. It was later found that the council spent \$17 million on a property that the Valuer General valued at half that amount. The only valuation the council had before that was an internal staff valuation that it is believed was seen only by the mayor and the general manager. These are the sorts of decisions at which people shake their heads and wonder what the council is doing. The bill addresses some of the issues about which I have spoken, but the only way to fix the problem will be by changes to the electoral and donation laws and restrictions on who can stand for council election.

Also of concern to local people is a loophole that needs to be fixed relating to the setting up of a party for local government election, how people know what that party stands for, and what it intends to do. For example, during the 2012 election two Independent councillors who serve on the current council set up and funded another political party called the Save Tuggerah Lakes Party. One of the councillors became the public officer. Both families of the councillors donated to the party and essentially selected the candidates who would stand for election, but the councillors still ran as Independents. Suddenly there were two Independents running for office plus candidates for the Save Tuggerah Lakes Party, which had obvious links that the public did not know about because there was no public disclosure until after the election. People thought they were voting for a party that comprised different candidates only to discover later that the two Independents had funded the party.

The Save Tuggerah Lakes Party and the two Independent councillors, together with the Liberal councillors—we call them the "six pack"—run the council and make big decisions without consultation. In many cases, they push through decisions that go against the public interest. People tell me they understand that sometimes councils make decisions they do not like but that they believe those councillors are pushing the boundaries too far. I ask the Minister to take into account before the next council elections how parties are set up, how people's names are placed above the line—

Mr Michael Johnsen: Ban parties from the election.

Mr DAVID HARRIS: Not a bad idea; I do not disagree with that. Also, some people run family members so that their party is large enough to appear above the line on the ballot paper when they clearly have no wish to be elected. Other people establish a party to run in the same election and mislead people as to their purpose and then vote as a block. If a person funds someone to serve on council one would think they are owed something, so I wonder whether some decisions are being made out of a sense of obligation. It is not good decision-making. I thank the Minister and his office for giving me a very good hearing in several discussions about these matters and for taking my concerns seriously. People want their local council to represent their interests and when they join the dots they lose confidence in the whole process.

The council spent \$17 million to purchase the specially zoned industrial land that was of State significance. It has since upgraded the existing airport and abandoned the acquired land. So \$17 million in public money has gone down the drain. It spent \$1.6 million, or thereabouts, to upgrade the current airport, which was previously surplus to requirements and was to be sold. The council's decision-making is all over the place. This bill will go a little way to resolving this issue, but it certainly will not solve some problems endemic to local government that have been raised by many members. I hope that the new Local Government Act will pick up a lot of those loopholes so that voters can again have confidence in this body of people who are elected to represent the community's interests, not their own interests.

Mr EDMOND ATALLA (Mount Druitt) [6.43 p.m.]: I support the thrust of the Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015, which aims to address councillor misconduct, poor performance and council maladministration. Some of the valuable changes in this bill are: the new 14 days' notice of proposed disciplinary action by the Chief Executive of the Office of Local Government; various amendments to speed up the process of censure, investigation and decision; and the ability to address performance improvement orders to individual councillors. As a councillor who served for the past 11 years on Blacktown City Council in the largest local government area in New South Wales, I concur with the intent of the bill. However, the following changes require additional scrutiny: expansion of the definition of "misconduct"; removal of a right to appeal against disciplinary action; and introduction of compliance orders against individual councillors.

The definition of "misconduct" in section 440F of the Local Government Act 1993 is proposed to be expanded to include an act or omission of a councillor intended by the councillor to prevent the proper or effective functioning of the council or a committee of the council. According to the second reading speech of the Minister for Local Government, examples of that type of misconduct include: preventing a council from making a decision by deliberately leaving a meeting to deprive it of a quorum; submitting larger numbers of notices or questions on notice with a view to preventing the council from getting through its business; and misusing rescission motions to prevent councils from revisiting a matter for another three months. While it is easy to imagine situations where there might be abuse along the lines suggested, the activities discussed by the Minister are to be viewed with caution.

For example, failing to attend a particular session of a decision-making body is not generally prohibited for an elected member. The standing orders of this Parliament, for example, have no comparable provision covering "disorderly conduct" related to the lack of a quorum. The bill must address the situation where councillors from the same political party vacate the chamber so that there is no quorum. I do not believe it does that. The misuse of rescission motions example is presumably targeted at the situation where a party or a group of councillors pass a motion then immediately put a motion to rescind the first motion, and enough of that group vote against the rescission motion to ensure it is rejected. This process invokes a three-month ban on further rescission motions against the original motion under section 358 of the Local Government Act. However, the proposed amendment may limit the genuine intent of rescission motions that are raised continually in accordance with the Act. The amendment may deprive councillors from bringing a matter back to the chamber several times.

For example, in 2012 the Liberal councillors on Blacktown City Council used their majority, with the help of an Independent councillor, to successfully move a motion to close Mount Druitt swimming pool and dispose of the land for commercial gain. The community were in uproar and called on Labor councillors to support their cause and to do everything possible to reopen their pool. This may have been deemed an act of misconduct under the proposed Act. Under this bill, moving a rescission motion a number of times could be deemed to be misconduct. In that case rescission motions were raised and successful rescission motions were countered by the opposing side. This behaviour continued—with motions going backwards and forwards—for more than a year, and the matter was kept in the public domain. The pool reopened last year due to public pressure because of the numerous rescission motions introduced in council meetings. That is a great example of how continually bringing rescission motions back to the chamber can work and result in a favourable outcome for the community.

The essential problem with the definition of "misconduct" is that it is too wide in its proposed form. There is confusion about the behaviour that will or will not fall within the definition. Words such as "intended", "prevent", "proper" and "effective" are all capable of subjective interpretation and if not defined in the Act or the local government regulations will need to be determined by a court or tribunal in due course. The exact behaviours to be prohibited should therefore be spelt out in the Act or the regulations, instead of being described in the very wide terms of the proposed amendment to the definition or in the Minister's second reading speech. The specific examples that the Minister provided should be treated with caution. It is proposed to amend section 440L of the Act to remove a councillor's right of appeal to

the NSW Civil and Administrative Tribunal against disciplinary action comprised only of counselling or reprimanding a councillor. Although counselling or reprimand does not result in a suspension or like action, an adverse disciplinary action by the Minister will remain on the affected councillor's record uncontested.

It is suggested that the removal of any right of appeal is a backward step in the delivery of justice and due process, and should be opposed. New section 438H allows the Minister to issue a compliance order against an individual councillor to enforce a previously issued improvement order. While that appears to be a powerful tool against disobedient councillors, it has the potential to affect councils' decision-making by limiting what an affected councillor can do. Depending on how restrictive the wording of the order is, a councillor may be rendered powerless or at least hampered in the normal decision-making process of council meetings. That may affect the formation of a quorum or change the balance of power in a council meeting by removing a crucial vote for the duration of the order even if the matter considered is irrelevant to the conduct that provoked the order.

The bill also makes mention of automatically disqualifying councillors who have been suspended on three occasions from holding office for the next five years—that is, two council terms. There is confusion about the meaning of automatic disqualification when the clause is preceded by the provision that disqualification can occur only after the Chief Executive of the Office of Local Government and the NSW Civil and Administrative Tribunal has established on three separate occasions that a councillor has engaged in misconduct that is sufficiently serious to warrant their suspension from civic office. The automatic disqualification is not automatic if the final decision will rest with the Chief Executive of the Office of Local Government.

In relation to new section 440G, I support the removal of the requirement for notice to be given of a motion of a council meeting to formally censure a councillor and support the prescribed procedures where a council can censure a councillor for misconduct on a recommendation made by an independent investigator in their final investigation report. The amendment is important because it provides natural justice by allowing for independent investigation. Like the member for Heffron, I caution that independent investigation has become a widely marketed area and sometimes investigations do not achieve the independence intended. While the Opposition supports the bill, I hope that the Minister takes on board my contribution and the foreshadowed amendments outlined by the shadow Minister.

Mr NICK LALICH (Cabramatta) [6.53 p.m.]: The aim of the Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015 is to amend the Local Government Act to address councillor misconduct and poor performance and council maladministration. It aims to achieve that by streamlining processes, improving the effectiveness of performance improvement orders and providing additional powers to the Minister and Chief Executive of the Office of Local Government. Having been a Fairfield City councillor and mayor for many years, I fully support any measures designed to ensure that councillors perform their duties properly, but this bill is a bit of a mess. Some of the proposed changes do not make sense. An example is the proposed changes to the definition of "misconduct". If the changes go through, something as simple as leaving a meeting or submitting a large number of notices or questions on notice may be considered misconduct and be grounds for disciplinary action.

