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LEGISLATIVE ASSEMBLY

Wednesday 18 November 2015

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

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

COURTS AND OTHER JUSTICE PORTFOLIO LEGISLATION AMENDMENT BILL 2015

Consideration in Detail

Consideration of the Legislative Council amendments.

Schedule of amendments referred to in message of 12 November 2015

No. 1 **OPP No. 1 [c2015-162B]**

Page 6, Schedule 1.8. Insert after line 28:

[2] Section 14A

Insert after section 14:

14A Proceedings for offences commenced by officers of ICAC or PIC

- (1) An officer of ICAC does not have the power to commence proceedings for an offence unless the Director of Public Prosecutions has advised the Independent Commission Against Corruption in writing that the proceedings may be commenced by an officer of ICAC.
- (2) For that purpose, the Director of Public Prosecutions may liaise with the Independent Commission Against Corruption, but is to act independently in deciding to advise that proceedings for the offence may be commenced.
- (3) The Commissioner, an Assistant Commissioner and an officer of the Police Integrity Commission do not have the power to commence proceedings for an offence.
- (4) In this section:

officer of ICAC means a person acting in the capacity of the Commissioner, an Assistant Commissioner or officer of the Independent Commission Against Corruption.

No. 2 OPP No. 2 [c2015-162B]

Pages 6 and 7, Schedule 1.8, line 29 on page 6 to line 12 on page 7. Omit all words on those lines.

Ms GABRIELLE UPTON (Vaucluse—Attorney General) [10.14 a.m.]: I move:

That the House agree to the Legislative Council amendments.

The bill has been returned from the other place with an amendment moved by the Opposition and accepted by the Government. As I made clear in my second reading speech, prosecutions relating to the Independent Commission Against Corruption [ICAC] and the Police Integrity Commission [PIC] are commenced only on the advice of the Director of Public Prosecutions [DPP]. After the prosecution is underway the DPP will take over the matter. The Opposition amendment legislated for the existing memorandum of understanding between ICAC and the DPP and, as such, the Government did not have any issue with adopting its proposed amendment. A great deal of ill-informed debate has taken place on this issue, which was based on a clear misunderstanding of the law and current practice. The bill does not—and never did—alter or change the current law and practice between ICAC and the DPP. The bill, alternatively, merely seeks to clarify the law as represented by Mr Bruce McClintock, SC, in his 2005 review of the ICAC, where he noted at paragraph 3.2.20:

These amendments will recognise the current practice adopted by ICAC and the DPP.

The Hon. Murray Gleeson, AC, QC, former Chief Justice of the Supreme Court of New South Wales and the High Court of Australia, in his 2015 review of ICAC also stated that the legislative amendments requested by the DPP had force. The suggestion that the Government is trying surreptitiously to drop a contentious amendment into an innocuous bill is plain nonsense and mischief. I invite members to reread my second reading speech, which clearly sets out the reasons for the amendment and references the two independent reports in which the proposal is discussed at length. Corruption prosecutions are too important to our community in New South Wales to be plagued by challenges based on arguments on how the common law should be interpreted. These prosecutions are also too important to be the subject of political point-scoring and deliberate misinformation campaigns. I commend the bill to the House as amended by the Legislative Council.

Mr PAUL LYNCH (Liverpool) [10.17 a.m.]: The Opposition supports the Legislative Council amendments to the Courts and Other Justice Portfolio Legislation Amendment Bill 2015. The amendments to schedule 1.8 of the bill were moved last Thursday by the Leader of the Opposition in the Legislative Council, the Hon. Adam Searle. The wording of the amendments had been settled earlier that day in room 806 of this building at a meeting attended by me, the Hon. Adam Searle, Parliamentary Counsel Mr Colagiuri, a representative of the Department of Premier and Cabinet, and representatives of the office of the Premier and the office of the Leader of the Opposition.

In broad terms, these amendments do two things. First, they drastically restrict the provision originally proposed in schedule 1.8 by limiting it only to the Independent Commission Against Corruption. As originally presented, the bill referred to "public officer" more generally, which was dramatically broader. Regulation 101 of the Criminal Procedure Regulation 2010 means that "public officer" includes employees of the Royal Society for the Prevention of Cruelty to Animals New South Wales, the Animal Welfare League NSW, and the Australian Health Practitioner Regulation Practice Agency, among others.

There was not the slightest effort by the Government to justify the proposed changes for those other organisations. The only justification provided was for the Independent Commission Against Corruption. The case has not been made out for those broader changes and they were not referred to in the Attorney's second reading speech. Apart from no case having been made out, in our view this also

represented a significant change to the law. Starting criminal prosecutions with a court attendance notice can occur if the public officer is granted the power under a relevant statute. Not every officer of each of those bodies is so authorised. Proposed schedule 1.8 would seem to have extended the power to every employee. That is undesirable, and certainly the case for it has not been made. If that is indeed proposed, not only should it be explicitly argued for but also it should be the subject of separate legislation.

The second thing that the amendments do, in broad terms, is to make clear that the ICAC can commence criminal prosecutions, with the DPP as the gatekeeper—that is, ICAC officers can commence proceedings for a criminal offence if the Director of Public Prosecutions has advised in writing that the proceedings may be commenced. There are two things to say about that. The first is that we are told that that is what actually happens now. So these amendments will not dramatically alter current practice. There is apparently a memorandum of understanding regulating that practice. Given the ICAC's role as an investigative body and the importance of there being a separation between the investigation and prosecutions in serious criminal prosecutions, it seems more desirable to have this in the statute rather than regulated by an agreement that may be subject to change without public notification.

The second point is that the amendments follow in the spirit of the discussion in the Gleeson and McClintock review. The amendments are far closer to Gleeson and McClintock than the original schedule 1.8. It was at one stage inaccurately claimed by the Government that its original proposal was recommended by Gleeson and McClintock. That claim was entirely wrong; it was untrue. There was in fact no formal recommendation on this topic in Gleeson and McClintock. There was a discussion and a suggestion. It appeared on the last page of the substantive part of the report, page 79, under the heading "Miscellaneous". It related only to the ICAC and had no connection with the many other bodies affected by the original proposed schedule 1.8. It was explicitly said that the ICAC could be allowed to commence criminal proceedings after considering the advice of the DPP, which was not what schedule 1.8, as originally presented in this bill by the Government, actually said.

The proposal to which Gleeson and McClintock referred additionally was an amendment to the Independent Commission Against Corruption Act, not the proposal pursued by the Attorney General in this bill. It is probably unfortunate that the Government did not pursue this course, when the recommendations of Gleeson and McClintock were implemented earlier this year in the process of maintaining the ICAC as a robust and effective corruption-fighting organisation. No-one who values corruption-resistant governance structures and knows anything about this State's history can have any doubt about the importance of the ICAC continuing to strongly and robustly combat corruption.

The current conservative hysteria against the ICAC should be rejected. It seems to be motivated largely by the fact that the ICAC has investigated people from the Liberal Party as well as the Labor Party. Labor was happy to work with the Government on the important issues surrounding the ICAC in two previous legislative proposals this year. The Premier spoke directly to the Leader of the Opposition and matters were sensibly pursued, with various meetings and briefings in which I and others were involved. That is how the amendments presently before the House were developed.

What I find incomprehensible is that this did not happen earlier in this legislation. For reasons I have no idea of—although I guess it is due to incompetence—the Attorney rammed this bill through the House in less than 24 hours. After that, her office was told by Labor's leader in the Legislative Council that there was a problem, and there was still no response. One is entitled to conclude that the legislation concerning the ICAC is too important to be left to the Attorney General. Labor supports the Legislative Council amendments currently before the House.

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

Motion agreed to.

Legislative Council amendments agreed to.

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

CRIMES AMENDMENT (OFF-ROAD FATAL ACCIDENTS) BILL 2015

Second Reading

Debate resumed from 20 October.

Mr KEVIN CONOLLY (Riverstone) [10.22 a.m.]: I address the Crimes Amendment (Off-road Fatal Accidents) Bill 2015. This simple bill is designed to address an anomaly in road safety procedures in New South Wales. It extends the existing powers of police to arrest and test any participant in a fatal road accident for alcohol and drug use. Currently, that practice applies only to accidents on roads. The bill extends that power to apply to motor vehicle accidents that occur off road. The bill applies only to accidents that involve a fatality. That is a rare circumstance but one which the community, I believe, would expect the Government to address. When somebody is killed in a motor vehicle accident off road, it should be verified whether the driver of the vehicle involved was affected by drugs or alcohol. This amending legislation will make clear that the police have the authority to test for that circumstance and to take the appropriate action.

Alcohol impairs driving regardless of where the driving occurs. Alcohol is a causal factor in around 16 per cent of fatal on-road crashes. But just because one is not driving on a road does not mean it is safe to drink and drive. This amendment bill will enhance the alcohol and drug testing regime in New South Wales and further add to the good work the Government is doing to address drink- and drug-driving. Police enforcement is supported by public education and awareness campaigns and is reinforced by tough penalties. Police data for the 2014 calendar year shows that police conducted more than 5.9 million breath tests and charged more than 22,000 motorists with drink-driving offences. Almost 39,000 roadside drug tests were conducted and just over 2,200 motorists were charged with drug-driving offences. The authorised strength of the Traffic and Highway Patrol Command is 1,345 officers. They are supported in their duties by the latest technology, including, for example, automatic number plate recognition technology, which scans passing vehicles to detect unregistered or stolen vehicles.

Random breath testing has significantly reduced alcohol-related trauma on our roads. In 1980 alcohol was a contributing factor in around 30 per cent of fatalities, but by 2013 this was down to around 16 per cent. The total number of fatalities, thankfully, was significantly reduced in the same period. This is a good story to tell. Governments of both persuasions have worked hard to address this issue, to bring road safety to the fore, to protect lives and to reduce the injuries and harm done to people in road accidents. The task is not finished by any means. Far too many people are killed and injured on roads. But with both sides of this House working together we have been able to reduce the toll. I trust we will continue to do so and continue to give the police the resources necessary to keep people safe.

As announced before the March election, the Government will, over the next three years, triple the number of random roadside drug tests conducted by police each year. By 2016-17 it is estimated that police will conduct around 100,000 roadside drug tests each year. Since it was introduced in 2007, the program has been extremely successful in identifying drivers with prohibited drugs in their system. I turn to some of the recent initiatives to address drink- and drug-driving in New South Wales. In 2014 the Government introduced mandatory alcohol interlock legislation to help high-range and repeat drink-drivers to learn to separate their drinking and driving. Also in 2014, the Government introduced the Road Transport Amendment (Alcohol and Drug Testing) Act—legislative reform to improve the ability of police to detect and prosecute alcohol- and drug-impaired drivers.

Traffic police are also being equipped with new generation drug and alcohol testing devices, and software enhancements are being made to their in-car computer systems to save them time and improve their access to the driver licence database. In its first term, the Government also supported the new

command by providing an extra 100 new highway patrol officer positions, 50 new vehicles and the installation of more than 100 mobile automatic number plate recognition [ANPR] units over and above those that were already being rolled out. More than 370 mobile ANPR units have now been fitted.

There is strong community support for these initiatives and an expectation that drink- and drug-drivers will be caught and penalised. Over time the legislative framework to address drink- and drug-driving has continually developed. In keeping with the process of continuous improvement, this bill brings forward further amendment to strengthen the current arrangements. The Government has made a strong commitment to address drink- and drug-driving in New South Wales. The extension of the regime to accidents off road maintains the clear message that drink- and drug-driving can be fatal, wherever it occurs. I trust all members will lend their support to the bill.

Ms GABRIELLE UPTON (Vaucluse—Attorney General) [10.28 a.m.], in reply: I thank members for their contribution to the important debate on the Crimes Amendment (Off-road Fatal Accidents) Bill 2015. I thank Jodie McKay, the member for Strathfield; Guy Zangari, the member for Fairfield; and Ron Hoenig, the member for Heffron. I note that the member for Heffron had some concerns about whether the Director of Public Prosecutions [DPP] had considered all options for the prosecution of offenders. In particular, he was concerned about whether manslaughter and involuntary manslaughter had been considered. I will address that. I acknowledge the important contribution of Tamara Smith, the member for Ballina, who took no issue with the bill. I highlight the work of Andrew Gee, the member for Orange, who has had a significant part to play in working with families whose personal tragedies have informed this legislative change. I thank him for guiding me and the Government on what might be done to in some way assist those families and achieve an outcome from their difficult experiences and continuing sadness.

I also acknowledge the member for Wollondilly, Jai Rowell; the member for Myall Lakes, Stephen Bromhead; and the last speaker, Kevin Conolly, the member for Riverstone. I thank them for their contributions to this debate. We were all saddened by the loss, some time ago, of the lives of Eliza Wannan and William Dalton-Brown. Again, I offer my personal condolences to their respective families. As a local member I understand how important it is to represent constituents well in this place. I commend the member for Orange, Andrew Gee, for his work on behalf of his local community. The tragic circumstances in this matter have highlighted the inadequacies in the current law, and the member for Orange has been steadfast in his support of the families and his community. While the passage of this bill does not take away their pain, it is significant for the member for Orange to be able to report the passage of this legislation to the families and his community to demonstrate that the lives of these young people were not lost in vain.

As I said previously, I will also address the concerns raised by the member for Heffron. For the member's benefit, I can tell the House that the Deputy State Coroner forwarded this matter to the Office of the Director of Public Prosecutions to determine whether there was sufficient evidence to prosecute a person with an indictable offence. As I am sure the member for Heffron understands, the Director of Public Prosecutions is an independent officer of government with responsibility for the conduct of criminal prosecutions. A decision to prosecute any alleged offence is based on a consideration of the sufficiency—the materiality—of the admissible evidence, general legal principles, public interest and prosecutorial guidelines. The Director of Public Prosecutions determined there was insufficient evidence to warrant the prosecution of an indictable offence.

In summary, this bill will ensure, in circumstances of a loss of life from a motor vehicle accident, that police have adequate powers to arrest a driver to collect blood and urine samples for the purpose of drug and alcohol testing, regardless of where the crash occurs. As I have mentioned already, the tragic deaths of Eliza and William have highlighted inadequacies in the current laws. The New South Wales Government is, through this bill, committing to strengthening police arrest powers so that evidence of alcohol and drug impairment can be collected where there is a fatality or near fatality as a result of an off-road accident.

This bill strengthens current New South Wales law by making it abundantly clear that when someone is killed in a tragic off-road accident, police can arrest a driver for alcohol and drug testing. If there is evidence that the person was driving under the influence of intoxicating alcohol or a drug, then that testing can be used to help prove the elements for the Crimes Act 1900 offence of dangerous driving occasioning death. Currently, the Road Transport Act 2013 provides police with a power to arrest a driver following a fatal, or likely to be fatal, accident for alcohol and drug testing. However, this power applies only to a fatal motor vehicle accident that occurs on a "road" or "road-related area".

When someone is killed in a motor vehicle accident, it is not always obvious whether the fatal accident site is a road or road-related area. This makes it difficult for the attending police to determine whether the driver can be arrested to take blood and urine samples under the Road Transport Act 2013. To remove this ambiguity, the amendment bill provides police with powers to arrest a driver involved in a fatal or likely to be fatal motor vehicle accident and require drug and alcohol testing, regardless of whether the accident occurs on-road or off-road. I have travelled to Orange and visited some of the families. I have sat with the families. I feel as deeply as one can the tragic loss of life that they have endured.

In conclusion, and for the reasons I have outlined in some detail—both in my second reading speech and in this speech—when there is tragic loss of life as a result of a motor vehicle accident, this important bill will ensure that police have adequate arrest powers to require the collection of blood and urine samples for the purpose of drug and alcohol testing regardless of where the accident occurs. There is clarity and transparency now, and I hope that in some small way this will help the families who have suffered one of the worst tragedies a family can suffer—the untimely death of young people who had much promise and opportunity ahead of them. Their lives were cut short and they were denied that opportunity and the prospect of hope in the lives ahead of them. That tragedy has brought about this bill, which I strongly commend to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Ms Gabrielle Upton agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Council without amendment.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO. 2) 2015

Second Reading

Ms GABRIELLE UPTON (Vaucluse—Attorney General) [10.35 p.m.]: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill (No. 2) 2015 continues the statute law revision program that has been in place for more than 30 years. Bills of this kind have featured in most sessions of Parliament since 1984 and are an effective method for making minor policy changes and maintaining the quality of the New South Wales statute book. Schedule 1 to the bill contains policy changes of a minor and non-controversial nature that are too inconsequential to warrant the introduction of a separate

amending bill. It contains amendments to 15 Acts. I will describe some of the amendments to give members in this House an indication of the kinds of amendments that are included in this schedule.

Amendments are made by schedule 1 to the Road Transport Act 2013 in relation to the Mandatory Alcohol Interlock Program established by that Act. The amendments will provide for the recognition of interlock driver licences issued in another State or Territory. This will ensure that any period during which a person holds an interlock driver licence of another State or a Territory will be counted towards the interlock period applicable under the Act. The amendments will also ensure that the making of a second or subsequent mandatory interlock order in respect of a person will set aside any preceding order.

Schedule 1 also amends the Subordinate Legislation Act 1989 to provide that a regulatory impact statement is not required to be prepared in respect of regulations made under the Major Events Act 2009. The amendment will enable major events to be declared expeditiously under that Act. The Mental Health Act 2007 is amended to update references to the repealed Private Hospitals and Day Procedure Centres Act 1988 and associated terminology. Before that Act was repealed, a licence was required to conduct a private hospital, within the meaning of the repealed Act, to provide treatment for mental illness. The amendments will provide for the continuation of that licensing requirement in relation to the conduct of a private health facility within the meaning of the Private Health Facilities Act 2007.

The Sydney Cricket and Sports Ground Act 1978 is amended to enable the trust to grant a lease or licence for a total period not exceeding 75 years to the Australian Rugby Union for the Australian Rugby Development Centre at Moore Park and also to grant a similar lease or licence to the University of Technology Sydney for the purposes of the UTS Sports Campus at Moore Park. Schedule 1 also amends the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 to extend the period for which an importation order may be made or extended in the event of an emergency animal disease. Currently, an importation order cannot be made or extended for a period exceeding 30 days. However, certain emergency animal diseases warrant a longer period of protection. The amendment will extend this period to six months, which will significantly reduce the number of extension orders required to be made.

Schedule 2 deals with matters of pure statute law revision, consisting of minor technical changes to legislation that the Parliamentary Counsel considers are appropriate for inclusion in the bill. Examples of amendments in schedule 2 are corrections of cross-references, typographical errors and terminology, and amendments arising out of the enactment of other legislation. Schedule 3 contains amendments that update terminology and references relating to public service agencies, heads of agencies and public service employees as a consequence of the Government Sector Employment Act 2013. The schedule also includes other miscellaneous amendments that are consequential on the enactment of that Act. Schedule 4 contains general savings, transitional and other provisions. These include provisions dealing with the effect of amendments on amending provisions, and savings clauses for the substituted provisions.

The various amendments are explained in detail in explanatory notes set out beneath the amendments to each of the Acts and statutory instruments concerned or at the beginning of the schedule concerned. I note that the Government moved amendments to the original bill as introduced in the other place. Specifically, one amendment removed from the bill was in regard to the Independent Pricing and Regulatory Tribunal Act 1992, which proposed changes to the publication of notices under that Act. The other amendment removed was to the Combat Sports Act 2013 relating to the registration of participants under that Act. Those proposed amendments were removed from the bill at the request of members in the Legislative Council. As noted, the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2015 continues a 30-year practice of making minor policy changes and maintaining the quality of the New South Wales statute book. I commend the bill to the House.

Mr PAUL LYNCH (Liverpool) [10.41 a.m.]: I lead for the Opposition in debate on the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2015. The Opposition does not oppose the bill. The bill contains

miscellaneous amendments in a manner that has been used by all governments in this State of all political persuasions over many years. It has manifest advantages over moving individual pieces of legislation for each of the amendments. The amendments range from extending the period for which a section 29 importation order may be made or extended under the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 to provisions about silver perch and black cod. The bill contains a range of amendments by way of statute law revision, such as correcting the spelling of "Leichhardt" in the Biosecurity Act and the spelling of "Bidwill" in the Blacktown Local Environmental Plan. Granted the furore and scrutiny surrounding the Biosecurity Act, it is slightly ironic that that slipped through. The Opposition does not oppose the bill.

Mr ALEX GREENWICH (Sydney) [10.42 a.m.]: I cannot support the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2015. The bill includes changes to the Sydney Cricket and Sports Ground Act 1978 to facilitate the development of land zoned for public recreation. Land held under the Sydney Cricket and Sports Ground Trust is public land that was part of Governor Macquarie's 1811 Sydney Common bequest, which set aside 405 hectares of land for the outdoor recreation needs of present and future Sydney generations. Only one-third of this bequest remains open public land and it is now more vital than ever that we protect what is left.

The bill will enable a five- to six-storey building to be constructed on public recreation land—the Australian Rugby Development Centre, with one storey dedicated to the University of Technology Sydney. Constructing a building on public land should not be part of statute law, which traditionally is meant to include only small changes of little consequence. My constituents will of course be outraged about this. Early last week I noted the change and asked for a briefing, which I received only this morning. Therefore, my contribution to this debate will be limited. I foreshadow that I will move an amendment to the bill to omit the sections relating to the Sydney Cricket and Sports Ground Act 1978.

Mr STEPHEN BROMHEAD (Myall Lakes) [10.43 a.m.]: I speak in support of the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2015. The objects of the bill are: in schedule 1, to make minor amendments to various Acts; in schedule 2, to amend certain other Acts and instruments for the purposes of effecting statute law revision; in schedule 3, to make minor amendments to various Acts and instruments consequent on the enactment of the Government Sector Employment Act 2013; and to make other provisions of a consequential or ancillary nature.

The bill contains amendments to 15 Acts. Schedule 1 amends the Subordinate Legislation Act 1989 to provide that a regulatory impact statement is not required to be prepared in respect of regulations made under the Major Events Act 2009. The amendment will enable major events to be declared expeditiously under that Act. Amendments are made by schedule 1 to the Combat Sports Act 2013 to provide that a trainer of a combat sport combatant need not be registered as an industry participant unless the trainer accompanies the combatant to a combat sport contest. Currently, any person who trains a combatant is required to be registered as an industry participant whether or not the person actually attends a contest.

Amendments are also made by schedule to the Road Transport Act 2013 in relation to the Mandatory Alcohol Interlock Program established by that Act. The amendments will provide for the recognition of interlock driver licences issued in another State or a Territory. This will ensure that any period during which a person holds an interlock driver licence of another State or a Territory will be counted towards the interlock period applicable under the Act. The amendments will also ensure that the making of a second or subsequent mandatory interlock order in respect of a person will set aside any preceding order.

The Sydney Cricket and Sports Ground Act 1978 is amended to enable the Sydney Cricket and Sports Ground Trust to grant a lease or licence for a total period not exceeding 75 years to Australian Rugby Union Ltd in respect of land at Moore Park. It is proposed that the lease or licence will be granted to Australian Rugby Union Ltd for the purposes of the Australian Rugby Development Centre. The

proposed amendment will also enable the trust to grant a lease or licence for a total period not exceeding 75 years to the University of Technology Sydney [UTS] in respect of land at Moore Park. It is proposed that a lease or licence will be granted to UTS for the purposes of the UTS Sports Campus.

The proposal is fantastic for Sydney, New South Wales and Australia. It will unite rugby union—an elite sport—and the University of Technology Sydney Sports Campus at one location. Elite sportspeople will have access to the very best sports medicine and doctors and to those training to be a doctor or physiotherapist in that field. It is a great proposal to have those people working together. This precinct is the perfect location for a sports campus and I commend the Minister for bringing forward this proposal. The campus will be at the cutting edge of medicine and sports medicine. This is a world first and everybody involved should be congratulated because it is something that Australia has needed for many years.

The bill makes a number of further changes. The Mental Health Act 2007 is amended to update references to the repeal of the Private Hospitals and Day Procedure Centres Act 1998 and associated terminology. Before that Act was repealed a licence was required to conduct a private hospital within the meaning of the repealed Act to provide treatment for mental illness. The amendments will provide for the continuation of that licensing requirement in relation to the conduct of a private health facility within the meaning of the Private Health Facilities Act 2007. The bill also amends the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 to extend the period for which an importation order may be made or extended in the event of an emergency animal disease. Currently, an importation order cannot be made or extended for a period exceeding 30 days. However, certain emergency animal diseases warrant a longer period of protection. The amendment will extend this period to six months, which will significantly reduce the number of extension orders required to be made.

The last schedule 1 matter I will mention is with respect to the amendments made to the Independent Pricing and Regulatory Tribunal Act 1992. The amendments will provide that notices relating to investigations and hearings conducted by the Independent Pricing and Regulatory Tribunal may be published on the tribunal's website. Currently, such notices are required to be published in a newspaper. Schedule 2 deals with matters of pure statute law revision consisting of minor technical changes to legislation that the Parliamentary Counsel considers are appropriate for inclusion in the bill. Examples of amendments in schedule 2 are corrections of cross-references, typographical errors and terminology, and amendments arising out of the enactment of other legislation.

Schedule 3 contains amendments that update terminology and references relating to public service agencies, heads of agencies and public service employees as a consequence of the Government Sector Employment Act 2013. The schedule also includes other miscellaneous amendments that are consequential on the enactment of that Act. Schedule 4 contains general savings, transitional and other provisions. They include provisions dealing with the effect of amendments on amending provisions, and savings clauses for the substituted provisions. The various amendments are explained in detail in explanatory notes set out beneath the amendments to each of the Acts and statutory instruments concerned, or at the beginning of the schedule concerned. As I stated at the commencement of my speech, this legislation is an amending bill. Its amendments are of an inconsequential, minor and non-controversial nature. The bill is part of an updating process that has been underway since 1984. I commend the bill to the House.

Ms JENNY LEONG (Newtown) [10.51 a.m.]: My contribution to debate on the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2015 will be brief. I recognise the concluding comments made by the member who preceded me, the member for Myall Lakes, who said that statute law bills are about inconsequential and miscellaneous amendments. It is clear the bill contains provisions that are not miscellaneous and not insignificant to people who live near and around Moore Park or the community that uses Moore Park. It is incumbent on the Government, in the spirit of good faith associated with the introduction of statute law bills, to remove from schedule 1.13, "Sydney Cricket and Sports Ground Act 1978 No. 72". The Government should remove that from the Statute Law (Miscellaneous Provisions) Bill

(No. 2) 2015 so that it can be dealt with as stand-alone legislation and the remainder of the bill can be dealt with as miscellaneous amendments.

I do not consider the construction of a six-storey building, the establishment of an Australian Rugby Development Centre and a University of Technology Sydney sports science facility in the middle of a key park and green open space in the middle of our city to be inconsequential or miscellaneous in nature. The merits of whether we need a headquarters for Australian Rugby Union, of which I am quite a fan, or whether a floor needs to be added to a building to enable the University of Technology Sydney to develop its science facilities seem to be beyond doubt. Both proposals seem to be good and useful for our community, but whether the relevant provisions should be rushed through this House without debate and whether those facilities should be placed in the middle of open green space, which is much-needed in our inner-city areas, seems to be outrageous.

I hope the Government realises there are some concerns and controversy surrounding this bill. I also hope that schedule 1.13 to the bill will be removed. The timing of this legislation is somewhat questionable. A consultation process is currently underway in relation to Moore Park. People and community groups are having their say about what they envisage for Moore Park. Yet at the same time we see a determination by the Government, in this allegedly miscellaneous provisions bill, to establish a five- or six-storey building on a car park in the middle of a park that is allegedly the subject of open consultation with the community in relation to its future. I do not consider that to be fair play.

As the member for Sydney explained, members of this House have not had sufficient time to consider the proposals properly. The prevailing assumption is that Statute Law (Miscellaneous Provisions) Bills are just that—bills that deal with miscellaneous and uncontroversial provisions. The Greens urge the Government to remove schedule 1.13 so that the functions of Parliament in passing Statute Law (Miscellaneous Provisions) Bills are confined to making minor legislative amendments. The Government should recognise that this bill deals with controversial amendments that are in no way minor. Schedule 1.13 should not be part of the Statute Law (Miscellaneous Provisions) Bill (No 2) 2015.

Mr JAI ROWELL (Wollondilly) [10.55 a.m.]: It is a delight to make my speech while the Temporary Speaker, the member for Coogee, is in the chair. He is a very good friend of mine.

Mr Gareth Ward: Your good and loyal friend.

Mr JAI ROWELL: That is very true.

TEMPORARY SPEAKER (Mr Bruce Notley-Smith): A true friend.

Mr JAI ROWELL: A true-blue friend. I support the Statute Law (Miscellaneous Provisions) Bill (No 2) 2015. As my fantastic, good and loyal friend the Attorney General said, occasionally legislation of this type are brought before the House in an attempt to correct an array of bills simultaneously. Statute Law (Miscellaneous Provisions) Bills typically suggest minor alterations to Acts that sometimes are due to potential errors that have occurred in drafting the Acts or unforeseen outcomes, or to allow minimal changes to the structure of an Act. Fundamentally, the changes to the Acts are not contentious and primarily update the Acts to a new standard. I will deal with a few of those amended Acts shortly.

The bill seeks to make changes to the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991, the Cemeteries and Crematoria Act 2013, the Combat Sports Act 2013, the Companion Animals Act 1998, the Electricity Supply Act 1995, the Fisheries Management Act 1994, the Health Care Complaints Act 1993, the Independent Pricing and Regulatory Tribunal Act 1992, the Mental Health Act 2007, the Mental Health (Forensic Provisions) Act 1990, the Road Transport Act 2013, the Subordinate Legislation Act 1989, the Sydney Cricket and Sports Ground Act 1978, the Water Management Act 2000, the Water Management Amendment Act 2010, and other statutes. Fundamentally the bill continues the program of statute law revision that was commenced in 1984 and involved the

annual preparation of legislation to make minor amendments to Acts of Parliament. I will deal in detail with some of the amendments, albeit briefly.

The amendments to the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 give greater autonomy and flexibility in the timing in which an importation order may be drafted. It amends the length of the importation order from 30 days to six months. This is an important change because the importation order prohibits and controls the introduction of animal species or even certain personal property. The amendments to the Companion Animals Act 1998 serve as clarification of the Act by removing superfluous language in the description of the legislation. For example, section 58H, which relates to a certificate of compliance, provides specific outlines for potentially hazardous dog enclosures and defines the term "menacing dog". The bill will omit the term "menacing", as the term is excessive and dogs are not required by the Act to be kept in restricted enclosures.

The amendments to the Cemeteries and Crematoria Act 2013 will clarify that if a cemetery operator revokes a perpetual interment right, the holder of that right is entitled to only one of the available forms of compensation, as elected by the cemetery operator. They provide that it is the cemeteries agency, rather than the cemetery operator as is currently the case, that may approve the form in which an application for an interment right must be made. The amendments also provide that it is the cemeteries agency rather than the Minister, as is currently the case, that must refer a plan of management for submerged land to the Minister administering the Fisheries Management Act 1994, and provide that it is a trust board rather than the cemeteries agency, as is currently the case, that may confer functions on finance committees as well as audit and risk committees.

Amendments to the Combat Sports Act 2013 provide that a serological clearance must certify that the person to whom it relates is not capable of transmitting a medical condition or disease instead of certifying that the person is not suffering from the condition or disease, which is currently the case. Amendments to the Fisheries Management Act 1994 will amend the schedules listing endangered populations, the species presumed to be extinct and listed vulnerable species to indicate that certain species listed in the schedules are also listed threatened species under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

The proposed amendments to the Health Care Complaints Act 1993, an Act with which I had some involvement, will change certain terminology used in reference to unregistered health practitioners to better reflect the status of health practitioners who do not fall within the registration requirements of the Health Practitioner Regulation National Law. The proposed amendments to the Independent Pricing and Regulatory Tribunal Act 1992 will clarify that certain matters to which the tribunal is required to have regard in making price determinations and recommendations are not required to be considered in approving or determining changes to the provision of certain water infrastructure services in the Murray-Darling Basin.

Other Acts that I have been heavily involved in over the past 12 months where important changes were made include the Mental Health Act 2007. The proposed amendments will update references to the repealed Private Hospitals and Day Procedure Centres Act 1988 and associated terminology to make it clear that a person must hold a licence to conduct a private health facility within the meaning of the Private Health Facilities Act 2007. The proposed amendments to the Mental Health (Forensic Provisions) Act 1990 will update terminology used in reference to carers of forensic patients and correctional patients to distinguish between designated carers and principal providers consequent on the enactment of the Mental Health Amendment (Statutory Review) Act 2014. I could go through all these Acts in some detail but I note the House has other matters to deal with. In conclusion, I support the amendments to the Acts and commend them to the House.

I make it clear to members opposite, who have spent the last couple of weeks attacking the Attorney General, muckraking and using gutter politics, that Government members regard her as a fantastic Attorney General. Her compassion and understanding of her portfolio was demonstrated in her

speech today. We celebrate the fact that she is the first female Attorney General but that is not where it ends; it is only where it starts. Gabrielle Upton, the Attorney General, is the best Attorney General this State has ever had and will ever have. Government members will stand side by side with her. If any Opposition member wants to spend the next couple of weeks, in fact the next term of government, trying to attack her, they will have to get through every one of us. We do not do it out of obligation or a sense of political necessity; we do it because she is a fantastic Attorney General and Government members stand side by side with her.

Mr RON HOENIG (Heffron) [11.02 a.m.]: I criticise the credibility of the Attorney General based upon issues that are before this House. The credibility of the Attorney General was not an issue in this bill until the member for Wollondilly made it an issue. I want to know why the traditions of this House—

Mr Gareth Ward: Point of order: My point of order relates to relevance under Standing Order 76 but I draw attention to the fact that attacks on members must be made by way of substantive motion. The member for Heffron is embarking on an attack. I ask you to bring him back to the leave of the bill and to discuss the substance of the bill, which he is more than capable of doing.

TEMPORARY SPEAKER (Mr Bruce Notley-Smith): Order! I uphold the point of order. I draw the member back to the leave of the bill.

Mr RON HOENIG: Before I was rudely interrupted by a baseless point of order, the point I was about to make about the credibility of the bill and the traditions of this House were that Statute Law (Miscellaneous Provisions) Bills deal with matters of routine legislative machinery, not pieces of legislation in which the Attorney General can bury substantial public policy provisions. I am contributing to debate on the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2015 because buried within it is an outrageous provision, which is in complete breach of the Government's obligations to members, to include in schedule 1.13—Sydney Cricket and Sports Ground Trust—a legislative provision that enables the Sydney Cricket and Sports Ground Trust to alienate public land for 75 years without going through the process of amending its own Act or examining the environmental impacts of these sorts of proposals.

In this backdoor piece of legislation the Government is seeking effectively to give approval for six-storey buildings to be built on the gold members' car park of the Sydney Cricket Ground, to provide a 75-year lease to the Australian Rugby Union and other associated sporting organisations without proper public scrutiny, and to do so by burying it in a machinery provision bill. Moore Park, Centennial parklands and the Sydney Cricket Ground are not just ordinary open space parklands; they are part of a gift to the people of Sydney by Governor Macquarie in 1811. Over a period two-thirds of that open space has been seized but it is now time for the Tories opposite to make a conscious effort to preserve that land from commercial exploitation.

I commend the Minister for the Environment for his recent intervention at the request of the member for Sydney, the member for Newtown, the Lord Mayor of Sydney and me when attempts were made to commercialise great sections of Moore Park. However, the Attorney General has slipped into this machinery bill, in complete breach of the conventions of this House and the Government, a provision to alienate public land for 75 years. It is a disgraceful act that calls into question the credibility of the Attorney General. The Attorney General is no ordinary Minister; she is the chief law officer of this State. She has a far greater role than a normal Minister and she must represent the conventions and traditions of this House and the Government. That is her chief function but this bill represents an abject failure. The member for Sydney, in whose electorate the Sydney Cricket Ground used to be, was given the courtesy on request of a briefing by the Government, and apparently the Minister for Sport is behind this.

However, this relates to my electorate. The Government knows that I have been actively involved in all aspects of the Centennial Parklands, Moore Park and the Sydney Cricket Ground since I have been the local member. The discourtesy shown to me by the Government in respect of this bill is reprehensible. The Minister for the Environment is prepared to consult me on matters relating to my electorate. The

Minister for Roads consults me on matters relating to my electorate. The Minister for Local Government consults me on matters affecting my electorate. The Minister for Planning consults me on matters affecting my electorate. The Treasurer consults me on matters that affect my electorate and the Minister for Transports consults me on matters that affect my electorate. However, on this issue of considerable substance I was not consulted and it was slipped into this machinery bill. Earlier the Parliamentary Secretary took a needless point of order because he did not have the patience to listen to what I had to say.

Mr Gareth Ward: It was upheld.

Mr RON HOENIG: I would expect that from the member for Coogee. Even the Parliamentary Secretary, who is representing the Government in this House and who has considerable integrity, would understand this provision and what I am saying. Since he has been a member of the House he has upheld the traditions of the Westminster system and the House. Even though this inappropriate and underhand approach has been taken by the Minister for Sport, the Attorney General has carriage of the bill. It is her responsibility as the chief law officer to ensure that these things are not slipped into legislation. The Government introduced a bill that is to be debated today, in the last sitting week, just because it is machinery legislation. It is disgraceful that the Government slipped in matters of such significant public policy.

I thank the member for Sydney and the member for Newtown for identifying this error and foreshadowing an amendment that will seek to remove this provision, which is a reasonable request. The Government wins every division in this place because it has the numbers but I believe it should show some integrity and concede its error. As the Government is aware that such a provision should not have been included in a miscellaneous provisions bill it should agree to the Opposition's proposed amendment that will determine whether or not the land at this location should be leased out for 75 years.

I am not concerned about the Australian Rugby Union having its home at the Sydney Cricket Ground; with the sporting provisions associated with the Sydney Cricket Ground and Sports Ground Trust and the Sydney Football Stadium; with licensed clubs from sporting entities being located at this sports facility as they will enhance its value; and with the provision of more urinals and pie shops at the Sydney Football Stadium as that appears to be the Government's intention. However, if there is to be an alienation of land and this matter is subject to scrutiny and is justified, and the Government is held to account, the Opposition will not oppose the legislation. But it is not reasonable for the Government to include a provision in the Statute Law (Miscellaneous Provisions) Bill that will enable the Sydney Cricket Ground and Sports Ground Trust to alienate land for 75 years that traditionally has been open space without public scrutiny, without publicity and without consultation. That is exactly what this legislation will do.

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

PRIVACY AND PERSONAL INFORMATION PROTECTION AMENDMENT (EXEMPTIONS CONSOLIDATION) BILL 2015

Consideration in Detail

Consideration of the Legislative Council amendments.

*Schedule of the amendments referred to in the Legislative Council's message of 17 November
2015*

No. 1 **GOVT No. 1 [c2015-136]**

Page 3, schedule 1 [2], line 36. Insert "expressly" after "individual".

No. 2 GOVT No. 2 [c2015-136]

Page 4, schedule 1 [2], lines 5–9. Omit all words on those lines. Insert instead:

- (f) the disclosure is reasonably believed by the public sector agency to be necessary to lessen or prevent a serious and imminent threat to the life, health or safety of the individual or another person, or

Ms GABRIELLE UPTON (Vaucluse—Attorney General) [11.13 a.m.]: I move:

That the House agree to the Legislative Council amendments.

The Government moved two minor amendments in the Legislative Council to the transborder disclosure provisions in the bill. The amendments, which were requested by the Privacy Commissioner, will ensure that personal information disclosed outside New South Wales will have similar protection to that which is disclosed within New South Wales. Proposed section 19 (2) (b) will be amended to require an individual's express consent for a New South Wales agency to provide personal information to a person or any agency that is outside New South Wales or a Commonwealth agency. Proposed section 19 (2) (f) (ii) will be deleted. That section now provides for a New South Wales agency to disclose information outside New South Wales where that agency believes there is a serious threat to public safety or health. The Government commends the bill as amended by the Legislative Council to the House.

Mr PAUL LYNCH (Liverpool) [11.14 a.m.]: The Opposition supports the amendments but notes, regrettably, that the Government had to amend its own bill in the Legislative Council.

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

Motion agreed to.

Legislative Council amendments agreed to.

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

FISHERIES MANAGEMENT AMENDMENT BILL 2015

Second Reading

Mr GARETH WARD (Kiama—Parliamentary Secretary) [11.15 a.m.], on behalf of Mr Anthony Roberts: I move:

That this bill be now read a second time.

As the bill which was introduced in the Legislative Council on 21 October 2015 is in the same form, the second reading speech appears on pages 4,633 to 4,639 of *Hansard*. I commend the bill to the House.

Mrs MELINDA PAVEY (Oxley) [11.16 a.m.]: I support the Fisheries Management Amendment Bill 2015 which will help to ensure the ongoing environmental sustainability of fisheries in New South Wales. As the proud member for Oxley I am able to inform members of the amazing commercial fishermen who operate on the Macleay and Nambucca rivers. In order to ensure the ongoing viability and sustainability of the industry we should consult the fishermen in our community who often have the best ideas. The measures in this bill will provide for more flexible and responsive resource management, resulting in

improved environmental sustainable practices and promote fishing opportunities for all. The bill paves the way for significant reforms to the way in which we manage fisheries resources in the commercial fishing sector.

The Minister for Primary Industries, the Hon. Niall Blair, has done some really great work on the sustainability and reform of our fisheries. However, he said that the Government had made no final decision in relation to commercial fisheries reform. That Minister has been visiting and engaging with communities in my electorate of Oxley, talking to fishermen and listening to the people on the ground. He knows that there is no one-size-fits-all solution. The commercial fishing sector appreciates what he is doing as change is often difficult. However, in Minister Blair they have someone who is listening and acting and who is able to get to the nub of the problem. This bill refers to resources and sustainability but it does not deal with commercial fisheries reform—an issue on which the Minister is working hard.

The Government will keep the commitments it made to the sector in its 2011 election policy to secure sustainable, viable and healthy fisheries but it will do so in consultation with industry. The bill enables, but does not predetermine, any reform to that sector. It does this by removing some of the hardwiring in the 1994 Act and provides government with additional flexibility to respond to the needs of the commercial sector. For example, in recognition of the increased focus on determining both total allowable catches and total allowable fishing effort, the bill introduces the term "fishing determination" and the Total Allowable Catch Committee will be renamed the Total Allowable Fishing Committee.

The bill provides for the Total Allowable Fishing Committee, or the Secretary of the New South Wales Department of Industry to make a fishing determination if required by the regulations, a fishery management plan, or upon the direction of the Minister. If the secretary is making the determination the secretary must have regard to a suitable scientific assessment and may seek advice from the Total Allowable Fishing Committee or conduct a process of public consultation to assist in the decision-making process. Determinations of total allowable catch and total allowable fishing effort are an important management tool and play a key role in ensuring that sustainable stocks are maintained and that the industry is viable and secure in the long term.

Viability and security are important not only for the commercial but also for the recreational fishing sector. The electorate of Oxley on the mid North Coast is possibly the best place in the world to throw a line out into either the river or the ocean. There are beautiful fish to be eaten, which I have participated in on many occasions after the hard work of my husband to catch them—I do not like fishing all that much. Many recreational fishers come to South West Rocks, Crescent Head, Scotts Head and Urunga to enjoy their sport. We need to ensure viability for them as well as the commercial fishing sector. Because a lot of people like to eat fish from Australian waters but do not have the time to go out and catch them we need to work in collaboration with both sectors.

Some good people in the recreational fishing sector are big advocates for their sector in my electorate while also supporting the viability of the commercial fishing sector. That is not the way it used to be. When Labor was in government Eddie Obeid—I cannot call him honourable anymore—as Minister for Fisheries set one sector against the other. He created competition, division and infighting and was unhelpful to New South Wales in many other ways. After receiving the fisheries ministry when Premier Bob Carr pulled his name out of a hat his management of the portfolio set our commercial and recreational fishing sectors back many years. Since the election of our Government in 2011 we have taken a forthright, honest and decent approach to the fishing sector.

The bill will provide greater flexibility to the Minister to partially allocate a fishing determination or, if necessary, to not allocate any of the determination at all. The Minister will be able to listen to people on the ground and produce results based on consultation and evidence rather than take a horses-for-courses approach. The bill will provide for improved resource management by enabling the Minister to better reflect harvest demands and make determinations as a guide for better management without the need for an accompanying allocation. The bill also breaks the existing constraints that restrict

the transfer of quota between commercial fishery shareholders in the same fishery. The bill will enable quota to be traded between commercial fishing authority holders, which includes commercial fishers and any other person or class of persons as declared by the regulations.

The provisions in the bill do not stop at the high-water mark in preserving our marine environment. They will protect our aquatic habitats. Mangroves and saltmarsh are an integral part of the marine ecology. We have always known that but our children and communities are increasingly aware of their importance nowadays. Those areas act to protect shorelines from erosion by stabilising sediments with their root systems and buffering against winds, waves and floods. Mangroves and saltmarsh also provide nursery areas for fish, providing food and refuge from predation. At present, however, protection of mangroves and saltmarsh that grow between the mean high-water mark and the level of the highest astronomical tide is reliant upon a ministerial order published in the gazette.

Amendments being made to the definition of "protected area" will remove the need for the ministerial order and ensure appropriate protection of mangroves and saltmarsh up to the highest astronomical tide. That will simplify the legislation. The amendments in the bill will ensure the sustainability of fishing resources and improve management of the surrounding marine environment upon which those resources are dependent. The amendments will ensure that the proper processes are in place to promote a viable and burgeoning fishing industry and quality fishing opportunities for all. I congratulate the Minister for Primary Industries, the Hon. Niall Blair, and I commend the bill to the House.

Mr CLAYTON BARR (Cessnock) [11.24 a.m.]: I lead for the Opposition in debate on the Fisheries Management Amendment Bill 2015. The shadow Minister with carriage of the bill in the upper House is the Hon. Mick Veitch. I say from the outset that the Opposition will oppose the bill. We recognise that the bill contains a number of good initiatives, so why are we opposed to it? Our opposition stems from the omnibus nature of the bill, which contains some 150 amendments. In a single swipe the bill will make 150 amendments to the Fisheries Management Act 1994. In the other House the Government proposed that Labor could seek to move amendments. The trouble with that option was that we would have moved so many amendments the bill would have been almost completely rewritten. That approach would not have been of service to this Parliament or to the public.

While Labor recognises that the bill contains some good things it also has some problems that may lead to potential unintended consequences. Stakeholder groups have certainly provided a lot of feedback saying that they are not convinced this bill is the right bill. Finally, and probably most importantly, many elements are not addressed in the bill. Rather, the Government has taken a "trust us, we'll do it in regulation" approach. That does not satisfy the expectation of the community or the responsibility we have as members of Parliament. The fishing community needs certainty. Certainty comes in legislation, not regulation. Regulation can be changed and gazetted. The rules, terms and conditions can change overnight, which means that every person in these industries can be unknowingly and rapidly affected without any prior debate or scrutiny. The New South Wales Parliament is supposed to debate and scrutinise legislative reform.

As I said, the Fisheries Management Amendment Bill 2015 has some 150 amendments. To give a broad overview of the types of amendments the bill will implement I will go through a simplified list. The bill will include amendments to commercial and recreational fishing, charter boating, Aboriginal cultural fishing, biosecurity and shark finning. The bill will also introduce the concept of a scientific observer program as well as amendments relating to the protection of aquatic habitats. Based on that simplified list everybody can appreciate what a massive change the bill proposes. Given the scope of the changes at hand, and the number of concerns that the Opposition and many stakeholder groups have raised, it is not possible for us to support this bill. I reiterate that the bill contains many positive aspects but not all aspects of the bill are positive.

Importantly, in his second reading speech the Minister clearly identified that the bill does not include broader reforms to commercial fishing. That was a good place for the Minister to start, because

people are concerned about possible future reforms to commercial fishing. It was important to identify that those reforms are not part of this bill. It is also worth noting that there are some other minor amendments in this bill that will affect commercial fishing. Certainly commercial fishers are one of the stakeholder groups that has engaged with the New South Wales Labor Party and other crossbench parties to express their views. The Fisheries Management Bill was first introduced during the previous Parliament in October 2014. Of course, being introduced so late in that Parliament it remained unresolved when the Parliament was prorogued prior to the March 2015 election. Following the election, a new Minister was appointed and the new Minister ran a fresh pair of eyes over the bill and there was a new consultation process.

As I understand it, the Minister received approximately 146 submissions during that consultation process. Interestingly, the submissions have not been made public, which makes it difficult to say what is in those submissions. But one thing is certain: When comparing the 2014 bill with the 2015 bill—word by word, page by page and paragraph by paragraph—it is obvious that very few changes have been made, and the changes that have been made are incredibly minor, which makes one wonder what those 146 submissions were all about. As a member of the Legislative Assembly who has an electorate office, rarely do members of the broader community come to see me if they are not alarmed, not facing a crisis, or not concerned or frustrated. Rarely do they come to see me simply to tell me that I am doing a good job and to keep at it. The fact that the Minister received 146 submissions suggests that there is a broad concern about a range of things in this bill.

The fishing industry has dozens of stakeholder groups that have completely different views about what should happen to fisheries and fisheries management, and in many instances those views are diametrically opposed. I accept that, in many instances, they will never agree. The Government seems to have accepted that if everyone is upset with it then it must have done a pretty reasonable job. As the member for Oxley indicated, having everybody in the world of fisheries and fisheries management frustrated and upset, and fighting amongst themselves, is not the best outcome. There has to be some ground upon which we can agree and upon which we can compromise. We can at least agree to disagree while recognising that there might be a good way to go forward. The fact that the Government has received 146 submissions from various stakeholder groups certainly does not indicate that.

One of the major concerns that Opposition members have been hearing about from the many stakeholder groups they have been talking to is that they do not trust government. This applies not just to this government or the previous government; it applies to governments over the past 50 years while these stakeholders have been plying their trade. They simply do not trust government. Yet in this instance many of the regulations will come after the passage of this bill. Stakeholder groups have been asked to trust the Government, "Trust us; we'll get it right; we'll look after you; we'll do the right thing." Quite frankly, the stakeholder groups do not trust government. They do not want their concerns and the matters they raised in their submissions addressed only in the legislation and not in the regulations.

To that end I offer something of an apology to the commercial fishermen's association. Several months ago I was approached by commercial fishers in the electorate of Cessnock—there are five of them. They raised with me as their local member of Parliament their concerns and frustrations about the changes to commercial fishing more broadly, which we are not dealing in this bill. I came into this House and made a private member's statement in which I reiterated many of the words of those in my local community. Of course that was not received well by the commercial fishermen's association. It was not my intent to upset the commercial fishermen's association; my only intent was to put forward the position of the constituents I represent, and I do not step back from that at all. I think this example shows the complexity of the different stakeholder groups in fisheries and fisheries management.

I set a challenge for the commercial fishermen's association post my private member's statement. My words may not have been completely right for that particular group, and they might not have been completely accurate in the way they reported things to their local member, but the concerns of those people are something that the commercial fishermen's association should appreciate and embrace. The association should figure these things out and find a way forward. The commercial fishers in my

electorate and the commercial fishermen's association struggle to find common ground and agreement, or more broadly to even speak the same language around fisheries management. This area is incredibly complicated, complex, difficult and hard; and I accept that.

The Minister gave one of the longest replies to a second reading debate on record in the New South Wales Parliament, and there was good reason for that: He needed to talk through the ongoing concerns of the stakeholder groups. He essentially outlined many of the deliberations and conversations he had had prior to the bill being introduced. He then identified some further conversations about the misunderstandings, miscommunications or ongoing apprehensions about what was in the bill post the bill being introduced and during debate on the bill. He gave many assurances in his reply as he sought to ease the concerns raised at that time. I think that was a really good and decent thing for the Minister to do. In saying to the community, "Trust us," the Minister was effectively putting on the public record in *Hansard* his commitment to seeking their trust and being trustworthy. I appreciate him doing that and applaud him for it. But we cannot fix everything with a speech in reply.

Various stakeholder groups with ongoing concerns have continued to approach the Opposition, even after the Minister gave his speech in reply. One of those bodies is the commercial fishers association. The changes in this bill are massive—they are significant and they will affect people. The bill is 55 pages long. The number of amendments stands at 150. The changes made and the differences between the 2014 bill and the 2015 bill are insignificant. Labor will oppose the bill. We cannot rewrite this bill. We will not seek to make amendments because they would have to be too broad and wide reaching. The Opposition does not believe that fisheries management in New South Wales should be done by regulation. Labor will oppose this bill.

Mr KEVIN ANDERSON (Tamworth) [11.38 a.m.]: I support the Fisheries Management Amendment Bill 2015, and I do so in my capacity as chair of the New South Wales Legislative Assembly Committee on Investment, Industry and Regional Development. This bill is a very important step in the process of reducing red tape and the cost to business. The changes proposed in the bill will modernise the charter fishing industry and provide greater operational flexibility, including the ability to tailor businesses to suit operations—and that is where the Minister for Primary Industries got it right in the consultation process.

Over the years the fishing industry has faced many challenges, which have resulted in many changes. It was 60-odd years ago that my father jumped onto the deck of his father's boat to fish cray and sharks off the Victorian coastline and at the top end of Tasmania. They then prawned their way up the east coast of Australia to ultimately fish crays further north. Over the years the changes made to the fishing industry have profoundly affected the lives of fishers, but those changes have been necessary to sustain the industry. They have protected fish stocks and marine life and, importantly, they will sustain the industry for many years to come. Fishers were taking product from the sea at a substantial rate with minimal regulation of quotas, licences and fishing gear even way back then. But with those changes has come pain. I know that because my father was a professional fisherman. He and his wife brought up five children—

Mrs Melinda Pavey: On a boat?

Mr KEVIN ANDERSON: We grew up on a boat. Fishing put food on our table and as the changes came through we had to adapt to them. Subsequent governments made those changes to ensure that the industry continued to operate up and down the east coast of Australia. Charter fishing is a significant industry in New South Wales. The amendments proposed in this bill provide welcome management arrangements that will modernise the regulation of the charter fishing boat industry. Since 2000 charter fishing boats operating in New South Wales have been required to be licensed under the Act. To prevent uncontrolled pressure on fish stocks from increases in the number of charter fishing boats, the industry is capped and no additional charter fishing boat licences are available. This highlights the need for regulation, with more people getting involved in fishing and using different types of gear et cetera.

Currently a person wishing to enter the industry must source a suitable charter fishing boat licence from an existing operator. A charter fishing boat licence restricts the number of people permitted to fish from a boat at any one time. The number of persons is referred to in terms of "charter boat seats". Under current arrangements a charter fishing boat operator who wants to take more people fishing than the licence permits, has to buy a suitable boat licence from another operator who is willing to sell it. This arrangement is not necessary so long as there continues to be a cap on overall fishing capacity and that cap—whether in a commercial or charter fishing sense—comes back to the type of gear being used. The bill provides operators with a more flexible means of buying and selling entitlements. It reduces restructure costs for charter fishing operators and removes unnecessary red tape.

These are small businesses. The Government is in the process of stepping back to allow these businesses to do what they do best. This bill will allow us to get out of the way so that those in the industry can do what they do with a minimum of fuss. No longer will they have to wade through reams of paperwork when making an application to lease, switch quotas or apply for charter boat seats. By making both charter fishing licences and charter fishing seats transferrable, the industry is better placed to enhance operator viability. This amendment will allow charter fishing industry participants to tailor their business operations to meet changing market demands. We no longer operate as we did five or 10 years ago—even as far back as 60 or 70 years ago.

These changes must be made to meet the demands of the environment in which we are operating—namely, changing market demand. The new arrangements will also provide for licences to be separate from the physical fishing vessel, meaning more flexibility in what vessel may be used. For example, during the summer months or when the season is on the vessel might be used for charter fishing; however, that vessel may be used for something else if required. It may be used in a commercial and not a charter fishing sense. There could be an opportunity for them to use a multipurpose—

Dr Geoff Lee: Whale watching.

Mr KEVIN ANDERSON: Even whale watching, as the member for Parramatta has suggested.

Dr Geoff Lee: Dive boats.

Mr KEVIN ANDERSON: Or a dive boat. Vessels can be used for different operations. To elaborate further on arrangements proposed under the new scheme, different classes of seats will authorise different charter fishing activities, which may be traded between industry participants. The bill also provides for the recognition of guided non-motorised activities in which charter fishing is conducted from canoes and similar vessels. "Guided non-motorised activities" is an interesting term for someone fishing from a canoe or a paddle boat. What did you do on the weekend? I participated in a guided non-motorised activity. We are seeing it more and more. There is some pretty outstanding vision available of people fishing in canoes. People will go a fair way offshore to get some of those big fish; it is a wild ride when they get hooked up. They absolutely enjoy the whole experience. In that sense they are also commercial fishers, so they should be recognised in this bill.

The DEPUTY-SPEAKER (Mr Thomas George): What boat do you use?

Mr KEVIN ANDERSON: I have a 21-foot Bayliner powered by a 250 horsepower Mercruiser.

Ms Yasmin Catley: You show me your boat and I'll show you mine.

Mr KEVIN ANDERSON: Indeed. This is an important issue. This bill will not only help small business to operate but also ensure that our fishery industry is sustainable well into the future. We must continue to make change. The Government must get out of the way of small businesses so they can do their thing. Recognition of the growth in guided non-motorised activities as part of the charter fishing

industry will support efforts to promote more environmentally friendly fishing practices such as catch and release. Do not forget that our kids—except the girls—love to kiss the fish and throw them back. When I catch a fish my daughter always says, "Dad, please do not kiss the fish. Just let it go." The FishOnline administrative system will be utilised under these new arrangements to provide the capability for businesses to trade licences and seats electronically. Amendments such as these demonstrate the Government's commitment to ensuring the success of the charter fishing industry and small business in New South Wales. I commend the bill to the House.

Ms TAMARA SMITH (Ballina) [11.48 p.m.]: I lead for The Greens as the spokesperson on marine and fisheries on the Fisheries Management Amendment Bill 2015. I note at the outset that The Greens have received conditional support and I take this opportunity to thank the Minister for meeting with us. The Greens worked on some amendments that we had hoped would be passed in the other place. In fact, Opposition members supported some of them in their contributions to debate but, unfortunately, in the end they failed to support them. The Greens will not support this bill. However, as an omnibus bill it tidies up a number of areas and we commend the Government for that. The Greens are persuaded by the Professional Fishermen's Association and the Environmental Defenders Office on a couple of matters.

This bill is very similar to the Fisheries Management Amendment Bill 2014, which passed the Legislative Assembly in November 2014 but did not proceed to the second reading stage in the Legislative Council. I will not go through the key features of this bill, except to highlight the aspects that The Greens think are worthwhile. Strengthening in legislation the change to bag limits by boat is a good thing. There is a range of changes to commercial fisheries rules on share allocations and transfers. The regulations will require certain commercial fishers to make real-time reports about their fishing activities. The Greens see the broad implementation of the FishOnline software as a positive move. The bill will also establish a scientific observer program. I will return to that point.

The bill gives the Minister the power to make orders in relation to declared diseases, including stopping items that may carry diseases from coming into the State. The Greens have concerns about the abolishment of the management advisory committee and suggestions about the composition of its replacement. The bill changes the licence requirements for commercial and charter fishing operations. The inclusion of non-motorboats is common sense. The bill establishes the Cultural Fishing Trust Fund. The Greens want to see more detail on that, but we think it is a positive move.

Overall, the bill seeks to give substantial new powers to the Minister and the department. It is an omnibus bill dealing with many complex elements of fisheries management and commercial fishing administration. The Greens feel that commercial fishing changes should be separated from the bill. The review of regulations has been underway for some time. It is unclear why the commercial fishing changes in the bill are being proposed before the review process has concluded. I raised the matter with the Minister and I was persuaded by his assertion that this legislation is independent of the structural adjustment review. But we will not know the outcome of that review until it is possibly too late. The Greens think that that should have been addressed. The bill contains reasonable elements, including changes to biosecurity and fisheries closures to ensure rapid action—including the precedence of closures over commercial fishery management plans—and the establishment of a scientific observer program.

Key concerns about the bill include the increased power of the Minister or secretary to set bag limits and make commercial catch determinations. This has been done previously through a scientific process. The Minister has indicated that that is exactly how it will happen, but it remains a concern for The Greens. The Environmental Defenders Office made a recommendation about representation on the management advisory committee. It opposed the substitution of management advisory committees. The Greens submit that the current regime should be either maintained or improved. The current regulations provide for equitable representation across different sectors. Specifically, they identify representation by recreational fishers, Indigenous Australians and the Nature Conservation Council. Rather than undermining this system, any amendment should seek to strengthen it by enshrining in the Act the requirement for equitable representation of these groups.

The Greens' concerns about the interpretation of the shark finning provision were echoed by the Professional Fishermen's Association. Anecdotal advice is that the illegal trade of shark fins occurs from small, unlicensed, land-based operations near rivers. My colleague Dr Mehreen Faruqi in the other place moved an amendment to address that. The amendment to page 6, schedule 1 [17] would omit "on board a boat in any waters" and insert instead "in, on or adjacent to any waters". The Greens felt that was a good amendment. It is disappointing that it did not succeed. The Greens would like to see a prohibition on all shark finning, regardless of whether it is boat or land based. The legislation should specify that it is an offence to remove the fins from a live shark in New South Wales and return the shark to the water.

The Professional Fishermen's Association also raised the fact that there is no requirement under this legislation for recreational fishing to undertake an environmental impact assessment. Under part 1A of the current Fisheries Management Act 1994, a management plan or strategy must not be completed without an environmental assessment. This ensures that the management of a fishery takes into consideration the environment impact of that activity. If commercial fisheries are required to undertake an environmental assessment, it surely follows that it is essential for recreational fishing to follow this path to ensure sustainable and appropriate management. The Greens do not support the bill.

Ms YASMIN CATLEY (Swansea) [11.54 a.m.]: At the outset I state that the Opposition opposes the Fisheries Management Amendment Bill 2015, given both the large number of changes that it proposes and the significance of stakeholder concerns about many of those changes. Leading the debate for the Opposition in the Legislative Council, the Hon. Mick Veitch described this as an omnibus bill—a bill that seeks to make more than 150 amendments, of varying degrees of complication, to the Fisheries Management Act 1994. It is an omnibus indeed. The amendments proposed involve areas as diverse as commercial and recreational fishing, charter boating, Aboriginal cultural fishing, biosecurity measures, shark finning, a scientific observer program and the protection of aquatic habits. The bill spans some 55 pages of, at times, significant amendments to a range of activities and ventures in New South Wales.

This is the second iteration of the Fisheries Management Amendment Bill. The first bill was presented to the Legislative Assembly in October 2014 and did not progress through both Houses. Twelve months later we have been presented with this second version. The Opposition notes that the bill does not lock in any matters relating to the proposed New South Wales Commercial Fisheries Business Adjustment Program, and that is welcomed. As others who oppose the bill have rightly noted, it contains some good initiatives, including an online system for administering professional fishing returns, and useful measures for more efficient administration and licensing.

It is hard not to take into consideration the points raised by key stakeholders, representing many different organisations, with differing political views, when debating this bill. That is ultimately the problem with this bill as it currently stands. There are so many valid objections, coming from groups with such diverse points of view, that we must reconsider the approach on this bill. Before discussing the diverse dissenting views, it is important to note the consultation process that has been undertaken in the 12 months since the first version of the bill was withdrawn from Parliament and further consultation was sought. In his second reading speech in the other place, the Minister informed the Legislative Council that provisions of the first version of this bill were the subject of "targeted consultation". He went on to advise that 146 submissions were received in the course of that targeted consultation.

It would appear that the targeted consultation resulted in only minor changes to the second incarnation of the bill, namely, removing the proposal to impose limits on the number of fish that can be held on a boat, requiring commercial fishing boats that will no longer be subject to licensing requirements to still be marked as commercial fishing boats, expanding the scope of the Aboriginal Fishing Trust's funds to include "economic development opportunities for Aboriginal communities" as one of the purposes of the trust, and changing the term "ecotourism activity" to "guided non-motorised activity". While there are some other very minor changes to the bill, the four small changes I have mentioned appear to be the result of 12 months of targeted consultation. As the Hon. Mick Veitch pointed out in the other place:

So during one year with 146 submissions and roughly four changes the question must be asked: What did the 146 submissions contain? We do not know because they are not public. Did they all contain resounding support for the first iteration of the bill in relation to consultation? They must because only minor changes have been made to the first version. Did any submission contain dissent or suggestion for improvement? We do not know because they are not in the public domain.

Fortunately, with a very effective shadow Minister operating in this portfolio, Labor has been able to undertake its own consultation with many of these stakeholder groups. As the shadow Minister stated:

If we were to encapsulate the feedback I have received in one word it would be "disappointed". If I were to use two words they would be "very disappointed".

I turn now to the concerns raised by the many stakeholder groups that were consulted as a part of Labor's efforts to clarify some of the points in the bill. The Recreational Fishing Alliance [RFA] of NSW stated:

It is disappointing that the Minister has not directly engaged the RFA of NSW on the proposed amendments.

The RFA is not supportive of the proposed Amendment bill since it falls well short of our preferred position to further review and renew the Fisheries Management Act 1994.

More transparency and accountability is needed and the decision-making processes must be strengthened and not weakened as is planned under this bill.

The proposed amendments erode the level of public scrutiny. Fisheries Management processes and stakeholder consultation must be strengthened and allow more transparency and public accountability, not weakened.

The RFA further advised:

Many examples in this bill weaken the decision making and consultative information process involving any independent New South Wales Peak Advisory Body or Council, relevant or recognised stakeholders and the fee paying public.

The New South Wales Aboriginal Land Council also advised Labor of its concerns about the bill. The Aboriginal Land Council advised that the amendment will lead to uncertainty and will cause ongoing prosecution of Aboriginal fishers. Consulting with Labor—and I am sure it advised the Minister directly—the council advised:

Under the proposed changes the Minister would be able to grant approval to take and possess fish or marine vegetation by issuing an Order to authorise groups of people, rather than current process of individuals applying for a special permit.

While there may be an opportunity for the Minister to outline provisions that support Aboriginal cultural fishing rights, there is concern this provision could be used to limit Aboriginal people's cultural fishing rights. It is unclear how this provision would work in practice in respect to Aboriginal cultural fishers e.g. what the application or appeal processes would be, and how it would operate with the current draft Aboriginal cultural fishing Regulation currently being exhibited.

Environmental groups have also raised concerns. Their main concerns are about the powers that would be given to the secretary to make total allowable fishing effort and total allowable catch determinations

without independent scientific advice or public consultation. The Nature Conservation Council is of the view that all catch and effort determinations should be made by an independent scientific committee. Labor agrees that we need science to manage our fisheries. We are by no means the fun police, but the reality is that some of our fisheries are in severe decline and they need very careful management for the future, determined by science and evidence. Importantly, we have received advice on the bill from both the Wild Caught Fishers Coalition and the Professional Fishermen's Association [PFA].

The Wild Caught Fishers Coalition recently wrote to me—and I am sure it wrote to all members of this place so its comments will not come as a surprise. In its letter the coalition advised that its industry needs security and it asked that we ensure that the New South Wales commercial fishing industry has a secure future. It said that the bill does not have majority industry support. They were strong words from the Wild Caught Fishers Coalition. The PFA has been quite complimentary of the bill and, like members on this side of the House, believes some aspects of the changes have merit. However, the association has outlined its concerns to me about the bill. The PFA advises that it does not support fishing closures that are inconsistent with the share management plans. The PFA states:

PFA's concern is that this proposal removes the Governor as a "higher power for industry to turn to if a Minister is enacting a closure without industry support. Consideration must be given to the socio-economic impact of a closure and should have majority industry support."

The PFA has raised sensible concerns about environmental matters. It is also concerned about the environmental powers, and says:

The PFA is concerned about the lack of strength regarding environmental regulations and powers. This was an opportunity to provide some much needed strength in supporting investigative and remedial action against those who cause pollution or damage to our aquatic systems.

In conclusion, the Opposition is, yet again, disappointed by the manner in which the bill has been presented for us to vote on. As has been stated by a number of my colleagues here and in the other place, the Opposition does not wish to vote against every aspect of the bill. If the Minister were to bring certain elements before Parliament to be dealt with separately, we would be able to support many of the sensible measures that the bill contains. Unfortunately, the bill requires too many amendments and the Opposition is left with no choice but to oppose it.

Mr GREG PIPER (Lake Macquarie) [12.04 p.m.]: I make a brief contribution to debate on the Fisheries Management Amendment Act 2015, and I will be a little more positive. This is a very complex bill and it is broad in its application. I do not doubt that the examples of concern raised by the Opposition are genuine. I do not doubt that there are many different views on different aspects of the bill. However, as we know, in any avenue of life—but particularly in this area—it is almost impossible to please everybody. I give my broad support to the measures in the bill, most of which seem to be common-sense amendments. While Lake Macquarie has been closed to commercial fishing for some time, many charter and tourism-related services still operate out of the lake area. The main aim of most of the bill's provisions is to streamline processes, reduce red tape, transfer cumbersome paper processes to an optional online platform, and allow more flexibility in the application of regulations for licensing and other relevant matters.

I am pleased also to see in the bill environmental provisions, particularly those that strengthen the department's ability to seek compensation from people or companies who show disregard for the environment—for instance, those who engage in unapproved reclamation or dredging, which impacts on ecological systems. I have seen evidence of the environmental damage that these actions can cause, when people take it upon themselves to alter waterways for their own benefit. Thankfully, it does not happen all that often. But it does happen, and when it does the impact is felt well beyond the confines of the offending property. Complex and expensive action through the Land and Environment Court may be the appropriate course of action, but it may not always be the best fit for the circumstances. Whereas in

the past these sorts of matters had to be prosecuted in court, the legislation outlines significant fines that will now apply for people who do the wrong thing, and I commend this action.

I am also happy to see that licensing provisions for charter and tourism activities will become more flexible as a result of this legislation. Aspects of the previous legislation were unnecessarily restrictive in this regard. I have consulted with the Minister's office on this issue and I thank his officers for their assistance over time. I gave the example of the case of a constituent who bought a kayak fishing business, only to find that under the State law his clients were not allowed to cast a fishing line from the kayaks because they were not licensed fishing vessels. I understand it could be argued that my constituent did not exercise due diligence but, regardless of that, anybody taking the matter at face value would know that that was not the intention of the legislation and thus it needs some correction. Because kayaks are not, under existing legislation, a recognised vessel for the purpose of issuing fishing licences, the business owner could not secure the appropriate licence that would allow his clients to fish from a kayak. Interestingly, he would be able to take them fishing in a freshwater environment, but not in estuarine waters.

In any case, one of the many provisions in this omnibus bill is that manually operated craft such as kayaks and canoes may now, for the first time, be recognised as legitimate vessels for charter fishing services. Hopefully my constituent will now be able to negotiate a solution to his problem of being a fishing tour operator with no fishing capability. There are many other provisions in the bill that will smooth out such wrinkles in the existing legislation and allow for a more sensible approach to the management of the State's fisheries resources. Another practical approach to charter fishing services is to remove the provision that ties a licence to a particular boat.

Under the new legislation the licence will be transferrable between vessels, and operators will be able to seek additional capacity to grow their business by buying additional licence capacity rather than having to trade in their licence completely and buy another that allows for extra seats on their boat. This shift away from a vessel-based approach to a business-based one is common sense and provides flexibility to the industry. I know some measures in this bill will create some disquiet in the fishing community. Among them are the provisions to allow urgent fishery closures and to allow such closures to prevail over commercial fishery share management plans. I expect those powers will not be used frequently but unfortunately we have seen with the recent incident in Williamstown the sort of situation in which they might be warranted.

There is a need to move quickly in such situations but also to have public accountability because livelihoods are at stake. I trust that decisions will be made not just with the appropriate expediency provided for in this bill but also with transparency. Clearly the closure in Williamstown has not been resolved satisfactorily, with commercial fishers yet to be compensated for their losses. I acknowledge that this is a Federal responsibility and outside the remit of this legislation, but I mention the issue to illustrate that closures, however infrequent, have significant implications and we need to be mindful of that in changing the previously legislated checks and balances. However, on balance, this is clearly an appropriate measure.

The bill is quite comprehensive and complex, and I therefore thank the Minister and his staff for their time in briefing my office and me on its detail—even though it was a little towards the end of the process. It is impossible to please all parties and I am certain that flaws will be found as the legislation is applied. Indeed, there will always be emerging issues or oversights that need to be addressed. I trust that the Minister and his staff will be mindful of and responsive to those needs. Overall, I believe this is good legislation that will strengthen and streamline many aspects of fisheries management. I support the bill and commend it to the House.

Mr CHRISTOPHER GULAPTIS (Clarence—Parliamentary Secretary) [12.11 p.m.], on behalf of Mr Anthony Roberts, in reply: I thank all members for their contributions to debate on the Fisheries Management Amendment Bill 2015. In particular, I thank the members representing the electorates of

Oxley, Cessnock, Tamworth, Ballina, Swansea and Lake Macquarie. Before I respond to matters raised in the debate, I note that prior to the debate in the Legislative Council last week the Minister for Primary Industries met with a number of stakeholder groups to discuss the provisions in the bill. I understand that the Minister addressed the majority of concerns raised during those discussions and in the course of his reply.

The Fisheries Management Amendment Bill 2015 is an omnibus bill covering a wide range of complex fisheries management issues. The amendments in the bill will allow for more flexible, streamlined and modern fisheries management for the commercial, recreational, charter boat and Aboriginal fishing sectors. The amendments also provide further protection of our aquatic habitat and threatened species, as well as strengthening our management of biosecurity risks. The Government supported the majority of the recommendations in the 2012 Independent Review of Commercial Fisheries Policy, Management and Administration. The bill delivers on the Government's commitment to put in place the legislative framework to give effect to the review's outcomes.

I turn now to the key provisions in the bill. The bill supports the full operational functionality of FishOnline. FishOnline is a self-service system that will provide the commercial and charter fishing sectors with improved access to their business, licence and fishing activity information. It will allow business transactions to be undertaken at any time, day or night, seven days a week. The bill looks to address the potential needs of future management of fisheries resources by revising prescriptive provisions in the Act so as to allow more flexible arrangements to be implemented through the share management plans and regulations. The bill expands provisions for determining and allocating catch or fishing effort such that total allowable catch and total allowable fishing effort may be determined for any fishing sector or part thereof, not just the commercial fishing sector.

The bill provides flexibility in arrangements related to commercial fishing boat licensing provisions by requiring that only certain boats used for commercial fishing will need to be licensed. The bill will also improve charter fishing licensing arrangements. Licences and charter boat seats will be transferable separate from vessels and may be traded between industry participants. This will align charter fishing industry operations with contemporary business practices. The bill will establish a dedicated Aboriginal Fishing Trust Fund to provide a transparent accounting mechanism for future expenditure related to Aboriginal fishing. This fund will be used to promote and protect Aboriginal cultural fishing practices and provide economic development opportunities for Aboriginal communities in relation to fishing or fishing-related activities.

The bill introduces stronger aquatic habitat protection and biosecurity measures for New South Wales fisheries resources. With respect to the speech by the member for Cessnock and his opposition to the bill, I point out that no such concern was raised in the other place as members did not divide on the bill. The member for Cessnock in fact admitted that there were many good aspects to the bill. I suggest that he is out of touch with major stakeholders such as commercial fishers because they supported the bill and have the utmost confidence in the Minister. I spoke with industry representatives as recently as last week. I was interested to hear the member for Cessnock talk about an organisation that he called the "Commercial Fishers Association".

Given that there is no such organisation, I would be interested to hear more about this. If he was talking about the Professional Fishermen's Association, he misrepresented its position because it is generally supportive of the bill. Perhaps he was talking about the Wild Caught Fishers Coalition. However, I do not think so because both those organisations support the bill. With respect to the point raised by the member for Cessnock about the making of regulations, regulations provide flexibility to manage the dynamic nature of the resource. Further, notice of the making of a regulation must be given to each House within 14 sitting days. Regulations are also subject to disallowance.

I reiterate that this bill is not about making decisions on the proposed commercial fisheries reforms; they will be dealt with at a later time. Most of the issues raised by the member for Ballina were

addressed in the other place, except the question regarding the need for an environmental assessment of the recreational fishing sector. This issue is not related to provisions in the bill. However, there is an intention to undertake an environmental assessment of recreational fishing, and funds from the Recreational Fishing Trust have been set aside for that purpose. An assessment will need to consider results of the current statewide recreational fishing survey and marine estate threat and risk assessment processes once completed. This bill delivers on the Government's commitment to securing sustainable, viable and healthy fisheries, and 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 Christopher Gulaptis, on behalf of Mr Anthony Roberts, agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Council without amendment.

DATA SHARING (GOVERNMENT SECTOR) BILL 2015

Second Reading

Mr VICTOR DOMINELLO (Ryde—Minister for Innovation and Better Regulation) [12.20 p.m.]: I move:

That this bill be now read a second time.

In about 2012, as Minister for Aboriginal Affairs, I visited a school to frame development of the Opportunity, Choice, Healing, Responsibility, Empowerment—OCHRE—strategy. During the morning recess I remember seeing this little girl. She was about five years old. She had long, brown, curly hair and beautiful Bambi eyes. She looked like an angel. I remember that at the time she was playing a computer game: You would press a button and it would predict your mood—curious, happy, bored, et cetera. This little girl approached me and said that she was sad. I looked at the game and I explained to her that the computer screen said she was happy.

However, she insisted that she was sad. Her aunty then approached me and told me that the little girl's mother had passed away a few days ago. I remember going to bed that night and staring at the ceiling, with tears rolling down my face. I am part of the Executive Government in New South Wales. I have significant responsibilities and powers in relation to 7.5 million people in this State. Yet that night I felt utterly powerless. There was not one word I could say, not one action I could take to mend this little girl's broken heart. The following morning I took refuge in the Serenity Prayer:

God, grant me the serenity to accept the things I cannot change,
The courage to change the things I can,
And the wisdom to know the difference.

I dedicate this bill to the little angel: I am sorry that I could not take away your pain. Our community faces many challenges that cause much suffering and destruction at individual, societal and environmental levels. Horrendous domestic violence, unimaginable juvenile incarceration, and mindless pollution of our sacred land and waters all come to mind. There are logistical challenges that we face, such as tangled

traffic, that render valuable resources inefficient. There are challenges that Mother Nature poses, such as fires and storms. And there are challenges born of our human condition—blindness, multiple sclerosis, dementia. Regardless of the challenges we face, the best solutions are grounded in data and analysis. They always have been. We can get lucky and stumble across a few pieces of the puzzle that fit together, but the best way is to put all the pieces on the board and work our way through it. Plato once said:

We can easily forgive a child who is afraid of the dark; the real tragedy of life is when men are afraid of the light.

In many ways data is the light. Data, once organised, becomes information. Without information, governments make decisions in the dark. The more information governments have at their disposal, the greater the light and therefore their ability to make decisions that will improve society. With information comes knowledge, and with knowledge comes wisdom. In 2015 in the information age, the primary issue is not the gathering of information but rather the sharing of it, with protections in place for privacy and security. This bill is the first of its kind in Australia and one of the first of its kind in the world. It is a bill that requires courage as it represents a giant stride forward into the light that information provides.

I have no doubt—no doubt at all—that in decades to come people will look back to 2015 as a time in our civil development when our understanding and application of the benefits of big data were still very much in their nascent phase. This bill will be seen as a positive turning point for data sharing. In the burgeoning digital economy, data is becoming increasingly valuable to both the private and the public sectors. Data is the foundation of evidence-based policy, and provides a basis for the development of effective, tailored services to the community. New South Wales government departments and agencies currently collect and retain data provided by the people of New South Wales. However, there is no requirement for the sharing of that data with other departments or agencies to inform more efficient, strategic decision-making.