I have spoken to some councillors who have been placed on misconduct calls twice—or calls to order, as we call them. They are scared to complain about council proposals even if they feel they are against community interests because on their third call they will be reported to the Department of Local Government. They know they could then get a three- or six-month holiday or a five-year suspension from council. Many of them are intimidated by councillors or by a mayor who wants to get his or her way. As was indicated, the majority suppresses the minority by threatening them with suspensions and misconduct orders. Councillors are then too scared to move. They let matters go and allow the council to do what it wants. They may try to get their message across in a softer way, but sometimes that is not possible depending on who is in the chair at the council meeting.

The changes to the definition of "misconduct" could make it harder for councillors to do their job of representing their community. How many notices or questions on notice asked on behalf of the community would be considered too many and therefore require disciplinary action? Some of the questions on notice in this place would cause quite a few of us to be found to be disorderly almost every day. We must be careful about how conditions we impose may impact on local government. Who will decide how many questions are too many? We believe the proposed changes could create more bureaucratic problems and headaches for councils. We also have concerns about the amendments to section 440H that would give the department chief executive the power to force any person to provide information or to produce documents relating to the misconduct of councillors. That is too broad a definition. At the moment the power applies only to "relevant persons", including councillors, council staff, council delegates or administrators. It makes no sense to give the departmental chief executive the power to investigate any person whether or not they are relevant to an investigation of councillor misconduct.

There is more in the bill that does not make sense. It simply cannot be understood. The Opposition strongly opposes the proposal to remove the right of a councillor to appeal to the NSW Civil and Administrative Tribunal in relation to reprimands and counselling. Councillors must have the right to plead their case at an independent tribunal. In this House we have access to vision and sound of the proceedings, which allows an investigator to get a feeling of what was said and how it was said in order to decide whether something was a breach of our code of conduct. Councils cannot do that because, unlike members of this House and Federal Parliament, councillors do not have the security of not being sued. Councillors can be sued if they say the wrong thing on the floor of the council chamber. The Government has given no justification for removing the provision that ensures any action taken against a council is fair and just. Even Local Government NSW—the peak industrial association—opposes the amendment.

As I said, I am more than happy to support measures designed to improve the performance of councils and councillors and to ensure that they do the right thing for the community. However, the bill goes nowhere near addressing the main issues, which are subsections (4) and (5) of section 451. In 2012 the Government inserted subsections (4) and (5) that allowed councillors to vote on planning instruments for a whole local government area or a significant part of their local government area as long as they made a special disclosure. We believe those subsections have been open to abuse by councillors who also happen to be property developers and real estate agents.

I have known of councillors who were developers. Looking at their returns over their years on council, we can see that their properties and developments have been transferred into family trusts. It is obvious they are still undertaking developments. They are working in concert with their families and family trusts to carry them out but they have legally shifted them into trusts. The legislation should also ensure that no councillor can shove properties into a trust and carry on their business while saying they are no longer developers.

The Opposition opposed the implementation of those subsections in 2012 and it continues to oppose them. We urge the Government to go further with this amendment bill and to make the necessary changes to ensure that our councillors are decent people who truly care about their community, not just their own self-interest. The proposed amendments do not go far enough. Let us face it: The proposed changes to the Act are confusing, too broad and open to interpretation. They are likely to open up loopholes and new ways for dodgy councillors to make mischief. While we on this side of the House will not oppose the bill, I urge the Government to consider our concerns and to make the bill go further.

Mr DAVID MEHAN (The Entrance) [7.00 p.m.]: The object of the Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015 is to reform the legislative scheme for addressing councillor misconduct and poor performance and council maladministration by, in particular, streamlining processes, improving the effectiveness of performance improvement orders and providing additional relevant powers to the Minister and the Chief Executive of the Office of Local Government, the departmental chief executive. By way of background, in 2013 the Government enacted an early intervention framework to provide a response for local councils that were performing poorly. The

amendments in this bill are, we are told, designed to add to these earlier reforms. I note at the outset that the Labor Party will not oppose the bill, and I endorse the comments of the member for Fairfield in that regard.

However, I note that the Legislation Review Committee has met and considered this bill. Members will be aware that the committee considers all bills put before the House against one or more of five criteria for scrutiny that are set out in section 8A (1) (b) of the Legislation Review Act 1987. In considering this bill, the Legislation Review Committee noted four items of concern. The first is the issue of retrospectivity. The bill trespasses unduly on personal rights and liberties under section 8A (1) (b) (i) of the Legislation Review Act in that it introduces provisions that disqualify a person from holding civic office if they have been suspended from civic office for a third time by either the departmental chief executive or the NSW Civil and Administrative Tribunal because of misconduct. Suspensions that occur before the commencement of the provisions count towards disqualification if a further suspension is made after the Act commences. The committee considered this and made the following comments:

The Committee notes that suspensions occurring before the commencement of the Act will count towards the disqualification of a person from holding civic office. The Committee notes the retrospective application of this provision. Retrospectivity acts contrary to the rule of law which allows citizens knowledge of the law at any given time so that they may order their behaviour accordingly.

However, the Committee also notes that Councillors are allowed one more suspension after the commencement of the Act before they are disqualified. Additionally, the Committee considers that these amendments are aimed at improving the behavioural standards of people elected by their communities. As such, the Committee makes no further comments.

The second matter of concern for the committee was that the bill has ill-defined and wide powers under section 8A (1) (b) (ii) of the Legislation Review Act. The bill states that in certain circumstances the departmental chief executive may arrange for a departmental report to be prepared about whether a councillor has engaged in misconduct without an investigation being carried out. The bill specifies the following circumstances in which this can occur: where the departmental chief executive considers the report may be based on an investigation conducted by or on behalf of the council; where the alleged misconduct, if proven, would be minor in nature; or where the departmental chief executive otherwise considers it appropriate to do so.

Under the Local Government Act, the preparation of a departmental report is a prerequisite to a decision by the director-general to take disciplinary action against a councillor. In considering this item, the committee noted the wide discretion given to the departmental chief executive to arrange for a department report to be prepared without an investigation, in particular whenever the departmental chief executive considers it appropriate to do so. Considering that the preparation of a departmental report may be a precursor to disciplinary action against a councillor, the committee considers that there should be clear and well-defined circumstances in which such report can be preferred. The committee went on to say:

The committee refers to parliament the question as to whether this makes a right, liberty or obligation unduly dependent upon insufficiently defined administrative powers.

We believe that the Minister should address this point in his speech in reply to debate on this bill. Moving on, the bill excludes merits reviews under section 8A (1) (b) (iii) of the Legislation Review Act. Item [32] of schedule 1 amends the Local Government Act 1993 to remove the right of appeal to the Civil and Administrative Tribunal against disciplinary action comprised of counselling or reprimanding a councillor. In this case the committee noted that the bill seeks to remove a right of appeal against certain types of disciplinary action. The committee acknowledged that the amendments in the bill are designed to provide greater deterrent to councillor misconduct and more efficient disciplinary measures, and that this

provision forms part of the bill's objectives. However, the committee referred to Parliament the question as to whether the provision makes a right, liberty or obligation unduly dependent upon a non-reviewable decision. Again, I think it is up to the Minister when he speaks in reply to address the issues raised on that point by the Legislation Review Committee.

Finally, the committee noted that commencement by proclamation under the bill comes under section 8A (1) (b) (v) of the Legislation Review Act. The bill provides for the commencement of the Act on a day or days to be appointed by proclamation. The committee noted that it prefers legislation of this kind, which contains offence provisions, to commence on a fixed date or on assent. The Legislation Review Committee has referred two matters to the Parliament. The Minister should address the concerns raised by the committee and make amendments as necessary to address these concerns when he replies to debate on the bill.

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

FAIR TRADING AMENDMENT (INFORMATION ABOUT COMPLAINTS) BILL 2015

Second Reading

Debate resumed from 16 September 2015.

Mr GUY ZANGARI (Fairfield) [7.10 p.m.]: The Opposition welcomes the Fair Trading Amendment (Information About Complaints) Bill 2015, which is necessary for transparency and openness for the public to have access to information about complaints to NSW Fair Trading. First and foremost, in a society such as ours it is necessary for consumers to have access to information about complaints against companies in order to make informed decisions. Having access to such information will allow consumers to compare the services offered by various companies, which will help guide their purchasing decisions and hold unscrupulous businesses accountable. Informed consumers make informed decisions, which will lead directly to dodgy companies losing business. If losing one's clientele is not an incentive for dodgy businesses to pick up their slack, I do not know what is.

Such motivators already exist within a number of industries, which not only drives competition but also motivates businesses to go that extra mile for its customers. Examples of such registers include TripAdvisor, Trivago or Choice, which allow consumers to compare hotels, restaurants, tourist attractions and other destinations based on feedback from other customers. Such services arm travellers with the information they need to make an informed decision. This will ultimately lead to a better and more enjoyable holiday, meals, service and so forth. This approach is currently in place in other complaint-handling bodies, including the Energy and Water Ombudsman in New South Wales, the Telecommunications Industry Ombudsman, the Commonwealth Financial Ombudsman Service, and the Credit and Investments Ombudsman. Websites such as www.myschool.edu.au also make school performance data available to the public.