This siloed approach is a hindrance to the delivery of services that the people of New South Wales deserve. Government cannot continue to operate in this way. Government must be more agile, faster and smarter in the way it operates to meet the requirements of the people of New South Wales in the twenty-first century. It must harness data assets to deliver better outcomes for the community. In this vein, on 3 August 2015 I announced the establishment of the New South Wales Government Data Analytics Centre—affectionately known as "the DAC"—as a unit within the Department of Finance, Services and Innovation. As part of a central agency, the DAC will: collect, aggregate and analyse whole-of-government data, including from State-owned corporations and local councils, in relation to approved projects; coordinate the consistency of definitions and data standards across New South Wales government agencies; establish and maintain a register of data assets in government; provide advice to government on the greater publication of open data; and provide advice on how data can inform the digitisation of the Government and how the Government can support the digital ecosystem.

Importantly, it will investigate and establish processes and methodologies to enable the protection of personal information and advise the Government on best practice analytic processes, and data and information security. This bill will facilitate the sharing of data information with the DAC and within government generally. It will also enable the Premier, through the Minister for Innovation and Better Regulation, to give directions in certain circumstances to require government sector agencies to share government sector data with the DAC. Additionally, it will enable the Minister to obtain information for the DAC from government sector agencies about the kinds of data sets that they control. Importantly, the bill also specifies safeguards to be complied with by the DAC and other government sector agencies in connection with data sharing. It is important to note that the sharing of personal or personal health information is not affected by this bill, and the sharing of that information remains subject to existing New South Wales privacy legislation.

This bill provides the DAC with the legislative authority to obtain data in certain circumstances from government sector agencies, with the appropriate safeguards in place. This power is critical to the

design of the DAC. In its development we looked far and wide for best-practice data analytics systems around the world. One such centre has operated in New York for a number of years. Established by then Mayor Michael Bloomberg, the Mayoral Office of Data Analytics [MODA] seeks to aggregate and analyse New York departmental data. Many of the design features have been incorporated in the DAC. However, when we made inquiries with the architects of MODA, they acknowledged that having legislative authority would have produced better outcomes. Hence this bill is critical to the successful functioning of the DAC.

The significance of this bill cannot be underestimated. We have consulted broadly, drawing upon some of the best minds in the Government. The steering committee for the Data Analytics Centre, which included the NSW Chief Scientist and Engineer, Customer Service Commissioner, the Information and Privacy Commissioner. In addition, we consulted broadly with the technology sector and with other independent agencies such as the Ombudsman, the Independent Commission Against Corruption et cetera. They know the challenges of antiquated, silo-based service delivery, and it is no surprise that we received an avalanche of support for what is being proposed. Let me put on record extracts from some of the third party endorsements from highly respected and trusted figures in our government and community in New South Wales. Professor Mary O'Kane, NSW Chief Scientist and Engineer, said:

Having a Data Analytics Centre will be extremely useful for the State of NSW on many fronts. ... NSW is in a good position to take advantage of a DAC because it has considerable research expertise and capacity in data collection and analytics, including within its universities and organisations like NICTA and INTERSECT. In this way the data that sits in the DAC will not be idle but can be used extensively for policy and research purposes.

Being able to draw on this and other well-curated and up-to-date data will better enable NSW to improve critical government functions and solve difficult policy problems. There are many examples of areas to benefit from the DAC most notably in health, education and transport. I support the concept of the Data Analytics Centre and look forward to an active involvement in its development.

NSW Privacy Commissioner Dr Elizabeth Coombs said:

I note the intention of the bill is to improve data sharing between New South Wales Government agencies, outline data sharing safeguards as well as the establishment of a New South Wales Data Analytics Centre (DAC). I support the outcomes that will be achieved through the establishment of the DAC.

NSW Ombudsman Professor John McMillan, AO, who was formerly the Australian Information Commissioner, Commonwealth Ombudsman and Integrity Commissioner for the Australian Commission for Law Enforcement Integrity, said:

Information collected and held by Government is a unique resource that enables a better understanding of community trends, challenges and expectations. The value of information lies in using it, having regard to privacy and security concerns. The Ombudsman's office has seen how data driven service provision can assist Government agencies to tackle key challenges in areas such as service provision to Aboriginal communities; better identifying and responding to at risk children and families; and diverting young people from the criminal justice system. The data analytics centre can play a central role in ensuring that public sector information is used wisely and managed appropriately.

Alex Scandurra, Chief Executive Officer of Stone and Chalk, FinTech Knowledge Hub, said:

I wish to congratulate you on the announcement of the DAC. We think this is going to provide an incredible platform that will help drive digital innovation within NSW, provide incredible insights and actionable data for Government and the private sector. Importantly, it will also enable an

unprecedented level of collaboration between start-ups, innovators more broadly and Government. In doing so, this will facilitate the delivery of additional services to the people of New South Wales at marginal cost to the Government. Clearly there is an immeasurable upside to such an initiative in terms of the new companies, jobs and wealth creation that is likely to occur. It will help position Sydney & New South Wales as leading the way for innovation and collaboration in Australia.

Hugh Durrant-Whyte said the following in an article published in the *Australian* on 1 September 2015:

This era of big data presents incredible opportunities—smarter cities, stronger companies, new jobs and better medicine—but it also presents challenges. The establishment of the recently announced New South Wales Government Data Analytics Centre is a unique opportunity for business, universities and the state Government to forge a partnership and deliver on data-driven opportunities.

When the New South Wales Minister for Innovation and Better Regulation, Victor Dominello, announced his intention to establish the DAC he said its purpose was to liberate all of the Government's data—too often buried away in silos—and provide a centralised analytics and insight capability for Government decision making.

For those of us at the data analytics forefront the DAC announcement is terrific. By bringing information together, the Government will be able to make more informed decisions and better allocate scarce resources. It also allows the New South Wales Government to consolidate the expertise held in the data analytics centres in its Health, Justice and Education departments.

The opportunities start with the use of data in making more informed decisions.

There's also an opportunity to drive innovation in the private sector. International studies have shown that open data in Government allows private firms to make better decisions around investment in infrastructure and skills. One local example of this is National Map (nationalmap.gov.au) that provides an open portal to spatial data from over 30 Government agencies (federal, state and local), allowing companies engaged in areas as diverse as agriculture, construction and retail, to make use of data in making more informed investments.

Another related opportunity is the development and growth of new data technology companies and knowledge jobs. Analytics is already playing a big role in the fintech and medtech sectors and the DAC could help extend this trend into start-ups in other sectors, such as transport or agriculture.

But it's not all smooth sailing, because managing privacy and security concerns won't be easy. Locking all the data up is clearly not the answer but personal, sensitive data will need to be secured, controlled and managed. There's an opportunity here for the DAC to be innovative with new ideas in security, from the use of encrypted data portals to concepts such as personally controlled data vaults.

The involvement of the New South Wales Information Commissioner and the New South Wales Privacy Commissioner on the inaugural DAC Board is a good start but the DAC needs to engage the technology community in the discussion.

A second challenge for Government is to resist thinking of the DAC as just another "large IT system". There is a sorry record for the development of large IT or database systems in the public service sector and data does not need to be handled this way. The DAC should focus on connecting data and creating open tools that make this information available and useful to the right decision makers.

NSW is taking a transformational lead in data science. It is critical the potential of this partnership between businesses, universities and citizens is realised.

New South Wales Customer Services Commissioner Mike Pratt said:

The Data Analytics Centre is fundamental to continuing the improvement in the lives of our citizens through an enhanced understanding of their needs and our ability to provide superior solutions. This is a legitimate and powerful tool for the New South Wales Government to improve service delivery in line with true customer co-design principles. It brings a customer-inside lens to the architecture of service delivery, focusing on the growing appetite for online services. This is more than conducting focus groups. It is about using the richness of customer data in a smart, coordinated and innovative way to design service delivery models that make sense, reduce cost to serve and ultimately improve the experience for citizens.

Effective use of data will drive customer focused service delivery and provide the ability to make informed decisions—decisions driven by our customers. The Data Analytics Centre will provide a focal point for whole of Government data and promote cross agency data sharing in a way that protects customer privacy, whilst enabling the Government to see a "holistic" view of the customer.

University of Technology Sydney Vice-Chancellor Professor Attila Brungs said:

I am writing to congratulate you on your announcement and your leadership in driving real transformation in a whole-of Government approach to data. This is a huge and complex task and I know that the community, industry and research sectors and other Governments will benefit from your ground breaking move. These kinds of initiatives have the potential to be far reaching and are to be applauded ...

In these circumstances of strong support from government, universities and industry alike I am pleased to introduce the Data Sharing (Government Sector) Bill 2015. The bill is an important marker: It signals that New South Wales is ready to embrace the power of shared data. Doing nothing is not an option. In order to serve the people of New South Wales, the Government needs to adopt or develop best practice. The bill enables the Government to make the best use of its data assets so that together the Government and the people of New South Wales can create better outcomes. When it comes to data analytics the DAC and this bill will provide the platform for this change.

The objectives of the bill are: to facilitate the sharing of government sector data within government including with the newly established New South Wales Government Data Analytics Centre; to enable the Minister to give directions in certain circumstances, which I will elaborate on in a moment, to require government sector agencies to share government sector data with the DAC; to enable the Minister to obtain information for the DAC from government sector agencies about the kinds of datasets that they control; and to specify safeguards, including in relation to the collection, use, disclosure, protection, keeping, retention or disposal of health information or personal information of individuals as well as commercially sensitive information, that are to be complied with by government sector agencies in connection with data sharing under the bill.

It is recognised globally that public sector sharing of data results in: the facilitation of high-quality, policy-relevant research by sharing and combining data from a variety of sources, promoting new research and allowing for testing of new or alternative methods of service delivery, reduction in costs by minimising duplication of effort, particularly in collecting and storing data; and a reduced burden on New South Wales citizens in providing data multiple times to multiple agencies. Currently, agencies agree to share data that is non-personal or de-personalised by way of a memorandum of understanding [MOU]. The MOUs set out what data is to be provided and to whom and when, et cetera.

The development of MOUs is time consuming and a new MOU is required for each instance of data sharing. Where multiple agencies agree to share information an MOU would need to be created with each of those agencies participating in a single project. Occasionally, MOUs are also used to support sharing of personal information. MOUs developed between agencies do not always contain adequate provisions for the protection of personal information in data sharing arrangements. Where traditionally agencies have been frustrated with the cumbersome, long-winded, entangled, bloated system for sharing information across government, they will now be enabled to share information in an efficient manner in a protected environment.

This bill complements the existing legislative responsibilities of government sector agencies that collect, publish and provide access to data. Key legislation governing the sharing of data and operational arrangements in New South Wales includes: the Privacy and Personal Information Protection Act 1998 [PPIPA], which governs the way agencies can use or share personal information, and provides for the use of public interest directions to enable data sharing and analysis for time-limited projects and privacy codes of practice to enable data sharing and analysis in the longer term. The Health Records and Information Privacy Act 2002 [HRIPA] governs the way agencies can use or share personal health information. It offers a model of how a group of agencies, or perhaps the broader government sector, could be considered as a single entity for the purposes of sharing data. The Government Information (Public Access) Act 2009 [GIPAA] establishes that agencies must provide public access to certain datasets and reports. The State Records Act 1998 ensures that agencies maintain records of their activities.

Areas of policy with standing operating arrangements similar to this legislation include: the NSW Bureau of Crime Statistics and Research, which operates under a privacy code of practice to conduct research and analysis across crime and criminal justice issues. It offers a model of how the DAC can use privacy codes of practice to manage data sharing for projects where personal identified data is involved. The Children and Young Persons (Care and Protection) Act 1998 at chapter 16A provides for the sharing of information for the broad purpose of promoting the safety, welfare or wellbeing of children or young persons. This legislation offers a model of how legislation can authorise sharing for approved purposes in the public interest. In the Service NSW (One-stop Access to Government Services) Act 2013 a privacy code of practice regulates the disclosure of personal information held by public sector agencies by agencies and the collection, use and management of that information by Service NSW to exercise customer service functions for the agency, or other related functions.

This legislation will change the way New South Wales government sector agencies interact with each other. The bill makes it easier for agencies to share data by providing the authority, up till now lacking, for agencies to actively share data. The most complex issues society faces require a multiagency approach. I reiterate that using the current data and information sharing framework to try to tackle these issues is antiquated. The systems that we have in place now are anchored in the last century, where the pace of new information compared to today was pedestrian. However, we are now well and truly past the dawn of the information age. At the heart of this age is knowledge and insights driven by data. Accordingly, we need a framework for data sharing in 2015 that reflects the age that we live in. I turn to the detail of the bill. Part 1 sets out the objects and definitions. The objects include:

- (a) to promote, in a manner that recognises the protection of privacy as an integral component, the management and use of government sector data as a public resource that supports good Government policy making, program management and service planning and delivery, and
- (b) to remove barriers that impede the sharing of government sector data with the DAC or between other government sector agencies, and
- (c) to facilitate the expeditious sharing of government sector data with the DAC or between

other government sector agencies, and

- (d) to provide protections in connection with data sharing under this Act by:
 - (i) specifying the purposes for, and the circumstances in, which data sharing is permitted or required, and
 - (ii) ensuring that data sharing involving health information or personal information continues to be in compliance with the requirements of the privacy legislation concerning the collection, use, disclosure, protection, keeping, retention or disposal of such information, and
 - (iii) requiring compliance with data sharing safeguards in connection with data sharing.

Part 1 (5) deals with the relationship of this bill with other laws. This bill makes disclosure of government sector data by a government sector agency to the DAC or another government sector agency lawful for the purposes of any other Act or law that would otherwise operate to prohibit that disclosure. The bill does not apply to information considered to be "excluded information of an agency" specified in schedule 2, and information of a kind referred to in schedule 1 of the GIPAA, or any personal or health data as defined in privacy legislation. Part 2 of the bill relates to facilitating government sector data sharing. This includes: voluntary data sharing with the DAC or between other government sector agencies, and data sharing with the DAC.

This supports data analytics work to be carried out on the data to identify issues and solutions regarding government policy making, program management and service planning and delivery by government sector agencies. It enables related agencies, such as branches, offices and other agencies within or otherwise related to a government department, to develop better government policy making, program management and service planning and delivery by the agencies. If government sector data is shared under this section, the data provider and the data recipient must comply with all data sharing safeguards that are applicable to them in connection with the sharing.

Part 2 (7) introduces the power for the Minister for Innovation and Better Regulation to direct a government sector agency in writing to provide specified government sector data that it controls to the DAC within 14 days or such other period specified in the direction if the Premier has advised the Minister that the data is required for the purpose of advancing a government policy. Part 2 (8) introduces the power for the Minister for Innovation and Better Regulation to direct a government sector agency in writing to provide the DAC with such information concerning the government sector data that it controls as the Minister may require so as to enable the DAC to determine the number and kinds of sets of data that the agency controls and the kind of information collected in those datasets. However, this power to direct does not extend to universities.

Part 2 (9) sets out the data sharing safeguards for the purposes of this bill that are applicable to the sharing of government sector data under this bill with the DAC or between other government sector agencies. Privacy safeguards include: without limiting section 5 (2), a data provider and data recipient must ensure that health information or personal information contained in government sector data to be shared is not collected, used, disclosed, protected, kept, retained or disposed of otherwise than in compliance with the privacy legislation. If a data recipient that is provided with government sector data that contains health information or personal information becomes aware that the privacy legislation has been, or is likely to have been, contravened in relation to that information while in the recipient's control, the data recipient must, as soon as is practicable after becoming aware of it, inform the data provider of the contravention or likely contravention.

Confidentiality and commercial-in-confidence safeguards include: a data recipient that is provided with government sector data that contains confidential or commercially sensitive information must ensure

that the information is dealt with in a way that complies with any contractual or equitable obligations of the data provider concerning how it is to be dealt with. Data custody and control safeguards include: a data provider and data recipient must ensure that the government sector data that is shared is maintained and managed in compliance with any legal requirements concerning its custody and control—including, for example, requirements under the GIPAA or State Records Act 1998—that are applicable to them.

If a data recipient that arranges for a person or body, other than another government sector agency, to conduct data analytics work using government sector data with which it has been provided, the head of the data recipient is to ensure that appropriate contractual arrangements are in place before the data is provided to ensure that the person or body deals with the data in compliance with any requirements of the privacy legislation, the State Records Act 1998 and any government data security policies that are applicable to the data recipient.

Part 3 includes the power for the Minister to issue a direction to a State-owned corporation to provide data to the DAC only if the direction is given with the approval of the Premier, and where the portfolio Minister of the State-owned corporation is neither the Premier nor the Minister administering the proposed Act, and the Minister has consulted the relevant portfolio Minister about the direction before it is given. Part 3 also provides the power for the Secretary of the Department of Finance, Services and Innovation to report to the Minister responsible for a government sector agency or the Public Service Commissioner any failure by an agency to comply with the requirements of the proposed Act or with a direction given under it, or any other matter of concern to the Secretary with regard to the agency's obligations.

The Secretary can include in the annual report of the department a report of any incidences of failure by government sector agencies to comply with the requirements of the bill or the regulations or with directions given under the bill. In the design of the bill the safe handling and protection of privacy around personal information has been, and remains, paramount. Whilst it is government that is the custodian of the data it collects, it ultimately belongs to the people. With this in mind, it is the duty of any government to ensure that the information it holds is used for the purpose of generating greater social outcomes and tailored, citizen-centric services. Central to this mission is the non-negotiable instrument of trust. This is why the Privacy Commissioner has been instrumental in both the steering committee for the Data Analytics Centre and the policy design behind this bill. I thank the Privacy Commissioner, Dr Elizabeth Coombs, for the many hours she had dedicated to making this bill a reality, which includes the safeguards and protections that she helped to design.

The bill facilitates the sharing of government sector data by government sector agencies to deliver more effective service delivery and better social and economic outcomes for the people of New South Wales. The provisions of the bill do not extend to the use of personal and health information, and sharing of personal data remains within the protections of the existing privacy legislation in New South Wales. The principal and mandatory mechanism to enable the sharing of personal information is the Privacy and Personal Information Protection Act 1998 [PPIPA]. This is supported by privacy codes of practice and public interest directions issued by the Privacy Commissioner under section 41 of the PPIPA. The bill has been drafted in close consultation with the Privacy Commissioner.

Moreover, all data identified in the Government Information (Public Access) Act [GIPAA] as exempt from public release in schedules 1 and 2 of that Act is also specifically exempt from this bill. These are: schedule 1, information for which there is conclusive presumption of overriding public interest against disclosure; and schedule 2, excluded information of particular agencies. It is important to note that whilst information contained within these schedules is not explicitly authorised, permitted or required to be shared by government sector agencies as per clause 5 (2), clause 5 (3) makes it clear that the bill is not intended to prevent or discourage the sharing of government sector data by government sector agencies—that is, the provision does not act to specifically prohibit the voluntary sharing of such information within government.

The DAC will apply best-practice processes and methodologies to prevent the re-identification of de-identified, aggregated personal data. When it comes to the issue of cyber security, we will ensure that the DAC will comply with the NSW Government Digital Information Security Policy. All New South Wales public service agencies and shared service providers must comply with this policy and it is recommended for adoption in State-owned corporations, as well as local councils and universities. The NSW Government Digital Information Security Policy aims to ensure that the following objectives are achieved by the New South Wales Government: confidentiality, integrity, availability, compliance and assurance, to provide assurance to this Parliament and to the people of New South Wales that information held by the Government is appropriately protected and handled. This policy is informed by the Australian Government Information Security Manual [ISM], which is issued by the Australian Signals Directorate.

The DAC will require a privacy code of practice and will investigate and establish processes and methodologies that enable the safe use of personal information in de-identified, aggregated or linked datasets so as to protect the privacy and personal information of individuals. The DAC's collection and analysis of data from a variety of sources will facilitate the delivery of better services and build a much improved evidence base to support policy development, informed by trusted data. The DAC will become custodian of any new data products created through the aggregation of datasets where there is no other natural custodian, reducing the burden on agencies to continually extract and provide exports of the same data for different research queries.

In conclusion, I thank the Department of Finance, Services and Innovation, in particular Martin Hoffman, William Murphy, Dawn Routledge, Rosemary Chandler, Sonya Sherman, and especially Dr Kate Harrington and the "DAC-lings", as well as the other muchachos and muchachas who were instrumental in the formulation of this bill. I also acknowledge the herculean efforts of Bay Warburton, Matt Crocker and Sam Rutherford. They are true warriors for reform. I thank my staff, in particular Matt Dawson and Tom Green. I pay special tribute to my senior policy adviser, Caity McLoughlin. Put simply, this bill would not have been possible without her. I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) [12.54 p.m.]: On behalf of the New South Wales Labor Opposition and the shadow Minister for Innovation and Better Regulation in the Legislative Council, the Hon. Peter Primrose, I speak in debate on the Data Sharing (Government Sector) Bill 2015. The aim of this bill is to pave the way for electronic data to be shared between government departments and other government sector agencies. I state at the outset that the New South Wales Labor Opposition does not oppose the bill but contends that an inadequate amount of community consultation has been undertaken.

Such consultation would have allowed a thorough assessment in which to note any implications or possible improvements to the legislation and thus ensure it was done correctly the first time. I foreshadow that the Opposition will be moving amendments to this bill in this place. In today's modern era of technological advances, the technologies used in our everyday lives are becoming increasingly apparent. As such, data that is being stored and collected from a variety of government departments may prove to be an invaluable resource in developing new policy and direction in catering to the needs of the people this State. The objects of the bill are stated to be:

- (a) to enable government sector agencies to agree to share Government sector data with the Data Analytics Centre (the **DAC**) in the Department of Finance, Services and Innovation (the **Department**) or other Government sector agencies for certain purposes, and
- (b) to enable the Minister to give directions in certain circumstances to require government sector agencies to share government sector data with the DAC, and
- (c) to enable the Minister to obtain information for the DAC from government sector agencies about the kinds of data sets that they control, and
- (d) to specify safeguards (including in relation to the collection, use, disclosure, protection,

keeping, retention or disposal of health information or personal information of individuals) to be complied with by the DAC and other government sector agencies in connection with data sharing under the proposed Act.

This legislation will change the way in which government departments can share information between one another, allowing them to match their own records with another—also known as data-matching—to create a more comprehensive set of records, which could be used for a range of applications. In the bill a government sector agency is defined to mean each of the following:

- (a) the DAC,
- (b) a government sector agency within the meaning of the *Government Sector Employment Act 2013*,
- (c) a statutory body representing the Crown,
- (d) a council or county council within the meaning of the *Local Government Act 1993*,
- (e) a State owned corporation,
- (f) a body ... established or continued for a public purpose by or under the provisions of an Act or statutory instrument,
- (g) a wholly-owned subsidiary of the Crown in right of the State or an agency, council, corporation or other body,
- (h) a person or body exercising public official functions declared by the regulations to be a government sector agency for the purposes of the proposed Act.

An issue which may arise as a result of the newfound ability to share data amongst the various government agencies is the ability to match up anonymous data with an individual whose records are held within one or more government agencies. This raises a number of privacy concerns, and the question remains whether the bill will uphold the privacy of individuals. Part 1, clause 3 (a) states that the bill will "promote, in a manner that recognises the protection of privacy as an integral component, the management and use of government sector data", yet in the explanatory note we see the phrase "to share government sector data with the Data Analytics Centre or other government sector agencies for certain purposes".

This would give the Minister unfettered discretion to allow data that might intrude on people's privacy to be shared with other agencies—that is, data could be shared with other agencies at the whim of the Minister. How data would lawfully be shared with other government agencies requires clarification. I acknowledge the safeguards against the sharing of health or personal information in part 3 of the bill. However, such safeguards are limited in their operation. The Government has not turned its mind to the possibility of anonymised data being re-identified. There are no safeguards against that—none at all. In the twenty-first century, re-identifying individuals within anonymised datasets is possible.

In an article entitled "Robust De-anonymization of Large Sparse Datasets", published in the journal *Security and Privacy* in 2008, authors Arvind Narayanan and Vitaly Shmatikov demonstrated the ability to re-identify individuals in the Netflix Prize dataset. This dataset contained anonymous movie ratings by around 500,000 Netflix subscribers. The authors demonstrated that a person who knew relatively few details about a subscriber would be able to identify that subscriber in the dataset. This is a glaring issue that must be addressed. If it is not addressed, there is a risk that information about certain individuals could be de-anonymised. That would be a clear breach of a person's privacy.

There has been almost no public consultation on this issue. If there had been public consultation, the issue of re-identification of individuals would have been raised and addressed. There are no safeguards against the possibility of shared data being sold to the private sector. I note that Minister Dominello is in the Chamber. The Minister must clarify how the information shared under this bill would be used. If the Government had thoroughly consulted the public, this issue would have been raised and addressed. Despite the number of privacy concerns, on which I trust the Minister will be able to provide further clarification, this legislation takes a number of sensible steps towards preparing the numerous government agencies for the technological advancements that are on our doorstep.

The Opposition intends to move amendments to this legislation to ensure that appropriate measures are in place to review it two years after it receives assent. The Opposition will move, first, to insert on page 9, clause 20, after line 26, that there be a requirement for review by the Auditor-General, the Information Commissioner and the Privacy Commissioner. The Auditor-General, the Information Commissioner and the Privacy Commissioner are each to review the operation of the Act separately and report to the Minister on the outcome of their reviews. The second part to the amendment requires that each such review is to be undertaken as soon as possible, two years from the date of assent to the Act. The third part of the amendment requires the reports on the outcome of the reviews by the Auditor-General, the Information Commissioner and the Privacy Commissioner to be tabled in each House of Parliament 12 months after the two-year period.

The Opposition firmly believes that, given the concerns about privacy of data and the degree of information that may be readily shared between departments, the Information Commissioner and the Privacy Commissioner have a role to play in reviewing this legislation. In previous debates the Government has stated that the Information Commissioner and the Privacy Commissioner are not resourced to undertake reviews of legislation such as this. Given the magnitude of the changes proposed in this bill, the Government cannot simply dismiss a review based on its inability to resource the commissioners. If they are under-resourced, that should be addressed immediately. Government cannot take information and privacy lightly, fob off concerns and pass the buck on responsibility.

The Opposition agrees that legislative reform is necessary. However, it needs to be done properly. If the Government is going to bring legislation before the House, it must ensure that it has taken the necessary steps to get it right the first time. I find myself saying this time and again. It is unfortunate that it has become a theme. Let us make this right and ensure the legislation is afforded the appropriate review process. Let us make sure that this legislation is working as intended, with real-world applications. We on this side of the House agree that this legislation is needed, but let us iron out the security and privacy issues and set in stone the appropriate means for review. The Opposition does not oppose this bill but will seek to move amendments to it in this Chamber.

Mr JAI ROWELL (Wollondilly) [1.04 p.m.]: I am pleased to speak in support of the Data Sharing (Government Sector) Bill 2025. Data sharing will mean that the needs of rural and regional communities will be better understood and provided for by government. Data is becoming ever more important to the public and private sectors in conducting business in the information age. The purpose of this bill is to facilitate the expeditious sharing of information and data within government, under existing privacy and security settings, and to mandate safeguards in relation to the sharing of specified data. I acknowledge the presence in the Chamber of Minister Dominello, who not only looks sharp all the time but has driven this fundamental reform. I also acknowledge the presence of Minister Ayres, who looks just as sharp and does a great job in his portfolio. Data sharing is important, and I acknowledge Minister Dominello's contribution to this issue.

It is important to note that the sharing of personal and health information will be regulated by existing privacy legislation and will not be affected by this bill. Commercially sensitive information is also protected by safeguards in the bill. The drafting of the bill was informed by a steering committee that included the NSW Privacy Commissioner, the Information and Customer Services Commissioners and the NSW Chief Scientist and Engineer, all of whom support the bill and its objectives. New South Wales

government departments and agencies currently collect and store data provided by the citizens of New South Wales. There is no existing provision to share that data with other departments or agencies to facilitate more efficient decision-making through increased data and knowledge.

The current approach, which is siloed, creates a barrier to the high-level service delivery that the people of New South Wales deserve. Government cannot continue to operate in this way, especially in this technological and information age when people need information as soon as possible to make sound decisions. To meet the needs of the people of New South Wales, government must be more flexible, quicker and more innovative in the way it chooses to operate. It must utilise data assets to create better outcomes for the community. Data sharing provides the basis for better decision-making and more effective, better targeted and tailored services. This capability is particularly valuable where there are knowledge gaps and outdated information and a need for innovative solutions to localised problems, such as in rural and regional areas.

As the member for Wollondilly I know only too well the importance of innovative solutions to problems in regional areas. My electorate spans 3,500 square kilometres, taking in both the Wingecarribee and Wollondilly shires. The lack of telecommunications infrastructure is an issue in my electorate. I have to stand on a two-centimetre patch of grass in the backyard to get mobile telephone coverage. I know the Federal Government will be installing mobile telephone towers in the area later next year. These are particularly important issues for rural and regional members and communities. Access to reliable, timely data from across the State is necessary to ensure that no community in New South Wales misses out on the services it needs.

Mr Mark Coure: Tell us about the data that you watch. What type of data do you watch?

Mr JAI ROWELL: Of course, the data that I watch is all politically related. I love watching question time and, in particular, the member for Oatley's speeches. I know many people across the State listen to his speeches. The bill makes it easy for agencies to share data that until now has been lacking by providing for the authority to actively share it. The bill also enables the Minister to direct a government sector agency in writing to provide the newly established Data Analytics Centre [DAC] with such information concerning the government sector data that it controls and to share data with the DAC. This new requirement to share data will spur on agencies to improve services and support in areas of greatest need, such as in our rural and regional communities. As Minister Ajaka has said in the other place:

As part of a central agency, the DAC will: collect, aggregate and analyse whole-of-government data, including from State-owned corporations and local councils, in relation to approved projects; coordinate the consistency of definitions and data standards across New South Wales Government agencies; establish and maintain a register of data assets in Government and provide advice to Government on the greater publication of open data; provide advice on how data can inform the digitalisation of the New South Wales Government; and how the New South Wales Government can support the digital ecosystem.

Importantly, it will investigate and establish processes and methodologies to enable the protection of personal information and advise the New South Wales Government on best practice analytic processes and data and information security.

Professor Mary O'Kane, the NSW Chief Scientist and Engineer, has stated:

Having a Data Analytics Centre will be extremely useful for the State of New South Wales on many fronts. Being able to draw on this and other well-curated and up-to-date data will better enable New South Wales to improve critical Government functions and solve difficult policy problems. I support the concept of the Data Analytics Centre and look forward to an active involvement in its development.

I do not believe anyone could criticise the credentials of Professor Mary O'Kane, who does a fantastic job on a range of fronts. She is independent, she is respected by all sides in this House and we are certainly all the better for having her on board. But the great news does not stop there. Dr Elizabeth Coombs, the NSW Privacy Commissioner, has stated:

I note the intention of the bill is to improve data sharing between New South Wales Government agencies, outline data sharing safeguards as well as the establishment of a New South Wales Data Analytics Centre (DAC). I support the outcomes that will be achieved through the establishment of the DAC.

I agree with the experts and believe that this enhanced data sharing through the DAC will allow the New South Wales Government to better understand the needs of the community and to assist in improving social outcomes. The particular challenges of rural and regional communities will be able to be addressed and provided for by government instead of being grouped into a one-size-fits-all or a city-centric solution. This is the whole-of-government, evidence-based decision-making that citizens across New South Wales deserve when entrusting us with their information.

This bill will facilitate projects that will be of great benefit to regional and rural communities, such as the mapping of government services in local and regional communities to allow more informed decisions relating to community development and service priorities, and the analysing of fire and rescue response times and outcomes, which can improve response times and the better placement of fire and rescue units in high-risk areas. Earlier this year I had the great pleasure of joining the Parliamentary Secretary, now Federal Minister, Mr Paul Fletcher in providing joint funding for telecommunication infrastructure in some parts of my electorate, particularly at Mount Hunter, where the Rural Fire Service so eagerly anticipated this announcement. In times of extreme bushfires and extreme emergencies they will now be able to get the information they need to better service and protect our communities so much faster. They have been waiting for this for a very long time. Joint funding of millions of dollars between the State and Federal governments has now provided that infrastructure, and this legislation complements that. It is very exciting news.

The bill also investigates predictors of disadvantage and the need to ensure a better understanding of disadvantaged groups. It would seem that data sharing has particular promise for rural and regional communities in regard to planning and access to government services, including through better government digitised services. Some of the key priorities for rural and regional communities that could be advantaged through data sharing include identifying improvements to rural roads based on fatality data, local infrastructure bottlenecks, tackling violent crime, domestic violence, alcoholism and drug addiction hotspots, improving service levels in remote clinics and regional hospitals, and improving educational and training opportunities. Clearly, rural and regional communities will benefit in many ways as a result of the passage of this bill, as will the rest of New South Wales. I commend the bill to the House.

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

Pursuant to sessional order community recognition statements proceeded with.

COMMUNITY RECOGNITION STATEMENTS

CANCER CARE WESTERN NSW

Mr ANDREW GEE (Orange—Parliamentary Secretary) [1.15 p.m.]: I congratulate Cancer Care Western NSW on winning the prestigious Community of the Year Award at the NSW/ACT Regional Achievement and Community Awards on Saturday evening in Dubbo. Cancer Care Western NSW is a

recognised national service provider supplying a vital support service for cancer patients in regional New South Wales. Cancer Care Western NSW successfully engaged the region and local communities in raising funds for the \$5.4 million building of the Western Care Lodge.

The lodge provides accommodation for cancer patients who are undertaking treatment in the centre at Orange. I pay tribute to the manager, Lita Matthews; the assistant manager, Gillian Tagg; and the executive members: my old friend and colleague John Carpenter; vice chairman, Stuart Porges; treasurer, Peter Campbell; secretary, Sharon Boog; and the amazing fundraising chair, Jan Savage. Congratulations to Western Care Lodge. I acknowledge patron Councillor John Davis and I congratulate all members and the great team at Cancer Care Western NSW.

PROSPECT ELECTORATE CRICKET CLUBS

Dr HUGH McDERMOTT (Prospect) [1.16 p.m.]: Summer is a wonderful time in Western Sydney. For people in the seat of Prospect there is one great passion—cricket. Cricket brings the community together and it is a great example of multiculturalism. The growth of our local clubs is due to many new neighbours from the subcontinent—from India, Pakistan, Bangladesh and Sri Lanka. Special note should be made of Tamil refugees who play cricket in Prospect. The clubs Pacific Oceans XI, NSW Tamils and the Voice of Tamils have many players who escaped the civil war.

Other great local clubs include Pendle Hill, Greystanes, Wenty Leagues, Wenty Waratahs, Seven Hills-Toongabbie, Blacktown Workers, Smithfield RSL, Marconi and Wetherill Park. Many of our junior cricketers have gone on to play for New South Wales and Australia. Former Australian captains Michael Clarke and the late Richie Benaud both started their cricketing careers in Western Sydney. I acknowledge the retirement of Australian fast bowler Mitchell Johnson from international cricket—a great role model for all who love the sport. I wish him and all the clubs the best for this season.

JACARANDA FESTIVAL

Mr CHRISTOPHER GULAPTIS (Clarence—Parliamentary Secretary) [1.17 p.m.]: I offer my congratulations to Trevor Green and the Jacaranda Festival committee on the running of the eighty-first Jacaranda Festival. This year has once again seen an amazing array of events, including the Jacaranda Ball and the Jacaranda Queen crowning—which saw Charlotte White crowned the 2015 Jacaranda Queen, Madeleine Vidler crowned Junior Jacaranda Princess and Laura Hall crowned Junior Jacaranda Queen—as well as the business dress ups on Jacaranda Thursday and the float procession last Saturday.

The city of Grafton was humming with excitement for the whole week of the festival. Festivals such as the Jacaranda Festival do not happen by themselves, and it is a credit to the committee that the event keeps getting bigger and bigger each year. There were visitors from interstate as well as international tourists who marvelled at the sight of the blooming jacarandas. There is no doubt that the Jacaranda Festival, which is the oldest floral festival in the country, is one of the highlights in the Clarence Valley calendar and I look forward to it next year with even greater enthusiasm.

BANKSTOWN SPORTS CLUB

Ms TANIA MIHAILUK (Bankstown) [1.18 p.m.]: I am delighted to acknowledge that Bankstown Sports Club recently held its annual general meeting. I take this opportunity once again to congratulate John Murray, the president of the club, Mark Condi, the general secretary and chief executive officer, and the entire executive on their fantastic past 12 months, particularly due to the fact that the club has contributed more than \$2.5 million towards improving the community in Bankstown and across our region. More than 8,000 locals have benefited from a variety of different programs under the ClubGRANTS program that the club has supported. I particularly acknowledge the work the club has undertaken with Bankstown City Aged Care and the support it has given to many of our local schools, including

Bankstown Girls High School, in providing a range of scholarships. Our local sporting clubs would be at a loss without Bankstown Sports Club's support. Again, I congratulate the executive on their tremendous effort over the past 12 months and I am delighted to continue to be the club's patron.

BELINDA ROWELL

Mr JAI ROWELL (Wollondilly) [1.19 p.m.]: I acknowledge the love of my life, most beautiful, amazing, intelligent, wonderful, great, compassionate, courageous, kind-hearted and loving wife, Belinda. Belinda is my greatest support and I could spend a thousand years trying to do the same for her and I would not even make a dent in how she supports me. She is a wonderful and great mum to our two boys, Will and Menzies. She brings out the best in everyone. She works hard for our community and how she puts up with me I will never know. She has a degree from the University of New South Wales and leads a team working at the Federal political level. She supports the Wollondilly community like one would not believe and even ran my re-election campaign, for which I thank her. I am so proud of her that I take this opportunity to let her know that I love her dearly. I apologise for being a couple of hours late on our first date all those years ago, but that is a story for another day. I look forward to spending the rest of my life with her, leaving footsteps together. Love you, Belinda, Belinda, Belinda!

KEVIN "DASHER" WHEATLEY, VC

Mr GREG WARREN (Campbelltown) [1.20 p.m.]: I ask the House to join me in commemorating the fiftieth anniversary of the death of Kevin "Dasher" Wheatley, who was a warrant officer in the Vietnam War and one of Campbelltown's finest. On 13 November 1965 Dasher and Warrant Officer Swanton were on a search-and-destroy mission in South Vietnam when they were attacked by the Viet Cong. Swanton was shot in the chest and despite being told that Swanton was dying, Dasher refused to leave him. Under heavy fire he dragged Swanton into the safety of nearby jungle. Some time later, two grenade explosions were heard, followed by several bursts of gunfire. Wheatley and Swanton were found at first light next morning, dead from gunshot wounds. Dasher was one of only four Australian soldiers involved in the Vietnam War to be awarded the Victoria Cross for his heroic actions. I ask the House to join me in acknowledging Kevin "Dasher" Wheatley and the sacrifice he made for the betterment of our lives today. Lest we forget.

TRIBUTE TO MARK NIELSEN

Mrs TANYA DAVIES (Mulgoa—Parliamentary Secretary) [1.21 p.m.]: I congratulate Mark Nielsen on being recognised for his ongoing demonstration of care and compassion for others at the Fred Hollows Humanity Awards Ceremony on 7 September 2015. Mark is a student at Penrith Anglican College and was one of just seven year 6 students across New South Wales to be formally recognised in the ceremony. Most notably, Mark received this prestigious award as an acknowledgment for his acute awareness of the concerns and challenges of others and the need to practically address them. Such a desire to help others has manifested itself in a variety of ways in Mark's life. Indeed, at just five years of age, Mark began giving away his Christmas presents to those who often go without, something he persists with today.

Additionally, Mark sacrifices some of his pocket money in order to co-sponsor, with his parents, two Compassion children in Mexico. Indicative of the significance of his achievement, Mark was presented with the award by Premier Mike Baird and the founding director of the Fred Hollows Foundation, Gabi Hollows. Mark's selflessness and care for the less fortunate are a testament to his character. Mark is a role model for us all to emulate in being community-minded and respectful of the most vulnerable in our society. I commend Mark for his tireless efforts and sincerely hope that others follow his lead.

INGLEBURN MOTOR REGISTRY

Mr ANOULACK CHANTHIVONG (Macquarie Fields) [1.22 p.m.]: I commend to the House all those in my electorate who have responded to my campaign to keep the Ingleburn Motor Registry office open. It is community action at its finest, Macquarie Fields style. Their response has been overwhelming in voicing their disapproval and dismay at this bad decision to close our motor registry. Most recently, hundreds of residents have returned signed protest cards to my office for me to personally deliver to the Premier. It is with great pride that I have dropped these off to the Premier on their behalf.

I hope the Premier will take the time to read the messages on the cards from my constituents. If he does, he will read of their anger and sense of frustration. I am extremely proud of my community's efforts in this campaign in exercising their democratic right to speak up and to be heard. My community asks the Premier: Why is Ingleburn Motor Registry now closed but the Manly registry office in his electorate remains open? Why are we being denied a basic service that his community still receives? Why is the entire city of Campbelltown now without a single motor registry office? My community are hardworking, honest and decent people.

Mr Mark Speakman: Point of order: The member is abusing the standing orders. Community recognition statements are meant to be recognition of community members and should not be used to attack other members, the Government or the Opposition. I ask that the member's abuse of the standing orders be struck from the *Hansard*.

TEMPORARY SPEAKER (Mr Adam Marshall): Order! The member for Macquarie Fields will resume his seat. The standing orders do not give the Chair the power to order it be struck from the record. I am glad the Minister has taken a point of order. The time I take to give my ruling will not be taken out of the time allocated for community recognition statements. Last time I was in the chair during community recognition statements I made a ruling and drew the attention of members to Standing Order 108A (5), which states that community recognition statements must not contain:

- (a) Matters of policy;
- (b) Requests for the Government or the House, or another body to take some form of action or not; or
- (c) Criticisms or negative reflections on any person, including Members, Office Holders, the Government, the Opposition or a third party.

For the benefit of members, community recognition statements are an opportunity to recognise people in their electorate, not to raise a matter of substantive policy or criticism of the Government, the Opposition or any third party. I uphold the point of order and ask all members to respect that standing order.

SUTHERLAND SHIRE LOCAL BUSINESS AWARDS

Mr MARK SPEAKMAN (Cronulla—Minister for the Environment, Minister for Heritage, and Assistant Minister for Planning) [1.25 p.m.]: Earlier this month I attended the Sutherland Shire Local Business Awards 2015. I congratulate Little Red Chick, Caringbah, on winning the category of Best Children's Fashion. It is a children's baby boutique and gift shop in Caringbah that also offers shopping online for a range of popular children's baby clothing, bedroom and nursery furniture, and quality kids toys. I congratulate Shire Business Person of the Year Roberta Levy, of Progressive Heads Salon.

Roberta has been the artistic director of Progressive Heads for the past 39 years, chairwoman of the New South Wales division of Intercoiffure Mondial International in 2006, 2007, 2008 and 2009, treasurer of New South Wales Intercoiffure for 2010, 2011, 2012 and 2013, finalist in the Sutherland shire small business awards in 2001, 2003, 2005 and 2010 to 2015 inclusive, Sutherland shire outstanding businessperson finalist in 2010 and 2012, Australian achievers award highly recommended in 1999, 2002, 2004 and 2005, winner of Intercoiffure Silver Jubilee award for outstanding commitment for

Intercoiffure Australia 2012 and finalist in the Global Business Awards 2015.

HABERFIELD CARNIVAL OF GARDENS

Ms JO HAYLEN (Summer Hill) [1.26 p.m.]: Today I acknowledge the recent success of the Haberfield Carnival of Gardens, which celebrates the beautiful gardens of the Haberfield Conservation Area. I congratulate winners for their marvellous gardens in each category: Brendan Weiss and Jane Parcell for their whole garden; Chris Cureton for his front garden; Robert Braine for his back garden; Peter Tooth for his vegetable garden; and Matthew Henderson for his potted garden. I congratulate the Haberfield Out of School Hours Care at Haberfield Public School for receiving an award for its community garden, and the Uniting Care Ella Children's Centre for the commendation it received for its vegetable garden. I extend my congratulations to Emma Brooks Maher and the Haberfield Association, along with Ashfield Council, for their ongoing commitment to our local environment and continued support of the competition showcasing the best local green thumbs.

WARRAGAMBA PRESCHOOL

Mr JAI ROWELL (Wollondilly) [1.27 p.m.]: Education is the backbone of a prosperous yet compassionate society and my electorate of Wollondilly is home to some amazing schools and preschools. I particularly acknowledge Warragamba Preschool, which recently far exceeded all national standards for preschooling. After Warragamba Preschool was evaluated in areas such as educational merit, health and safety, interactions between staff and children, as well as community interaction, the Department of Education found it to be among New South Wales' highest rated preschools. The evaluations were established by the Australian Children's Education and Care Quality Authority to rate preschools and to ensure that important standards are met. I extend my congratulations and thanks to Sue Jones, the Warragamba Preschool director, and all of the staff who work at the preschool on providing a safe and productive learning environment for the children of Wollondilly, including all the parents who support the preschool day in, day out. Recently I had the opportunity to meet with them to present the award and I congratulate them.

YOUTH FRONTIERS SHOWCASE

Ms KATE WASHINGTON (Port Stephens) [1.28 p.m.]: Recently I was inspired by Hunter River High School students at the Youth Frontiers Showcase where each of the students presented their projects, all of which tackled difficult themes in a meaningful and innovative way: Callie Hutchinson and Leilani White's projects were based on connecting young people with older people through interactive games and art. Aaron Garlick and Jess Harding highlighted the environment and conservation by proposing a community garden and starting a school herb garden. Brayden Brooks sought to increase understanding of Indigenous culture by sharing traditional sports.

Jessica Johnston and Emily Pethebridge raised awareness of mental health and where to seek help. Seth Johnstone and Eliza Falko focused on building community and harmony through equality and self-confidence. Tiarn Keys and Zac Dates reminded us of the vital role of our armed forces by remembering the Indigenous Anzacs and encouraging women to join the Australian Defence Force. I thank the mentors who gave their time every week for six months and congratulate the students on their strength, creativity and energy. I am delighted to see the State Government investing in such a worthwhile program and thank the YWCA for delivering the program in partnership with the wonderful staff at Hunter River High School.

TRIBUTE TO HOWARD LEE

Mrs MELINDA PAVEY (Oxley) [1.29 p.m.]: I acknowledge the very sad passing of one of Kempsey's legends, Howard Lee, who was born in Kempsey on 10 October 1939. Howard died on his way home from a meeting of NSW Farmers on the Mid North Coast during the week. He was an inspiring

man who was admired by many and he will be deeply missed, no more than by his beautiful and magnificent wife, Shirley. A few of the committees with which he was involved are the New South Wales committee, the New South Wales executive committee and the New South Wales dairy committee. Recently he received a recognition award from Dairy NSW.

Howard also was president of the Kempsey Show Society. For 5½ years he was a member of the Mooneba-Turners Flat Rural Bush Fire Brigade, which began with a tractor and trailer. He was awarded a medal for 25 years service. He was also a past director of the Kempsey Heights Bowling Club. Howard was a man who adored not only his wife and his family but also his community. His beautiful smiling and crinkly eyes led to my favourite expression whenever I saw him—"Hello, Smiley Eyes!" Howard was absolutely adored. His passing has been a very big shock to the Kempsey community. Our thoughts and blessings go to his family.

NEWTOWN NEIGHBOURHOOD CENTRE

MARRICKVILLE LEGAL CENTRE

Ms JENNY LEONG (Newtown) [1.30 p.m.]: I draw the attention of this House to the fantastic efforts and initiatives of the Newtown Neighbourhood Centre in working towards a more inclusive, resilient, vibrant and self-reliant community in the electorate of Newtown. I especially acknowledge the Newtown Neighbourhood Centre's community development worker, Emily Walpole, for her tireless advocacy and efforts on behalf of the residents of 31 Station Street, Newtown. When it became clear that sudden changes to the exterior of the building were having a significant negative impact on the livelihood of residents, Emily did everything in her power to have those concerns heard.

I also acknowledge the work of the Marrickville Legal Centre, in particular Julia Murray, for her support for those efforts. I commend each and every resident of 31 Station Street for the patience and dignity they showed in the face of distinct adversity, in particular a tenant representative, Merci, for her efforts in facilitating tenant meetings and for her calm and practical approach under difficult circumstances. I congratulate everyone involved. I was pleased to pass the building and see the apartments filled with light once more.

ANEESH CHAKRAVATHULA

Mr EDMOND ATALLA (Mount Druitt) [1.31 p.m.]: I congratulate 10-year-old Aneesh Chakravathula, who is a year 4 student at the Mount Druitt Public School. Aneesh was selected from more than 134,000 students statewide to compete in the 2015 New South Wales Premier's Spelling Bee. Aneesh won the regional competition held earlier in the year, landing himself a spot in the Junior State Final. Aneesh competed against 42 others in the junior division on 11 November and made it through to the seventh round. Although he did not win the junior division, he certainly deserves recognition for his efforts. Well done, Aneesh.

SISTER MARY TRAINOR

Mr ANDREW GEE (Orange—Parliamentary Secretary) [1.32 p.m.]: I congratulate Sister Mary Trainor who, after more than 30 years of working for the Bloomfield and Riverside Hospital Auxiliary and selling raffle tickets in all types of weather while putting others before herself, has been honoured with life membership of the United Hospital's Auxiliaries of New South Wales. Sister Mary was the chaplain at the Bloomfield Hospital when a public meeting was called in the early eighties to gauge interest in setting up an auxiliary to support patients.

Over the years Sister Mary's fundraising has helped to buy comfort items for residents of Bloomfield, including CD players, DVD players, game consoles and personal items. Sister Mary also has been involved in fundraising to ensure that every resident of Bloomfield receives a gift at Christmas. This

week the Bloomfield Hospital hosted a thankyou luncheon that was attended by staff members. Well done, Sister Mary! The Orange community is extremely grateful to her for her many years of service. I thank her on behalf of our community. Keep up the great work!

NEWCASTLE ACCIDENT HEROES

Mr TIM CRAKANTHROP (Newcastle) [1.33 p.m.]: I draw to the attention of the House to the accidental heroes who came together last Friday to save the life of a young woman and her baby in Newcastle. A sedan that was driven by an elderly man had reversed across the street in the inner-city Newcastle central business district [CBD], collided with a stationary taxi, and then continued into a woman and her child before crashing through the window of a local eatery, the Vinyl Cafe. The scene was chaotic and the feeling was one of shock and awe.

Within seconds, a group of strangers came together to lift a 1.36 tonne car off the badly injured mother and baby after they had become trapped underneath it during the horrific incident. The woman had been sitting outside with her partner and holding her son in her arms. Her partner who not been injured, but was understandably frantic, screaming for help. We can be nothing but proud of those who ran in to help. The situation may have had a different outcome if local heroes had not shown amazing bravery and courage in the face of danger.

HOT CANARY GOURMET MEATS

Mr JAI ROWELL (Wollondilly) [1.33 p.m.]: I extend my congratulations to Hot Canary Gourmet Meats on its continental sausage being awarded the best continental sausage in New South Wales during the State Sausage King awards. The owner of the butchery, Daniel Speranza, maintains that the key to the success of the amazing bratwurst is to use all-natural ingredients. What makes the achievement even more amazing is that Mr Speranza has been managing Hot Canary Gourmet Meats for less than a year and already has been awarded first place at the regional Sausage King competition for three different categories—continental, traditional Australian and Australian lamb. I wish Mr Speranza the best of luck as he competes in the national Sausage King finals in early 2016, which will be held in Brisbane. Daniel is a new Southern Highlands-Wollondilly resident. He recently moved to the Southern Highlands to take over the business. I wish him all the best as he continues to manage his amazing butchery.

LAKE MACQUARIE LOCAL GOVERNMENT AREA RESIDENTS

Ms JODIE HARRISON (Charlestown) [1.34 p.m.]: I take the opportunity in what probably will be my last community recognition statement for this year to recognise the approximately 200,000 residents of the Lake Macquarie local government area who, as the Mayor of the Lake Macquarie and member for Charlestown, I am very proud to represent. I commend the residents of the Lake Macquarie local government area for their activism, prominence and strong contribution to political debate. A recent example is the many constituents of the Lake Macquarie local government area who wrote passionate submissions to the Independent Pricing and Regulatory Tribunal [IPART] conveying their thoughts on amalgamation. There were so many submissions that Lake Macquarie residents were in the top 10 group across the State to make submissions to IPART. I encourage this activism as it is the only way to ensure that Lake Macquarie constituents' perspectives continue to be heard. I assure them that I am listening. I am very proud of both the Charlestown and Lake Macquarie communities I represent.

BLUE MOUNTAINS UNIONS COUNCIL POLITICS IN THE PUB FORUM

Ms TRISH DOYLE (Blue Mountains) [1.35 p.m.]: On 14 November the Blue Mountains Unions Council held an inspiring Politics in the Pub forum at the Katoomba Family Hotel. The focus, most positively, was about Gonski funding and local schools: Gonski Gold—Kids that Shine! The forum highlighted the very practical difference that Federal Labor's needs-based funding model is making for all Australian children—wherever they live, whatever school they attend. Michelle Barlow, who is the

fabulous Australian Education Union Gonski coordinator for the Federal electorate of Macquarie, spoke about the grassroots campaign in the lead-up to the next Federal election.

Jennifer Boyall, the principal of Katoomba High School and an educator with 20 years experience, spoke passionately of the flexibility of Gonski funding—what it meant in practice for children at school, and the capacity to assist them to achieve their potential. Gary Zadkovich, the deputy president of the New South Wales Teachers' Federation, was another guest speaker. Gary is a committed and articulate advocate for equality in education and the continuation of the Gonski model. I pay tribute to the many principals, parents, teachers, support staff and community members across the Blue Mountains who proudly and loudly don their "I give a Gonski" T-shirts and caps with flair and energy, calling for increased and needs-based funding for education.

WOLLONDILLY ILLUMINARTE FESTIVAL

Mr JAI ROWELL (Wollondilly) [1.36 p.m.]: Recently I attended the inaugural Wollondilly IlluminARTE Festival, which is an impressive display of cultural and artistic diversity within the Wollondilly community. It is comparable to the Sydney Vivid festival. The streets of Picton were transformed as artworks were projected onto walls, public spaces and iconic historic landmarks, such as the old post office, the Frank McKay Building, the old NAB building, the John Digger furniture store, the Picton shire hall and St Anthony's Anglican Church.

The community enjoyed more than 60 market stalls, the lantern parade, the art exhibition in the Wollondilly shire hall art space and the Picton Chamber of Commerce Picton Harvest Music Festival, which was held in conjunction with the event. All who attended the IlluminARTE Festival have commended its success. I extend special thanks to Susan Conroy, the regional arts development officer for Southern Tablelands Arts; Rob Moran, the projects and events team leader of the Wollondilly Shire Council; and multimedia artist Khaled Sabsabi; as well as Jessica Gaucci for their enormous contributions. I, along with the rest of the Wollondilly community, look forward to next year's event.

SYDNEY ELECTORATE COMMUNITY SURVEY

Mr ALEX GREENWICH (Sydney) [1.37 p.m.]: I thank the hundreds of Sydneysiders who recently completed my Sydney community survey. It certainly showed that my constituents are very engaged in local concerns and activities. The results show that key concerns are the protection of parklands, improved education options, access to public transport, action on climate change and equality for all. All those issues will continue to inform my work into the New Year.

Community recognition statements concluded.

[Temporary Speaker (Mr Adam Marshall) left the chair at 1.38 p.m. The House resumed at 2.15 p.m.]

VISITORS

The SPEAKER: Order! I extend a very warm welcome to a great warrior for women in this Chamber, Mr Ben Fordham, from 2GB, which should be noted by the member for Castle Hill. I thank Mr Fordham for his support for the women in this Chamber. I also thank most male members of this Chamber for supporting some changes to Parliament which will probably be announced tomorrow or perhaps next year. I thank Ms Jenny Aitchison, member for Maitland, in particular, and the member for Holsworthy and the member for Oxley.

I also acknowledge James Poyitt, a year 10 student from Redeemer Baptist School in North Parramatta who is conducting work experience week with the Leader of the House and is a guest of the Minister for Industry, Resources and Energy and member for Lane Cove. I also acknowledge four student leaders, their teacher Greg Stewart, and the school principal, Belinda Mirana, from Buronga Public

School, visiting us as part of the city-country schools alliance, guests of the Minister for Education and member for Murray, and the member for Lakemba. I thank the member for Lakemba for his assistance to those children. I welcome 15 students and their teacher from Meadowbank TAFE, guests of the Minister for Innovation and Better Regulation, and member for Ryde.

I extend a very warm welcome to Dominic Dang and Yolanda Wang, guests of the member for Myall Lakes, and the Deputy Speaker and member for Lismore. I welcome 17 students and their teachers visiting Parliament today as part of the 2015 Senior Leadership Assembly. These students are captains and vice captains from Glenwood High School, Norwest Christian College, Quakers Hill High School, St Mark's Catholic College and Wyndham College—guests of the member for Riverstone. I also welcome Charlotte Ackerman, who has just finished year 12 at Ku-Ring-Gai Creative Arts School, conducting work experience this week with the member for Maitland, and guest of the member for Maitland.

I also welcome Rose Cox, a young carer, to the gallery today. Rose is a very accomplished young woman, who is a member of the NSW Carers Ministerial Advisory Council, a youth ambassador for the Australian Kookaburra Kids Foundation, a young leader through Carers NSW Young Carers Program, and will feature in the Young Carers Project launch which will be premiered in Parliament later today, guest of the member for Strathfield. I also welcome Brooklyn Taylor, a guest of the member for Campbelltown.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (Business with Precedence) given.

QUESTION TIME

[Question time commenced at 2.27 p.m.]

PRISON OVERCROWDING

Mr LUKE FOLEY: My question is directed to the Minister for Corrections. Will the Minister confirm that the State's prisons are so overcrowded that last Thursday police stations at Bankstown, Liverpool, Fairfield, Cabramatta and Campbelltown were full of bail-refused prisoners and their charge rooms were closed, meaning that police were unable to charge offenders at those police stations?

The SPEAKER: Order! Members will come to order. The Minister will be heard in silence.

Mr DAVID ELLIOTT: Welcome to the law and order debate, Luke. It is nice to have you.

Mr Luke Foley: That's what the prisoners are saying: It's nice to have you.

The SPEAKER: Order! The Leader of the Opposition will cease interjecting. Members will cease interjecting.

Mr DAVID ELLIOTT: I missed that interjection, but with his rap sheet I can assure him that he and his friends have got cells in my jail any time. I will always have the welcome mat out for them. The fear and loathing the Leader of the Opposition is offering to the public in the law and order debate is nothing new. He is aware that under a previous Labor administration more than 183 prison escapes were made in one year.

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

Mr DAVID ELLIOTT: The Leader of the Opposition is calling for reform in this portfolio—a portfolio in which he has never had any interest, as we have identified before. He is yet to visit a jail—

Mr Gareth Ward: In a formal capacity.

Mr DAVID ELLIOTT: —in a formal capacity. He is yet to offer his thanks in a formal capacity to our hardworking prison officers. This Government and I have said in the past that we make no apology for the fact that we have the most professional police force in the world. We make no apology for the fact that the NSW Police Force is doing a wonderful job of ensuring that criminals are kept off the streets. We make no apology for the fact that our bail laws are tough. We went to the last election with these promises. As a result criminals are being taken off the streets. According to the NSW Bureau of Crime Statistics and Research [BOCSAR], and as the Leader of the Opposition well knows, the increase in inmate numbers is due to higher arrest rates and tougher penalties. What does the Leader of the Opposition want us to do? Does he want us to reduce the number of arrest warrants?

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

Mr DAVID ELLIOTT: Does he want us to allow offenders to remain on the streets? Does he want us to water down the Bail Act as his party has done in the past? No, he does not. Since I have been the Minister, while the Leader of the Opposition tries to tell everybody that we should not have inmates in jail and that inmates should not be kept in police cells, I have released an extra 1,985 beds in the last 18 months. In the last budget we provided a record \$1.2 billion for the corrections portfolio. We are managing this issue.

The SPEAKER: Order! The member for Maroubra will resume his seat. The member for Maroubra should not interject and argue. The member for Maroubra should sit there quietly.

Mr DAVID ELLIOTT: Every criticism offered up by the Labor Party is a criticism of our hardworking police and a criticism of our corrections staff. That is exactly what those opposite are doing—they are dragging down the good name of our hardworking police and corrections officers. Those opposite are used to the lowest common denominator. We are dealing with this issue by providing 400 extra beds in the short term. We are dealing with this issue by rolling out modular cells over the next couple of weeks. We are dealing with this issue by providing 150 new cells at Wellington Correctional Centre, 45 of which have already been opened. There are 114 new beds at the Grafton Correctional Centre and 52 beds will be opened at the Glen Innes Correctional Centre in the next three weeks. The last budget saw 600 new beds in the correctional facility at Grafton, and the Parklea Correctional Centre will also be expanded. In the short term we have reopened the Kirkconnell Correctional Centre, and that is now operating with an extra 260 beds. I do not know what you are complaining about, Luke, because as far as this Government is concerned—

Mr Guy Zangari: Point of order: My point of order is in regards to the Minister not referring to the Leader of the Opposition by his correct title as the member for Auburn and Leader of the Opposition. He referred to him as Luke.

The SPEAKER: Order! I uphold the point of order. The Minister's time has expired.

STATE ECONOMY

Mr GREG APLIN: My question is addressed to the Premier. Premier, how has the Government made New South Wales number one again, and are there any alternative approaches?

The SPEAKER: Order! I warn members, many of whom were ejected yesterday, that they will face the same consequences today if interjections continue. There is far too much interjection and audible conversation in the Chamber. If members are directed to leave the Chamber, they will miss the rest of the

day's proceedings and the press gallery Christmas party.

Mr MIKE BAIRD: Some days it is just so fantastic to realise that we call New South Wales home. How great is the State of New South Wales? It is a fantastic State doing fantastic things, and it is full of fantastic people. This Government is very proud to be helping those people to go about their daily lives. I pay tribute in particular today to all the businesses in this State—small, medium and large. The great news that has come out today is that New South Wales continues to outperform the rest of the nation. It is great news for everyone, even the Opposition members are excited about this; they cannot believe it.

New South Wales is powering Australia's economic growth. Today ANZ brought out their "Stateometer" report. Basically they look at all States and Territories and try to work out who is doing well and who is not doing so well. I think the people of New South Wales are going to be pretty pleased with this report, because it says that New South Wales activity is trumping all other States and Territories. While the New South Wales index is at a record level, monthly economic data continues to be strongly positive for New South Wales. Today I think we have to pay particular tribute to all those businesses across the State. They are deciding that they want to invest. They are happy to take risks. They are happy to employ people. They are going for it, and that is what the market analysts are seeing—that they are absolutely going for it.

Those opposite do not understand it. Opposition members are cranky about this. Imagine that—they are cranky that New South Wales is creating three times as many jobs as any other State. Indeed, the unemployment rate, as the Treasurer outlined last week, has decreased to 5½ per cent, which is the lowest in 18 months. In 2015 there were 123,000 jobs created in New South Wales. That is a great news story and one we are very proud of. What will not surprise the House is that market analysts have had a look at the performance of the Opposition, and they made a couple of points. In relation to consumer confidence in those opposite, it is at an all-time low, as we would probably expect.

In relation to jobs, it is not surprising they say that the member for Maroubra wants another job. I do not know about the rest of the House but how happy does the member for Maroubra look? He is running around, he has energy and he is getting out of bed before eight o'clock these days. He has been sighted. He is working hard. He has had lots of little meetings, getting people together. Christmas is coming. He has never shouted anyone coffee in his life. But in the past three or four weeks whoever wants a coffee goes to see the member for Maroubra, because he is trying very hard in the caucus. The report also looked at growth. The only growth in membership those opposite are seeing is actually in the Smithfield branch. The member for Prospect is growing his branch.

Ms Jodi McKay: Point of order: My point of order goes to Standing Order No. 129. This answer has nothing to do with making New South Wales number one again.

The SPEAKER: Order! The member for Strathfield did not listen to the question, again. The member for Strathfield will resume her seat.

Mr MIKE BAIRD: Right on cue, there is the member for Strathfield. I was wondering if there was an alternative plan for driving the economy. I do not like to talk about those previous 16 years of Labor Government but they had a great plan and they executed brilliantly—they took New South Wales not to number one and not to number two but instead to number eight. They love the number eight. That is what they did to the New South Wales economy. They loved it—they said it was fantastic and they were happy. The former Treasurer used to talk about green shoots, but he could not even get them to number seven.

We on this side of the House are very proud to be delivering. We know the Leader of the Opposition continues to have an economic policy that will take this State back to number eight again. We remember that during the recent election campaign those opposite opposed the Sydney Metro. They did not want to fund the Sydney Metro project in any way, shape or form. The shadow Treasurer said that it made no economic sense—that is what he said during the campaign. That is the sort of approach that

would take New South Wales back to being number eight under those opposite. The Leader of the Opposition decided that he wanted to change the configuration of the M4 but he did not know where it would end. So he had to go out into the city to try to work out where the M4 was going to come out.

Mr Kevin Anderson: The M8.

Pursuant to standing order additional information provided.

Mr MIKE BAIRD: That is very clever. So we have over there a group that is determined to be against the Jobs Action Plan. They do not want to have any incentive for jobs creation and they want to take away tax. They have not seen an infrastructure project that they have not wanted to cancel—that is what they want to do. The member for Keira loved the light rail project before the election. He was talking it up and was going to get it funded. But then after the election he said there would not be any light rail project. The good news for the people of this State, on the back of this report, is that this Government has gone to work for the people of New South Wales. It has gone to work for the workers of New South Wales and it continues to back every business across New South Wales. That is what the people of New South Wales get from this Government. So we welcome this report today which has New South Wales back at number one again, leading the nation, and under this Government, that is exactly what we will continue to do.

The SPEAKER: Order! I draw the attention of members to the presence in the gallery of the former member for Murray-Darling, Mr John Williams. I also welcome Jeremy Travers to question time.

PRISON OVERCROWDING

Mr GUY ZANGARI: I direct my question to the Minister for Corrections. Given that the majority of the State's courts will be closed over Christmas and January, what additional steps will the Minister take to manage the inevitable spike in the number of bail-refused prisoners and defendants awaiting trial in that period?

Mr DAVID ELLIOTT: Madam Speaker—

The SPEAKER: Order! Members will come to order. The Minister does not need any help.

Mr DAVID ELLIOTT: If the Leader of the Opposition thinks that he will save his leadership into the next year by attacking our corrections officers and our very professional judicial system then I have bad news for him. As the Premier has identified, the member for Maroubra is counting—he is on the march. The Leader of the Opposition seems to think that, like the French Resistance, he has to hide behind a chair to make disparaging remarks and rumours. But it is a good thing that he finally wants to debate me in this Chamber on the matter.

Mr Ryan Park: Point of order: I know the Minister is waiting for a better note but—

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

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

The SPEAKER: Order! It is not an argument or a debate. I will not allow a point of order if the member starts debating before taking a point of order. The member will refrain from pulling a face and moping. The Minister has the call.

Mr DAVID ELLIOTT: As the member for Fairfield knows full well, our efficient NSW Police Force continues to make arrests and our tough Bail Act continues to ensure that troublemakers are kept off our streets, but we will always have cells available. Indeed, we will always have cells available for former

members of the Labor caucus, whom we are expecting—I have the welcome mat out for them. Of course, if we did not have repeat drink-drivers in custody our jails would not be so full. I remind members that, despite all the scaremongering from those opposite who are hoping to write themselves into the script of 2015, we have a record spend of \$1.2 billion. Over the next four years we will open a new 600-bed correctional facility at Grafton.

Mr Guy Zangari: Point of order: My point of order is Standing Order 129, relevance.

The SPEAKER: Order! There is no point of order. The Minister is being relevant to the question.

Mr Guy Zangari: The question is about the Christmas and January period.

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

Mr DAVID ELLIOTT: While members of the Labor caucus will be going on their six-week vacation, which they take twice a year, members of our judicial system will be working. As I said in my previous answer, we are not only awaiting these new multi-bed facilities at Parklea and Grafton, but we have already reopened Kirkconnell and Kariong. We are releasing more cells in all correctional establishments across New South Wales. Some \$20 million was approved in the last financial year to complete a 1,100-bed expansion program, including 950 beds at various prisons and the construction of 160 modular beds; \$83 million to assist in the management of additional prisoners; \$1 million for three new inmate transport trucks to meet increased demand in inmate movements to and from courts; and another \$5.52 million over four years to implement social impact investment projects to reduce reoffending.

We have a number of plans to deal with this issue. Every time the Opposition gets up to criticise our law and order policy, it is saying is that we should be soft on crime. Those opposite are asking for dangerous people to be removed from the judicial system. They are actually saying that their mates at Long Bay and Parklea should be let out. It is a disgrace that those opposite think this Government should apologise for criminals being put in jail. We will not apologise for the fact that criminals are in jail.

Mr Guy Zangari: Point of order: My point of order is Standing Order 129, relevance.

The SPEAKER: Order! There is no point of order. The Minister has been entirely relevant. The member will resume his seat.

Mr Guy Zangari: The question is about the Christmas and January period, and what is going to happen—the spike in numbers—in that period.

The SPEAKER: Order! The Minister may not have answered the question to the satisfaction of the member, but the Minister has been relevant. That is all I can ask the Minister to do.

Mr DAVID ELLIOTT: I am delighted to see the member for Fairfield is taking part in this debate because the Leader of the Opposition tried to write him out of the script when he realised that the Government was addressing this issue. Apparently he is no longer going to vote for him in the next Labor caucus ballot. I am sorry for the Leader of the Opposition, but the member for Fairfield has obviously decided to change sides. Whilst those opposite continue to play games, this Government is addressing the concerns of the people of this State. We make no apology for being tough on crime.

EDUCATION INFRASTRUCTURE

Mr CHRIS PATTERSON: I address my question to the Minister for Education. How is the Government investing in new and upgraded schools to make New South Wales number one in education?

Mr ADRIAN PICCOLI: What a great morning we had at the University of Western Sydney Hawkesbury campus. I was there with the Minister for Finance, Services and Property, the Minister for Primary Industries, and Minister for Lands and Water, and the vice-chancellor, one of the old boys from Hawkesbury, to announce the biggest investment in high school agriculture in the history of this State. More than \$30 million will be invested in a brand new agricultural high school, which will be co-located on the site of the Hawkesbury campus. It will be a specialist stem science, technology, engineering, mathematics and agriculture high school. This will be the most important agricultural education precinct in Australia, and probably one of the finest in the world. This is a very proud day for me both as a country-based member of Parliament and a member of this Government. But that is not all: We will also invest more than \$140 million in capital works across public schools in south-west Sydney. We will sell the farm at the existing Hurlstone Agricultural High School—I will come back to that.

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

Mr ADRIAN PICCOLI: The Hurlstone Agricultural High School will remain where it is. We will spend more than \$10 million upgrading that fantastic school.

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

Mr ADRIAN PICCOLI: We will spend more than \$15 million upgrading the three schools for specific purposes [SSPs] on that site. The land will be sold and used for housing, but we will set aside some land for a future primary school as the area fills with houses. We will build a new high school at Oran Park and a public school at Gledswood Hills—a growing area in the south-west of Sydney. The William Stimson Public School in the Prospect electorate will get additional classrooms, as will the Cecil Hills Public School in the Mulgoa electorate, and Prestons Public School in the Holsworthy electorate.

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

Mr ADRIAN PICCOLI: All of these capital works will begin in this term of Parliament. Yes, we will take an asset of 104 hectares at Hurlstone Agricultural High School, but we expect to receive \$170 million for it. Every cent that comes from that sale will go into capital works in public schools. This will provide 5,000 additional public school places across New South Wales. It will also enable expansion of the capacity of the existing Hurlstone Agricultural High School at Glenfield by 360 places, which will provide a new high school in the growing north-west area at Hawkesbury.

This is a significant announcement for western and south-western New South Wales, as well as for agriculture. The Government will take Hurlstone Agricultural High School, which has a proud history of delivering agricultural education, and enhance it in a way that could not have been imagined a few years ago. We will take it from a 140-hectare site at Glenfield, next to a train station, out to the Hawkesbury, which has its own proud history of agricultural education, to a site that is 1,400 hectares. I also mention the sophisticated science and technology facilities that will be co-located with the university. The Government signed a memorandum of understanding this morning with the vice-chancellor.

Ms Noreen Hay: Name them.

Mr ADRIAN PICCOLI: I will name the facilities. There are six carbon fibre rings respectively, encompassing 25 segments of Cumberland Plain forest, which will predict decades in advance the effects of rising carbon dioxide levels on forest ecosystems. There are three greenhouses that currently hold the insectary. There are native plant experiments with fully controlled carbon dioxide in temperate conditions. I could go on, but there are other things I should mention before I conclude—after a two-minute extension of time, I hope. There are 1,400 hectares of land, growth chambers used for plant biochemistry, manipulative plant-microbe interaction research, world-class laboratories, and 60 large and 48 contained

rainout shelters.

Pursuant to standing order additional information provided.

Mr ADRIAN PICCOLI: It is important to note that seven years ago the previous Labor Government tried to sell the farm at Hurlstone Agricultural High School. I asked the department to go back to look at the documents that were part of that announcement. The department found that the back of a beer coaster was where Labor's plan came from. It was simple. It said: "Trash agricultural education in New South Wales, sell the farm and use the money to pay public servants' wages". Point number four was "Cross your fingers".

Ms Jodi McKay: Point of order: My point of order is relevance. The Minister has a beer coaster. Can he give us the drink as well?

The SPEAKER: Order! There is no point of order. The Minister has the call.

Mr ADRIAN PICCOLI: For the benefit of the member for Strathfield, I am happy to table this document. There is a note at the bottom that says, "Eddie reckons it is not worth much."

Ms Linda Burney: Point of order: The Minister thinks he is being funny, but he is using a prop.

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

Ms Linda Burney: The Minister is using a prop.

The SPEAKER: Order! I uphold the point of order. I ask the Minister to refrain from using a prop.

Mr ADRIAN PICCOLI: It says at the bottom, "Eddie reckons it is not worth much. He just wants it to run a few goats." We have heard that before. He said, "I will buy that land at Hurlstone from you for a couple of hundred grand. It is a major development site, but I am just a goat herder with a house in Hunters Hill." The Government has great plans for agricultural education. The Government is taking it into the twenty-first century. The Government has a great relationship with the university there. It is a proud day. The Liberal-Nationals in New South Wales have delivered again.

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

PRISONER ALCOHOL AND DRUG TESTING

Mr GUY ZANGARI: My question is directed to the Minister for Corrections.

The SPEAKER: Order! Members will come to order. I cannot hear the member for Fairfield.

Mr GUY ZANGARI: What has the Government done about the fact that one in six prisoners who undergo random drug and alcohol testing are returning a positive result?

Mr DAVID ELLIOTT: It is interesting that the shadow Minister asks about drug and alcohol testing. Clearly, the Leader of the Opposition cannot talk about drug and alcohol testing.

The SPEAKER: Order! The Minister has the call.

Mr DAVID ELLIOTT: The Leader of the Opposition is very quiet. No-one is defending him.

The SPEAKER: Order! The member for Lakemba should not get upset and angry.

Mr DAVID ELLIOTT: The Leader of the Opposition has gone very red. The Labor Party keeps repeating the question; I will repeat the answer.

Ms Linda Burney: Point of order—

The SPEAKER: Order! The Minister has barely begun his answer. It is too early to take a point of order on relevance.

Ms Linda Burney: This pathetic excuse for a Minister—

The SPEAKER: Order! The member will resume her seat. If she does that again, she will leave the Chamber.

Ms Noreen Hay: The Minister is pathetic.

The SPEAKER: Order! If the member for Wollongong does that again, she will leave the Chamber too. Members should curtail the language. The Minister has the call.

Mr DAVID ELLIOTT: Prisons would not be as full as they are if there were not repeat drink-drivers in cells. But that is not the subject of the debate. I am delighted to be the target of Labor's attack today. As somebody once said, it is like being attacked with dead fish. Labor's attack on me today is proof that its recent attack on the Attorney General was unfounded, ill-informed and misogynistic. It was outrageous.

Mr Guy Zangari: Point of order—

The SPEAKER: Order! There have been so many interjections that the Minister has been unable to attempt to answer the question, so I hope the point of order is not relevance.

Mr Guy Zangari: My point of order is taken under Standing Order 129.

The SPEAKER: Order! That is relevance.

Mr Guy Zangari: The Minister is not being relevant to the question, which was about only one in six prisoners being randomly tested.

The SPEAKER: Order! As I said, there have been so many interjections that the Minister has been unable to start to answer his question. The interjections will cease.

Ms Jenny Aitchison: Point of order: My point of order is taken under Standing Order 73. It is inappropriate for the Minister to accuse Labor members of misogyny when we are seeking answers to questions. I am sick of the Government using that as an excuse to protect weak Ministers.

The SPEAKER: Order! The member for Maitland is making a debating point, rather than taking a point of order. The Minister has the call.

Mr DAVID ELLIOTT: While we are on the subject of attacks, I am horrified that the shadow Minister has sat opposite me for the past six months and has not asked one question about veterans. There has not been one question about rural firefighters, 60,000 of whom today face a tough situation.

Ms Jodi McKay: Point of order: My point of order is taken under Standing Order 129. I draw the Minister's attention to the fact that today is Wear Orange Wednesday, which is about supporting the State Emergency Services. Where is the Minister's orange tie?

The SPEAKER: Order! The Minister has been relevant. The member will resume her seat.

Mr DAVID ELLIOTT: The day has been moved. I will give the member the correct dates later. We have a first-class prison system in New South Wales. The Baird-Grant Government has made a record \$1.2 billion investment—

Mr Guy Zangari: Point of order: The Minister misled the House on the number of questions that have been asked in this House. It is about mechanisms, such as budget estimates.

The SPEAKER: Order! There is no point of order. There is no standing order relating to misleading the House. The member for Fairfield should read the standing orders. The Minister has the call.

Mr DAVID ELLIOTT: If Labor members ceased interrupting, I could finish the answer. New South Wales has intensive programs for drug and alcohol offenders. When the Government was elected in 2011 there were 90 participants. In 2013-14 there were 224. [*Time expired.*]

LOCAL GOVERNMENT AMALGAMATIONS

Mr GEOFF PROVEST: My question is addressed to the Minister for Local Government. How is the Government supporting councils to deliver better services, more infrastructure and better value for ratepayers?

Mr PAUL TOOLE: I thank the member for Tweed for his question and for his interest in communities across New South Wales. He wants to ensure that we have strong councils delivering for our communities in this State. I also welcome the former member for Murray-Darling, who is the chairman of the Far West Advisory Committee. He is working with those eight councils and those communities in the far west of the State to ensure that they have a voice and that as we go forward with local government reform we are doing what is in the interests of communities. Since releasing the report of the Independent Pricing and Regulatory Tribunal [IPART] it has been very encouraging to see that many councils across New South Wales have responded positively to the opportunity for final consultation with their communities and their neighbours. They have recognised the benefits that this Government has offered. Today is the final day of the consultation period. I congratulate those councils that have put self-interest aside and have put their communities first.

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

Mr PAUL TOOLE: This Government has provided significant funding to help those councils that wish to merge. Funding of up to \$15 million is available to new councils that, through their decision to merge, have demonstrated an ability to make decisions in the best interest of their community, to invest in community infrastructure projects, better services or lower rates. Funding of up to \$10 million is available to meet the upfront costs of merging.