As the Minister highlighted, research from the United Kingdom demonstrates that the performance of numerous industries significantly increased following the implementation of a public register. The number of complaints to NSW Fair Trading would be likely to decrease following the implementation of a public register and in doing so the cost to the taxpayer would be reduced—a goal that governments should always aspire to achieve. Further information pertaining to the operational nature of the NSW Fair Trading complaints register is the subject of public consultation. The scope of that consultation includes the number of businesses to be listed on the register, the details that should appear and what protections should be implemented against the inclusion of vexatious complaints. For instance, a business could be tarnished if raw complaint data was listed without regard to the number of instances in which it was found there was no action taken or that the matter was frivolous.

I found the Government's claim that this bill stands as evidence that it is committed to openness and transparency astonishing. What an utter load of rubbish. In light of the revelations that Premier Baird paid someone \$30,000 to teach him how to use Twitter and Facebook, we deserve to know how much this Government has paid Shane Warne to teach it how to spin things. This Government has made secrecy and refusing access to information an art form. The fact that the Premier recently announced that the Government had scrapped 321 of the State's targets for the sake of 30 priority areas—none of which make any reference to regional New South Wales—makes a complete mockery of the Government's claim that it believes in transparency and accountability. This Government has shown time and again that it has no regard for the idea of responsible government, nor has it shown that it cares about transparency. This Government simply does not care about being accountable to this Parliament and, by extension, to the people of New South Wales.

Although I found it laughable that the Government has claimed that it is the champion of transparency, we on this side of the House do not oppose this bill. We agree that the bill has merit because it may empower consumers by enabling them to access valuable information that may guide their purchasing decisions. Creating a public register of complaints will also provide the incentive for businesses to improve both performance and customer satisfaction. A flow-on effect of the implementation of this register will reduce the overall burden on NSW Fair Trading and ultimately reduce the cost to New South Wales taxpayers.

Mr KEVIN CONOLLY (Riverstone) [7.13 p.m.]: I speak in support of the Fair Trading Amendment (Information About Complaints) Bill 2015. I welcome the initial comment by the member for Fairfield that the Opposition will support the bill. This is a very sensible piece of legislation and I am glad that those opposite acknowledge that. On the less positive side, I was amazed to hear the member for Fairfield criticise the Government on the basis of an apparent lack of commitment to transparency. I remind members that this Government has published the real information about waiting lists for public housing—something the previous Government never did. This Government has realised online, real time information about the performance of our public transport system. We have assisted customers in finding the level of service they require in those areas. This Government has been working hard to ensure that the people in this State have access to whatever information can be made available. This legislation is yet another sensible step in that direction.

I commend the Minister for Innovation and Better Regulation, Mr Victor Dominello, for introducing this bill. I also note the contribution of his immediate predecessors in the preparation of this bill. NSW Fair Trading holds a wealth of data in relation to consumer complaints. It handles more than 45,000 complaints each year. This translates into 3,750 complaints every month or 125 complaints each day. In 2014-15 tenancy problems, faulty electrical, electronic and white goods, used cars, house construction, problems with furniture, furnishings and clothing, and car repairs and maintenance were the major topics of consumer complaints. This bill will give new powers to the Commissioner for Fair Trading to publish a consumer complaints register of frequently complained about traders. The register will serve as a significant boost to consumer protection and consumer empowerment.

Responses to a recent NSW Fair Trading online survey showed that a trader's reputation is important to consumers. That reputation plays a role in a consumer's decision about where to shop for goods and services. It is therefore very much in a trader's interest to deliver the best service they can. As the Minister explained, for some time NSW Fair Trading has been keeping an internal list of traders the subject of most complaint. Currently this information is not available to the public, but it should be. Indeed, this bill will ensure that it is available in the future. When a consumer contacts NSW Fair Trading they are encouraged to first contact the trader to give them an opportunity to resolve the complaint. If this does not resolve the complaint to the consumer's satisfaction, the consumer can then ask NSW Fair Trading to intervene with the trader on their behalf. Staff then will check to see whether NSW Fair Trading has jurisdiction, fast track matters that are urgent and, in instances where a trader has been the subject of multiple complaints, assign a case manager to maintain an overview of complaints about that trader.

NSW Fair Trading staff will also check the identity of the trader to make sure the correct trader is recorded. They will then contact the trader to attempt to negotiate an outcome acceptable to both parties. If the conduct complained about may constitute a breach of the law, the matter may be referred to NSW Fair Trading's compliance and enforcement area for assessment as to whether action should be taken against the trader. If the trader has no record of the transaction the subject of the complaint and the consumer is unable to provide any documentary evidence of the transaction, NSW Fair Trading will record that there is insufficient evidence of the transaction.

Those steps lead to a point at which a determination is made about a complaint. The consumer complaints register will be an example of the Government's Open Data Policy in action. The Government has made a commitment to releasing government datasets wherever possible. Indeed, this is already happening on the New South Wales Government website www.data.nsw.gov.au. To date more than 300 datasets have been released, which makes a mockery of the member for Fairfield's comments a short time ago. Bodies such as the NSW Energy and Water Ombudsman, the Telecommunications Industry Ombudsman, and the Commonwealth Financial Ombudsman Service and Credit Ombudsman Service report on consumer complaints received. NSW Fair Trading already publicly identifies traders that have been the subject of completed disciplinary or enforcement action.

Traders, suppliers and industries can be publicly named through several channels—through public warnings, publication of prosecution and enforcement results or through the New South Wales Parliament. Now the aim is to go one step further and release data about the large body of complaints received by NSW Fair Trading. This will empower consumers to choose where to go for their goods and services. The register will display data about complaints received by NSW Fair Trading, including the names of traders who are the subject of most complaints.

The data will be provided to the public free of charge on the NSW Fair Trading website. Safeguards will be in place to avoid publication based on vexatious complaints. They will be addressed as part of the model adopted by NSW Fair Trading in preparation for the release of data. At this stage it is anticipated that the data will be in two formats—a simple spreadsheet and an interactive dashboard. The details of the register will be finalised following extensive consultation with industry and the broader community. Two roundtable discussions have already been held with key industry stakeholders, and a public discussion paper seeking input on the design of the register has been released.

In addition to helping consumers make more informed choices, giving the Commissioner for Fair Trading the power to release complaint data means that traders can take a closer look at their internal complaint-handling processes and make improvements where needed. Traders who appear on the register will be able to see where customer service and complaint resolution processes can and should improve. Complaint data will provide a tool for traders to review their internal practices and deliver the high levels of service that customers expect. This should also work wonders for their finances. The publication of complaints should serve as a powerful motivator for businesses to implement necessary reforms. As the Minister explained, the register is supported by the Customer Service Commissioner, Michael Pratt, who said:

This initiative will not only ensure that customers are empowered to make informed decisions, it will also lead to improved customer outcomes—providing traders with an incentive to improve their service offerings and also ensure that traders take accountability for the goods and services they deliver.

I am sure that NSW Fair Trading will continue to work closely with industry and the community to create a register that not only operates in the best interests of consumers but also helps traders to improve their performance. This is a sensible initiative. I am surprised that it has taken years to develop. The Government has the capacity to make the data available in the public interest and should do so. I commend the bill to the House.

Dr HUGH McDERMOTT (Prospect) [7.21 p.m.]: I speak in debate on the Fair Trading Amendment (Information About Complaints) Bill 2015. The Opposition does not oppose this bill. Australians believe in fairness. In the same way that politicians should be held to account, consumers should not be deceived by businesses that circumvent community expectations and the law. If passed, the bill will amend the Fair Trading Act 1987 to enable the Commissioner for Fair Trading to publish the details of complaints against a business or person. The identities of complainants will be kept confidential, as they should be. The number of complaints is an indication that more consumer protection needs to be implemented. Each year, NSW Fair Trading receives approximately 45,000 complaints and one million inquiries.

We are all consumers. In assessing where to spend their money, consumers should have the right to know which businesses are doing a good job of providing goods and services. There should be an incentive for businesses to strive to offer the best product or service available via a model similar to the mechanics of market demand. There should be a disincentive for businesses that do not do a good job and leave consumers out of pocket or economically damaged by providing an unsatisfactory product or service. This reform reflects a trend towards greater consumer awareness in Australia. Organisations such as CHOICE and the Consumer Action Law Centre have long called for reform, and I commend them for their work.