The SPEAKER: Order! I remind the member for Maitland that the question is not for her.

Mr PAUL TOOLE: Councillors who have demonstrated an ability to work together in reaching an agreement to merge will have the opportunity to shape the future of their new council and to serve their community. This Government is putting communities first and tackling local government reform. This Government is tackling issues that the Labor Government put into the too-hard basket for far too long. This Government had a comprehensive reform package, a package that has responded to the 65 recommendations made by the independent panel. This Government is working with councils and communities to support them every step of the way. Some Opposition members want to take the easy way out on local government reform and jack-up rates for communities across the State. Why does the Opposition not want to see communities benefit from a \$2 billion windfall?

The SPEAKER: Order! There are far too many interjections.

Mr PAUL TOOLE: IPART indicated that \$2 billion could be saved. That is \$2 billion that could go back into bridges, footpaths, swimming pools, parks and gardens—things that communities need and deserve. We know that some Opposition members want councils to remain weak and fractured and want families to be sluggish with rate increases. Those on the Government side of the House are not taking the easy way out—communities deserve better. The Labor Party knows that mergers should happen—I see them putting their heads down. I know that because Labor Party members have told me. Last week a conga line of members was doing that and the conga line is still going. There is a big difference between what this Government is doing and what the former Labor Government did.

The SPEAKER: Order! There are too many interjections.

Mr PAUL TOOLE: We are offering financial incentives; we are offering opportunities for transition. I know that those opposite are embarrassed about their record.

The SPEAKER: Order! The member for Lakemba will stop distracting the member for Sydney.

Mr PAUL TOOLE: This side of the House is being very consultative in its approach to local government reforms.

Pursuant to standing order additional information provided.

Mr PAUL TOOLE: We have been on a journey for more than four years. Over four years we have seen research, consultation and analysis that shows the local government sector must change. Labor members are telling me privately that we need to push on with local government reform. The Labor Party knows that it cannot do it because its factions will not allow it and its pre-selectors will not allow it.

The SPEAKER: Order! There are too many interjections.

Mr PAUL TOOLE: The Labor Party is divided on this issue because it knows that reform is needed to better serve communities across New South Wales. I know there are Labor members who support this reform. The Labor mayors of Ashfield, Burwood, Canada Bay, Leichhardt, Marrickville, Randwick, Bankstown, Lake Macquarie and Newcastle put forward merger preferences on behalf of their communities. This has not stopped the Labor mayor of Botany—long opposed to merging—from saying that he can see the benefits that it would bring to the residents of Botany. I thank those Opposition members for doing the right thing in having discussions on local government reform. I thank them for doing what is right and putting their communities first. My door is open; members can continue to walk in to share their views. There is a very clear and stark difference between what the Opposition wanted to do and what the Government is doing. We are ensuring that communities across this State get better services and more infrastructure, and we are making a choice that is very clear.

THE PONDS HIGH SCHOOL

Ms LINDA BURNEY: My question is directed to the Minister for Education. Why is one of the State's newest schools, The Ponds High School, being lumbered with the old Oasis IT system rather than the Learning Management and Business Reform [LMBR] system?

Mr ADRIAN PICCOLI: What a fantastic question. Those opposite say that Learning Management and Business Reform [LMBR] is a disaster; the Government should stop it; it is only in 229 schools. Now we have a new school with the existing system and those opposite want LMBR. Members opposite should make up their minds: It is either in or it is out. Does the Opposition actually have a meeting in the morning to talk about what questions they are going to ask?

Ms Linda Burney: I can't hear what you're saying.

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

Mr ADRIAN PICCOLI: I said: Do you actually have a meeting in the morning to talk about questions you are going to ask or do you each get to make them up yourselves? If this question had gone to a group of members of Parliament I would hope they would have said, "Please do not ask such a stupid question".

Ms Linda Burney: Point of order: My point of order is taken under Standing Order 130. The Minister is debating the question, which was very straightforward.

The SPEAKER: Order! He is not debating the question. The member for Canterbury will resume her seat.

Mr ADRIAN PICCOLI: Until we are ready to roll out LMBR to the remaining schools, and it will start next year, as I have said at least three or four times in the House—instead of screeching the member for Canterbury should listen; God gave her two ears and one mouth and she should use them in that proportion—new schools will continue to use the existing system. The reason for that is we learnt a number of things from the pilot. For example, the 229 schools are located all across New South Wales—Sydney, of course, a couple of schools in Griffith, a school in Bourke—and part of the challenge is that they are spread around New South Wales. We will not continue to do that. When the rollout occurs it will happen region by region in a more coordinated way. We learnt that from the pilot. That is why you have a pilot; it is what good government is all about—hence the reason the Opposition does not understand it. Today it was reported in a newspaper that the rollout will cost a billion dollars. That is a fanciful figure that somebody has plucked out of the sky. In the same newspaper it was reported as \$800 million, \$600 million and then it went back to a billion dollars today.

Ms Linda Burney: Point of order: I am having enormous trouble hearing the Minister.

The SPEAKER: Order! That is because of interjections from the Opposition side. The member will resume her seat. Members will come to order. There are so many interjections that the member for Canterbury cannot hear the Minister for Education. I find that deplorable and distressing. The Minister has the call.

Mr ADRIAN PICCOLI: I have said many times before that Labor budgeted the capital to build this system. It has been rolled out to corporate services, to TAFE and to various other places. The 2011 audit report condemned what Labor had done in government. It is one of the many landmines that we inherited as a government.

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

Mr ADRIAN PICCOLI: This Government has taken it from being a disaster, delivered it across all those corporate services and we are now rolling it out in schools. Labor never budgeted for the implementation costs, the training or the materials that had to be prepared for 2,200 schools. It is going to be complex and people will be challenged by it. In the same way when they went from bookkeeping—there used to be the big books where it was all done manually—to a computerised system a few decades ago there was a big furore; people resigned. This is a big change. It is such a big change because Labor did not upgrade the system in the 16 years it was in government.

Had Labor upgraded it constantly, this would be a reasonably simple process. But because of the way Labor managed the Government, let alone the education department, that was not done. However, when Labor signed up to the Learning Management and Business Reform program it agreed with the

Public Service Association, one of its union mates, to sack 400 front-office staff in schools—those lovely men and women, mostly women, who sit at the front desk taking a few dollars for school excursions, taking enrolments and attending to kids who come to sick bay. Labor was going to sack 400 of those staff in a deal with the Public Service Association—a union typically more interested in its own benefit, as we have seen from the royal commission. I recently re-watched the documentary about the Labor Party.

Mr Gareth Ward: Re-watched it?

Mr ADRIAN PICCOLI: Yes, I re-watched it—I watched it again. It is called *Animal Farm*. I did watch the cartoon version.

Ms Jodi McKay: Point of order—

The SPEAKER: Order! The Minister's answer is relevant to the question.

Ms Jodi McKay: My point of order is relevance under Standing Order 129.

The SPEAKER: Order! There is no point of order. The Minister's time has expired.

STATE HEALTH INFRASTRUCTURE

Mr ANDREW GEE: My question is addressed to the Minister for Health. How is the Government's \$10 billion hospital building program delivering the health infrastructure that the people of New South Wales both need and deserve?

Mrs JILLIAN SKINNER: I thank the member for Orange for his question. I am pleased to advise the House that I will be visiting Orange and Dubbo very soon to open four new hospitals in one day—sorry, we might do it over two days. New hospitals in Dubbo, Parkes, Forbes and Peak Hill were promised by Labor during its 16 years in government but not one of them was delivered. We have invested \$10 billion in health infrastructure over two terms—more than double what Labor spent in more than 16 years.

The SPEAKER: Order! There are too many interjections.

Mrs JILLIAN SKINNER: I am proud that we have already promised, delivered and opened many hospitals, such as the \$134 million Campbelltown Hospital stage one, the \$67 million Professor Marie Bashir Missenden mental health unit at Royal Prince Alfred Hospital, and the \$41 million upgrade to the emergency department at St George Hospital. We are moving on the \$307 million next stage of that upgrade. Very soon I will travel to Wagga Wagga to join the local member in opening the \$282 million clinical services block at that hospital. That facility is in addition to the 50-bed mental health facility we have opened already. It will be followed by the second stage development.

When I became shadow health Minister in 1995, Labor promised the redevelopment of Wagga Wagga Base Hospital. Nothing happened until 2011, and I am pleased to be joining the hardworking member for Wagga Wagga to open that hospital in a few weeks. We have also delivered stage one of Hornsby hospital. I was thrilled to visit that hospital recently with the Marvellous Moustache to open the \$120 million stage one development. A further \$200 million for stage two will be allocated in the near future. We have opened the \$10 million car park at Sutherland Hospital, with another \$63 million for the main hospital redevelopment.

Ms Jenny Aitchison: Point of order: My point of order is relevance under Standing Order 129. For the nine months I have been in this Chamber the Minister has not mentioned once spending any money in my electorate. It is a disgrace.

The SPEAKER: Order! The member for Maitland should listen to the Minister. There is no point of order.

Mrs JILLIAN SKINNER: I will come to that. The member should sit quietly and listen; she might get a mention. If she keeps shouting she will not hear what I am saying. The \$30 million Wollongong Hospital car park was promised, delivered and opened. The ambulatory care unit at Shellharbour will also be opening soon. That is a really special hospital. We have already opened the \$24 million Blacktown Hospital car park and the \$280 million first stage of Blacktown Hospital will open early next year. I take this opportunity to quote a former member for Blacktown—I note that the current member for Blacktown is either not in the Chamber or is remaining silent.

Mr John Robertson: I'm here.

Mrs JILLIAN SKINNER: Sorry, I missed you; you have moved. Your colleague the former member for Blacktown said in this place:

On any criteria Blacktown Hospital is in need of more money ... Together with a deputation of doctors from Blacktown Hospital I have had meetings with every Minister for Health and most of the Premiers over the past eight to 10 years.

That was the former member, Paul Gibson—a Labor member of Parliament. How many of his colleagues were listening? Not one. This hospital is being proudly delivered by the Coalition Government.

The SPEAKER: Order! The member for Blacktown will come to order. Members will cease shouting. I call the member for Port Stephens to order for the second time.

Mrs JILLIAN SKINNER: We will also soon open the \$211 million Tamworth hospital redevelopment, which is up and running; the \$107 million Wollongong Hospital upgrade; the \$187 million Bega Hospital; the \$88 million Byron Central Hospital; and the \$82 million Kempsey hospital redevelopment. Also, in our forward works the \$5 billion we have allocated this term will include money for Maitland Hospital.

RADIOACTIVE WASTE MANAGEMENT FACILITY SITES

Mr JAMIE PARKER: Madam Speaker—

The SPEAKER: Order! I call the member for Rockdale to order for the first time. The member for Balmain will be heard in silence.

Mr JAMIE PARKER: My question is directed to the Premier. Does the Government support the shortlisting of the site near Hill End in central western New South Wales as a location for the national radioactive waste facility that will house low and long-lived intermediate level waste, including spent reprocessed nuclear fuel?

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

Mr MIKE BAIRD: I thank the member for his question. Again, The Greens member is showing the Opposition that members can ask sensible questions. That is a reasonable question; the member for Balmain always asks reasonable questions. On 13 November Minister Josh Frydenberg announced a short list of six sites for permanent national radioactive waste management facilities for further evaluation and public consultation. I congratulate the Federal Government. It has been a long and exhaustive process. It has done a lot of consultation already and clearly it needs to reach a position on a final site. The Federal Government is asking every community to engage in this process.

The six sites include the one at Sallys Flat. Obviously over the next 120 days people will have an opportunity to provide feedback back to the Federal Government, and I encourage those in the Sallys Flat community to engage in that process. I have had an assurance from the Minister that the Federal Government will listen to local communities in relation to this site, so we will wait for that. The Premier of South Australia has shown a lot of leadership in relation to nuclear energy and has undertaken a royal commission to establish a research base. The Government looks forward to the findings of that royal commission. In the meantime, we will let the community have their say about this facility. The question is about waste management, and we are all wondering how to deal with the waste opposite. I do not know how we will deal with them.

Mr Jamie Parker: Point of order: It is under Standing Order 129. The question asked for the Government's position on the nuclear waste site. It is not an opportunity for the Premier to attack the Opposition. He should be nice.

The SPEAKER: Order! I have listened closely to the Premier's answer. I will hear further from the Premier. There is no point of order.

Mr MIKE BAIRD: Whether it is about radioactive waste management or any other issue, the Opposition has dialled itself out of any opportunity to play a constructive role because it is more interested in playing politics than in substantive issues. Those opposite know there is no substance whatsoever in their attack on the Attorney General—she complied as a member and complied as a Minister. It is a disgrace that the Opposition will waste the time of this Parliament.

Ms Jodi McKay: Point of order: My point of order is Standing Order 129. There will obviously be a censure motion after question time in which I expect the Premier will want to take part.

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

Ms Jodi McKay: The Premier is launching a defence of the Attorney General and is not being relevant to the question asked by the member for Balmain.

The SPEAKER: Order! The member for Strathfield will resume her seat. The Premier is about to return to the leave of the question.

Mr MIKE BAIRD: Will someone opposite tell the member for Strathfield that the Deputy Leader of the Opposition is the member for Canterbury? In relation to this or any other issue, that the Opposition continues to launch those types of attacks and waste the time of this Parliament for political gain is a condemnation of them all. There is nothing to it.

The SPEAKER: Order! Opposition members will cease interjecting.

Ms Jodi McKay: Point of order: It is under Standing Order 129. The question was about radioactive waste.

The SPEAKER: Order! The Premier has been talking about waste. There is no point of order.

Mr MIKE BAIRD: I thank the member for Balmain for his question, and I give him my strong encouragement. The Government supports the process and the work being done by the royal commission in South Australia. It is important for the community to have their say about this issue. The Federal Government has said that it will listen to all the affected communities, and that is appropriate.

STATE INFRASTRUCTURE AND SERVICES

Mr ADAM MARSHALL: My question is addressed to the Minister for Finance, Services and

Property. How has the Baird-Grant Government improved services for the people and businesses in New South Wales this year?

Mr DOMINIC PERROTTET: Two thousand and fifteen has been a year to remember for the people of New South Wales. In the eight months since the election the Baird-Grant Government has already delivered more than the former Labor Government delivered in 16 long years. We have the fastest growing economy in the nation, the highest jobs growth in the country and more cranes in the sky than almost every other city in the world. Two thousand and fifteen will be forever known in New South Wales as the year of delivery, with infrastructure projects everywhere—from the WestConnex, the NorthConnex, light rail in Newcastle and the Sydney central business district, the rebirth of Barangaroo, the revitalisation of Darling Harbour, the restoration of Circular Quay, and the rejuvenation of White Bay. All those projects have been announced and are being worked on.

The Baird-Grant Government has delivered for everyone. If you need a bus, you will get one. If you need a train, it is coming. If you need a hospital, we will give it to you. A new school will be delivered—with the great Minister for Education in Hawkesbury this morning. That is what happens when money is managed well. The problem with those opposite is that they think big government and big spending is the answer to every single problem. This Government has shown that a smart, lean, efficient government is the best way to improve the lives of people in this State. There is no better example than Service NSW. Service NSW is in the business of putting a smile on the dial of every single citizen in this State, with a 98 per cent satisfaction rating—almost as high as union membership on the other side of the Chamber. Our citizens love it, our businesses love it and even the member for Liverpool loves it.

The other day my six-year-old daughter wrote a letter to Santa Claus. She wrote, "Dear Santa, all I want for Christmas is a Service NSW centre." She should be happy because that is exactly what she is getting. The member for Strathfield wants to reduce the voting age to 16, but we should reduce it to six because we would romp home. I got a response from Santa Claus. He wrote, "Dear Minister" but then crossed it out and wrote "Dom". So he is a personable fellow; I have not met him but he seems like a lovely chap. He wrote:

Dear Dom,

I am writing to thank you and the Baird Grant Government for making it easier to do business in NSW, at what is the busiest time of the year for me and my elves.

For 16 long years under Labor NSW was the worst state to deliver presents to.

I was tangled up in bureaucracy, tied up in red tape and trapped in long lines.

But now things are different.

I pay lower business premiums thanks to your superior management of the Workers Compensation Scheme.

Ms Jodi McKay: Point of order—

The SPEAKER: Order! Does the member for Strathfield really want to take a point of order?

Ms Jodi McKay: Reluctantly. It is under Standing Order 129 and it concerns props.

The SPEAKER: Order! It is almost Christmas.

Mr DOMINIC PERROTTET: I refer to Speaker Abbott's decision in 1894 in relation to Santa Claus letters.

The SPEAKER: Order! That was a good ruling.

Mr DOMINIC PERROTTET: Santa continues:

Thanks to your Jobs Action Plan, I receive payroll tax rebates for additional elves that I employ in NSW.

And now I can even trade on Boxing Day, which is convenient as obviously I am very busy in the lead up to Christmas.

Now I can spend more time delivering presents and less time dealing with government.

Speaking of presents, I'm giving Crackers a train set as we know how much he loves light rail.

Mr Guy Zangari: Point of order: The Minister did not refer to a member of this House by his correct title. You have ruled on this matter. It is the member for Newcastle, not that word.

Mr ADAM MARSHALL: Madam Speaker—

The SPEAKER: Order! I uphold the point of order. The member for Northern Tablelands is seeking an extension of time.

Mr Clayton Barr: Point of order: Under Standing Order 131 (3) you have discretion to award or not to award an extension of time. Throughout the entire year you have failed to rule out an extension of time. I hardly see how a letter from Santa Claus is relevant to the question asked by the member for Northern Tablelands. I think it is entirely disrespectful to grant this Minister an extension. I ask you to use your discretion.

The SPEAKER: Order! The member for Cessnock shows disrespect for the Chair by suggesting that I have been failing all year. I direct the member for Cessnock to remove himself from the Chamber for a period of five minutes.

[Pursuant to sessional order the member for Cessnock left the Chamber at 3.28 p.m.]

Pursuant to standing order additional information provided.

Mr DOMINIC PERROTTET: Those opposite hate Christmas because they know they are not getting anything this year. Santa continued:

But our least popular gift this year is **the Luke Foley IN-Action figure—policies not included.**

Ms Jodi McKay: Point of order: My point of order is relevance under Standing Order 129. I am not sure how many times I will have to take this point of order. What the Minister is saying is irrelevant to the question that was asked.

The SPEAKER: Order! I was unable to hear the Minister. I will continue to listen to the answer. The Minister has the call.

Mr DOMINIC PERROTTET: The letter from Santa continues:

But don't worry, we're going to upgrade to a Daley Doll next year, because I know better than anyone that you've got to give the children what they want.

Kind regards,

Santa

PS My elves tell me for the first time they are voting for the Baird-Grant Government as they know that you have become the true party of the worker.

Mr Michael Daley: Point of order—

Mr DOMINIC PERROTTET: We are the true party of the worker.

Mr Michael Daley: I believe the Minister has concluded his answer.

Mr DOMINIC PERROTTET: I have not.

Mr Michael Daley: In that case, I refer to Standing Order 129, Standing Order 73 and any number of standing orders one might invoke with respect to this answer that is rapidly descending into a farce and an insult to this House—whether it is Christmas or not.

The SPEAKER: Order! I caution the Minister not to proceed too much further down this path.

Mr DOMINIC PERROTTET: The elves are voting for the party of the worker. We have put Santa back in his sleigh and he will now join Paul Keating in voting for the Baird-Grant Government. We are eight months in and there are many great times to come.

Question time concluded at 3.30 p.m.

PETITIONS

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

Powerhouse Museum Ultimo

Petition requesting the retention of the Powerhouse Museum in Ultimo and the expansion of museum services to other parts of New South Wales, received from **Mr Alex Greenwich**.

Mental Health Services

Petition requesting increased mental health support for people with a mental illness who are tenants of Housing NSW and community housing, received from **Mr Alex Greenwich**.

Pet Shops

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

Pig-dog Hunting Ban

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

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

The Hon. Duncan Gay—WestConnex—lodged 13 October 2015 (Ms Jenny Leong)

The Hon. Jillian Skinner—Nursing Homes—lodged 13 October 2015 (Mr Troy Grant)

BUSINESS OF THE HOUSE

Reordering of General Business

Mr CHRISTOPHER GULAPTIS (Clarence—Parliamentary Secretary) [3.33 p.m.]: I move:

That the General Business Notice of Motion given by me this day [Skills Development] have precedence on Thursday 19 November 2015.

This matter deserves to have precedence because training a skilled workforce to support the jobs of tomorrow and help deliver on a record infrastructure program is of utmost importance to this State. Members opposite are not listening because they are not skilled or trained. They are certainly not trained for the jobs they are doing, let alone the jobs of tomorrow. They are not trained to run this State. The New South Wales Government went to the election with an ambitious infrastructure strategy to build the roads, hospitals and schools we need to make this a great State. However, a great State will not be built on infrastructure alone. We also need a great workforce.

This Government is unashamedly focused on jobs and will create 150,000 jobs over the next four years. To help us achieve that goal, we have brought vocational education and training into a new agency that is focused on jobs and economic development. This year we are spending \$2.3 billion on vocational education and training including \$1.86 billion on TAFE, which is 11 per cent higher than Labor's last budget and a \$122 million increase on the TAFE budget last year. That type of expenditure shows that this public provider is well supported. New South Wales is in the midst of unprecedented population growth and economic activity. It is critical that we take a responsible approach to funding vocational education and training to support our record infrastructure program that is designed to assist our growing population.

Yet this Government is facing furious opposition to its worthwhile objective. Labor and The Greens believe all vocational education and training courses should be free. They are quite happy for the Government to fund courses such as basket weaving, bookbinding and even hula hooping—I can see some hula hoops on the other side of the Chamber. They are ignoring the reality of responsible economic management. Within the next three years New South Wales will need 25,000 new skilled workers in the disability sector to support the rollout of the National Disability Insurance Scheme.

Education is a shared responsibility, which brings vocational education in line with tertiary education. The fee structure is about balancing affordability for students and maximising the number of training places that the Government can fund. The New South Wales Government pays an average of 90 per cent of the cost of foundation skills courses, 75 per cent of the cost of certificate II and III courses, 70 per cent of the cost of certificate IV courses and 60 per cent of the cost of diplomas. The Government also has a plan to extract greater value from the unused asset base of TAFE, including vacant blocks of land, and to pour that money into providing better resources for our students.

Mr DAVID HARRIS (Wyang) [3.36 p.m.]: This is another farcical motion of self-congratulations by the Government. It is particularly worrying because of the damage the Government is doing to TAFE, but it is not surprising given that Government members obviously still believe in Santa Claus as well as their own rhetoric. They want to blame Labor, The Greens, students and teachers for what is happening to TAFE. However, we have been able to show through TAFE documents—not documents from anyone else—that due to a range of factors, including the introduction of the Smart and Skilled reforms, enrolments in colleges across Western Sydney have warranted a reduction in support services and teachers. Government members try to say that they are proud of their record on vocational education.

Construction teacher numbers at the South Western Sydney Institute of TAFE have been reduced by 30 per cent although there is a building boom in Western Sydney.

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

Mr DAVID HARRIS: Those plumbing, carpentry and glazing teachers have lost their jobs not because of a reduction in student numbers but because of a reduction in funding to run courses. As I said, that comes from TAFE documentation. Obviously the Minister who has to sign off on this is not reading what his institutes are sending to him. Government members pat themselves on the back when we have been told there will be no pre-apprenticeship course in plumbing next year at the Miller TAFE campus.

The SPEAKER: Order! The member for Monaro will cease shouting at the member for Wyong.

Mr DAVID HARRIS: That campus has had to drop a pre-apprenticeship course that had an 80 per cent success rate of placing disadvantaged, vulnerable students in jobs. The course will not run next year. This Government wants to put forward a motion which states, "Aren't we good? Aren't we good that we have fewer counsellors? Aren't we good that we have fewer language teachers? Aren't we good that we are laying off teachers who teach plumbing, carpentry, glazing, science, maths and literacy?" We will debate this matter tomorrow and we will be happy to do so. There are other motions on the business paper, particularly those about domestic violence, that probably should have precedence over this motion. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 51

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

Noes, 38

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

Mr Harris
Ms Harrison
Ms Hay
Ms Haylen
Mr Hoenig
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 Lulich
Mr Warren

Pair

Mr Maguire

Ms Hornery

Question resolved in the affirmative.

Motion agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Mr ANTHONY ROBERTS (Lane Cove—Minister for Industry, Resources and Energy) [3.44 p.m.]:
I move:

That standing and sessional orders be suspended:

- (1) At this sitting to:
 - (a) Provide for the following routine of business after the placing or disposal of business:
 - (i) consideration of the motion of censure in the Attorney General given by the Leader of the Opposition this day;
 - (ii) motion accorded priority;
 - (iii) government business;
 - (iv) private members' statements;
 - (v) matter of public importance; and
 - (vi) the House to adjourn without motion moved at the conclusion of the matter of public importance.
 - (b) Permit the determination of the motion of censure and the motion accorded priority after 4.00 p.m.

(c) Provide for the following speaking time limits on the motion of censure:

- (i) mover—10 minutes;
- (ii) leader of the House—10 minutes;
- (iii) one further Opposition member—5 minutes;
- (iv) one further Government member—5 minutes;
- (v) one Greens member—5 minutes;
- (vi) member for Lake Macquarie—5 minutes;
- (vii) member for Sydney—5 minutes;
- (viii) response by the Attorney General—10 minutes; and
- (ix) mover in reply—5 minutes.

(2) On Thursday 19 November 2015 to permit government business to take precedence of general business.

Mr MICHAEL DALEY (Maroubra) [3.46 p.m.]: What a capitulation, and what an insult by this Government, this Premier and the Leader of the House to their own Attorney General.

Mrs Jillian Skinner: No, it isn't; it's a standard arrangement.

Mr MICHAEL DALEY: This is not a standard arrangement. This is a dodgy parliamentary sleight of hand designed to protect a floundering Attorney General who is mired in a disaster of her own making. This is a serious issue. We recall that in the Howard years, when similar behaviour by Ministers in his Government was detected, Ministers resigned. We had a Premier resign not that long ago for failing to declare a \$3,000 bottle of wine. Here we are talking about \$50,000 worth of shares and an Attorney General, a Premier and a Government that have, by their actions last week and this week in this place and their failure to answer questions in this place or in the media, all but admitted that the Attorney General has done the wrong thing. Standing Order No. 114 stipulates the time limits for the mover of a motion, the seconder and other speakers. What we have here is a complete change of those parliamentary procedures in order to hide the Attorney General. Under Standing Order No. 114 she is to respond initially to the Leader of the Opposition and to have 15 minutes of speaking time.

Under the motion that has just been moved by the Leader of the House, the Attorney General will be given 10 minutes at the conclusion of debate. This truncation of debate is designed only to protect the Attorney General. The conduct of the Attorney General and those who have sought to protect her last week and this week has suggested to members and to those who are watching and writing about this issue in the media, that the Government is afraid of scrutiny; that it is trying to hide on this issue; and that it has no confidence whatsoever in the Attorney General. If I were the Attorney General I would be insulted if the Leader of the House rode into this place on his white horse and offered up this sort of motion to rescue me. I have sat on both sides of the House and over the past 10 years I have participated in motions of no confidence and in the censure of members. We have never ducked them. When I was on the government side of the House and motions of no confidence were moved against government members, we debated them for the full period.

Mrs Jillian Skinner: Do you remember Reba Meagher?

Mr MICHAEL DALEY: We debated that for the full time. This is simply a reward for bad behaviour. This says that the member can do the wrong thing, walk into this place, hide, refuse to answer questions and then be rescued by the Leader of the House with the suspension of standing orders. In this game the cover-up is worse than the crime. The proposed alteration to parliamentary procedures this afternoon is nothing more than an attempt to continue that cover-up. It is weak and dodgy; the Opposition will have none of it.

Mr ANTHONY ROBERTS (Lane Cove—Minister for Industry, Resources and Energy) [3.50 p.m.]: The Opposition tried to sneak this censure motion through before question time. I am fully aware of Standing Order 194. This is a motion to suspend standing orders to allow us to debate this matter now. The Leader of the Opposition has now arrived in the Chamber. Those opposite have been busily scribbling notes. They thought they had overnight to do it. They thought they could attend the parliamentary press gallery party and then catch up in the morning.

Mrs Jillian Skinner: They are totally unprepared.

Mr ANTHONY ROBERTS: Exactly. Let us deal with this now and kick those opposite into touch.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 51

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

Noes, 37

Ms Aitchison	Mr Greenwich	Mr Park
Mr Atalla	Mr Harris	Mr Parker
Mr Barr	Ms Harrison	Mr Piper
Ms Burney	Ms Hay	Mr Robertson
Ms Car	Ms Haylen	Ms K. Smith
Ms Catley	Mr Hoenig	Ms T. F. Smith

Mr Chanthivong
Mr Crakanthorp
Mr Daley
Mr Dib
Ms Doyle
Ms Finn
Mr Foley

Mr Kamper
Ms Leong
Mr Lynch
Dr McDermott
Ms McKay
Mr Mehan
Ms Mihailuk

Ms Washington
Ms Watson
Mr Zangari

Tellers,
Mr Lulich
Mr Warren

Pairs

Mr Maguire
Mr Tudehope

Ms Hornery
Mr Minns

Question resolved in the affirmative.

Motion agreed to.

ATTORNEY GENERAL

Motion of Censure

Mr LUKE FOLEY (Auburn—Leader of the Opposition) [3.56 p.m.]: I move:

That this House censures the Attorney General for:

- (1) Her failure to fully and properly explain her apparent breaches of the Ministerial Code of Conduct and the Members Code of Conduct.
- (2) The maladministration of her portfolio.

Over the last sitting fortnight the Attorney General has had 16 opportunities to disclose to the House what she did about her shareholding of 400,000 shares in a gas company when the Cabinet came to consider, on more than one occasion, the gas policy for New South Wales. Each and every time, in giving 16 answers to 16 questions, the Attorney General, the chief law officer of this State, has declined to give this House a proper answer. The first question was asked by the shadow Attorney General last week and it remains the most pertinent—namely, whether the Attorney General disclosed to her colleagues her shareholding in Real Energy at the time Cabinet considered the deregulation of the gas company. The Attorney General answered:

My disclosures are on the record. Members are free to check them. Everything is there to see ... Government members place everything on the record.

So we had a look at her disclosures, which she claimed are on the record for everyone to see. There was nothing in compliance with the Ministerial Code of Conduct. The Attorney General has repeatedly been asked whether, when the Cabinet considered the NSW Gas Plan, she told her Cabinet colleagues about her \$50,000 worth of shares in Real Energy. She has refused to answer. The Attorney General has repeatedly been asked whether, when the Cabinet considered gas pricing policy for New South Wales, she had declared her shareholding to her Cabinet colleagues. In the end the Attorney General fell back on her pecuniary interest return; as if she is on the outer reaches of the backbench and required only to comply with the members' pecuniary interest disclosure requirements. Of course, there are significant, additional requirements on Ministers of the Crown—namely, the Ministerial Code of Conduct.

The Premier boasted, when this Parliament adopted the Ministerial Code of Conduct as a code applicable to the purposes of the Independent Commission Against Corruption Act, that it required the highest standards of probity from Ministers in New South Wales—the highest standards of any jurisdiction in Australia. But one cannot get an answer from the Attorney. What did she do? She reminded me of Oliver North in the Iran-Contra hearing. She took the Fifth Amendment. She refused to answer questions on the grounds that the answers might incriminate her. She is the Oliver North of the New South Wales Parliament. She cannot and will not answer questions about whether she has complied with the Ministerial Code of Conduct that her Premier boasts is the most onerous of any jurisdiction in Australia.

Mr Anthony Roberts: Point of order: I respectfully request that the Leader of the Opposition refer to the member by her correct title.

The SPEAKER: Order! I ask the Leader of the Opposition to accede to that request.

Mr LUKE FOLEY: The relevant provision of the schedule to the Ministerial Code of Conduct is in part 3, "Conflicts of interest". It says:

- (2) If during a meeting of the Executive Council, the Cabinet or a Cabinet Committee a matter arises in which a Minister has a conflict of interest the Minister must (whether or not the Minister has previously given notice to the Premier):
 - (a) as soon as practicable after the commencement of the meeting, disclose to those present the conflict of interest and the matter to which it relates ...

And the provision continues. It is a reasonable provision. The Attorney General has repeatedly refused to answer whether she complied with that reasonable provision of the Ministerial Code of Conduct. Did she? We know the answer, because more than one of her Cabinet colleagues told members of the fourth estate and members of the Opposition that she did not utter a word. As a Cabinet Minister you know you are in trouble when your Cabinet colleagues start telling journalists and members of the opposing party what you did not do. So we know the answer. If the Attorney General's defence is that she forgot, why does she not say so? If her defence is that she did not have to do it and she wants to cobble together an argument then why does she not say so? She refused 16 times to answer questions about multiple provisions of the Ministerial Code of Conduct. She invoked the Fifth Amendment on the grounds that giving an answer to the question might incriminate her.

The SPEAKER: Order! The Leader of the Opposition still has three minutes to speak.

Mr LUKE FOLEY: I will quote the very first sentence of the Ministerial Code of Conduct. It says:

It is essential to the maintenance of public confidence in the integrity of Government that Ministers exhibit and be seen to exhibit the highest standards of probity in the exercise of their offices ...

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

Mr LUKE FOLEY: It goes on:

In particular, Ministers have a responsibility to avoid or otherwise manage appropriately conflicts of interest to ensure the maintenance of both the actuality and appearance of Ministerial integrity.

Ms Anna Watson: Point of order: I ask that the clock be stopped. The Speaker is very quick to pull up members on this side of the House—

The SPEAKER: Order! Members will come to order. I cannot hear the member for Shellharbour.

Ms Anna Watson: Madam Speaker is very quick to pull up members on this side of the House. I cannot hear the Leader of the Opposition. I ask that two minutes extension be granted. The Speaker should throw out members of the Government as she throws out members of the Opposition.

The SPEAKER: Order! I did not hear the point of order. What did the member say? Government members will come to order. What is the member's point of order?

Ms Anna Watson: I ask that Government members be called to order so that we can hear the Leader of the Opposition.

The SPEAKER: Order! I asked for order all through question time. Members are not listening.

Mr Jonathan O'Dea: Point of order: This is clearly wasting time. It is totally inappropriate.

The SPEAKER: Order! I ask members to come to order.

Mr LUKE FOLEY: I thank my friend the member for Shellharbour for her assistance. On multiple occasions the Attorney General of New South Wales has refused—

The SPEAKER: Order! I call the member for Kiama to order for the first time. I remind the Minister for Finance and Services that there has been enough noise. I will stop the clock if members wish.

Mr LUKE FOLEY: On 16 occasions the Attorney General has refused to give full and honest answers about what she did when the matter of gas policy was discussed by the Cabinet. [*Time expired.*]

The SPEAKER: Order! Members will come to order.

Mr ANTHONY ROBERTS (Lane Cove—Minister for Industry, Resources and Energy) [4.06 p.m.]: I ask David Elliott, the member for Baulkham Hills, to take a point of order for about four or five minutes once I am three minutes into my speech. That would really help me.

The SPEAKER: Order! There is too much audible conversation in the Chamber. The Leader of the House has the call.

Mr ANTHONY ROBERTS: I am watching history. It is on. There was a signal by the Labor Party to move on the leader.

The SPEAKER: Order! The Leader of the House will speak to the motion.

Mr ANTHONY ROBERTS: This motion is nothing but a desperate attempt by the Leader of the Opposition, who is failing in his leadership, to remind us that he exists. The facts are not in dispute. They are as clear as the withering approval rating of the Leader of the Opposition. It has not taken long for the cracks to show on the Opposition frontbench.

The SPEAKER: Order! Can the member for Shellharbour hear now, over the interjections from Opposition members? It works both ways.

Mr ANTHONY ROBERTS: I cannot but see the irony as we debate the subject of confidence and maladministration. Members opposite are experts in maladministration. They wrote the book. They have a PhD in it. They gave us 16 years of maladministration. There was maladministration in health, in education, in law and order, in TAFE—

Mr David Elliott: Prisons.

Mr ANTHONY ROBERTS: There was maladministration in prisons, transport, infrastructure, regional areas and roads. Economically, New South Wales was last amongst the States. Now New South Wales is first on every economic indicator. Confidence in the Leader of the Opposition has been plummeting since the moment he strong-armed the wonderful former member for Auburn out of her seat so that he could be parachuted into this House. We all remember Barb. Where is Barb? It is undisputed by members on both sides of the House that the Leader of the Opposition is well and truly in over his head. His own colleagues have dubbed him the Invisible Man. He is the only person in this place who is not up to his or her job.

I say with great confidence that the Attorney General has been very clear in her response to the same Opposition question over the course of two weeks. She has informed the House ad nauseam that she has disclosed her interests to the Premier and to the Parliament in the proper way. There is nothing more to see here and I reiterate the comments made by the Attorney General in this place yesterday that this persistent line of questioning reveals more about the Leader of the Opposition and the fractured nature of his leadership than anything to do with anyone else in this place. It is no surprise that those opposite are afraid to ask the Premier a question: It is unlikely they want to hear about the great work of this Government, of this Premier or of this Attorney General. This is a Government embarking on an infrastructure package that will benefit the people of this great State for generations to come.

Ms Noreen Hay: Point of order—

Mr Troy Grant: Here we go.

The SPEAKER: Order! Here we will not go. What is the member's point of order?

Ms Noreen Hay: My point of order is under Standing Order 129. The response being given by the Leader of the House has absolutely nothing to do with the question before the House of whether the Attorney General disclosed what she was supposed to disclose to the Parliament.

The SPEAKER: Order! The Leader of the House is being relevant.

Mr Gareth Ward: To the point of order: The member for Wollongong cited Standing Order 129, which relates to relevance during question time only. Even if she had used the right Standing Order, which is 76, she would be wrong. Sit down.

Ms Noreen Hay: Further to the point of order: Madam Speaker, I remind the House that you are the Speaker and you will tell people to sit down. But, more importantly, the member for Kiama is seeking to use up the time of the Leader of the House, which is not appropriate.

The SPEAKER: Order! Not that the member for Wollongong would do that. The member will resume her seat. There is no point of order.

Mr ANTHONY ROBERTS: Once again, the member for Baulkham Hills missed a jump. I thank the member for doing a Shellharbour on me. This is a Government with an ambitious reform agenda. This is a Government working tirelessly to keep our community safe. This is a Government that is, importantly, upholding the rule of law with distinction. Those opposite see the good work of this Government as a threat, and this motion is nothing more than a cheap stunt to distract from the real issue. The Leader of the Opposition needed to mobilise his troops against a common enemy. What he fails to see is that those opposite have been mobilised for some time now—not necessarily against his perceived enemy but against him.

Navigating through the history of censure motions in this place, it has become very apparent that

this motion has one of the weakest foundations, with no basis. It is a last-ditch attempt to save an Opposition leader who has one foot out the door. We are debating a censure motion on an Attorney General who has delivered upon all of her election commitments. For the benefit of those who pay no attention to the business of this House—namely those opposite—these achievements include, amongst others, the appointment to the District Court of two specialist child sexual assault judges. Those opposite may not be interested in that, but for many children and for me, as someone who has been involved with Bravehearts for decades, those appointments deserve attention. Those opposite may not want to give it their attention, but it caught the attention of the Attorney General and she delivered upon it.

The Attorney General has introduced tougher penalties for child sexual assault offenders, laws that will allow a pilot of Children's Champions and the pre-recording of evidence, as well as the toughening of laws so that more serious ice dealers and manufacturers face life behind bars. This is a censure motion claiming maladministration against an Attorney General who has introduced 12 pieces of legislation into this House, all of which have been supported by the Labor Opposition. With this in mind, I ask: What is this censure motion about? I suggest, as alluded to previously, that it is nothing more than a desperate attempt by the Leader of the Opposition to stave off the member for Maroubra for one more week—but it will not get him one more week.