NSW Fair Trading is undertaking public consultation on how to publish its complaints data. Matters for discussion include the number of businesses to be listed and how to implement protections against vexatious complaints. Reasonable provisions to address vexatious complaints should be included in the final regulation; otherwise the publication of complaints to NSW Fair Trading could resemble Google or TripAdvisor reviews. The public expects a body administered by the Government be fair, accountable and reputable. In 2010 Labor led the way in the Federal Parliament by introducing the Australian Consumer Law, which now holds business, particularly retailers, to the standard expected by the community.

Under the reforms that Labor has long supported, issues such as warranties and expectations of service are tied to what is deemed reasonable, rather than whatever a retailer or service provider feels like doing. Whilst the majority of businesses had already realised the importance of catering to the needs of their customers, some took advantage of the previously weak laws to swindle whomever they could. I am glad that the New South Wales Government has followed Labor's lead in the Federal Parliament. It is ironic that the Government is willing to pursue reforms in the private sector yet will not apply the same standards to its own practices.

Only a few months ago, the Opposition introduced the Non-profit Bodies (Freedom to Advocate) Bill 2015, which, if passed, will prohibit State agreements that prevent non-profit bodies from publishing criticism of the Baird Government. The Premier has announced that 321 State targets have been scrapped. Hundreds of State targets have been replaced by 30 priority areas—none of which refer to regional New South Wales. Where is the accountability? Will the communities, particularly regional communities that depend on small business, that are now out of the Baird Government's focus be able to hold the Baird Government to the same standard that is expected of them?

The New South Wales community expects better than this double standard. The Baird Government must be willing to apply to itself the same standards of integrity and transparency that it imposes on businesses. The Minister must be asked about the accountability that will apply to him or a future Baird Government Minister when given the power to decide which complaints are published—which could fall under the phrase "any other legislation administered by the Minister" in this bill. What transparency provisions will hold the Minister accountable? What reasons will the Minister be required to give when deciding whether to publish a complaint? Will there be any monitoring of potential conflicts of interest that arise? For this bill to be as effective as it should be, those questions need to be answered.

The range of areas that the Minister administers includes biofuels, boarding houses, residential parks, retirement villages and agricultural tenancies. That is a wide scope and requires customised policies to ensure a fair and balanced procedure for the publication of complaints. I call on the Baird Government to consider its true motive for strengthening consumer protection. The attitude it takes towards consumer protection must be applied to New South Wales politics as well. I do not oppose the bill.

Ms KATRINA HODGKINSON (Cootamundra—Parliamentary Secretary) [7.26 p.m.]: In response to comments made by the member for Prospect, small businesses are among the most innovative and creative in Australia. The member ought not to make comments that are to the detriment of New South Wales. I speak in support of the Fair Trading Amendment (Information About Complaints) Bill 2015. I commend the Minister for Innovation and Better Regulation for introducing this bill to the House. The bill will give the Commissioner for Fair Trading the power to create a new public register listing traders that attract a high number of consumer complaints. It will enable NSW Fair Trading to emulate the best practice of other complaint-handling bodies in Australia and overseas, who are already sharing performance data.

Importantly, the register will deliver on the New South Wales Government's commitment to open data, which recognises that information is crucial to an efficiently functioning economy and community. Sharing our data is in the public interest. Government data can provide insights that enable us to improve services, inform the community about trends in the market and create new business models. Data can also give consumers access to information about traders and the services they offer, to help consumers obtain better value in the marketplace. Many regulators are already sharing information about trader performance.

The Telecommunications Industry Ombudsman, the Commonwealth Financial Ombudsman Service and Credit Ombudsman Service, and the Energy and Water Ombudsman NSW all make complaint data publicly available. This includes data about the number of complaints received about individual traders. In the United Kingdom, the release of performance data is being used to change trader behaviour, a trend described as "reputational regulation". The Government of the United Kingdom encourages the release of performance data about businesses. The Government's Consumer Empowerment Strategy states that government agencies should:

... continue to free the complaint and performance data (in particular on individual businesses) they already own unless they have a good reason to do otherwise.

The evidence shows there is value in releasing these kinds of datasets. For example, the United Kingdom's telecommunications regulator, Ofcom, shows the volume of complaints has actually decreased over time. The United Kingdom's gas and electricity market regulator, Ofgem, has noted that the publication of performance data has contributed to a fall in the number of energy disconnections. There are also signs of a shift in improving trader behaviour and practices in the Australian marketplace. In Australia, in April this year, the Telecommunications Industry Ombudsman noted that the Ombudsman's work in highlighting the causes of consumer complaint and in working with industry to improve services has helped telco providers improve their networks, plans and customer service. Together with better regulation aimed at ensuring consumers are treated fairly, the Ombudsman's work has contributed to four consecutive years of reduced complaint numbers.

In the age of social media, consumers expect to be able to hold traders to account and are used to evaluating feedback about trader performance. One only has to witness the growing popularity of dedicated consumer fora such as Whirlpool and consumer review sites such as the very popular Trip Advisor, Urban Spoon, Canstar and Open Agent. Open data is also driving better government services. Services like My School and MyHospital are bringing greater transparency to government-delivered services. These sites allow members of the public to log on and compare performance data about government schools and hospitals. I found the statements made by the member for Prospect implying

that people in regional New South Wales are less able to communicate using telecommunications and assessing data services quite derogatory.

I find that people in regional New South Wales are becoming more and more reliant on data services and online services due to our challenges with geography and distance travel. We are currently particularly appreciative of services such as Service NSW, which brings government agencies into one place so that people can do all their business at once at the one centre. Within NSW Fair Trading the idea of sharing performance data is not a new concept, but it is very important. For example, I know that the agency already shares information about completed court and enforcement actions. But with more than 45,000 complaints received each year more information can be shared for the public good. I am confident that the Consumer Complaints Register will deliver on the Government's commitment to open and transparent government by sharing complaint data in the interests of both consumers and traders. I commend the bill to the House.

Mr RON HOENIG (Heffron) [7.31 p.m.]: I make a contribution to debate on the Fair Trading Amendment (Information About Complaints) Bill 2015. What I say is intended to be consistent with the contribution made by the member for Fairfield and nothing I say should be regarded as either directly or by implication inconsistent with his contribution. I am very surprised at the transition over the past 35 years or so in consumer protection in this State and nationally. It was Labor that introduced groundbreaking legislation federally in 1974 by enacting the Trade Practices Act, which contained innovative consumer protection provisions in section 65 and onwards, which implied warranties for goods and services where the Commonwealth had jurisdiction.

It was then the Wran Government that provided some similar provisions for the sale of goods with amendments to the Sale of Goods Act in about 1978 or 1979, which started to give consumers some teeth. Many people of my vintage will remember the late Syd Einfeld as Minister for Consumer Affairs, and the reputation that he and the Wran Government developed in going to bat for consumers. My knowledge of these things occurred as a young articled clerk and as a young solicitor at the Public Solicitor's office engaged in litigation on behalf of consumers, because in those days the Department of Consumer Affairs would grant legal aid under its Consumer Protection Act and fund litigation against consumers. I remember what a battle it was to try to give consumers some rights either under the Sale of Goods Act or, alternatively, under the Trade Practices Act without litigation, and the Federal Court was somewhat novel.

A number of months ago my youngest son was induced by a second-hand car dealer to buy, with his girlfriend, a second-hand car. He paid a \$1,000 deposit but sought to cancel the contract the next day. Having told me a few days later, I suggested that he contact the Office of Fair Trading, which he did online and, much to my surprise, as someone who had not been engaged in consumer protection litigation for some years, within a day the Office of Fair Trading had negotiated the return of his deposit. When the money had not arrived by the end of the week, as the Office of Fair Trading had organised, Fair Trading again intervened and he received his deposit back within a few days. I was most impressed with the quality of service that my son got—a 23-year-old university negotiating with Fair Trading, which on each occasion he contacted them was in touch with him the next day. I wrote to the Minister for Fair Trading and asked him to convey to the Office of Fair Trading how impressed I was. I was so impressed because I know what it was like in the late seventies and eighties, and I can see how much what Labor began in the early seventies has developed to this point in time.

I was very pleased to see the Minister for Fair Trading introduce this bill, which will make available to the public data relating to the 45,000 complaints it receives each year, and enable consumers to be informed about their transaction. As the Minister pointed out in his second reading speech, a number of private providers offer a variety of information to the public online, whether it is through comments on well-known websites such as Airbnb, TripAdvisor or the like. It makes sense for the Government to make available its information relating to complaints for two reasons. First, it informs the public. But I was also pleased to observe in the Minister's second reading speech another reason that I

discovered when I was shown through the Tel Aviv council library, which has set aside an area where people are able to develop a variety of apps from publicly accessible data. The Tel Aviv council made all its data available to the public on the basis that application developers develop a variety of software. Instead of the council spending money on developing its own software to provide information, it makes the data available to software developers who then develop the app.