Mr Rob Stokes: Point of order: Madam Speaker, I refer you to the twenty-seventh edition of *Erskine May: Parliamentary Practice* where Sir Donald Limon in the strongest terms—

The SPEAKER: Order! I read that frequently.

Mr Rob Stokes: He makes it very clear that "any contumacious conduct in the Parliament is to be proscribed in the most serious condemnation. Those who cause or incite others to come into riotous, tumultuous or disorderly manner are to promote matters pending in Parliament". I suggest that is what has happened here.

The SPEAKER: Order! Erskine May is great reading. I remind members of that clause.

[Interruption]

Mr ANTHONY ROBERTS: Don't denigrate Sir Donald. Read a bit of Sir Donald's work and you will be impressed. It is a very serious document. I might send a copy of it to the member for Bega for his honeymoon; there will be some good reading there for him. Our message to those opposite is quite clear: If they stop telling lies about the Attorney General we will stop telling the truth about them.

The SPEAKER: Order! Members will come to order. The member for Kiama will come to order. The member for Liverpool is softly spoken.

Mr PAUL LYNCH (Liverpool) [4.16 p.m.]: I support the censure motion in that the Leader of the House provided not one substantive argument against the motion. The Attorney General should be censured for three reasons. She has an unresolved conflict between her public duty and private interest, which has encompassed breaches of both the ministerial and members codes of conduct—both applicable codes under the Independent Commission Against Corruption legislation. She has consistently failed to offer any adequate explanation over the past week. As the State's first law officer, her excruciatingly inadequate performances in this place have simply not been good enough. That has no doubt provided considerable food for thought for the member for Cronulla and the member for Ku-ring-gai, as well as for the member for Epping.

I note today that the Government had to amend Standing Order 114 so that the Attorney General could not get up as the first speaker in this debate to defend herself. Either she or her Government does not trust her to lead her own defence. The Attorney General should also be censured for her performance in her portfolio. Less than a week ago she betrayed the survivors of child sexual assault by rejecting

recommendation 88 of the report from the Royal Commission into Institutional Responses to Child Sexual Abuse that the statute of limitations for claims for damages by survivors be abolished as soon as possible and not be tied to a national redress scheme.

The SPEAKER: Order! Members will come to order. There is too much shouting.

Mr PAUL LYNCH: At about the same time, the Attorney General comprehensively mismanaged the Courts and Other Justice Portfolio Legislation Amendment Bill provisions concerning the Independent Commission Against Corruption. Instead of following the example of the Premier in two earlier pieces of legislation this year and consulting with the Opposition on the provisions, she rammed the bill through this House in less than 24 hours and subsequently ignored efforts by the Opposition to engage in the issue. She and the process had to be saved by the Premier contacting the Opposition leader. The Attorney General is presiding over a system of District Court criminal trials that the NSW Law Reform Commission describes as being broken and in a state of crisis.

There are now twice as many trials pending than there were at the end of 2007, but with four fewer judges. Unacceptable delays are horrendous for victims, bad for both prosecution and defence, and affect the reliability of the memories of witnesses, thus affecting the quality of justice. The longest delays are at Dubbo, where delays are 40 per cent longer than they are at the Sydney District Court. The delays in Lismore District Court have doubled, revealing that the Attorney's concerns for rural and regional New South Wales are mere rhetoric. The Attorney's response of two specialist judges is entirely inadequate. There are still not enough judges to reduce unacceptable delays, and her specialist judges are, frankly, a pale imitation of Labor's proposal for specialist courts.

Mr Gareth Ward: Point of order: Members should be seated, Madam Speaker.

Mr PAUL LYNCH: I note the member for Kiama does a better job at defending the Attorney General than she does.

The SPEAKER: Order! Members will stop wandering around the Chamber.

Mr PAUL LYNCH: The Attorney refuses to engage with the Law Reform Commission recommendations to reinstate the Early Case Conferencing Scheme introduced by Labor, but abolished by her Government. The Attorney provides over a crisis in the Local Court with country courts from Balranald to Murwillumbah being threatened with closure and a reduction of sittings. In a remarkably strong statement for a person in his position Chief Magistrate Judge Graeme Henson has warned of the closure of country courts. He said:

The social cost of providing a lesser service may well exceed the purported cost saving to government through a short-sighted reduction in judicial numbers.

The Attorney's response has been even less adequate here than it was in relation to district courts. She merely repeats by rote that sitting schedules are a matter for the head of jurisdiction, mendaciously ignoring that sittings can only be determined within the funding she provides. Her only other response is to talk of selling off courthouses around the State; first cut the circuits, then sell the courthouses. Symbolically, she announced that first to the Property Council of Australia, not to stakeholders in the legal system. The lethargy, this torpor, is seen in other areas of the portfolio. Having been shamed by Katrina Keshishian and Labor during the election campaign to overturn retrospectivity—

Ms Katrina Hodgkinson: Point of order: I appreciate your allowing me to have the call, Madam Speaker. I simply cannot understand a single word—

Ms Linda Burney: That is no point of order.

The SPEAKER: Order! It is not the point of order of the member for Canterbury.

Ms Katrina Hodgkinson: I cannot understand a single word the member is saying.

The SPEAKER: Order! I cannot do anything about that. I have asked members to come to order and cease interjecting. There is too much noise coming from both sides of the Chamber. The member for Liverpool is softly spoken. There is nothing I can do.

Ms Katrina Hodgkinson: Hansard is also having trouble.

The SPEAKER: Order! I understand what the member is talking about. I have asked members to come to order.

Mr PAUL LYNCH: Having displayed torpor and lethargy in dealing with victims compensation, she has done exactly the same thing with the Victims Advisory Board, which she took considerable time to reappoint and only did so when she was criticised publicly by Labor. I will conclude by simply noting the administration of justice in this State would be much better served if the Attorney paid as much attention to her ministerial portfolio as she did to her share portfolio.

Mr JAMIE PARKER (Balmain) [4.21 p.m.]: I speak to this censure motion on behalf of The Greens and as the spokesperson portfolio holder on these matters. I have been very active on the issue of corruption, ministerial codes of conduct and how we manage the business, as members of Parliament, of providing ethical and principled government. The people of New South Wales expect the highest standards and probity from each one of us and, above all, from Ministers. The actions of some members, as identified by the Independent Commission Against Corruption, have resulted in great damage being done to this Parliament and an undermining of confidence in our political system. It is critical that we take strong steps to ensure that we hold to account each member, including Ministers.

The claims that have been made are serious, especially as the Government claims to be a corruption fighting Government, and fighting corruption starts with us. It is important that the actions we take are in the best interests of everyone in the State. All of us who have witnessed the answers to questions in this House would agree that the answers to the questions put to the Attorney General have not been adequate. Has the Attorney General—and perhaps she can respond—fully complied with the ministerial code of conduct—yes or no? The public interest test is: Has it been adequately argued and has the Attorney General made it absolutely clear that all these matters have been complied with? It has not been made clear.

The arguments put forward by the Government during this censure motion have not addressed the ministerial code of conduct. They have attacked Labor and others. We must consider these issues to decide whether the ministerial code of conduct has been fully adhered to. When one reads *Hansard* the answers given have not been definitive, indicating that the code has not been fully complied with. If the Government would like to state now that the Attorney General has fully complied with the ministerial code of conduct, including part 3, there will be a level of satisfaction, but that has not happened. The Government talked about disclosure and other issues, but not the ministerial code of conduct. I would appreciate the Government addressing that issue.

On the second point of the motion, which is the maladministration, it is The Greens' view that sufficient evidence has not been put forward to show that the Attorney General deserves to be censured because of maladministration of her department. The Attorney has been criticised, and I refer to the speech of the member for Liverpool in which he identifies some severe shortcomings, but that is not sufficient to support a censure motion. Although The Greens recognise the evidence that the Opposition and others have presented, it is not sufficient to support the claim that the Government has fully and adequately addressed the question put to the Attorney. Because the maladministration has not been proved, The Greens will not support the censure motion.

The SPEAKER: Order! Members will refrain from attacking other members because they have indicated their position on a particular motion.

Mr ANDREW GEE (Orange—Parliamentary Secretary) [4.26 p.m.]: The member for Auburn should be ashamed of himself, bringing this tawdry piece of trash masquerading as a motion into the House. He demeans the House by bringing it into this place—this, from the part-time Opposition leader, the man his side dubs the invisible man. As we saw today, his crowning achievement was being able to sit through the whole of question time. The former member for Auburn, Barbara Perry, could sit through a whole question time. This motion is about making the invisible man a little bit more visible because his preferred premier rating is a rock bottom 25.5 per cent, which matches Labor's primary vote of 24.5 per cent in the last poll. This motion is about raising his profile and making the invisible man just that little bit more visible.

Ms Noreen Hay: Point of order: My point of order is relevance under Standing Order 129.

The SPEAKER: Order! There is no point of order. The member is being relevant to the motion.

Ms Noreen Hay: Under Standing Order 128 the member is being argumentative. I do not understand why he is still at the podium.

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

Mr ANDREW GEE: I turn now to the Attorney's achievements—12 bills passed through the Parliament this year, including tougher bail laws that make it harder for individuals with terror links to access bail. She delivered the Government's response to the Legislative Council's Bowraville inquiry and expanded the use of better technology in courts. She delivered an Australian first pilot of the Domestic Violence Disclosure Scheme. She toughened the law so that more serious ice dealers and manufacturers face life behind bars. She has passed laws that will provide for a pilot of the Children's Champions and pre-recording of evidence. Those opposite have made this House descend into the mire. They have done this at Christmas time and it is up to those on this side of the aisle to raise the House.

The SPEAKER: Order! There are too many interjections coming from Opposition members.

Mr ANDREW GEE: And no-one knows how to do that better than The Nationals. We see ourselves very much as a family, especially at this time of the year. Today we passed the hat around and we got the Leader of the Opposition, the invisible man, a Christmas gift to make him more visible. The Nationals opened a lot of bridges, schools and hospitals; we do it all the time.

Ms Jodi McKay: Point of order—

The SPEAKER: Order! I ask the member for Orange to put that item aside. I know what the point of order will be. What is the member's point of order?

Ms Jodi McKay: I think you do know and appreciate the point of order. I ask the Minister not to use props.

The SPEAKER: Order! The member for Orange will dispense with that prop. Members are already noisy enough.

Mr ANDREW GEE: We on this side of the aisle lift this place, like the Attorney General has been doing all year, delivering groundbreaking legislation and putting offenders behind bars. The Attorney should be congratulated. As the member for Wollondilly said, to get to her, those opposite have got to go

through all of us, and that is what is happening today. [*Time expired.*]

The SPEAKER: Order! Members will cease interjecting.

Mr GREG PIPER (Lake Macquarie) [4.31 p.m.]: I find the quality of the debate and the behaviour of members in this House on this motion today to be amongst the worst I have seen in my time in the House.

The SPEAKER: Order! Indeed.

Mr GREG PIPER: It greatly grieves me that we have the Hon. Senator Sarah Hanson-Young in the public gallery, who I am sure is shocked and horrified by the behaviour of members in this House. As one of the two Independent members on the crossbench I need to speak—

The SPEAKER: Order! The member for Lake Macquarie will be heard in silence. It is not often that our Independent members have an opportunity to speak, and they will be heard in silence.

Mr GREG PIPER: Leave us alone.

The SPEAKER: Order! Leave him alone indeed.

Mr GREG PIPER: This motion of censure is of the utmost significance, one of the two most significant motions that can be taken against an individual in this House, and it should be taken very seriously. I am doing that. I appreciate the offer of the shadow Attorney General for a briefing earlier today on the matter. However, I prefer to refer to *Hansard* and other media that have covered the issue. I will dispense with paragraph (2) of the motion as I have come to the conclusion that the maladministration of portfolio is completely baseless and an irrelevant matter that I do not believe can be substantiated. As a matter of fact, if it were to be debated more broadly I believe we would find that the Attorney General has been hardworking and a good Attorney General who has carried a significant workload in this House. Like other Attorney Generals in this House from both sides, she should be given some respect for the difficulty of her portfolio.

In relation to the failure of the Attorney General to fully and properly explain her, and I emphasise, "apparent" breach of the Ministerial Code of Conduct and the Members Code of Conduct, this is a significant issue for me. We are debating a very serious motion on what are "apparent" breaches as alleged by the Opposition. Certainly the Attorney General could have been significantly more expansive in her answers. In your own rulings over time, Madam Speaker, the Minister cannot be directed how to answer a question. In my opinion the question was answered very early in the piece, but perhaps not to the satisfaction of the Opposition.

It could have been much more expansive. But the Attorney General dealt with the issue of whether she had administered and discharged her responsibilities under the Ministerial Code of Conduct and the Members Code of Conduct. Members might not wish to heed that answer. We all understand that it is the job of the Opposition to robustly pursue the Government. We also have to be fair in the way in which we deal with these issues. I have great reservations about this motion being moved at the very last moment in the year without really giving the detail of what it is that the Attorney is alleged to have done.

Dr Hugh McDermott: She got 16 questions.

Mr GREG PIPER: I heard the 16 questions. I believe this is a rather hollow attack. I have stood in this place and defended other members of this House from this dispatch box, and I have defended against the Labor Government, and the very new Premier of this State, Nathan Rees, when he was unfairly attacked in this House as well. I will do it again for members from either side of the House. In this case, I will not support this censure motion.

The SPEAKER: Order! The member for Sydney will be heard in silence. There will be no interjections.

Mr ALEX GREENWICH (Sydney) [4.36 p.m.]: I will build on the comments of my crossbench colleagues, the member for Lake Macquarie and the member for Balmain. We are dealing with a very serious motion and a very serious claim. But all we have so far is a claim. While I acknowledge that the Opposition has questions about whether the Attorney General has fulfilled her obligation in Cabinet discussions, I am not certain that she has failed in this regard.

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

Mr ALEX GREENWICH: I have been given no information to indicate a breach. Indeed, concerns have only been raised because the Attorney General declared her shares on her pecuniary interest statement. I have carefully listened to the responses of the Attorney General in which she explains her actions and I am certainly not satisfied that the Attorney General has failed in her duties. Also on reflection I am particularly concerned about paragraph (2) of the motion because it does not reflect my dealings and the dealings of other members with the Attorney.

Of importance to me has been her important work to progress lesbian, gay, bisexual, transgender and intersex [LGBTI] reforms. The Attorney is clearly committed to equality for all before the law. She has held a briefing with members from across the party and with the Human Rights Commissioner, Tim Wilson, and has committed to review a number of important areas of law reform. Not all members want to end discrimination against LGBTI communities, and I am thankful that this Government has an Attorney General who is committed to that. She is also working to enable children who are victims of sex offences to give evidence in a way that is not confronting, and she has improved sentencing for firearm offences.

When she was the Minister for Family and Community Services last year, her dedication successfully had funding restored to inner-city women's services to ensure that women escaping domestic violence have safe and secure accommodation away from the perpetrators of that violence. The Attorney General has my respect and support. I look forward to continuing to work with her on important reforms. When we should be dealing with really important areas of reform that require attention, again we are dealing with something that is in the pages of the *Daily Telegraph*, and that happens far too often in the place. Since becoming a member I for one am sick and tired of the witch-hunts engaged in by the *Daily Telegraph* and I am sick and tired of the way that certain members jump on its bandwagon. We can send a strong message today by opposing the censure motion and showing our deep respect for the great work of the Attorney General.

The SPEAKER: Order! Well said.

Ms GABRIELLE UPTON (Vaucluse—Attorney General) [4.39 p.m.]: This motion is nothing but a cheap, tawdry political stunt. It is gutless and dirty politics—the stuff that members on the opposite side of the House know too well. For the past four sitting days I have answered many questions without notice and I could not have been any clearer. Unlike a few former Labor Ministers, I declare all of my interests to the Parliament and to the Premier. For those who have not heard it many times over many days, I say again that I have made full and frank disclosures and I have no conflicts of interest.

Mr Andrew Gee: End of story.

Ms GABRIELLE UPTON: End of story.

The SPEAKER: Order! The member for Maroubra will cease interjecting or he will be removed from the Chamber. The Attorney General has the right to defend herself without interjections. The Opposition has moved a serious motion and the Attorney General has the right to respond.

Ms GABRIELLE UPTON: As I said yesterday, this unfounded and disgusting attack on my character says more about the Leader of the Opposition and his members than it says about me. There is hypocrisy in this. Before the last election the Leader of the Opposition boldly declared that Labor had changed. He said the dark days of Obeid and Tripodi were over. He looked people in the eye—

The SPEAKER: Order! I direct the member for Kogarah to remove himself from the Chamber until the conclusion of the motion of censure. Mumble on the way out as you always do—I do not give a hoot.

[Pursuant to sessional order the member for Kogarah left the Chamber at 4.44 p.m.]

Ms GABRIELLE UPTON: The Leader of the Opposition looked the people of New South Wales in the eye and promised that things would be different. He said, "Trust me—Labor has changed. Under me there will be a new approach." Thankfully, the people of New South Wales saw through those lies. They saw his true character. Luke, they did not vote for you because they do not believe you. This motion shows our community that they were right in not voting for Labor and the Leader of the Opposition in March. Shame on Opposition members! They are hypocrites and the worst of them is the Leader of the Opposition, who is a hollow hypocrite. In his position as leader he has broken his word. Where is the member for Strathfield? We need only ask her what a principled man the Leader of the Opposition is. She was promised the Planning portfolio, only to be done over at the last minute by the Leader of the Opposition. Let us turn to the member for Liverpool, who is in the Chamber. He once said:

People are sick of the blame game—they want their politicians to deliver essential services and resources to their communities.

I agree wholeheartedly, so why over the past couple of days have he and other Opposition members not engaged in a discussion about how to improve the services and resources we provide to the communities we represent? Labor is not going to do the hard work and acknowledge the challenges that our community is facing. It would be remiss of me not to mention the member for Maroubra. When it comes to having no shame, he takes the prize. When he bowed out of the Labor leadership contest last year, he said:

Politics in Australia has been debased by endless negativity over the last few years and those of us in public life need to find a way to restore confidence in public life. The starting point must be a return to the simple concept of respect.

The member for Maroubra knows all about respect and he is a fantastic judge of character—he thanked Joe Tripodi and Eddie Obeid in his inaugural speech. No-one would ever look to those people for guidance on proper process and ethics. They are not Ministers to be indebted to. Before Labor members have the unmitigated gall to point the finger at me without a shred of evidence they should pause to remember their party's putrid history. Labor members have no shame and—as we have seen over the past four days—they have no ideas. As we are running down the parliamentary clock towards Christmas, it has turned nasty. I am wondering why. Could this be the politics of envy? Could this be the politics of division?

Ms Linda Burney: Point of order: My point of order relates to Standing Order 129. It is becoming very clear why the Attorney General did not defend herself. Can the Attorney General put up just one defence?

The SPEAKER: Order! The member for Canterbury will resume her seat. What is the member for Lakemba shouting about?

Mr Jihad Dib: The member for Coffs Harbour was telling the member for Canterbury to sit down.

I thought that was your role.

The SPEAKER: Order! I did not hear what the member for Coffs Harbour said. I know what my job is.

Ms GABRIELLE UPTON: Could it be the politics of envy? I am sure it is not, and it could not be the politics of division. It may well be that this obsession with shares I own is due to the fact that the Leader of the Opposition has spoken to the wrong person or been given the wrong steer. I will give him the benefit of the doubt. I am proud of my record as the first law officer of this State. I have worked hard to deliver reforms that make our communities and our homes safer. I have worked hard to improve access to justice for everyone in our State, and I have worked with my colleagues on the front and back benches to deliver for our communities. That is what the public wants and deserves from its government. Unlike the Leader of the Opposition, I keep my word. I can be trusted. When I say I will do something I do it, unlike Labor members and the Leader of the Opposition.

My colleagues have spoken about the important achievements we have made since we have been in government. It is important for me also to reflect on them because they represent the work of a proud Baird-Grant Government that is focused on the community. Our achievements include: tough new bail laws, supporting a royal commission with a keystone recommendation for a single national redress scheme, the comprehensive review of domestic violence offender sentencing, a commitment to strengthening and streamlining race hate relations, and a boost to funding to increase accessibility to legal services through legal aid. I could go on. But the point I make here, finally and for the last time, is that while Labor is playing gutter politics I will not be distracted from the important work I am doing as the Attorney General in this Government. I will not be bullied by the Leader of the Opposition or the Labor Opposition. *[Time expired.]*

The SPEAKER: Order! The Minister for Regional Development will cease shouting.

Mr Brad Hazzard: Where's Shellharbour? Take a point of order on him.

The SPEAKER: Order! The member for Shellharbour is still in the Chamber.

Mr LUKE FOLEY (Auburn—Leader of the Opposition) [4.50 p.m.], in reply: The Attorney General has now had 17 opportunities to answer the questions that we have put to her, and she continues to deny members answers to those questions.

Mr Brad Hazzard: Point of order: The Leader of the Opposition is misleading the House. The Attorney General laid out very clearly in her first few words that she had complied completely. I ask that the Leader of the Opposition be directed to stop misleading the House.

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

Mr LUKE FOLEY: What do we know? The Attorney General holds 400,000 shares in a company called Real Energy. Real Energy has stated in a report filed with the Australian Stock Exchange its intention to supply the domestic east coast gas market. It stated:

... we believe there is significant demand for our gas. We certainly believe there is enough gas in the Cooper Basin to supply the domestic east coast market ... for many decades into the future.

It is entirely reasonable to ask, given those circumstances—

Mr Alister Henskens: Point of order: This is not a matter for a speech in reply.

The SPEAKER: Order! I would like to hear the point of order. Members will stop ruling on points

of order and stop telling me how to do my job. I will hear the point of order from the member for Ku-ring-gai. Members will cease interjecting.

Mr Alister Henskens: The House agreed to allow the Leader of the Opposition to speak in reply. He is referring to fresh matters that he should have raised in his original speech so that the Attorney General could have an opportunity to respond to those matters.

The SPEAKER: Order! I remind the Leader of the Opposition that the points he raises should be in reply to the debate. However, I will allow him a little latitude.

Mr LUKE FOLEY: I say in response to the matters raised by speakers in the debate that not one Government speaker has gone to the point of whether the Attorney General advised her Cabinet colleagues of her shareholding when matters to do with gas policy came before the Cabinet in which she sits. The conflict of interest provisions of the ministerial code of conduct provide an obligation on each and every Minister of the Crown to make such a declaration when matters in which they have a private interest conflict with their public duties when a matter is on the agenda for deliberation by the Cabinet—whether or not the Minister has previously given notice to the Premier.

We have searched in vain over five sitting days for a defence from the Minister. Is it that she says she was not required to declare it to her Cabinet colleagues? She has not told us whether she did or did not. How could she be more evasive in answering questions about whether she complied with the ministerial code of conduct? The only answers we have are the ones leaked by her Cabinet colleagues to members of the fourth estate and the Labor Opposition. You know you are in trouble when your ministerial colleagues deliver the answers you will not give in the House to journalists and to your political opponents. You know you are in trouble when they have to drag the member for Orange from the back stalls to give a defence because your ministerial colleagues are not prepared to utter a word in your defence.

You know the Minister is in trouble when, last Wednesday and Thursday, those opposite sat there staring at their shoes during every question to, and every answer from, the Attorney General. We know a Minister in trouble when we see one—that is the Attorney General of New South Wales, because she arrogantly refuses to comply with the letter and the spirit of the New South Wales ministerial code of conduct. Have we not come a long way from the promise of higher standards? The first time there is scrutiny of ministerial compliance with the code of conduct—

Mr Brad Hazzard: Point of order: We know who is in trouble—it is Mr Foley.

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

Mr Brad Hazzard: My point of order is under Standing Order No. 67. As was pointed out by the member for Ku-ring-gai, the Leader of the Opposition is required, in reply, to address matters that were raised earlier in the debate. He is not doing that now, and he has been given some latitude. We are over it. He is in trouble. Forget it.

The SPEAKER: Order! Frankly, I cannot hear a word the Leader of the Opposition is saying because of the interjections. I remind the Leader of the Opposition to speak in reply to the debate. However, I am allowing him some latitude in his response. His time has expired.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 30

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

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

Mr Park
Mr Robertson
Ms K. Smith
Ms Washington
Ms Watson
Mr Zangari

Tellers,
Mr Lalich
Mr Warren

Noes, 55

Mr Anderson
Mr Aplin
Mr Ayres
Mr Baird
Mr Barilaro
Ms Berejiklian
Mr Brookes
Mr Conolly
Mr Constance
Mr Coure
Mr Crouch
Mrs Davies
Mr Dominello
Mr Elliott
Mr Evans
Mr Fraser
Mr Gee
Mr George
Ms Goward

Mr Grant
Mr Greenwich
Mr Gulaptis
Mr Hazzard
Mr Henskens
Ms Hodgkinson
Mr Humphries
Mr Johnsen
Mr Kean
Dr Lee
Ms Leong
Mr Marshall
Mr Notley-Smith
Mr O'Dea
Mr Parker
Mrs Pavey
Mr Perrottet
Ms Petinos
Mr Piccoli

Mr Piper
Mr Provest
Mr Roberts
Mr Rowell
Mr Sidoti
Mrs Skinner
Ms T. F. Smith
Mr Speakman
Mr Stokes
Mr Taylor
Mr Toole
Ms Upton
Mr Ward
Mr Williams
Mrs Williams

Tellers,
Mr Bromhead
Mr Patterson

Pairs

Mr Attalla
Ms Catley

Mr Maguire
Mr Tudehope

Question resolved in the negative.

Motion negatived.

BETTING TAX LEGISLATION AMENDMENT BILL 2015

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

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Local Government

Mr MATT KEAN (Hornsby—Parliamentary Secretary) [5.02 p.m.]: My motion should be accorded priority because the delivery of better services and more infrastructure at lower cost by local councils is a priority for every ratepayer in this State. Indeed, improving our libraries, parks and roads should be a priority for every member in this Chamber but, unfortunately, for some these things are not a priority. In fact, some members think the priority should be more perks for local councils with less accountability. Some think their role is to support gravy-trainers and backroom boys in getting elected and using councils to further their political ambitions. Some people want more bogus international fact-finding missions to exotic destinations funded by the ratepayer. Some want more wasteful sister-city relationships with foreign towns nobody has heard of as a priority. Some even want more people like Salim Mehajer on councils. I am sure Mr Assistant-Speaker is interested to know who those people are.

Ms Prue Car: Who are they?

Mr MATT KEAN: The member for Londonderry will be shocked to learn that those people are The Greens. Greens Senator Sarah Hanson-Young was in the Parliament earlier today. Like so many of these so-called progressives, The Greens are interested in anything but progress. They think progress is ripping up roads and laying down cycleways, opposing vaccinations and not wearing deodorant. However, The Greens are not alone in their quest to stand up for those legions of overworked, underpaid general managers around Sydney. In fact, The Greens have joined that great force in Australian politics: the Communist Party of Australia.

How do I know this? The member for Liverpool dropped a flyer inviting people to rally against local government reform organised by the Communist Party of Australia [CPA] Port Jackson branch—"Call Dennis". Who were the guest speakers? They were Mr David Shoebridge, and Hannah Middleton of the Community Party of Australia. The Greens do not have reds under the bed; they have reds in the bed. This Government believes in protecting ratepayers rather than standing up for the overworked and underpaid general managers that The Greens want to defend.

Learning Management and Business Reform Program

Mr CHRIS MINNS (Kogarah) [5.05 p.m.]: I thank the Speaker for her indulgence in allowing me back into the Chamber. My motion deserves to be accorded priority because—

Mrs Melinda Pavey: Point of order: The member for Kogarah should not be here.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I understand that Madam Speaker has allowed the member for Kogarah to return to the Chamber.

Mr CHRIS MINNS: My motion deserves to be accorded priority because we need to get to the bottom of what this Government has done with the Learning Management and Business Reform [LMBR] program, presided over by the Minister for Education. In his report the Auditor-General said that the program was "implemented with known defects", there was "insufficient oversight of contractors", the Government has underestimated costs by not including education department staff time or accommodation, the department is not "adequately managing significant issues" or "complex commercial arrangements", and "it did not consistently meet time, cost and quality requirements".

What a damning verdict on this Government's tenure in the education department. Even worse, mismanagement of the LMBR has meant that money has been ripped out of other parts of the department. Today the Minister for Education said at the dispatch box, "We are selling the farm." Hurlstone Agricultural High School will be sold off so that this Government can plug a hole in the LMBR disaster. It has also been revealed today that The Ponds School, the newest school in New South Wales,

will be opened without the LMBR. The program is so good that it will not be used in the newest school in this State. That is how much confidence the Government has in this information technology program.

It is a damning indictment on the Minister for Education that he refuses to say how much his disaster has cost each and every taxpayer in this State. We could have built 32 schools with the \$1 billion that has been wasted on an information technology program, and the member for Drummoyne, who is at the table, knows it. I am sure he would have loved the \$1 billion that has been wasted by the Treasury bench to be used for other programs in his electorate. My motion deserves to be accorded priority because the Minister for Education will no doubt soon be hitting the Italian countryside on another overseas trip. We need to get to the bottom of the LMBR system today.

Mr John Sidoti: You should be careful.

Mr CHRIS MINNS: The Minister for Education fancies himself as a Lance Armstrong of the cycling world but just like Lance Armstrong he has a lot to hide. We want to know what is going on with the LMBR. Let us do it today.

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

The House divided.

Ayes, 46

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

Noes, 36

Ms Aitchison	Ms Harrison	Mr Parker
Mr Barr	Ms Hay	Mr Piper
Ms Burney	Ms Haylen	Mr Robertson
Ms Car	Mr Hoenig	Ms K. Smith
Mr Chanthivong	Mr Kamper	Ms T. F. Smith
Mr Crakanthorp	Ms Leong	Ms Washington
Mr Daley	Mr Lynch	Ms Watson
Mr Dib	Dr McDermott	Mr Zangari
Ms Doyle	Ms McKay	

Ms Finn
Mr Foley
Mr Greenwich
Mr Harris

Mr Mehan
Ms Mihailuk
Mr Minns
Mr Park

Tellers,
Mr Lulich
Mr Warren

Pairs

Mr Baird
Mr Grant
Mr Maguire

Mr Atalla
Ms Catley
Ms Hornery

Question resolved in the affirmative.

LOCAL GOVERNMENT

Motion Accorded Priority

Mr MATT KEAN (Hornsby—Parliamentary Secretary) [5.16 p.m.]: I move:

That this House:

- (1) Notes the need for New South Wales to have strong and modern councils that deliver more infrastructure, better services, and put downward pressure on rates.
- (2) Supports the Government's efforts to ensure local councils become fit for the future.
- (3) Notes that IPART found that reducing red tape through local government mergers could free up to \$2 billion over the next 20 years for New South Wales ratepayers.
- (4) Notes that the Government has provided significant support and funding to help councils become fit for the future and a significant number of councils that have agreed to merge.
- (5) Calls on the Opposition to put their communities first and join with the Government in supporting local government reform.

The Government has been consulting councils and the community for four years. The Independent Pricing and Regulatory Tribunal [IPART] report into the health of councils across New South Wales has found almost two-thirds of councils, or 87 of the 144 assessed, are not fit for the future. In Sydney 71 per cent of councils are not fit. IPART found that the community would benefit by almost \$2 billion over the next 20 years from mergers, yet some councils have decided to stand alone when they are unfit to do so. This process has confirmed that the system of local government is not working as well as it should be. IPART provided evidence that the New South Wales community could benefit from a \$2 billion windfall to invest in better services, more infrastructure or lower rates if councils do the right thing by their communities and agree to merge.

IPART's evidence is based on the business cases that the councils themselves have prepared. The savings are as follows: Greater Sydney, \$416 million; Inner West, \$398 million; North Shore, \$280 million; and Greater Parramatta, \$254 million. The New South Wales Government has given councils the opportunity to undertake a 30-day consultation process. This will inform the Government's position on local government reform and its response to IPART's findings. For many councils this is a final opportunity to do the right thing by their communities and ensure they can better deliver the services and

infrastructure that communities deserve now and into the future.

It is encouraging that, since the release of the IPART report, many councils have responded positively to the opportunity for final consultation and have opened discussions with their neighbours and the Government on the benefits of merging. Councils in New England, the Riverina, the northern rivers region, the Central West, the Central Coast, the Hunter and across Sydney have reopened discussions, identifying the benefits of merging and identifying key community infrastructure projects, such as roads, swimming pools and bike paths that have been previously out of their individual reach. Marrickville Council released a report showing that a merger with Leichardt and Ashfield would give that community a \$100 million windfall. That money can be ploughed straight back into the services and infrastructure that communities need and deserve.

A large section of the New South Wales community continues to show support for local government reform. A recent NewsLocal online poll found that two-thirds of respondents agreed that Sydney has too many councils. The closing date for councils to nominate their merger preferences is today, at midnight. A significant number of councils have nominated to merge. Gosford and Wyong have agreed to merge. Newcastle wants to merge with Port Stephens. Ashfield, Marrickville and Leichardt have agreed to merge. Councils in the St George area have agreed to merge. Twenty councils in Sydney have agreed to merge. Each of these councils has signed up for a role in shaping a new council for the benefit of their respective local communities. They have put self-interest aside so their communities can benefit from significant government funding and savings from reducing duplication, waste and red tape. These councils have signed up for their communities to have better services, more infrastructure and lower rates.

The Government is committed to ensuring that communities see the benefits of long-overdue reform. After four years of research, analysis, consultation and collaboration, it is time to make a long overdue change to the outdated boundaries of local government. This Government will not be deterred by the protests of councils acting in their own self-interest. Communities deserve better. It is disappointing that members in this place do not believe local government should be delivering more services and better infrastructure at a lower cost to ratepayers. Everyone in this Chamber should support that. It is disappointing that members in this place support gravy trains and backroom boys and girls getting elected to councils, which they then use to further their political ambitions. It is disappointing that people in this Chamber want more bogus international fact-finding missions to exotic destinations, funded by ratepayers.

Ms Tania Mihailuk: Who are you talking about? Are you talking about Hornsby council?

Mr MATT KEAN: I am talking about my friends in The Greens who have been railing against this with their friends from the Communist Party.

Dr Hugh McDermott: Hornsby councillors too.

Mr MATT KEAN: I say in response to the comment of the member for Prospect relating to Hornsby Shire Council that Mayor Russell has turned the budget around—a \$21 million turnaround. It is the first time in over 10 years that the council has been in the black. Under the previous mayor, flights to Fiji were provided for the pool manager and there were rate increases. But Mayor Russell has shown what can be done when a council has a good administration delivering for its community. That is why Hornsby Shire Council is putting its hand up; it is putting residents first. All members in this place should support councils delivering better services and infrastructure at a lower cost. Labor has an opportunity to join the Government in delivering for communities and putting residents first, as opposed to The Greens and the Communist Party, who want to put sectional interests first.

Ms TANIA MIHAILUK (Bankstown) [5.21 p.m.]: I am delighted to contribute in debate on the motion accorded priority. I have something to say about local government. Because of what transpired in

the past few weeks it is interesting that despite—

Mr John Sidoti: "A couple of years," you mean.

Ms TANIA MIHAILUK: Let us talk about the past few weeks. In question time the Minister for Local Government referred to a conga line of people visiting him. Let us talk about the number of councils that have visited the Minister—

Mr Matt Kean: Bankstown council wants to merge.

Ms TANIA MIHAILUK: —including Bankstown council. A number of councils turned up to the Minister's office to hear him effectively say at 5 o'clock on Monday that despite what the Independent Pricing and Regulatory Tribunal [IPART] has determined—in Bankstown's case IPART deemed Bankstown council as fit for the future—Bankstown council would be sacked if it does not put forward a merging option. The Minister did not put that in writing but he was happy to say that behind closed doors. But let me talk about the conga line of people visiting the Minister. Some of those people included the member for Oatley. We already know that Minister Stokes has been visiting the Minister for Local Government to put his position regarding his council areas—or maybe he is doing that behind the Minister's back.

Let me be clear about one issue. The Attorney General made it clear that she has been dealing with the Minister, but the member for Oatley has been wheeling and dealing in the backrooms. I know that and everybody in this place knows that. He is blushing now because even though the community of Canterbury wanted to amalgamate with Hurstville, he has been wheeling and dealing and he has done everything he possibly can to save himself in Oatley and to ensure that Hurstville rejects any opportunity to amalgamate with Canterbury.

The member for Oatley should not talk about community interest because he could not care less about it; he cares more about his political hide. From day one when he entered this Parliament he has been wheeling and dealing in Oatley. I know exactly what he has been doing and I am happy to tell the House more. Let us watch what the Minister does, because one thing that Opposition members and I will not accept is members from both parties—not just Liberal councillors—sitting down and doing backroom deals, as that is how many of these negotiations are taking place. No doubt a whole range of backroom deals have been done at these meetings between a great many unusual people. Some of the meetings I have heard about do not include only councillors.

For some reason other people who have an interest in councils have also turned up to these meetings. I am concerned as this process should be open and transparent. No doubt the process that this Government has gone through has encouraged some of the worst backroom deals I have ever seen. This Government ignored the upper House inquiry relating to putting caps on political donations at the next local government elections. The Premier in particular has been quiet in relation to stopping real estate agents and property developers from running again for local government. The real issue here is that property developers are having a say in some of our councils—and there is no doubt that includes Hurstville council in the electorate of the member for Oatley.

Mrs Melinda Pavey: Point of order: I have a headache. I ask the member for Bankstown to lower her voice.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! The member's time for speaking has expired. I call the member for Terrigal and ask him to keep his tone down a tad.

Mr ADAM CROUCH (Terrigal) [5.26 p.m.]: I am happy to lower the tone of debate to a normal and sensible level. Four years of research, consultation and independent review have provided overwhelming evidence that New South Wales councils need a fresh start. I have heard comments about

backroom deals being done. I have had the pleasure of working with the Minister for Local Government and his fantastic staff over a number of weeks now. I heard the member for Hornsby mention Gosford and Wyong. This is a classic example of where the Independent Pricing and Regulatory Tribunal [IPART] indicated to the people of the Central Coast what we had all known for decades—that the people of the Central Coast would be much better off with a regional council representing them.

I am happy to say that I met with the Minister, along with members from Wyong and Gosford councils. They were happy to sit down with the Minister to get the facts on the table and to work out what needed to be done. Interestingly, Gosford council, which had been resisting this whole process, after meeting with the Minister on Tuesday night in conjunction with Wyong council, voted seven to three in favour of amalgamation, which is a fantastic result for the people of the Central Coast. I can name the three dissenters in the room. Members will not be surprised to hear that the only members who did not want to acknowledge that the people on the Central Coast and ratepayers needed protecting were the two Labor members and The Greens member. They obviously did not get the memorandum that had gone to other Labor mayors who realised this was a much better option for people in their community.

Mr Mark Coure: And learnt to do the conga.

Mr ADAM CROUCH: And learnt to do the conga. People on the Central Coast are overwhelmingly endorsing amalgamation for Gosford and Wyong councils. Wyong council immediately supported amalgamation because it knows that that is the right thing to do for the community and for ratepayers. Yet again, the only people on the council who voted against taking the Central Coast forward were the four Labor councillors in Wyong. This demonstrates a pattern of behaviour where councillors are merely looking after themselves and not caring about the 300,000 or more people on the Central Coast who need representation. This should not be about private agendas; it should be about doing the right thing.

I am thrilled to say that throughout these consultations I had the privilege of working with the Minister and his staff who took a mature and adult approach, which is what this is all about. IPART's findings were clear and concise. I am pleased that both Wyong and Gosford councils behaved in a similar manner. I urge other councils across New South Wales to do what is right for their ratepayers, just as the Minister did in question time. I am pleased that the Central Coast is taking a lead on this reform. I look forward to other councils working in the same cohesive and productive way. I hope that they put forward their submissions by this afternoon.