I am pleased that the Minister has understood the value of providing that data. Informing consumers and giving consumers the opportunity to make choices and judgements goes a long way to preventing the problems that the consumer protection provisions are designed to address. As the member for Prospect pointed out, and the Minister made reference to in his second reading speech, it is important that a mechanism be in place to ensure that prominence is not given to vexatious or frivolous complaints. Frivolous complaints can be made by competitors and they can have an unfair effect on a particular trader. Alternatively, they can be made by people who may be disaffected or who might want to engage in a boycott, diversion and sanctions program by lodging a whole heap of complaints against, say, an Israeli company, designed to impact upon its ability to trade fairly in the marketplace. That will be the key task for the Minister and his department.

The Minister referred in his second reading speech to NSW Fair Trading consulting with consumer groups and having begun to engage in broader consultation. He also stated that an informed discussion paper would be released in late September or October 2015. During the Minister's reply, I ask him to refer to the progress of that consultation, which will be key in determining outcomes. It is often the case in relation to online services such as TripAdvisor that over-the-top complaints and excessive praise for an enterprise are usually set aside whereas middle-range complaints are accepted. In deciding on the release of data, it will be important to recognise that complaints do not necessarily mean that there is a problem. There should be a way in which the Office of Fair Trading can exclude vexatious complaints so that competitors do not obtain an unfair advantage in the marketplace. The bill is the next step in consumer protection provisions that began with the Trade Practices Act 1974. The key factor in the outcome of this legislation will be its implementation. The concept, which is utilised throughout the world, should provide dramatic benefit to New South Wales consumers.

Ms ELENi PETINOS (Miranda) [7.40 p.m.]: I support the Fair Trading Amendment (Information About Complaints) Bill 2015, which represents the Baird Government's commitment to ensuring that best practice governance is maintained in all facets of public administration, extending to enhancing the transparency and accountability of government bodies, such as NSW Fair Trading. In particular, the bill empowers the Commissioner for Fair Trading to publish information about complaints received by NSW Fair Trading including with respect to businesses that are the subject of ongoing complaints. Through the release of complaints data, consumers will have greater access to information, allowing them to make informed and reasoned decisions about traders with whom they will transact. Furthermore, businesses will be compelled to improve their performance in goods and service delivery; otherwise, they will be left with a negative reputation, which will impact upon profitability.

The days of government departments operating as silos and withholding information from the public are over. We are extremely fortunate in New South Wales to have a Minister for Innovation and Better Regulation who is serious about transparency, open data and empowering consumers. I thank the Minister for his work on this important legislation. NSW Fair Trading receives more than 45,000 complaints each year and almost one million inquiries. Fair Trading keeps an internal record of traders who are the subject of most complaints, but this information has never previously been made public. Why should government be any different from the private sector? How often do we check reviews for restaurants or hotels or movies? How often do we log into TripAdvisor, Urbanspoon or Google reviews? Of course, government should not withhold useful information that could help consumers make purchasing decisions. Individuals are best placed to make decisions for themselves, not government.

With greater access to information, markets become increasingly self-regulating as individuals vote with their feet and their wallets. We already have websites such as My School and MyHospitals

where performance data is shared with the public about our schools and hospitals. What is more, as the Minister has stated, we already have complaint-handling bodies, such as the Telecommunications Industry Ombudsman, the Commonwealth's Financial Ombudsman Service, the Credit and Investments Ombudsman, and the Energy and Water Ombudsman NSW—all of which make complaint data available to the public. But of course we need to balance privacy with disclosure. Importantly, this bill does not allow for publication of the identity of the person who makes a complaint. However, it allows for the publication of information about the identity of the persons or businesses about whom complaints have been made, or about whom the greatest number of complaints have been received.

It is also worth noting that NSW Fair Trading will continue to review its complaints process to ensure that protections against vexatious complaints are operating as intended. The bill will enable the Commissioner for Fair Trading to establish a register containing information about traders who have been the subject of complaints to NSW Fair Trading. Consumer advocates, such as Choice, the NSW Customer Services Commissioner, the NSW Information Commissioner, and the Consumer Action Law Centre all have stated their support for the register proposal. This level of support is indicative of the nature of the reforms proposed in this bill—benefiting consumers through the diffusion of greater knowledge. NSW Fair Trading has held two stakeholder roundtables to discuss the preliminary design of the proposed register.

This Government is committed to open data because it is a driver of innovation and economic growth and because it is the right thing to do. Unlike Opposition members, this Government believes in transparency and accountability in government as we continue to strive for higher standards in all aspects of governance. The New South Wales Government has an open data policy whereby we support the release of government datasets wherever practical. This is an international trend, with jurisdictions around the world gaining a better understanding of how data can be used to improve services, influence consumer behaviour and purchasing decisions, and enable communities to engage with government.

One need only look at London to see how real-time data is being used to create an online dashboard of government services to assist individuals and businesses with day-to-day decisions, big and small. Parliamentarians should not be frightened of releasing data to the public. This bill is good for consumers because it will equip them with greater access to information and allow them to make informed decisions about the traders with which they will transact. It is also good for businesses because it provides them with an incentive to improve their performance. I commend the bill to the House.

Mr VICTOR DOMINELLO (Ryde—Minister for Innovation and Better Regulation) [7.46 p.m.], in reply: As members have heard, the Fair Trading Amendment (Information About Complaints) Bill 2015 will enable the Commissioner for Fair Trading to publish information about complaints received by NSW Fair Trading. I thank the member for Fairfield, the member for Riverstone, the member for Prospect, the member for Cootamundra, the member for Heffron and the member for Miranda for their contributions to the debate. The member for Heffron sought further information in relation to the discussion paper to which I referred in the second reading speech. I inform the member for Heffron that the discussion paper has been published by NSW Fair Trading on the Fair Trading website and that feedback on the discussion paper will be open until 30 October.

I also thank former Ministers for Fair Trading—the Hon. Matthew Mason-Cox from the Legislative Council and the Hon. Stuart Ayres—for championing the idea of sharing complaints data. I thank the Commissioner for Fair Trading, Rod Stowe, and officers from NSW Fair Trading—Rhys Bollen, Gabbie Mangos, Diana Holy, Elyse Cain and David Saunders—as well as my policy director, Jane Standish, for their outstanding efforts in developing the bill. In conclusion, I state that, in the information age, information is power. The release of more information empowers consumers. This legislation represents exciting reform. As the member for Heffron stated, it is the next iteration in a long series of developments in Fair Trading that will go a long way towards providing power to consumers. Accordingly, I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Victor Dominello agreed to:

That this bill be now read a third time.

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

Pursuant to resolution private members' statements proceeded with.

PRIVATE MEMBERS' STATEMENTS

INGLEBURN MOTOR REGISTRY CLOSURE

Mr ANOULACK CHANTHIVONG (Macquarie Fields) [7.48 p.m.]: The Baird Government's decision to close the Ingleburn Motor Registry office, whilst specific, goes to the heart of the role that the State Government should play in the lives of our citizens and community. At its very core, State government is about the provision of services that enable citizens to go about their day-to-day life with a minimum of hassle or bother. When governments fail to deliver on those core services, our citizens have every right to be angry and frustrated, and to be heard. The constituents of my electorate do not expect anything less than the provision of core services from this Government. After all, that is what they pay for with their taxes: But moreover, it is what they deserve. More than anything else, my constituents do not want government decisions to make their already busy lives more difficult or to be taken for mugs by government spin.

It is for those reasons my constituents are frustrated and angry and insulted by this Government. They are angry that the provision of basic services is being denied to them. They are frustrated that it appears this Government does not care enough to listen to them. They are insulted that they are being treated as mugs by a government that is intent on feeding them nonsense and spin. I have attended many community meetings and witnessed many community campaigns aimed at influencing government policy and decisions. But never in my time in public office have I seen my community so annoyed, so upset and so riled as it is now. For the past four weeks or so my office in Ingleburn has been inundated with constituents who are incensed over the decision to close the Ingleburn Motor Registry. They are so incensed that they have taken time out of their busy schedules to come to my office to sign my petition that asks the Government to reverse its bad decision to close the motor registry.

So far more than 2,100 residents have signed the petition. That is an amazing response. This morning it was my honour to present the petition to the Clerk. In addition, many more residents have returned a tear-off slip to my office to signal their protest. And wherever I go in the main street people stop to chat with me to express their dismay over the issue. For decades Ingleburn has had a motor registry to go to, to register a car, to renew a licence, to obtain P plates, and to renew a restricted licence. It is not a luxury; it is a basic service that our residents deserve and need. In fact, last year alone the Ingleburn Motor Registry conducted 151,000 transactions. So it is a busy place. If there is anything members of my community hate more than the denial of basic government services, it is government spin and rhetoric that treats them as mugs. And they are not mugs, but the spin and lines run by this Government on why it is closing the Ingleburn Motor Registry do just that. In a letter from Service NSW to

one of my constituents dated 23 September we are assured that:

... Service NSW offers a one-stop service where you can access more transactions across Government such (as) Fair Trading licences, birth certificate applications and many more.