Dr HUGH McDERMOTT (Prospect) [5.29 p.m.]: Only one thing is more ridiculous than this motion—that is the moustache on the face of the member for Hornsby.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I remind the member for Prospect that personal attacks on other members are not allowed under the standing orders. If he wishes to attack the member for Hornsby he should do so under Standing Order 73.

Mr John Sidoti: I ask him to withdraw that comment as it is unparliamentary.

Dr HUGH McDERMOTT: I withdraw the comment.

Mr Matt Kean: The member is in order making that comment.

Dr HUGH McDERMOTT: Why does the Government want to destroy good councils? Certain councils have underperformed and need reform but we do not need to force reform on good functioning councils. There are divisions within the Government over this policy. The Attorney General says one thing while others say something different. I love the statement by the Minister on 23 April 2014—members have heard it but I will repeat it—when he said:

The government has said there will be no forced amalgamations and I aim to honour that, but there are some councils who have already indicated they want to take up voluntary amalgamations—

good luck to them—

with support from the state government to work through the process.

That is good if they want to do it but I want a commitment from the Government that there will be no forced amalgamations. The Government will not do that. It says one thing but it does the opposite. Government members know full well that the majority of ratepayers are against amalgamation. It is one of the worst policies the Government has come up with.

Mr Matt Kean: No, that's not true.

Dr HUGH McDERMOTT: Yes, it is, mate, and you know that. Ratepayers are against amalgamation. In Western Sydney the vast majority of councils oppose this, as they should because they have well-functioning councils that look after their ratepayers. They support their local communities and often help the most vulnerable in their communities. The Government is seeking to push them into becoming megalithic councils. So much for the great Liberal Party promoting decentralisation and local government; it is seeking to create mammoth councils. What a joke. Such councils will not look after ratepayers. Government members should be ashamed of themselves. It will not work.

Mr MATT KEAN (Hornsby—Parliamentary Secretary) [5.32 p.m.]: If ever there were examples of why local government reform is needed, it is the example of Councillor George Barcha of Fairfield City Council who has just been suspended from the Labor Party for six months for serious misconduct. The member for Prospect is defending his great mate, an enemy of Chris Bowen. That is why he does not want local government reform. He does not want us to break up his personal little fiefdom.

Dr Hugh McDermott: Point of order: What allegation is the member for Hornsby trying to make against me?

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! What is the member's point of order?

Mr MATT KEAN: The allegation is that when self-interest is in the field, always put money on the self-interest. It is no different from the member for Bankstown. We all know that the member for Bankstown does not want to see a merger between Bankstown and Canterbury councils because she will lose her numbers; she will lose control. If ever there is an example of a dysfunctional council it is Bankstown City Council. It had more general managers when the member for Bankstown was mayor than I have had hot breakfasts.

Ms Tania Mihailuk: Point of order: I can tell the member why I am concerned about what is happening in Bankstown.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! What is the member's point of order?

Ms Tania Mihailuk: I do not want property developers taking over our council.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! The member for Bankstown will resume her seat. If the member makes another interruption like that I will throw the member out.

Mr MATT KEAN: I will quote from a great Labor luminary, who said:

I suspect some councillors and senior staff have rejected voluntary amalgamations in the past

because they are more concerned about maintaining their own seat on council rather than providing ratepayers with quality, efficient and cost-effective services.

That was not a Liberal member; that was the former Minister for Local Government, Harry Woods. Labor's record on local government reform is there for all to see. When Bob Carr was elected in March 2003 Labor abandoned its long-held policy of no forced amalgamations. Within one year council mergers were imposed across the State.

Ms Tania Mihailuk: Point of order: The member is introducing new material into the debate when he is required to reply to the motion accorded priority.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I hear the point of order. The member will resume her seat.

Mr MATT KEAN: Hypocrisy by name is Labor. Councils under Labor were reduced from 177 to 152, with 22 new entities created. Labor has undertaken local government reform. It overturned its position on no forced amalgamations. We will not be lectured to by the Labor Party.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 47

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

Noes, 35

Ms Aitchison	Ms Harrison	Mr Park
Mr Barr	Ms Hay	Mr Parker
Ms Burney	Ms Haylen	Mr Piper
Ms Car	Mr Hoenig	Mr Robertson
Mr Chanthivong	Mr Kamper	Ms K. Smith
Mr Crakanthorp	Ms Leong	Ms T. F. Smith
Mr Dib	Mr Lynch	Ms Washington
Ms Doyle	Dr McDermott	Ms Watson

Ms Finn
Mr Foley
Mr Greenwich
Mr Harris

Ms McKay
Mr Mehan
Ms Mihailuk
Mr Minns

Mr Zangari
Tellers,
Mr Lalich
Mr Warren

Pairs

Mr Maguire
Mr Marshall
Mr Roberts
Mrs Williams

Mr Atalla
Ms Catley
Mr Daley
Ms Hornery

Question resolved in the affirmative.

Motion agreed to.

DATA SHARING (GOVERNMENT SECTOR) BILL 2015

Second Reading

Debate resumed from an earlier hour.

Ms JO HAYLEN (Summer Hill) [5.44 p.m.]: The Data Sharing (Government Sector) Bill 2015 seeks to legislate for data sharing between government agencies and the Data Analytics Centre [DAC], and to provide safeguards around the collection, retention and disposal of data. Each time we interact with government departments or agencies, our data is collected and stored. As citizens, we understand this is necessary for the better working of government, but also know that our data is valuable and must be treated with care and respect. We are willing to allow our personal information to be used and shared, but only with the assurance that our privacy will be protected. As government agencies become more interconnected, there is a case for the data they collect to be shared so as to improve how government functions.

Data sharing improves efficiency, allowing the Data Analytics Centre to access data from across government to better assist citizens as they interact with multiple departments and agencies. Data sharing also provides an opportunity to promote evidence-based policy that ensures our limited resources are put to best use. Despite the case for data sharing, there is currently no legislative framework for how that occurs and that represents a real problem. Creating a legislative framework is important because it clearly spells out the limits of how our personal data is used and provides for greater transparency and accountability because when it comes to our data, protecting transparency and accountability is key. For those reasons, I share the concern of my colleagues that this bill appears to have been hastily cobbled together, with little public consultation, nor adequate time for parliamentary scrutiny.

There has been confusion as to which agencies data can be provided to. Will the Data Analytics Centre only have access to information, or will government agencies be able to share data amongst themselves? Nor has there been adequate detail on how the bill would work in practice, particularly with respect to data matching across agencies. While I understand the need for the bill, clearly we would all benefit from its proper assessment and scrutiny. I am most concerned that under the current provisions, the bill will not be reviewed for another five years, which is simply too long for any bill dealing with technology. First, significant technological advances in the next five years will render the bill largely obsolete. Secondly, regularly reviewing laws pertaining to government use of data ensures there is appropriate and rigorous scrutiny of how the legislation works in practice. It is the best way to ensure our

data is used properly and securely, and treated with the care and deference it deserves. I am proud that a future Labor Government would review Australia's contentious metadata retention laws.

The metadata laws were introduced by the Abbott Government and require internet service providers to store our metadata for two years. The laws also allowed a series of Commonwealth government agencies to access that metadata without a warrant. The metadata laws do not strike the right balance between protecting Australians and protecting the right to privacy of Australians. I am proud that a future Labor Government federally would indeed review them. Our lives are increasingly mediated by smartphones and digital technology. We each have a digital life that must be protected. Our metadata, when aggregated, records and reveals much of our lives. Any provision by government to store and access that information must be properly subject to the rule of law and, at a minimum, government agencies must be made to hold a warrant to access it.

The community is rightly concerned about any measure that hands over the keys of their data to governments. Our right to privacy is not a natural right; it was hard fought and won, and a right that our governments have a duty to uphold. We are only beginning to understand the full extent of our digital lives, and the potential implications and vulnerabilities of storing so much of ourselves online. While citizens understand that personal data will be collected and used by government agencies, we must ensure that this data is protected and shared only when necessary. A legislative framework is a first step in achieving that goal, but so too is demanding a regular review of the legislation to ensure its proper practical use. For this reason, I support the amendment flagged by the shadow Minister to require a review two years after proclamation by both the Auditor-General and the Information and Privacy Commissioner. I commend the bill to the House.

Mr CLAYTON BARR (Cessnock) [5.49 p.m.]: It gives me great pleasure to make a contribution to debate on the Data Sharing (Government Sector) Bill 2015. Earlier I had the opportunity to talk with the Minister. He and I agree that in spite of the low numbers of members who will speak in this debate the bill is one of the most significant pieces of legislation to come before the House this term and possibly in my career. I do not make that statement lightly. Data is an incredible new frontier and a new commodity that we can only begin to imagine. Getting our handling of it right is tremendously important. I applaud the Minister for his work and acknowledge the high quality of his second reading speech. He outlined in detail why the bill is required, what it intends to achieve and how we will move forward. The bill is only 10 pages long, but it is an incredibly significant piece of legislation.

A couple of months ago we were made aware that a bill like this would come before the House. That sent me on a fact-finding mission to talk to people about the concept of data and data analytics. I am in equal parts excited and frightened. The ways in which people can harvest information to better understand who we are as consumers, what we are doing today and what we will most likely be doing tomorrow is incredible. I have attended a number of speeches by demographers and futurists. It blows my mind that the next generation of smartphones will not need a passcode or thumbprint because they will know who is using the phone by the way a person is holding it. I am also amazed that in future our gait will be used as a security measure to determine our identity. We can already access our bank accounts via the phone with a thumbprint. That brings me in a roundabout way to the question of privacy, which the Minister spoke about in great detail and was spot on in what he said.

The biggest concern for politicians is that our concept of privacy today will be obsolete tomorrow. Because of our ability to crunch data and farm lots of pieces of information to a central point we no longer need to exchange our name, address and age. That type of information has become somewhat irrelevant. When they know that a person of my age recently made a purchase, registered for this, got a new licence for that, recently changed jobs and posted a certain thing on Facebook they will know it is me. They do not need my name; they know who I am. They know how they are going to send me a marketing email and what time I will be online to receive it. They know what day of the week I will get paid. They know all of that.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! One thing the member for Cessnock does not know is that the member for Clarence, who has entered the Chamber, is today celebrating four years in this Parliament, which is a full term. I congratulate the member for Clarence.

Mr CLAYTON BARR: He got there a little bit slower than the rest of us.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): He did. He was elected in a by-election. I apologise for interrupting the member for Cessnock.

Mr CLAYTON BARR: I was getting a bit carried away, Mr Assistant-Speaker. It is great that you gave me an opportunity to pause. I said earlier that I am equally excited and scared about this new frontier. It is also important to note that data is a commodity in its infancy. It was not a commodity three or four years ago and it was not even thought about 10 or 20 years ago. In the past we ensured that potable water and coal were available commodities. In the future data will be a commodity and it will be incredibly valuable. To demonstrate that we only need look at the value of Facebook, which is essentially made up of data and information, versus the value of General Motors, which makes physical things in factories. One entity is worth \$200 million and the other one is worth \$20 million. I will let members guess which one is which.

Labor will move an amendment to the bill in this House, as it did in the upper House. The amendment is sensible and relates to timing. The bill provides a legislative requirement to review the Act after five years. As the member for Summer Hill and the member for Fairfield said, in data and technology five years is an extremely long time. We think we should review the operation of the Act every two years. We should take a bipartisan approach to this matter. As Labor members we cannot sit back and not get on board. We are absolutely on board. We understand that data is the future and that we need to be part of the game.

We must take a bipartisan approach to data management because as parliamentarians we will need to be agile and nimble to respond to the new frontiers that will come at us faster than we can imagine. My concern is that waiting five years before we review this legislation will be too long. In his contribution the Minister made the point that gathering information is not the problem, sharing information is the challenge. To that end I appreciate the provisions in the bill relating to privacy. However, as members of Parliament we must understand that what we regard as needing to be kept private today will be completely irrelevant tomorrow. We can like it or not, but that is the future.

We face a great challenge around our privacy, because it will become literally impossible to protect. That is not a judgement on the bill; it is a reality. The question will be: What consequences will flow to people who seek to improperly use our identity for purposes such as to provide inappropriate marketing, et cetera? That is the question we must consider. I can look up my name online and find out the names of my children and my address, and everything about my life. My privacy disappeared a long time ago not because I am a member of Parliament but because I am online. Any person who is on Facebook, Twitter or Instagram gave up their privacy a long time ago. We can already break down their information to know what they do, and where and how they do it. It is incredibly exciting and scary.

We must bear in mind that to interact with government departments people have to provide all of their information. That includes enrolling in school, going to hospital, submitting a tax assessment and buying a block of land. The Government has to be a little bit careful because its departments put people in a situation in which they must give their information whereas on Facebook and other services people can opt in or out of giving their information. The concept of privacy is behind us, but we must figure out how to control, manage and preserve what parts we can and impose punishments on people who breach the rules. I only wish that more members realised the importance of this bill and would make a contribution to this debate.

Ms TAMARA SMITH (Ballina) [5.59 p.m.]: I speak in debate on the Data Sharing (Government

Sector) Bill 2015. The Greens do not oppose this bill, but we do have some reservations about some of its provisions. I congratulate the Minister on what is, by anyone's assessment, twenty-first century governance. This bill is about sharing data between agencies and departments. When I worked for the Department of Education some years ago, I remember legislation being introduced that allowed school principals to share data basically between caseworkers and schools. It was a huge step forward, because it meant that young people who were doing geographicals and leaving different schools because of family trauma were able to be supported in a holistic way. I note that at the beginning of his speech the Minister said that this is really what this about—the potential for good governance.

My colleagues in the other place moved amendments to attempt to address some of our concerns. Whilst policy and decision-making that rely on evidence and accurate data analysis is best practice, the potential impact of big data without further privacy safeguards leaves the door open to the abuse of power. I certainly am not being a conspiracy theorist here. We do feel that this will enable government to develop better policy, because, as I mentioned, evidence-based data and sharing knowledge around case management is the way to go. This bill will enable government sector agencies to agree to share data with the Data Analytics Centre [DAC] or with other government sector agencies.

The Data Analytic Centre already exists in the Department of Finance, Services and Innovation as a centre for the collection of data and for expertise in the analysis of that data. The bill also enables the Minister to give directions under certain circumstances to require government sector agencies to share data with the DAC, and it enables the Minister to obtain information from the DAC for government sector agencies about the kinds of datasets they control. The bill requires certain safeguards around the use of data and data sharing with which the DAC and other government sector agencies must comply. The Greens have confidence that the Government and the Minister will adhere to those protocols.

I am persuaded by the arguments of some of the Opposition speakers, in particular the member for Summer Hill, who referred to the five-year period until review. It is something for which we will have to just watch that space. A government that is better able to make decisions grounded in evidence and statistical analysis is a government in step with the expectations of contemporary society in terms of governance and decision-making. Gathering data—particularly cross-agency, cross-portfolio and cross-sector data—and the alignment of that data to produce conclusions that are relevant to the entire Government is central to best practice governance. To that extent, the sharing and analysis of data is critical to achieving the best possible outcomes for the people of New South Wales and we welcome it. It would be a misstep, however, to be complacent about the aggregation of large datasets or what is termed "big data" and the potential for corruption and misuse. As my colleague Dr John Kaye in the other place noted:

The larger the dataset the more attractive a target it becomes as a source of crime—

And therefore the greater the potential for misuse by the owner of the dataset who may seek to undermine the autonomy of an individual. The Greens look forward to seeing amendments that strengthen the security of that big data at some point down the track. The big datasets with which this legislation deals, and that are to be held and stored by the DAC bring with them a new level of risk of the abuse of power. Protection of a dataset should be proportional to the risk. In this case the protection of personal, health and other information held within a dataset should be proportional to the size of the risk. The Greens view the concomitant responsibility of this legislation as the need for privacy protection and a new regime to protect these datasets from abuse. Big data should be used for public benefit; it should not be used for private benefit.

The Greens are concerned and want to ensure that these large datasets are never turned against the public. Whilst this bill gives government a rich dataset from which to respond to people's needs and develop policy that is grounded in evidence, we do not believe that the current legislative standard is adequate to deal with the problems that big datasets will create. We supported the move by Labor in the upper House to send the bill to a committee inquiry. All of our amendments in the upper House were

supported by Labor, but not by the crossbenchers or Government members. The Greens support the amendment coming from the other place, and moved by the Shooters and Fishers Party, which was the same as one of ours. This amendment sought to insert a clause which read:

- (3) If a data recipient is provided with Government sector data that contains health information or personal information, the data recipient is to ensure that the data is made anonymous unless:
 - (a) to do so would defeat the purpose for which the data is transferred to the data recipient, and
 - (b) the data is protected by a privacy code of practice or public interest direction under the privacy legislation.

We commend the bill, but we urge the Minister to take on board our concerns.

Mr VICTOR DOMINELLO (Ryde—Minister for Innovation and Better Regulation) [6.05 p.m.], in reply: As members have heard, the Government is committed to making the best use of its investment in data. The Data Sharing (Government Sector) Bill 2015 signals the commitment of the New South Wales Government to use data and analytics to transform the way we operate as a Government, to deliver better services and to provide evidence for policy decisions. I thank members representing the electorates of Fairfield, Wollondilly, Summer Hill, Cessnock and Ballina who made a contribution to this debate. I particularly point out the valuable contribution of the member for Cessnock, who has obviously done some work around this. Like him, I am very excited about the prospect of what this legislation will bring. Like him, I do not think many people realise that this is an historic occasion.

The reality is that we could go to any parliament anywhere around the world and we would not find a government challenging data sharing as we are challenging it right here. That is exciting, because the breakthrough this will have in decades to come will be enormous. It all begins with this moment here and now in the New South Wales Parliament. I have no doubt that other jurisdictions, both in this country and around the world, are looking at what we are doing and will follow suit. So this is an historic occasion, and I agree that this is probably one of the most important pieces of legislation that I will see go through this Chamber in my lifetime as a member of Parliament and indeed as a Minister.

I will comment briefly on issues raised by certain members during this debate. A concern was raised about a lack of community consultation. For the benefit of those opposite, the bill does not provide New South Wales Government agencies with any additional powers to do anything that they were previously unable to do. The bill simply provides the ability for agencies to share data in a more efficient and coordinated manner. In terms of consultation, the reform is supported by major industry stakeholders and representative bodies, including the Australian Computer Society [ACS] and the Australian Information Industry Association [AIIA]. It is also supported by upstanding leaders in our society who represent a range of public interests, including the New South Wales Privacy Commissioner, the Information Commissioner, the Customer Services Commissioner, the New South Wales Ombudsman, and the New South Wales Chief Scientist and Engineer.

Another concern raised was that the bill gives unfettered discretion to agencies to share data with each other, and that we will not be able to ensure the protection of privacy when information is held by different agencies. The bill facilitates the existing ability of agencies to share data as a resource that supports good Government policy making, program management, and service planning and delivery. The data sharing between agencies that the bill supports maintains the protection of personal information in accordance with the existing legislative regime in relation to privacy. Any disclosure of personal information between government agencies must continue to be undertaken according to public interest directions or codes of practice. This bill does not increase the risk of personal information being unlawfully disclosed.

A third concern raised throughout the course of the debate was a failure to incorporate provisions to anonymise and de-identify data, and that there may be no safeguards to protect against potential re-identification. Under current codes of practice or public interest directions, personal information may be exchanged by agencies with appropriate safeguards. Sometimes this information does identify individuals when deemed to be in the public interest and sometimes data is aggregated or de-identified to remove personal characteristics that would identify or reasonably identify an individual. It is dependent on the context and, as I mentioned, the public interest in doing so. The practice of de-identification can be achieved in a number of ways. The DAC is committed to investigating and adopting the most robust methodologies for de-identification to minimise the risk of re-identification of data. It should be noted that the provision of personally identified data to the DAC must be undertaken according to a public interest direction or code of practice, and such an authority may specify that the data must be de-identified prior to disclosure, in line with the existing privacy framework.

Concern was raised about the potential for the sale of data or information to the private sector. The bill operates within existing safeguards for government sector data, including privacy protections and the State Records Act 1998. Under section 21 of the State Records Act, a person must not transfer or offer to transfer or be a party to arrangements for the transfer of the possession or ownership of a State record and government sector data falls within the definition of a "State record". There is a penalty of up to 50 penalty units, or \$5,500, for unauthorised transfer and this penalty could be applied per record. The State Records Act also provides for the protection and legal recovery of any government sector data that has been subject to unauthorised transfer. The next concern was that I had failed to outline how the data is to be used. The bill includes a definition of the "data analytics work" that will be performed by the DAC, and I quote:

The examination and analysis of data for the purpose of drawing conclusions about that data (including, for example, conclusions about the efficacy of government policies, program management or service planning and delivery by government sector agencies).

Given that privacy and technology change so rapidly, it was suggested that a review should be undertaken within two years. Clause 20 of the bill sets out that the Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives. The review is to be undertaken as soon as possible after a period of five years from the date of assent of the Act. A report on the outcome of the review will be tabled in each House of Parliament within 12 months after the end of the period of five years. The bill does not rely on technology-specific functions. Its objectives are technology agnostic and will withstand any changes in this area beyond the five-year review timetable. I note that any issue concerning privacy—and they are valid issues—should be viewed in the context of the existing privacy legislation. Statutory reviews are undertaken in relation to privacy legislation. That is where we should be having this discussion, not in this bill. This bill is about sharing; it is not about privacy.

In conclusion, New South Wales government departments and agencies currently have the ability to collect and retain data provided by the people of New South Wales. This bill establishes a more efficient framework for the sharing of that data with other departments or agencies to inform more efficient, strategic decision-making. The DAC will establish and maintain a public register of data assets—description only, not actual content—as well as a register of data sharing arrangements. These resources will assist data sharing between government sector agencies to support existing cross-cluster data sharing and agency data analytics activities outside the DAC's core projects. Without this bill the siloed approach to data management is a hindrance to whole-of-government evidence-based decision-making and to the delivery of services that the people of New South Wales deserve in return for providing us with their information. The Data Sharing (Government Sector) Bill 2015 is an important marker, signalling that New South Wales is ready to embrace the power of shared data. 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.

Consideration in detail requested by Mr Guy Zangari.

Consideration in Detail

TEMPORARY SPEAKER (Mr Lee Evans): By leave, I will propose the bill in groups of clauses and schedules.

Mr GUY ZANGARI (Fairfield) [6.14 p.m.]: I move Opposition amendment No. 1 on sheet C2015-15A:

No. 1 Review of Act

Page 9, Part 4, clause 20. Insert after line 26:

20 Separate reviews of Act by Auditor-General, Information Commissioner and Privacy Commissioner

- (1) The Auditor-General, the Information Commissioner and the Privacy Commissioner are each to review the operation of the Act separately and report to the Minister on the outcome of their reviews.
- (2) Each such review is to be undertaken as soon as possible after the period of 2 years from the date of assent to this Act.
- (3) The reports on the outcome of the reviews by the Auditor-General, the Information Commissioner and the Privacy Commissioner are to be tabled in each House of Parliament within 12 months after the period of 2 years.

Question—That Opposition amendment No. 1 [C2015-15A] be agreed to—put.

The House divided.

Ayes, 35

Ms Aitchison
Mr Barr
Ms Burney
Ms Car
Mr Chanthivong
Mr Crakanthorp
Mr Dib
Ms Doyle
Ms Finn
Mr Foley
Mr Greenwich
Mr Harris

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

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

Noes, 49

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

Pairs

Mr Atalla	Mr Maguire
Ms Catley	Mr Tudehope
Mr Daley	Mrs Williams

Question resolved in the negative.

Opposition amendment No. 1 [C2015-15A] negatived.

Clauses 1 to 20 agreed to.

Schedule 1 agreed to.

Consideration in detail concluded.

Third Reading

Motion by Mr Victor Dominello agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Council without amendment.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO. 2) 2015

Second Reading

Debate resumed from an earlier hour.

Mr GREG PIPER (Lake Macquarie) [6.25 p.m.]: I contribute to debate on the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2015. This bill is part of a longstanding parliamentary process. It is a housekeeping bill that tidies up aspects of several Acts that have come to the attention of the Government over time. For example, page 5 of the bill deals with Act No. 38 of 1994, the Fisheries Management Act. Item [1] of schedule 1.6 of the bill states:

Schedule 4 Endangered species, populations and ecological communities

Insert an asterisk before "*Posidonia australis*" (appearing under the heading Marine vegetation) in Part 2.

Posidonia australis is one of the great seagrasses of Australia, which is found off coastal New South Wales. In schedule 4, part 4, of the Fisheries Management Act 1994 the bill inserts an asterisk before *Vanvoorstia bennettiana*, appearing under the heading "Marine vegetation". Likewise, the bill inserts an asterisk before *Bidyanus bidyanus* and *Epinephelus daemeli*. Learned members would be well aware of those species. Schedule 1.7, also on page 5, makes a change to the Health Care Complaints Act 1993. It says:

[1] Part 2, Division 5, note

Omit "unregistered". Insert instead "non-registered".

I will jump ahead, for the sake of brevity. Schedule 1.9, on page 6, proposes changes to the Mental Health Act 2007, Act No. 8 of 2007. I do not want to make light of that Act. Item [2] of schedule 1.9 states:

[2] Section 127 Certain private health facilities to be licensed

Omit "private hospital within the meaning of the *Private Hospitals and Day Procedure Centres Act 1988*" and "the hospital".

Insert instead "private health facility within the meaning of the *Private Health Facilities Act 2007*" and "the private health facility", respectively.

It goes on and on. I note that the bill contains very minor housekeeping provisions. No doubt it is important to tidy up legislation. From time to time the Government makes mistakes in the drafting of legislation that need to be tidied up. Mistakes may not be noticed in the short term. They might be noticed by legal practitioners, brought to the attention of the Government and corrected. I turn to page 8 of the bill and schedule 1.13. The heading is "Sydney Cricket and Sports Ground Act 1978 No 72". I have had scant discussion with the Government about this. Members in the Legislative Council and in this House who have considered this legislation seem to have missed this part of the bill. In a bill that deals with relatively minor amendments to a raft of legislation, this schedule seems anomalous. It states:

Schedule 4 Savings, transitional and other provisions

Insert at the end of the Schedule with appropriate Part and clause numbering:

**Part Leases and licences to Australian Rugby Union
Limited and University of Technology Sydney**

This is a very significant departure from the tone of the rest of the legislation. The bill deals with the ability for the Sydney Cricket and Sports Ground Trust to provide a further lease of up to 75 years to the Australian Rugby Union to construct a building on part of the car park. I acknowledge the Minister for

Sport, whom I have discussed this matter with—not the Attorney General, who has carriage of this legislation—but I believe Cabinet, including perhaps the Attorney General, should have asked some questions about the appropriateness of this particular inclusion in the bill. I thank the Minister for Sport for the information he provided to me earlier. I listened to earlier contributions by the member for Sydney, the member for Newtown and the member for Heffron, who was rightly indignant that although this land is within his electorate he had received no briefing on this proposal. However, I understand that there may have been some oversight in Opposition processes and that the matter was brought to the attention of the Opposition but, unfortunately, the member for Heffron was not a beneficiary of the information.

A short time ago the Minister showed me the mapping. The actual percentage of space lost within the precinct is relatively minor when one considers what is being provided for the Australian Rugby Union. I say straight up that I support the Australian Rugby Union and I would love to see it have a new home within that area generally. I have not had the benefit of a detailed briefing on this matter or a discussion about the merits one way or the other, but to include such a substantial matter within a bill such as this when clearly it warrants its own dedicated piece of legislation does no credit to the Government. I believe there was some discussion about whether an amendment could be made to excise this proposal from the legislation and that the member for Sydney may move such an amendment.

I am not here to attack the Government on every piece of legislation it puts through this place. I acknowledge that it is a complex business running the State of New South Wales, but I believe it is an abuse of process to insert a significant matter into a bill that deals with relatively minor issues. While the general public may ultimately be supportive of the suggestion that the car park land at the Sydney Cricket Ground be made available to the Australian Rugby Union and the University of Technology Sydney, I am sure they do not know about it. It is a real concern for a proposal like this to be bundled into such a bill that deals with relatively minor matters. On that basis, I hope that the Government will see its way to support the amendment foreshadowed by the member for Sydney. I certainly will be. I cannot say I am overly hopeful, but I hope that the Government understands this is not the appropriate legislation to deal with the use of this site.

ACTING-SPEAKER (Mr Lee Evans): I welcome to the public gallery members of the Panthers on the Prowl Kokoda Leadership Project: Brad Waugh, General Manager, Panthers on the Prowl and his wife, Mandy, Nikki George, Vicky Dunn, Debbie Robertson, Daniel Myer, Analiese Langer, Cassie Fitzpatrick, Aimee Carlin, Sheriden Page, Jessica Tibbett and Nicole O'Haire. I welcome you all. I am sure it was a tough time on the Kokoda Track. Congratulations.

Mr JAMIE PARKER (Balmain) [6.34 p.m.]: I make a contribution on behalf of The Greens to debate on the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2015. A lot of legislation comes before the House and many small changes are made through numerous machinery bills that improve legislation—and this should be one of them. But hidden in this legislation is a lease to allow for the development of the Sydney Cricket and Sports Ground. I will speak about two things: what this bill will allow to happen and why it is so disappointing that this provision has been included in the bill. I quote part of the second reading speech given in the upper House by Parliamentary Secretary the Hon. David Clarke:

The Statute Law (Miscellaneous Provisions) Bill (No. 2) 2015 continues the statute law revision program that has been in place for more than 30 years. Bills of this kind have featured in most sessions of Parliament since 1984 and are an effective method for making minor policy changes and maintaining the quality of the New South Wales statute book. Schedule 1 to the bill contains policy changes of a minor and non-controversial nature that are too inconsequential to warrant the introduction of a separate amending bill.

These miscellaneous provisions bills deal with small things that need to be changed in legislation that do not require their own bill because they are minor, non-controversial and not an issue. This particular inclusion is not minor, it is controversial and it is an issue. The Government has included in this

legislation—which usually deals with minor matters—a significant change. The Government is changing a law that would allow for the granting of a lease or a licence to the Australian Rugby Union Ltd and to the University of Technology Sydney when there has been almost no consultation with the local community. Indeed, a consultation process is currently underway.

Instead of introducing a separate bill dealing with the way that the Sydney Cricket and Sports Ground Trust can manage the site, the Government is sticking the amendment into a miscellaneous provisions bill. These bills have come before the Parliament since 1984 and they are all about minor, inconsequential matters. If there is a significant matter that is controversial it should be put in a separate bill and debated. Public feedback should be sought and we should have a proper argument about it. The Parliamentary Secretary in the upper House said in his second reading speech:

I am sure that honourable members will appreciate the straightforward and non-controversial nature of the provisions contained in the bill. However, if any amendment causes concern or requires clarification, it should be brought to my attention. If necessary, I will arrange for government staff to provide additional information on the matters raised. If any particular matter of concern cannot be resolved, and is likely to delay the passage of the bill, the Government is prepared to consider withdrawing the matter from the bill. Withdrawn proposals can also be dealt with in a second bill, using the procedure for splitting bills in the Legislative Council, which can be dealt with in each of the Houses in the same way as an ordinary bill.

Members of the upper House are not local members and do not understand the specific issues that are raised regarding the Sydney Cricket and Sports Ground Trust. People trust the Government not to put controversial issues in this bill. It looks sneaky. If the Government is serious about changing the trust's arrangements in relation to leases, it should introduce a separate bill. This does not look good; it does not reflect the spirit of miscellaneous provisions bills, which deal with non-controversial issues. I protest about this because I have trusts in my electorate. If the Government is seeking to change the way the trust is managed I would expect it to introduce a bill to amend the Sydney Cricket and Sports Ground Act, not to stick such an amendment at the back of a miscellaneous provisions bill, which is a machinery bill.

Matters contained in miscellaneous provisions bills rely on trust: We tell the Government that we will not slow down the miscellaneous issues and allow them to pass. But that is not the case here. The Minister for Sport said that only a little bit of a car park will be developed. Even if we put aside the principle of the matter—which I believe is sufficient to warrant a separate amendment to the Sydney Cricket and Sports Ground Act—over the years we have seen the constant chipping away at Moore Park, which is a part of the original Governor Macquarie bequest, and increasing development of the site. The cumulative impact is significant.

We will see yet another development on the site. Instead of a car park, a relatively low-impact activity, we will have a six-storey building, including different activities and intensifying development, on the site, against the original intent of the Governor Macquarie bequest. The Greens believe consideration of public lands should be done in an open and transparent manner, not by way of a statute law bill. If it were done through a separate bill members could vote on the bill—and we would probably vote against it. However, this does not pass the test imposed on all of us, which is the test of trust requested of us when dealing with bills of this nature.

I draw the attention of members to debate in the upper House. I know when these bills have been debated Ministers have said, "If there is a problem let us know. We will knock it out and deal with it later." However, the Minister for Sport seems besotted with getting this bill through. He knows this issue deserves its own separate bill so it is disappointing that we cannot debate a separate bill following public involvement and input. Instead, we basically have one day in which to try to resolve the issue. Time should be allowed for consultation. Delaying schedule 1.13 relating to the Sydney Cricket and Sports Ground Act 1978 No. 2 would enable community engagement, discussion and consultation to take place. It will delay the bill and allow further consultation. Therefore, I move:

That the motion be amended by leaving out the word "now" and inserting instead "on 16 February 2016."

Ms GABRIELLE UPTON (Vaucluse—Attorney General) [6.42 p.m.], in reply: I thank members for their contributions to the debate, which has been a vigorous one. I thank the Government speakers—the member for Wollondilly, Jai Rowell, and the member for Myall Lakes, Stephen Bromhead; Opposition and crossbench speakers—the shadow Attorney General, Paul Lynch; the member for Sydney, Alex Greenwich; the member for Heffron, Ron Hoenig; and the member for Newtown, Jenny Leong. As I noted in my second reading speech, the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2015 continues the statute law revision program that has been in place for more than 30 years.

I will address some matters that have been raised in debate. The member for Sydney sought to amend the bill to remove an amendment to the Sydney Cricket Ground and Sports Ground Act 1978. The Government acknowledges the member's objections to this amendment. The Government respects the longstanding conventions in relation to the nature of this bill and the provisions in it that provide members with an opportunity to raise issues in advance of debate on the bill. The raising of issues at an early stage provides an opportunity for the relevant Minister responsible for the amendment to seek to resolve the member's issues relating to that amendment.

If such issues cannot be resolved between the relevant Minister and the member, the Government will then move an amendment during consideration in detail of the bill to remove that amendment. However, in this instance the Minister for Sport instructed me that in relation to the objection of the member for Sydney—echoed by the member for Balmain and others whose objections I note—the amendment in the bill is time critical and must be dealt with this year. Given that we are in the final sitting days of Parliament for this year and the Government was only given notice of this amendment today, the Government opposes the amendment of the member for Sydney.

This is because the Government does not have the option of being able to split this provision from the statute law bill and introduce the proposed amendment as a standalone bill to be debated consistent with the manner in which non-statute law bills are handled. I note that the Minister for Sport has indicated that he will work with the member for Sydney and others to address their concerns during the implementation of any proposals resulting from the amendment to the Sydney Cricket Ground and Sports Ground Act 1978. On that note I commend the bill to the House.

Question—That The Greens amendment be agreed to—put.

Division called for and Standing Order 181 applied.

Noes, 5

Mr Greenwich
Ms Leong
Mr Parker
Mr Piper
Ms T. F. Smith

Question declared resolved in the negative.

The Greens amendment negatived.

Motion agreed to.

Bill read a second time.

Consideration in detail requested by Mr Alex Greenwich.

Consideration in Detail

TEMPORARY SPEAKER (Mr Lee Evans): By leave, I will propose the bill in groups of clauses and schedules.

Clauses 1 to 3 agreed to.

Mr ALEX GREENWICH (Sydney) [6.51 p.m.]: I move:

No. 1 Sydney Cricket and Sports Ground Act 1978 No 72

Page 8, Schedule 1.13 lines 9 – 36 Omit all words on those lines.

Statute law should only cover inconsequential laws. The Statute Law (Miscellaneous Provisions) Bill (No. 2) 2015 will provide for a six-storey building to be built on public land dedicated for public recreation. The site is currently the gold members' car park. The six-storey building will result in much greater alienation as members of the public cannot walk across a building as they can across a car park. Contrary to what I was told this morning in my token briefing, the car park is well used and almost full most of the time. In fact, my constituents told me that it was almost full this morning. It is always full during sporting events. As the gold members' car park is large where will those cars now be parked? This new building will add to car parking demands.

The Sydney Cricket Ground has consistently tried to expand its parking on Moore Park. Are we going to get more cars parking on our public grasslands as a result of this development or will there be another aggressive push for parking at Moore Park west, or an underground car park on the parklands? Unlike other developments in this State, developments on Sydney Cricket and Sports Ground Trust land do not go through an open and transparent public environmental impact assessment process. There is already no transparent process for developments on this site. Adding to that, this dangerous precedent that the Government is setting by slipping rubber-stamped developments into statute law, breaks all the conventions and traditions. In the future members will need to go through statute law item by item and detail by detail to ensure that the Government has not rubber-stamped any development without going through due process.

There will be no heritage plan, traffic management plan or arborist report. Parliament is the only opportunity for the community to be consulted and to scrutinise this proposed development. We are awaiting a business case for the redevelopment of Allianz Stadium on a site for a much larger stadium that would seat 55,000 patrons. How will the loss of the gold members' car park, or development on that site, impact this proposal? Again, that is unclear because this proposal is being put into statute law which is a total disgrace. My constituents use and care a lot about this public land. There is a long history of local communities opposing development on the alienation of the Macquarie bequest.

Being on public land dedicated for public recreation is not inconsequential, and this provision must be removed. Including this provision in statute law sets a very worrying precedent that future bills will purposely sneak in items to allow development on public land without public scrutiny. I ask the Minister whether the Sydney Cricket and Sports Ground Trust has ever applied to the Centennial Park and Moore Park Trust to use some of Moore Park for overflow parking during the week because of the pressure on the Sydney Cricket Ground car park from members as well as people visiting the various sporting bodies located there. If the provisions for an Australian Rugby Union Development Centre are so great, this is proof that they are not inconsequential. Such comments support my amendment to have the provision removed.

If this development and the required amendment to the Sydney Cricket and Sports Ground Act are so important and so time-sensitive why are we not dealing with it by substantive legislation in its own right? Why is the Government engaging in a process of sneaking these provisions into statute law? Why is the Opposition likely to support this process? In 1811 Governor Macquarie's 1,000 acre bequest was for the "benefit of the present and all succeeding inhabitants of Sydney". The land, which was known as the Sydney Common, included what is now known as the Sydney Cricket Ground. Bit by bit successive governments, Liberal and Labor, have betrayed the Macquarie bequest with continuous encroachment.

We have seen a \$38 million bridge that is hardly used constructed across parklands without any public consultation or any public process. Quite rightly it has been scrutinised by the Auditor-General as a wasteful process. I cannot emphasise this enough: We are using statute law miscellaneous provisions to put through development on public land. If this matter is so important why are we not dealing with it as a separate bill? Why has the Government sought to sneak this through in, at best, an opaque process?

Ms Jenny Leong: It is sneaky.

Mr ALEX GREENWICH: It is sneaky and it is dodgy to put development proposals into statute law, and it sets a dangerous precedent. It is something that members of the Legislative Council and members in this place will continue to scrutinise and it reveals a shameful disregard for people who live around Moore Park and in the electorates of Heffron, Newtown, Sydney and other nearby electorates. It is shameful that even open and transparent processes are being completely disregarded. We have little detail about the rubber-stamped development that is being included in statute law apart from the fact that it will have six storeys and result in cars parking on parkland. I commend my amendment to the House.

Mr STUART AYRES (Penrith—Minister for Trade, Tourism and Major Events, and Minister for Sport) [6.57 p.m.]: I make a brief contribution to debate on the amendment moved by the member for Sydney. The amendment is insignificant when considered in conjunction with this statutory provision, and it is the most logical place for the Government to make minor changes to the Sydney Cricket and Sports Ground Act. As the member for Sydney rightly pointed out, the Act makes provision for the Sydney Cricket and Sports Ground Trust to develop land that has been entrusted to it by the Government and to continue to do so. This legislation will not change that provision; it merely provides for the lease of that land.