One of my constituents on my Facebook page responded to the letter in the following terms:

Wonder how many people will want to make an application for a birth certificate at the same time as a licence renewal??? Absolute rubbish.

Regarding a modified or restricted licence, the same letter stated:

We will be pleased to assist older drivers review their driving requirements in light of the upcoming changes.

Again on my Facebook page one of my constituents noted:

Is the mention of being "pleased to assist older drivers" to discuss their individual requirements a tactic to get older drivers off the road?

The residents in my community are not mugs. They see through all this nonsense and spin. These are the facts. Ingleburn Motor Registry is busy conducting more than 151,000 transactions. It offers basic services—services that almost everyone needs at some time. My electorate is growing—Bardia and Edmondson Park, and the recent announcement of a further 35,000 houses in Appin and Wilton testify to the need for more services, not fewer. The proposed service centre at Gregory Hills is almost 21 kilometres away, and there is another service centre at Orange Grove in Liverpool. Neither of them is easily accessible via public transport.

It is time for the Government to be honest with the residents of my electorate and end the spin. It is time for the Government to admit that its one-size-fits-all model of Service NSW is inappropriate for my electorate. And it is time for the Government to listen to the concerns of my constituents and to reinstate the motor registry office in Ingleburn. I have written to the Premier requesting an urgent meeting with me and some constituents to discuss this issue. I earnestly hope he agrees to this request. He will have the opportunity to hear the genuine concerns of residents who expect nothing less than basic services—the very services that enable them to go about their everyday lives with a minimum of fuss. [*Time expired.*]

Mr GARETH WARD (Kiama—Parliamentary Secretary) [7.53 p.m.]: I respond to the private member's statement given by the member for Macquarie Fields. I note that this Government has done more than any other government to provide access to government services. I am pleased with the fact that we have a 24-hour hotline for Service NSW, 13 77 88, and I note that the member referred to the Liverpool Service NSW centre, at 2-18 Orange Grove Road, which is open from 7.00 a.m. to 7.00 p.m. on weekdays and 8.30 a.m. to 3.00 p.m. on Saturdays. We are also engaging online, and I encourage people to take advantage of that. Service NSW brings a number of government services under one roof. As the Government continues to roll out those service centres I encourage the member for Macquarie Fields to contact the Government and continue to make strong representations. There is no doubt there is now greater access to government services under Service NSW than there was under this phone, that form, that website. We are bringing services under one roof to make things easier for the residents of New South Wales.

BURDEKIN PARK FLYING FOXES

Mr MICHAEL JOHNSEN (Upper Hunter) [7.54 p.m.]: I inform the House of the intolerable situation in the historic Burdekin Park on the New England Highway in Singleton. For many years the bats have been terrorising the locals and visitors to the park. Since taking up residence about 14 years ago,

they have effectively rendered the park useless and, in fact, dangerous to people's health. Unfortunately, the legislative and bureaucratic processes required to do something about these bats are unnecessarily complicated. My view is simple: relocate or eradicate. The problem is that it is not simple. To date, no-one seems to care enough to get past the frustrations of the process and make the changes required to allow relocation or eradication in a timely and humane manner. The Office of Environment and Heritage [OEH] website states:

The Flying-fox Camp Management Policy 2015 empowers land managers, primarily local councils, to work with their communities to manage flying-fox camps effectively.

This policy was developed after public consultation in late 2014. One contributor to that consultation was Singleton Council, the body responsible for the management of the grey-headed flying fox colony in Burdekin Park. In its submission the council stated:

Our concern with the Proposed Policy is that media coverage has raised the expectation of our community to believe that total dispersal of the colony will be achievable (level 3 action) when this is highly unlikely given the nature of the colony and the necessity to gain approvals from both State and Federal Government agencies.

As I mentioned, in New South Wales there is a camp management policy whose basic principle provides that the management of the camp is the responsibility of the landholder. For public land it is often the local council. It provides the framework within which the OEH will make regulatory decisions. In particular, the policy strongly encourages local councils and other land managers to prepare camp management plans for sites where the local community is affected. The policy identifies three levels of management activity: level 1, routine management of the camp, such as trimming vegetation; level 2, establishing and maintaining buffers around the camp; and level 3, active dispersal of the camp.

Level 3 activities are not always appropriate in all situations and the policy provides further details on issues associated with dispersal. The OEH will approve actions identified in camp management plans under the provisions of the Threatened Species Conservation Act. Level 3 actions require a higher level of assessment to be approved. This all seems logical, but wait—now there are Commonwealth requirements at the level 3 stage. In particular, actions that are considered likely to have a significant impact on the grey-headed flying fox must be referred to the Federal Government. Activities that may have a significant impact include proposals to disperse camps, move or shift camp boundaries, or clearance of important roosting or foraging habitat.

The community in Singleton has had enough. Fourteen years of buck passing and inaction is more than enough. I call on the State and Federal governments to remove the barriers to action. If the landowner is responsible for the management and/or relocation of a flying fox colony then let them do it without having both hands tied behind their backs. Allow a much more streamlined process for dealing with bat colonies, bring back common sense and return the public urban space to our community members. In my electorate of Upper Hunter I believe we could assist by creating new habitat areas over time, for example, on mining lands during the process of rehabilitation.

Some people believe that the bats relocate because their habitat is destroyed. If that is correct then we can fix it. Of course, other people believe that we should do nothing and the bats should be allowed to stay where they land, set up camp and destroy the local amenity. I am much more pragmatic. I accept that some experts believe that the bats are vulnerable or threatened. I have no reason not to believe those experts. My message is simple: relocate the bats or eradicate them. If landowners are responsible for a bat colony that has flown in and set up camp, take away the barriers to managing the problem and empower communities; do not simply talk about it.

CARDIAC ARREST SURVIVAL FOUNDATION

Mr JONATHAN O'DEA (Davidson—Parliamentary Secretary) [7.59 p.m.]: Cardiac arrest causes thousands of preventable deaths in Australia every year. In New South Wales 3,800 people experience an out-of-hospital cardiac arrest every year, with around 90 per cent subsequently dying. An Australian Resuscitation Council report indicates that New South Wales survival rates are worsening despite improvements to cardiopulmonary resuscitation [CPR] guidelines and fewer out-of-hospital cardiac arrests. In 2004-05, 12.3 per cent of people who had an out-of-hospital cardiac arrest were still alive 90 days later.

In 2009-10, this figure dropped to 10.2 per cent, indicating that only one in 10 New South Wales cardiac arrest patients survive their ordeal. Noting the benchmarks of our neighbouring States, Victoria's out-of-hospital cardiac arrest survival rate stands at 29 per cent, while Queensland's is 21.3 per cent. Some benchmarks in the United States are even higher. New South Wales relative statistics warrant targeted government action. I should qualify these statistics by noting that there are some data deficiencies and inconsistencies that require addressing.

The Cardiac Arrest Survival Foundation is a charity that works to reduce the number of deaths from cardiac arrest by improving public reliability and accessibility of automatic external defibrillators [AEDs]. The foundation chair is Dr Don Dingsdag and its patron is one of my local constituents, Mr Nick Farr-Jones, the former Wallaby captain who, along with me, is keenly following Australia's excellent progress in the Rugby World Cup.

This month Defibrillator Awareness Month is being marked by an event called Shoctober. I will be attending a media event along with one of the foundation's founding directors and another local constituent, Reno Aprile, as well as some school students and the media. The Shoctober campaign encourages workplaces to understand the dangers of cardiac arrest and to consider installing monitored AEDs. One example of the successful implementation of AEDs is Sydney Trains. In the past six years 26 lives have been saved due to remotely monitored AED systems and CPR-AED training for more than 2,600 employees. I commend Sydney Trains for that initiative.

AED devices can improve the rate of survival after a cardiac arrest by up to 75 per cent. This is done by guiding the user to perform CPR on patients and administering electric shocks to restore regular heartbeat rhythms. AEDs are easy to use and do not require extensive training. Findings reveal that untrained year 6 children can capably use AEDs only 23 seconds slower than trained paramedics. New South Wales Ministry of Health 2012 research shows that 90 per cent of people in New South Wales suffering out-of-hospital cardiac arrest die, with more than 59 per cent deceased by the time the ambulance team arrives. Even for the 41 per cent of arrest victims able to present to an emergency department, mortality was high, with 61 per cent either deceased upon reaching the emergency department or dying within it. Of the remaining 16 per cent, it appears from my earlier quoted statistic that the New South Wales survival figure falls to around 10 per cent after 90 days. It is therefore vital to have ready access to AEDs in public spaces.

The Cardiac Arrest Survival Foundation promotes widespread adoption and regular maintenance of AEDs in public places as well as awareness campaigns to foster confidence in bystanders who can render vital assistance in emergencies. The foundation is also recommending that the AED Deployment Registry [AEDDR] examine patterns of where and when cardiac arrests occur, who is affected by them and how emergency care outcomes can be improved.

Take Heart Australia is another organisation aiming to increase the survival rate of people in the event of cardiac arrest. It brings experts from healthcare, academia, community, government and the private sector together to create a coordinated and integrated approach to saving lives. Monday 30 November is Take Heart Australia Day 2015. On this day 10,000 children will be trained in high quality CPR at Allianz Stadium by NSW Ambulance, St John Ambulance, Surf Life Saving, the Royal Flying Doctor Service and others.

More children will be trained at footy ovals, surf clubs and schools across New South Wales. Take Heart Australia even hopes to break the Guinness world record for the greatest number of people trained in CPR in one day across multiple venues. I congratulate the Cardiac Arrest Survival Foundation and Take Heart Australia on their enthusiastic and ongoing efforts to improve cardiac arrest survival rates. It is encouraging that various government emergency services agencies are collaborating through the Australian Conference for Out of Hospital Cardiac Arrest Preparedness, but much more needs to be done.

NARARA ECOVILLAGE

Ms KATHY SMITH (Gosford) [8.04 p.m.]: Recently I was delighted to be invited to a tour and information session at Narara Ecovillage on the Central Coast by the village founder, Lyndall Parris. The ecovillage is an amazing development that is taking shape at this renowned, cutting-edge, environmentally innovative ecovillage. It is a first for a region such as the Central Coast and hopefully a prime example for future sustainable ecodevelopments in Australia. I was surprised at how well planned and advanced the development of land and housing was. Situated amid the beautiful Strickland State Forest, this leading-edge development offers residents the potential for vegetable, fruit and herb cultivation in the rich soil of the site, whilst also offering interested buyers a unique opportunity to purchase an environmentally sustainable property with an emphasis on community harmony and a shared interest.

Lyndall Parris hopes that one day the site in the foothills of Narara will serve as more than just a village for environmentally aware residents. Lyndall has a vision for this project to be a national symbol of the economic and social benefits of planning villages to utilise the environment and to harness development to the local area, taking advantage of the elements and growing produce locally while at the same time planning homes to fit the environment and follow the principles of sustainability.

The Narara Ecovillage can be found at 25 Research Road, Narara, New South Wales. Interested residents or enthusiastic environmentalists are warmly welcome to visit the village on a number of open days held throughout the year. I highly recommend a tour of the village if anyone is visiting the area. I look forward to being updated regularly on the progress of this project in my electorate and wish Lyndall Parris and those spearheading the ecovillage a very successful future at this site.

LT CREEK REMEDIATION

Mr GREG PIPER (Lake Macquarie) [8.06 p.m.]: I speak about LT Creek, a waterway in the north-western part of my electorate that flows into Fennell Bay. Fennell Bay is close to Toronto, as is the suburb of the same name. It is a substantial local catchment occupying an area of about 740 hectares. The poor health of this waterway, due to extensive sedimentation, has long been a matter of concern for residents of the area and for the Lake Macquarie City Council. Today I would like to use this opportunity to put some of those concerns on the public record and request the State Government to engage with local stakeholders in the development of a solution to the longstanding problems in this catchment.

LT Creek appears as a brown and murky waterway, although long-time residents will tell you that this was not always the case. Those who have lived in the area for a long time, including some whose properties line the waterway, will tell you that as recently as the 1980s the water was clear, the creek bottom was sandy and marine life was abundant. It was a much more aesthetically pleasing waterway, conducive to recreational activity. Most importantly, it was a healthy part of the Lake Macquarie ecosystem.

Lake Macquarie City Council commissioned the LT Creek Catchment Water Quality Management Plan in response to concerns about the state of the waterway and in acknowledgement of the need for rehabilitation. The plan, adopted in 2009, covers the freshwater catchment of the creek and was intended to be complementary to a previous estuary improvement plan for Fennell Bay and Edmunds Bay. As the

water quality management plan recognised, LT Creek suffers from high levels of suspended sediment that makes the water very turbid. Sediment is largely deposited in the upper reaches of the creek but with colloidal material travelling the extent of the stream into the further bays and the lake beyond. The combination of poor water clarity and core sediment deposition has stifled vegetation and aquatic life, degraded the channel bed and banks and significantly lowered the amenity of the waterway for recreational use.

There are a number of sources of this sedimentation but some of the key factors noted by the report's authors are the run-off from the nearby Centennial-owned Newstan Colliery and poorly controlled run-off from unsealed tracks surrounding the catchment. It should be noted that Newstan Colliery has in more recent times invested significantly in improvements, including water quality control dams, diversion structures and other measures, to reduce run-off from the site, but due to historically poor controls there are legacy issues from that source. Options that have been canvassed to improve the health of the waterway include targeted run-off controls, soil surface stabilisation and remediation of habitat. Dredging the waterway to remove existing sediment has also been considered, and that process was the subject of a subsequent report presented to the council in late 2013.

The dredging report found that high levels of silt within sediments were likely to be the primary reason for the decline in seagrasses and other aquatic vegetation and that in turn had affected the overall water quality and restricted the diversity of aquatic fauna to species tolerant of muddy waters, such as eels, mud crabs and mullet. While acknowledging that there were some limited risks to marine ecology in dredging, it found that, if undertaken in conjunction with management measures to control the entry of sediment into the creek, dredging would vastly improve water quality and provide an environment to promote the regeneration of plant and fish life in the creek.

There are some obstacles to dredging, cost being the most significant. As well as the cost of dredging itself, there are likely to be significant fees and charges involved in disposing of the dredged material as it would have to be treated for contaminants before being placed at a disposal site, most likely the waste management centres at Awaba or Summerhill. An option for disposal at Newstan Colliery was also considered and could be more cost-effective but this would involve negotiations with the Environment Protection Authority and the site owner. I favour that option.

My purpose in raising this issue today is to initiate a conversation with the State Government that will hopefully lead to a resolution of this problem. There is a management plan in place, but the council needs State Government support through the Environment Protection Authority and the Department of Primary Industries—Lands to put this into action. During my time on Lake Macquarie City Council I was proud to be part of the cooperative approach between council and the State and the ratepayers of Lake Macquarie to deliver what was recognised as a world-class remediation of Lake Macquarie. The cooperation used then needs to be brought to bear to fix LT Creek. I hope avenues of communication can be opened so that a proper plan to clean up LT Creek can be enacted in the near future.

In closing I also acknowledge the Newstan Colliery Community Consultative Committee for its longstanding interest in and advocacy on this issue. I am sure it would be willing to assist the relevant government authorities in any way it can to ensure that this matter is resolved. I know that because I met with it just over two weeks ago and spoke to Margaret MacDonald-Hill, chair, and John Paul Young, a longstanding advocate for the local area who is keen to see this matter resolved in an area that he loves.

Private members' statements concluded.

Pursuant to resolution matter of public importance proceeded with.

NATIONAL CARERS WEEK

Matter of Public Importance

Mr GREG APLIN (Albury) [8.12 p.m.]: This week is National Carers Week. I am pleased to have an opportunity to speak about our wonderful carers in New South Wales and the invaluable work they perform for those who rely on them. New South Wales has 857,000 carers, including more than 100,000 who are under the age of 25. These marvellous people provide support and assistance to so many within our communities, and this week we acknowledge and celebrate them and ask them to take some time out and to enjoy an activity with other carers. There are more than 2.7 million carers in Australia, of whom 770,000 are primary carers, who often provide 24-hour support to those who are in need. Across Australia research has estimated that the amount of unpaid care provided by carers would cost more than \$60 billion, a staggering amount and a testament to the dedication of carers. This week in particular we thank those carers for the dedicated role they play in our community and we encourage everyone to acknowledge the carers they know and perhaps offer additional support.

National Carers Week gives us an opportunity to raise community awareness about the diversity of carers and their many roles. One of the ways we do this is through the NSW Carers Awards which are organised by the New South Wales Government in partnership with Carers NSW. In a formal sense we can look to the key elements of the New South Wales Carers (Recognition) Act 2010, the New South Wales Carers Charter and the New South Wales Carers Strategy. In a more personal manner we congratulate the 65 individual carers and organisations recognised by the Minister for Ageing and Disability Services, the Hon. John Ajaka.

Yesterday the Minister hosted the NSW Carers Awards ceremony at Parliament House and announced that this year's New South Wales Carer of the Year is Sheila Openshaw of Port Macquarie. Sheila has been caring for her sons for more than 20 years and has been the group leader for the Hastings Mental Health Support Group for 14 years. Sheila is a lifetime member of the Schizophrenia Fellowship of NSW. Sheila has represented carers and people experiencing mental health issues through speaking engagements and by raising awareness and she is also a keen fundraiser. We as a community owe a great deal to these carers. Mrs Openshaw has endured the challenges and reaped the rewards of being a carer. She said:

I am passionate about my role as a carer and dedicated to working with the community to increase public awareness about mental illness.

Caring for my two sons has been challenging during the past 22 years, it has made me more compassionate, understanding and wise.

Across the State the total of 65 individuals and organisations being recognised for their contribution include: Mary Cleary from Salamander Bay who, at the age of 85 years, is recognised for 40 years of caring; Laurel Lambert from Gateshead who has been a carer for 38 years; Mary Pilkinton, at 15 years of age, an inspirational carer from Homebush; Karen Crawley from Yowie Bay; Dianne Collier of Tweed Heads South; Greg Smith of Kanwal; and Kevin Dunne of Cooma. These wonderful and dedicated people prove that one is never too old or too young to be a carer. Organisations also received highly commended awards including the Wagga Wagga Autism Support Group and the Hindu Social Services Foundation.

To assist with recognition of Carers Week, this Government provides grants to approximately 300 organisations to arrange events for local carers such as lunches, self-care sessions, bus trips and movie days. In my electorate during Carers Week a number of events have been organised through Aspire Support Services, Albury Wodonga Down Syndrome Family Network Group, Cuppa Connection and the Autism/Aspergers Family Networking Support Group. Carers of children with Down syndrome have a brunch, whilst carers of people with intellectual disability have a social gathering, providing them with an opportunity to meet and talk with other carers and professionals. Carers of people with autism spectrum disorder or Asperger's have a lunch, again allowing for a break and the ability to socialise.

Similar activities are occurring across New South Wales to show our gratitude to these dedicated

carers. It is not too late to be involved and I encourage carers and relatives to check the Carers NSW website to see whether they can still participate. It is interesting to look back at the history of the carer movement. Carers Australia dates back to the early 1970s. The events of that era were milestones leading to the organisation we have today. In 1980 in what was believed to be a world first, the Carers Association of New South Wales became an independent body. The International Year of Disabled Persons in 1981 led to a comprehensive survey on disability along with greater community understanding and this, in turn, was followed by funding and programs. The first Carers Week was held in 1992. Taking a break is the key activity for National Carers Week and for those who proudly wear the badge that proclaims, "I Care!" I urge carers to seek out one of those many social events, to connect with other carers and to take a short break. We know they deserve it and we thank them for their commitment.

Ms TANIA MIHAILUK (Bankstown) [8.17 p.m.]: I thank the member for Albury for bringing National Carers Week to the attention of the House. This week provides each and every one of us with an opportunity to think about the many carers who reside in our electorates. On behalf of the Opposition I congratulate Sheila Openshaw on receiving the New South Wales Carer of the Year award and I thank her for her work not only in supporting her sons in their struggle with mental illness but also in supporting other carers in the Port Macquarie community. I acknowledge also that the Minister has given awards to approximately 55 people and a number of organisations and he has paid tribute to carers in this State.

We are blessed that New South Wales has a large number of carers, approximately 857,000 of the 2.7 million carers nationally. Without carers a tremendous burden would be placed on all levels of government. Carers make a great contribution nationally. It would cost the State and Federal governments more than \$60 billion if the work of carers suddenly stopped. Carers Week is also a wonderful opportunity to acknowledge the carers in our communities. Yesterday I attended the Bankstown City Aged Care Betty Sussman Centre to celebrate its twenty-fifth anniversary. The centre provides care for dementia sufferers and also gives their carers an opportunity for some respite. It was wonderful to be there with the clients as well as the carers, who are delighted that the centre continues to be successful and can provide much-needed support for them.

I am sure all members in this House have close friends and family members who have been carers at one time or another. My mother was a carer for my grandmother and my disabled brother. I have also met many people in my community who have the tremendous burden of caring for one or sometimes two or more loved ones on at least a part-time but often full-time basis. October is Mental Health Month. I note that many family members care for people who suffer from a range of mental illnesses. Government must focus on providing respite for carers. We should take a bipartisan approach to doing our best to provide respite opportunities and to ensuring they have support from their place of employment.

In 2010 the New South Wales Labor Government enacted the Carers (Recognition) Act. Apart from establishing an advisory council, the purpose of the Act was to establish a charter of carer rights and place obligations particularly on public sector agencies to provide support to carers who need leave to provide support for loved ones in their time of need. That Act made significant changes and provided a range of support to carers. I note that Carers NSW, which is primarily responsible for the advisory council, worked tirelessly with many organisations in our community to ensure that carers are given all the financial and emotional support they need to cope with their role as carers.

Mr ANDREW GEE (Orange—Parliamentary Secretary) [8.22 p.m.]: During National Carers Week I join with members in celebrating and acknowledging the vital role that carers play in our community. As we have heard, there are 857,000 carers in New South Wales who perform an invaluable task. Caring can be sometimes difficult, sometimes lonely and sometimes thankless work. Therefore, it is important that in weeks such as this members of Parliament pause to say thank you to carers and to express appreciation on behalf of our communities for their important work. The Minister for Ageing, and Minister for Disability Services, the Hon. John Ajaka, has issued a number of important awards this National Carers Week. From my local area I congratulate Orange Carers Award recipient Mr Leo Lamers, who

does wonderful work for his son. I also congratulate Parkes nominees Mark and Michelle Ross on all their hard work.

A number of activities have been organised across New South Wales this National Carers Week. In the Orange electorate the Tullamore Seniors Day Centre is organising a morning tea followed by a singalong for older carers. Currajong Disability Services in Parkes is organising a luncheon for carers of people with disabilities. The Central West Autism and Asperger's Support Group is organising a luncheon for carers of people with autism spectrum disorder and Asperger's. The Cancer Care Western NSW Western Care Lodge in Orange, which does wonderful work, is organising a carers lunch and information session for carers of people diagnosed with cancer. I express my gratitude to all volunteers at the lodge. They have changed people's lives by providing that accommodation facility for cancer patients in Orange.

The Orange and District Early Education Program [ODEEP], which also does wonderful work, is organising a wellness day with yoga and stress management technique classes. The staff play an important role in our community and I thank them for their hard work. They are: manager, Robyn Brice; assistant manager, Kylie Streatfeild; teachers, Judy Dwyer, Megan Fox and Kelly Veitch; speech pathologists, Janelle Bowler, Morgan Kent, Rebecca Dray and Greta Wieland; family support worker, Amie Warren; behavioural support specialist, Jane Gosper; physiotherapist, Dianne Aitken; early intervention assistant, Sharlene Visman; office manager, Stephanie Harvey; and marketing coordinator, Lisa Darley. I have visited ODEEP many times. The whole community is grateful to the staff for their work in early intervention and caring for children with disabilities or delayed development. We congratulate all carers in National Carers Week.

Mr GREG APLIN (Albury) [8.25 p.m.]: I thank the member for Bankstown and the member for Orange for their contributions to discussion of National Carers Week as a matter of public importance. We all join in acknowledging the carers in our community. As I noted earlier, in New South Wales we have 857,000 carers including more than 100,000 who are under the age of 25. It is truly gratifying to see the wide range of ages of carers reflected in this year's awards—from an 85-year-old to a 15-year-old. The individual stories are inspiring to our community and remind us that it is natural to care but it can be demanding too.

Greg Smith, aged 36, from Kanwal is another example of a carer's commitment. Greg cares for his mum without question, helping her with anything she can no longer do for herself. He assists his mother with medication and pain management because her mobility is greatly restricted. He carries out all the daily chores from house cleaning to shopping. Greg gets great satisfaction from his caring role and takes pride in making his mum's life as good as possible. Caring is an important cultural value for our Aboriginal people. Aboriginal concepts of caring are based on family obligation, and Aboriginal carers will take on a large caring role. Aboriginal carers are more likely to be caring for children who cannot live with their parents as well as family members who are ageing or have a disability, chronic condition or mental illness.

Many of us would have seen the care provided by our grandparents and parents to each other in their later years. The care and support provided to partners during their final years, in circumstances which can be heartbreaking, are truly a testament to their love and devotion to one another. I know that many carers in our community feel the same love and devotion. No-one knows whether they will become a carer—family circumstances, accidents, health issues and other occurrences in life can create a situation where you or I may need to care for a family member or other loved one. The duration of the care may be short term or last for decades. The organisations in our community that coordinate and provide assistance and professional advice will be there to assist us all in our hour of need. I encourage members to take the time to visit those organisations to show our support for the great work they perform in our communities. I appreciate the opportunity afforded to me to give important recognition to many unsung heroes in our community. Carers are special people, their work is exceptional and we salute them not only during Nationals Carers Week but also throughout the year.

Discussion concluded.

**The House adjourned, pursuant to resolution, at 8.28 p.m. until
Wednesday 14 October 2015 at 10.00 a.m.**