The member for Newtown said in her contribution to debate on the second reading that this building would result in a loss of open recreational parkland, which is not the case. I want her constituency to know that this development will occur in the gold members' car park. When I listened to the member for Sydney I had a wry smile on my face when he aggressively and passionately protected the gold members' car parking spaces at the Sydney Cricket and Sports Ground Trust. I never thought I would hear the member for Sydney so passionately defend the gold members' car park. This project will be built on land that was bequest to the people of New South Wales.

I also refer specifically to the fact that it is land that is available to all of the people of New South Wales, not just those who live in close proximity to it. I think that if a student who grows up in Bathurst, Taree, Penrith or Blacktown wants to study sports science at the University of Technology Sydney [UTS] they should be able to have access to this facility. If a young person has the ambition to play rugby union for their community, for their State or for their country then I think the ability to use this public land for their development is a perfectly apt use of that land, particularly given the evolution of this precinct as a sporting precinct.

Any car parking that takes place on land that is managed by the Centennial Parklands Trust is a matter for the Centennial Parklands Trust. They profit very handsomely from all of the sporting events that take place at the Sydney Cricket Ground and Allianz Stadium by charging money to public patrons to park their cars on their parkland. They take their profit from that and reinvest that into the management of their lands. If they choose not to do that, they can choose to forgo that revenue and obtain it from some other

source or apply to the Government for it. Given all of those things, I do not believe that this amendment should succeed. The bill should stand in its original format.

Mr ALEX GREENWICH (Sydney) [7.00 p.m.]: I have a number of concerns about the statement just made by the Minister for Sport. He was talking about how privatising land through a 75-year lease to the Australian Rugby Union [ARU] is somehow "for public use", when that space could very well be used for open, green recreation space in what is one of the most densely populated parts of Australia and in which more and more people are living. In fact, 60,000 people are coming into the Green Square development. We should not be plonking buildings there. We should be turning car parks into parkland as the member for Newtown has so rightly said.

If this proposal has so much merit and is so important, why have we not been dealing with this as a separate piece of legislation? Why has the Government snuck it into statute law? The Minister for Sport is able to prepare his own bills. I do not believe he has produced legislation this year. Why not be open and transparent with his legislation? Why try to sneak it into other bills? I think this sets a very dangerous precedent for this place. I am greatly concerned about the lack of process, the lack of transparency and what is a really dodgy way to do something.

Mr STUART AYRES (Penrith—Minister for Trade, Tourism and Major Events, and Minister for Sport) [7.02 p.m.]: For the avoidance of doubt, the bill was tabled in the Legislative Council on 21 October. If something has been tabled in the most public, available place in the State and has been there since 21 October, that can hardly be called hiding.

Ms JENNY LEONG (Newtown) [7.02 p.m.]: I support the amendment of the member for Sydney to remove schedule 1.13 from the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2015. As the bill is titled, it is for miscellaneous provisions and, as was stated by the Attorney General when she introduced the bill into this House, it is supposed to be for inconsequential amendments to legislation. It is not supposed to be about controversial issues. It might be that members opposite believe that a five- to six-storey building is inconsequential, but we are talking about a five- to six-storey building in Moore Park which, people might be aware, is a park.

What we are seeing here is an attempt to rush this through. The Minister for Sport has said that this bill is time sensitive and we need to rush it through. Over the course of this year there have been many occasions in this House on which the Government has chosen to suspend standing orders to enable legislation to be debated more quickly. If it is of a time sensitive nature, there was nothing to stop the Minister for Sport introducing a bill to this place so that it could be debated on its merits outside a miscellaneous provisions bill. There is nothing to stop the Minister for Sport from doing that now. There is nothing to stop the Government suspending standing orders and rushing something through if it is so time sensitive.

Despite the fact that many members have raised concerns about this, the fact that it is being included in a miscellaneous provisions bill shows that there is actually something sneaky and dodgy going on. Maybe we need to ask: Why the rush? And maybe we know that the answer is that the community will be up in arms. Maybe it is because the Minister for Sport knows that the member for Heffron, the member for Sydney, the Lord Mayor of Sydney and I have joined together and have raised our concerns that the Minister for Sport has been land grabbing in the Moore Park area and not respecting it as open and green space that should be protected. Instead he sees it as vacant space, ready to develop and build new things on.

I can tell the Minister for Sport and the Government that Moore Park is something that we need to protect. Whether or not it is used as a gold members' car park now, there is a consultation process going on with the community that is asking people what they want to see for Moore Park. It is possible that the people will say that they do not want to see that gold members' car park there anymore—what they want to see is more green space and open space. If that is the case, the Ministers and the Government would

need to consider that. Instead we are not giving the people the option to say how they want to see Moore Park reshaped and revitalised. Instead what we are doing here in a miscellaneous provisions bill is introducing something in a sneaky way—a five- to six-storey building in what is supposed to be parkland in much-needed open space in our inner city.

We know that the population around Green Square and Moore Park is going to increase significantly in coming years. We know that there are developments there that could house the Australian Rugby Union development centre and could house sports and science facilities. But is this car park the right spot in that area? We do not know because we have not had the opportunity to consider it and debate it, because this Government and this Minister for Sport are insisting that it be put through in a miscellaneous provisions bill, when what we should be doing is debating it in substantive legislation brought forward by the Minister.

It sounded as though the Minister was very much giving a second reading speech, making a justification for this building in the car park space. Unfortunately, it was not a second reading speech because we are not debating a substantive bill. We are debating the Statute Law (Miscellaneous Provisions) Bill (No. 2) 2015, which is supposed to be about inconsequential matters. This is not inconsequential. It is dodgy and sneaky of the Government to be acting in this way. It means that in future we are going to have huge problems around the review of statute law bills. It is going to make it harder for the House to function and to fix things that need to be fixed. This is an attempt by the Minister for Sport to remove community involvement from decisions about Moore Park; to undermine the commitments of the Minister for the Environment to protecting Moore Park; and to say to the community that is currently being asked what they want to happen to Moore Park, "We do not care what you say. We are going to shove this bill through, because that is how we do business."

Question—That the amendment of the member for Sydney be agreed to—put.

Division called for and Standing Order 181 applied.

Ayes, 5

Mr Greenwich
Ms Leong
Mr Parker
Mr Piper
Ms T. F. Smith

Question declared resolved in the negative.

Amendment of the member for Sydney negatived.

Schedule 1 agreed to.

Schedules 2 to 4 agreed to.

Consideration in detail concluded.

Third Reading

Motion by Ms Gabrielle Upton agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Council without amendment.

GAMING MACHINES AMENDMENT (CENTRALISED MONITORING SYSTEM) BILL 2015

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

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

PAYROLL TAX DEFERRAL (BLUESCOPE STEEL) BILL 2015

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

Pursuant to resolution private members' statements proceeded with.

PRIVATE MEMBERS' STATEMENTS

FIRST HOME OWNER GRANT

Mr GREG WARREN (Campbelltown) [7.15 p.m.]: I speak against the decision by the Baird Government to slash the first home owner grant by one-third in January 2016. As members are aware, it is harder than ever for young people to afford a house. My Labor colleagues and I have spoken in this Chamber many times about this matter. Yet the Government does not seem to care about making the situation better. In fact, it seems to want to make it worse. That will happen in January.

My wife, Simone, and I moved to Campbelltown to start our family in the early 1990s. It was a special time in our lives when we purchased our first home, the home in which we would bring up our children and create family memories. Simone and I were lucky: We were able to purchase our home at a young age and not be burdened by an unmanageable amount of debt. I want everyone to have the same opportunity as Simone and I when we began our lives together. That is why I oppose this Government's decision to cut the first home owner grant from \$15,000 to \$10,000 from January next year. Slashing this vital grant will make it even harder for young people—especially those in my electorate—to enter the booming housing market. The cut leaves many buyers in the lurch. This Government should be condemned for that.

From a purely economic perspective the cut makes no sense. In the last financial year alone the New South Wales Government received more than \$9.2 billion in stamp duty revenue, largely contributed to by first home buyers. It boggles my mind that the Government is more than willing to force first home buyers into a lifelong cycle of debt or force them into the rental market when they generate such a large amount of revenue for the State. This comes down to lazy economics. Time and again this Government has offered a quick-fix solution to get a sugar hit of cash without thinking of the long-term economic consequences and who it will affect.

This Government has developed a dependency on stamp duty to fill the coffers and has failed to plan properly for when the property boom inevitably ends. It is unbelievable that this Government thinks it can simply solve its problems of poor planning by kicking those who are already down. This Government has failed to plan properly for the future of the property market in Sydney, particularly in the Campbelltown electorate where there is a very high number of first home buyers. In the 2013-14 financial year the Macarthur region was represented in the top 10 suburbs to benefit from the first home owner grant. This cut will hurt my electorate deeply.

The Government seems more than happy to ride the wave of a stamp duty bonanza and yet deliver nothing more than cuts directed at struggling couples and young families who are desperate to buy their first home. The \$5,000 cut in the first home owner grant is yet another blow to first home buyers

who are being rapidly priced out of the Sydney property market. It does not surprise me that the Premier does not want to talk about this unpopular decision. The Premier seems to care more about how many likes he gets on his latest Facebook video than about ensuring that the next generation can afford to own a home. I can guarantee that the Premier would never post about this change on his Facebook or Twitter profile. He has not done so to date.

There are just five Saturday auction days left before the grant is cut by one-third. That is just five Saturdays until this Government decides to hurt first home buyers even more. I urge all members to think about the impact this will have on the young people in their electorates. They are young people who, like me 20 years ago, just want to start a family. It is simply not fair for the Government to ignore those people. They cannot be overlooked. We cannot ignore the ramifications of this public policy on young families. Those people are contributing large amounts of money to the economy and they deserve their fair share. This cut is an imposition on young families that are trying to prosper and it will have a negative effect on the State budget and economy. In light of the current economic environment and the challenges in the property market it is appropriate to keep the first home owner grant in place. External bodies such as Deloitte think the same. Recently in a lecture at the University of Sydney the benefits of the scheme were spoken about at length. I thank members for their indulgence.

MIRANDA ELECTORATE RURAL FIRE SERVICE

Ms ELENi PETINOS (Miranda) [7.20 p.m.]: I acknowledge the brave and dedicated men and women of the NSW Rural Fire Service. I was honoured to attend the opening of the Menai Bushfire Brigade station on Saturday 14 November 2015 as well as the associated Rural Fire Service medal presentation. The NSW Rural Fire Service is the world's largest volunteer firefighting organisation and has a long association with the Sutherland shire. Currently, 13 brigades with more than 650 members cover an area of 29,280 hectares.

Having grown up in Bundeena—a beautiful suburb within the Royal National Park—I am all too aware of the dangers and risks that bushfires pose. I know what it is like to look outside your window and see the flames moving closer. I also know what it is like not to be able to get to your home because of that threat. I am immensely grateful to the men and women who ensure the safety and wellbeing of people in our community. There can be no greater sense of public duty than putting oneself in danger so that others may be free from it. I respect and pay tribute to the work that the Rural Fire Service has done, is doing and will do.

I was pleased to join my parliamentary colleagues at the Rural Fire Service medal presentation ceremony to acknowledge and pay tribute to the men and women who have sacrificed their time and put themselves at risk in order to protect and serve our community. I especially acknowledge Commissioner Shane Fitzsimmons, who has been a part of the Rural Fire Service for more than 25 years and its commissioner since 2007. His leadership has been instrumental in solidifying the Rural Fire Service into the world-class organisation it is today. I thank those who organised and coordinated the awards ceremony. In particular I note the efforts of district manager Andrew Pinfold and district administration officer Leanne Jamieson. I congratulate all involved in the success of the event.

I also pay tribute to the hardworking Illawong Rural Fire Brigade, which is part of the Rural Fire Service in my electorate of Miranda. The Illawong Rural Fire Brigade is station 20 of the Sutherland Shire rural fire district and has more than 50 members. It has a reputation for being incredibly proactive within the local community and it regularly undertakes community engagement activities throughout the year. I commend the brigade for its efforts and hope that along with the newly reopened Menai Bushfire Brigade station it will be able to conduct even more outreach and education programs.

The NSW Rural Fire Service medal presentation ceremony reinforces the importance of recognising and celebrating the professionalism, bravery and enduring self-sacrifice of the Rural Fire Service. The traits imbued by its volunteers are to be admired and warrant the ongoing praise,

appreciation and meaningful reflection of members of this House. Firefighters play an integral part in the society in which we live. In particular I acknowledge the recipients of the National Service and Long Service Medals from the hardworking Illawong Rural Fire Brigade. They were Mark Pryor, John Koole, Matthew Angus, Tim Christison, Gregory Last, Peter Ross, Jennifer Dolden, Leslie Derwent, Peter Moore, Peter O'Connor and Robert Paterson.

I also acknowledge my constituents who received medals and belong to other brigades in the Sutherland district. They are David Brown, Roslyn Daw, Katie Reece, Graham Kearns, Glen Freeland and Ian Burke. Whilst there were so many tremendous achievements acknowledged on the day I will single out some members who have given in excess of 30 years of service to our community. Graham Kearns joined Menai Bushfire Brigade in October 1982. Graham has been an active and dedicated member and has held the position of president and vice-president and fulfilled the role of deputy captain for the past 29 years. Graham is a life member of Menai Bushfire Brigade in recognition of his outstanding service to the brigade and local community. On Saturday, he received the long service medal and clasp for 33 years of service with Menai Bushfire Brigade.

Glen Freeland joined Woronora Bushfire Brigade in October 1981. During his time at Woronora, Glen has been an active member and held various positions including vice-president, president, secretary and deputy captain as well as the rank of captain. On Saturday, he received the long service medal and clasp for 34 years of service with Woronora Bushfire Brigade. Ian Burke joined Menai Bushfire Brigade in January 1980. During his time at Menai, Ian has been an active and enthusiastic member by attending regular training sessions, hazard reductions and fire calls. Ian is a life member of Menai Bushfire Brigade in recognition of his outstanding service to the brigade and local community. On Saturday, he received the long-service medal and clasps for 35 years of service with Menai Bushfire Brigade. I am proud to have such a responsive and community-orientated local rural fire service in my electorate of Miranda, which has been demonstrated by the extensive service I have outlined. Again, I commend all involved for the success of the award ceremony, and pay tribute to the recipients, and their understanding and supportive families.

ORANGE ELECTORATE PROJECTS

Mr ANDREW GEE (Orange—Parliamentary Secretary) [7.25 p.m.]: There is no doubt this Government has its mojo at the moment. The Government is breaking down barriers, cutting red tape and unshackling region-building projects that have languished for years and, in some cases, decades—hospitals, schools and roads. In my electorate the highway realignment on the Mitchell Highway at Goanna Hill had languished for 30 years.

Mr Jai Rowell: How long?

Mr ANDREW GEE: It was 30 years. For three decades the project languished. It was not going anywhere under the previous Government. Farmers have been pulling motorists out of ditches on that seven-kilometre stretch of road for many years, and they were fed up. It took this Government to get that project up and running, and last week the tenders went out for the Goanna Hill realignment. I thank the Minister for Roads, Maritime and Freight and his staff, including his new chief of staff, Andrew Huckel. I am sure they are pleased to be rid of me from their office; I spent many days and nights badgering them—pestering them—about the Goanna Hill project. Often Mr Huckel would wince and say, "I don't know if we can do it, mate; money is tight," but we got there in the end. Having got the Goanna moving after 30 years it is time to move to a new frontier—a new crossing at Dixons Long Point on the Macquarie River between Orange and Mudgee. That is the final frontier for unfinished road projects in the Central West.

A new crossing at Dixons Long Point has been mooted for many years—not 30, 40, 50 or 60 years, but 70 years. It is about 30 kilometres from Orange, and a bit further than that from the thriving metropolis of Mudgee, which I was very proud to represent until the boundaries changed. At the moment

the dirt road from Orange to Dixons Long Point and for a considerably long way through to Mudgee is dirt. To get from Orange to Mudgee you have to go via Wellington or Sofala. Currently there is no crossing at Dixons Long Point, which means you have to drive across the riverbed. If the water is high, as it often is, you cannot get across. Building a new crossing would cut the trip by about 80 kilometres, which is a substantial saving when you consider the amount of traffic between Gulgong—another thriving metropolis—and Mudgee.

Mudgee and Gulgong are both major wine producing areas and mining centres. Building the new crossing and paving the approaches would mean that up to an hour could be saved on this trip. It would open up the entire Central West. It would make travel faster. Over time, the whole stretch of road could be improved, and it would be a huge economic boost for the Central West because it would increase tourism. People from Mudgee and Gulgong already access medical services at Orange, but it would make it easier for people to do that. It would link the two great electorates of Dubbo and Orange and be a catalyst for commerce and tourism. This project has been sought for 70 years, and its time has come. In the days ahead, I will make my case as strongly as I can. I will sit in the office of the Minister for Roads, Maritime and Freight making a nuisance of myself.

Mr Jai Rowell: Wollondilly is behind you.

Mr ANDREW GEE: I note that I already have the declared support of the member for Wollondilly and I am sure the Minister will smile upon this project because I have been pushing for it for four years—almost as long as I have been pushing for the Goanna Hill project. The Goanna is moving again; the Goanna has been fed, but the time for Dixons Long Point has come. The project will have a huge amount of support in Orange and around the Gulgong and Mudgee areas. My predecessor, Russell Turner, made a speech from the other side of the Chamber in 2001, calling for this project to get underway. At the time the Federal Government promised to allocate \$3 million towards it. It asked the then Labor Government to match the funding but it said no. It was very disappointing.

Russell was a wonderful champion of this project and he was devastated when the Labor Government turned its back on him, but that was not an uncommon experience for members during the past 16 years. The project had widespread public support and, along with Goanna Hill, it was a project that the former member for Orange, Russell Turner, fought tooth and nail for. It could not be delivered because of the previous Labor Government. The campaign for the Dixons Long Point river crossing has started again. We will not rest until this project is underway in this term of Government. I ask all Government members to hop on board. After 70 years of trying, let us get this project done.

REMEMBRANCE DAY

Ms KATHY SMITH (Gosford) [7.30 p.m.]: I will begin this statement by quoting Lachlan Steel, a student at Brisbane Water Secondary College, Woy Woy, who said:

Being a young adolescent growing up in our fast paced and ever changing society it is important for us, the future of Australia, to pause and remember the contribution of servicemen and women in WW1. The sacrifices made 100 years ago have defined the way we live today. Through the mateship, courage and sacrifice displayed all those years ago.

High school students on the Central Coast organised a series of Remembrance Day centenary events. For the first time on the Central Coast they invited two Menin Gate buglers and a member of the Last Post Association from Belgium to visit Australia and in particular the Central Coast to take part in a series of commemorative services. The event is the first time since 2011 that representatives from Belgium have visited Australia and the Central Coast. The event gained significant support from both Gosford City Council and Wyong Shire Council as well as the Central Coast RSL sub-branches. The students also received the endorsement and support of Dr Brendan Nelson, Director of the Australian War Memorial, who sponsored part of the visitors' stay in Australia.

A range of fundraising efforts included applying for government and community grants, approaching local corporations for sponsorship and completing a number of barbecue days at Bunnings. The main fundraiser however—and I note that the students paid all the expenses for these visitors to come over here, both airfares and accommodation—was the sale of signature rose plants the Peace rose and the Remember Me rose. The central event was a Remembrance Day twilight commemorative service on Remembrance Day held at The Entrance Memorial Park and Cenotaph. This event commenced at 8.15 p.m. and included the sounding of the *Last Post* at 9.00 p.m. This was timed to sound at the same time as the buglers were to sound at 11.00 a.m. on the Western Front. I will share a few words from the sponsors:

The relationship forged between our two countries from this terrible war is enduring and strengthened by what you are doing. I congratulate you on an excellent initiative and you have my full support, admiration and endorsement for this project.

That quote comes from Dr Brendan Nelson.

Your project is a very exciting initiative and promises to be an appropriate and moving tribute to Australian service men and women and particularly those from the Central Coast during this year's Remembrance Day Commemoration.

That quote comes from Allan Fletcher. A detailed schedule was prepared for our Belgian guests during their stay in Australia. This included public appearances at the Hyde Park Memorial in Sydney on Sunday 8 November, at the twilight service on 11 November at The Entrance Cenotaph, and at the Australian War Memorial on 15 and 16 November. The students and all concerned are to be congratulated on their hard work and dedication in arranging these very much appreciated events.

WILTON JUNCTION

Mr JAI ROWELL (Wollondilly) [7.35 p.m.]: I inform the House of the great announcement by the Government of a new land release at a new town to be named Wilton Junction, which is a proposal to create a vibrant new community in Wollondilly that will deliver high-quality new housing—and I know the member for Orange is particularly excited about this; he is almost as excited about this as he is about that other project he mentioned just recently. It will create jobs close to home, supporting infrastructure and services and a range of complementary land uses.

Wilton Junction will bring together the very best of city and rural life. It will feature easy access to growing employment opportunities, as well as recreation and community facilities, all set against the natural backdrop of bushland, gorges and the great Nepean River. Approximately 16,000 homes will be provided for about 35,000 people. The new town centre will be a great place to live, featuring community facilities, recreation opportunities, commercial and retail space, health and education services as well as civic and cultural facilities. I know the member for Orange is almost jumping out of his seat with joy about this announcement. More than 11,000 jobs will be focused around this new town centre, the neighbourhood centres and employment zones. Just think about that.

On 22 September 2015 the Minister for Planning, the Hon. Rob Stokes, and I announced Menangle Park, Mount Gilead and Wilton as new growth centres, and recognised Wilton Junction as a priority growth precinct in the Wollondilly and Macarthur region. Wilton Junction is part of the land release within the priority growth precinct. The site is proposed to be placed at the Picton Road and Hume Highway interchange at Wilton. It will house an assortment of dwellings, ranging from large rural homes to residential housing. Having worked closely with this project, I know the project will be in line with the community's expectations around appearance and open space. I have made it very clear, as has the Minister, that we do not want development without infrastructure. We have discussed the need for an upgrade to the Hume Highway, upgrades to Appin Road to provide direct connections to Campbelltown

and Macarthur, and the construction of the Spring Farm link road.

The proposal includes a new town centre, including a supermarket, shops, cafes, restaurants, offices, schools, childcare centres and other services such as health care, banking and a post office. We are talking about at least three new primary schools, and maybe more, and a number of high schools. In fact, Wollondilly shire only has one public high school so additional high schools in this area are much needed. Enterprise precincts around the town centre will provide a high level of employment self-sufficiency within the shire. Neighbourhood centres will incorporate shops, commercial space, community facilities and recreation areas.

There will be high-quality new housing, as I mentioned earlier, and open space areas for the preservation of vegetation. There will also be a pedestrian and bike network. We will make sure that there is an environmental trust in place to protect that bushland for generations to come. Highway services will include a petrol station, shops and takeaway food premises. The list goes on and on. I am pleased to have taken a very active role in the planning process for the construction of this new town. For the past seven years I have been working very closely with the Wollondilly community, the Wollondilly Shire Council and the proponents to ensure that this proposal is in the best interests of the Wollondilly community.

In fact in 2009, two years before I was elected to this place, I saw the underinvestment in our region by the former Labor Government and knew something had to change for Wollondilly. I approached the then general manager of the council, Les McMahon, and suggested that the council should look at its growth rate strategy, which at the time was below 2 per cent. I came to the conclusion that Wilton Junction, as it is now called, which had been discussed for ever and a day by people on all sides of politics, should be a priority. It was to be a game changer for our region that would deliver much-needed services and infrastructure without concreting the entire shire.

Once I was elected I had the proponents individually come and see me. They informed me of their desire to deliver homes on their individual parcels of land. I quickly came to the conclusion that the three proponents needed to work together to deliver much more than just homes. I called a meeting of the proponents and the council, including the then Mayor Colin Mitchell, and suggested that they work together to deliver much more than just houses. After many hours of robust discussions the proponents, despite competing against each other at the time, agreed to work together to put forward the best proposal for Wollondilly.

A couple of years later, after more than \$5 million had been spent on studies, and after one of the most significant consultation processes that I have ever seen in planning, the Wilton Junction project emerged. I have never seen a project win the unanimous support of all councillors and the entire community. It is absolutely amazing that, seven years later, we are now in a position where this has become government policy. I am so very proud. This will be the fifth-largest regional city in New South Wales. The 11,000 jobs will mean that more than 70 per cent of people who live in Wollondilly do not have to travel outside of its borders each day to access work. I thank the Government, and in particular the Minister for Planning, for listening to my local community and meeting its needs.

Mr ANDREW GEE (Orange—Parliamentary Secretary) [7.40 p.m.]: I congratulate the hardworking member for Wollondilly for his advocacy with respect to Wilton Junction. He is known as the Bulldog of Wollondilly for the tenacious way he advocates for the citizens of his electorate. The way he has approached this project is no exception. He has been on the job for the past seven years with respect to this project. He has made sure it is in line with community expectations. He has made sure that the growth is there and that the jobs are there.

This project will provide 16,000 homes for 30,000 to 35,000 people. The member for Wollondilly knows the importance of this project. He has fought for it tooth and nail. He has crashed through every barrier. He has cut every piece of red tape to ensure this project can proceed on his watch. On behalf of

all members on this side of the House I congratulate the member for Wollondilly on a job well done. This is a truly exciting project not only for his region and his electorate but also for the whole of New South Wales.

BULLI HIGH SCHOOL

Mr RYAN PARK (Keira) [7.41 p.m.]: Tonight I talk about a very important school in the electorate of Keira—the great Bulli High School—and a very important issue it is facing. Bulli High School is a comprehensive high school. It excels in academic, sporting and culture fields. It provides a nurturing environment in which young students can be educated. Unfortunately, over the past couple of years it has also been subject to severe flooding. The then Minister for the Illawarra, the Hon. John Ajaka, toured the school after the most recent flooding in March 2014. This flooding was simply devastating for this school, which has approximately 800 students.

I had the opportunity to be taken through the school recently and to see exactly where the flooding had occurred and what damage had been done. It caused millions of dollars worth of damage to this school. Unfortunately it is not the first time this has happened—it was not a one-off event. In recent years this school has been subjected to this type of devastating flooding on several occasions. I am calling on the Government to work with the local council to provide a permanent engineering solution for this school. It cannot be devastated again in the way it unfortunately has been over the past several years. We have a responsibility as community leaders and members of Parliament to provide a permanent solution. I note in my correspondence and discussions with council that it is working on a study. I have also in recent weeks written to the Minister for Education, and I will provide him with a copy of this address. I have also placed several questions about this on the *Notice Paper*.

I am sure Madam Temporary Speaker and member for Shellharbour, Ms Watson, as well as every other member of the House can well imagine the great destruction caused to a large comprehensive high school when huge parts of the school are destroyed by devastating floods. It is not just the construction damage but also the emotional trauma caused by flooding that are causes for concern. If the events had occurred during the daytime hours, the school could have been at great risk of a tragedy occurring. We also know that the Waniora Public School is located approximately 100 metres from the Bulli High School, so there is a very large educational precinct from which people need to escape, should floodwaters inundate the schools during the day.

It certainly is time that both the local and State governments fund the necessary mitigation and other engineering works to ensure that the floors, doors, classrooms, walls and sporting facilities of schools are not destroyed and Higher School Certificate [HSC] work is not damaged. The Minister has acknowledged that the damage to the school is extensive. Approximately 18 months later, it is time to come up with a permanent solution. All members of the House know that changing weather patterns are likely to result in increasing occurrences of extreme weather events. Unfortunately, the Bulli High School is in a very difficult position. We must explore all avenues of endeavour to ensure that students, teachers and staff who attend the school can do so in the knowledge that a serious rainfall event will not adversely affect their work and the school's facilities will not be damaged.

I pay particular credit to the principal, Chris Gregory, for the outstanding job she is doing. I also thank the deputy principals, Mr Neave and Ms Lang, as well as all the teaching staff, and members of the parents and citizens association for their tireless advocacy in relation to this issue. The school is located in a new part within the Keira electorate's boundaries following the redistribution upon which the 2015 State election was based. I hope the Government will produce a solution sooner rather than later. In the meantime, I will continue to advocate for much-needed improvements to ensure that the school will be flood-free in future.

INVERELL POLICE STATION AND LOCAL COURTHOUSE

Mr ADAM MARSHALL (Northern Tablelands) [7.46 p.m.]: I inform the House of a campaign I have launched in conjunction with the Inverell Shire Council to ensure the construction of a new police station in the burgeoning regional centre of Inverell, which is in the heart of the Northern Tablelands electorate.

Mr Andrew Gee: A crusade.

Mr ADAM MARSHALL: I acknowledge the interjection by the member for Orange and Parliamentary Secretary: In a way, it is a crusade for a modern and first-class police station as well as larger justice facilities in the Inverell community, which is one of the fastest-growing centres in the Northern Tablelands. Inverell is a township with a population of more than 12,000 people and the shire has a population of almost 18,000 people. Based on current forecasts, Inverell will continue to grow. The Inverell police station is one of three 24-hour police stations in the Northern Tablelands electorate. The station has served the community well over the past 55 years since its opening in 1960, but its current cramped and inadequate conditions mean that the time is ripe for a new station to be built that will provide modern and professional policing to be carried on in a proper space and for the delivery of the most efficient justice possible for the protection of the citizens of Inverell.

Earlier this year I was very fortunate to tour the Inverell police station in the company of Inspector Rowan O'Brien, who is a terrific leader at the Inverell police station and who is a well-known and well-respected law officer in the Northern Tablelands community, and the Mayor of the Inverell Shire Council, Paul Harmon. The station was built in 1960 to accommodate 14 police officers and now 46 officers work in the same conditions that existed 55 years ago. With 24-hour policing being extended to Inverell, the police station is overflowing to the point that many of the general duties officers, the rural crime squad and detectives are working out of the three police residences that are located near the station.

I will provide the House with some idea of the conditions under which police officers work at the Inverell police station. The 24-hour station has only one formal interview room, which means that local detectives and general duties officers cannot take statements from witnesses or an accused in a timely manner because only one interview can be conducted at a time. The evidence room also is too small. When I inspected the facility with Inspector O'Brien and Mayor Paul Harmon, some evidence could not fit into the evidence room, which was literally overflowing. There is also an insufficient number of cells at the station to separately hold suspects and offenders, particularly when the Local Court is sitting. The Inverell Local Courthouse is located adjacent to the police station. There are issues not only with separating dangerous offenders but also separating male offenders from female offenders in the cells. There simply is an insufficient number of cells.

As I mentioned earlier, there are three 24-hour police stations in the Northern Tablelands electorate—Armidale, which is the headquarters of the New England Local Area Command and which had a new station built and opened in 2007; Moree, which is the headquarters of the Barwon Local Area Command and which had a new \$32 million police station built and opened last year; and Inverell, which is the only 24-hour police station that has not been upgraded and which has 46 police officers operating out of a station that is 55 years old. The Inverell police station stands out as a facility that is in need of replacement. It has served the community well for more than half a century, but now is the time for a larger and more modern station to be provided to meet the community's policing needs—not just now, but for the next 50 years as the community continues to grow and the police contingent at the station continues to increase.

Earlier I mentioned that the station has insufficient cells in which to hold suspects and offenders, particularly when the Local Court is sitting. I call on the Government to quickly address the lack of audiovisual equipment at the Inverell Local Courthouse, which is a beautiful heritage-listed building that was built in 1886 and is now 128 years old. When the police have to show captured closed-circuits television [CCTV] footage to a court, they literally have to take their own laptop into the courthouse and

play the footage on the screen to the magistrate and everyone else in the courtroom. That situation is not ideal.

It is not adequate in 2015. It creates added expense for the court process by having to physically bring accused persons, witnesses and police officers to the courthouse, which costs time and money. With proper audiovisual equipment, all the costs could be cut and the time of the courts could be saved. I call on the Government to upgrade the audiovisual facilities at the courthouse. I have invited the Deputy Premier, Minister for Justice and Police, Minister for the Arts, and Minister for Racing, Troy Grant, to accompany me on a visit to the Inverell police station later this year, and I look forward to that. A new police station is needed in Inverell as well as new audiovisual equipment in the courthouse.

Mr ANDREW GEE (Orange—Parliamentary Secretary) [7.51 p.m.]: On behalf of members, I thank the hardworking member for Northern Tablelands for bringing those matters to the attention of the House. I am sure all members join me in expressing surprise at the condition of the existing police station. As the member for Northern Tablelands pointed out, the police station, which was built in 1960, has an insufficient number of cells and inadequate evidence rooms. I congratulate the member for Northern Tablelands on launching his crusade in the House tonight. Certainly in my position as Parliamentary Secretary for the Deputy Premier and Regional Roads, I will do everything I can to relay the concerns he has expressed to the Deputy Premier and Minister for Justice and Police. I applaud the member for Northern Tablelands for the passion he exhibited during his advocacy on behalf of the people of Inverell. He often raises issues affecting Inverell and surrounding districts in this House. His passion is admirable. I commend him for his important work.

Private members' statements concluded.

Pursuant to resolution matter of public importance proceeded with.

LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX LAW REFORM

Matter of Public Importance

Mr ALEX GREENWICH (Sydney) [7.53 p.m.]: Although New South Wales has come a long way towards lesbian, gay, bisexual, transgender and intersex [LGBTI] equality through a multipartisan approach to law reform, discrimination in a number of fields remains lawful, which sanctions community discrimination and has personal impacts. Tonight I speak of the urgent need for specific reforms for the transgender, transsexual and intersex communities. A growing body of evidence shows significantly higher rates of mental health problems among transgender and transsexual people, including anxiety, depression, substance abuse and self-harm.

The recent Curtin University's "First Australian National Trans Mental Health Study—A mixed-methods study of mental health and associated factors in transgender and transsexual (trans) people" found that 57 per cent of participants had been diagnosed with depression at some point in their lives, which is four times the rate of the general population. One in five participants reported suicidal ideation or self-harm on at least one day in the two weeks prior. While there are fewer studies into mental health that identify intersex status, international studies and anecdotal evidence point to high rates of poor mental health, suicide and self-harm. Stigma, discrimination, isolation and exclusion all contribute to poorer mental health outcomes in these communities.

The Human Rights Commission report on sexual orientation, gender identity and intersex [SOGII] rights identified extensive reforms needed to remove State-sanctioned discrimination of trans and intersex communities. The report recommended removing barriers to trans people by updating the sex or gender marker on State documentation. This is a serious problem because having incorrect and inconsistent documentation forces trans people to repeatedly explain the deeply personal situation of their transition, subjecting them to judgement, discrimination and stigma. A trans person cannot update the sex on their

birth certificate if they are married, which forces many to choose between divorcing a loving and supportive spouse and having the correct sex on their birth certificate. That choice is untenable and unfair. The support and stability of a loving spouse during a transition is vital and many couples do not want to divorce.

Last year I co-sponsored a bill with Dr Mehreen Faruqi to remove forced trans divorce provisions—I hope to achieve support for that bill in the future. Trans people also cannot update the sex on their birth certificate without undergoing expensive and often unnecessary surgery. Surgery is not always appropriate and is not the most common form of sex affirmation treatment—many prefer hormonal treatment. Federal agencies do not have this requirement; instead, they allow a person to change their sex on their passport with a statutory declaration from a medical practitioner. It is time these requirements were harmonised in State legislation.

Following a discussion paper process, I drafted legislation to enable a trans person to update their birth certificate with supporting medical documentation, and I have secured co-sponsors from across the Parliament. I am working closely with the Attorney General's office. It is my understanding that the Attorney General is carefully considering this bill and that further consultation will be conducted. The SOGI report recommends an end to cosmetic surgery to normalise genitals of infants born with atypical sex characteristics such as part or both male and female genitals. The surgery is not life-saving but can have lifelong impacts such as pain, scarring, lost sexual sensation and sterilisation, as well as problems if the child's later identity differs from their surgically assigned sex. Adults can be dissatisfied with surgery later in life. I have asked the Minister for Health to introduce a model of informed consent, and I hope the NSW Chief Paediatrician will be open to consideration of this.

The NSW Registry of Births, Deaths and Marriages only recognises male and female despite a number of trans and intersex people who have part or both male and female sex characteristics and do not identify with either. Last year the High Court ruled in favour of a Redfern person named Norrie, stating that the law should recognise that sex is not binary. I note that the NSW Registry of Births, Deaths and Marriages is working with trans and intersex communities to ensure that people who do not identify as wholly male or female have a valid option to register their sex. Any third option must not be mandatory and only available to adults to choose.

Provisions in the Anti-Discrimination Act also allow for private educational authorities to specifically discriminate against transgender students and teachers. Essentially students could be denied entry into a school or expelled solely based on their trans status, and teachers can be fired or not hired in the first place because they are trans. I have drafted legislation to remove these provisions and—depending on the outcome of the Attorney General's review of the Anti-Discrimination Act—I will introduce that legislation in the New Year. Reforms for the trans and intersex communities have been slow, and many feel that the law treats them as second-class citizens. I call on the House to further progress LGBTI equality, prioritising trans and intersex communities.

Ms GABRIELLE UPTON (Vaucluse—Attorney General) [7.58 p.m.]: I thank the member for Sydney for bringing this matter of public importance to the attention of the House. I am happy to join the member for Sydney in his comments this evening. There is no stronger advocate for lesbian, gay, bisexual, transgender and intersex [LGBTI] rights in this Parliament than the member for Sydney. I congratulate him on his work to ensure that the gay, lesbian, bisexual, intersex and trans communities are treated equally and fairly before the law. As I have said before, the diversity of the New South Wales community makes us stronger. That is my firm and personal belief.

As Attorney General I strongly support the principle that justice should be blind and the New South Wales Government is committed to ensuring that everyone in New South Wales is treated fairly and equally under the law. It should go without saying that this includes members of the LGBTI community. As the member for Sydney has asked the House to note, significant progress has been made in reforms affecting LGBTI people in New South Wales. In 2014 this House righted past wrongs in

passing legislation to allow historical homosexual offences between consenting males to be extinguished. In 2014 the Government also adopted the Crimes Amendment (Provocation) Bill 2014, which abolished the "homosexual advance" partial defence to the charge of murder.

Following the release of the Human Rights Commission's report on sexual orientation, gender identity and intersex rights in June this year, I acknowledged the challenges faced by LGBTI people in New South Wales, in Australia and, indeed, across the world. At that time I welcomed the fact that the Human Rights Commission's report put a clear focus on these challenges. I find it very worrying that many in the LGBTI community continue to experience the things the member for Sydney has spoken about this evening—bullying, harassment, intimidation, even violence, based on their sexual orientation, gender identity or intersex status—and the impact this may have on their physical and mental health.

I have met with the New South Wales Parliamentary Friendship Group of LGBTI and with Tim Wilson, the Human Rights Commissioner, who gave me a comprehensive briefing on the sexual orientation, gender identity and intersex [SOGII] report. It is clear from those discussions that trans and intersex communities in this State are facing a number of issues. The New South Wales Government is currently considering the most appropriate ways to ensure that intersex people are protected from discrimination. It is fitting that we are discussing this matter of public importance today because Friday 20 November is Transgender Day of Remembrance. This day, which is observed in many places around the world, was set aside to remember people who have been killed because of bias-motivated crime against transgender people—it is an injustice that a commemorative day needs to be observed.

To have LGBTI equality more work needs to be done at a State and Federal level. I can assure the member for Sydney that this Government is committed to building on the work that has already been done in this Parliament towards positive reforms for this community. I was greatly encouraged in June this year when this House adopted a motion noting the importance of members of Parliament being free to express their own view and those of their electorates on the issue of marriage equality. The Anti-Discrimination Act 1977 prohibits harassment, discrimination and vilification on the grounds of homosexuality and transgender but not intersex status. Laws in New South Wales are generally non-discriminatory in relation to lesbian, gay, bisexual and transgender people, but intersex people are currently not covered.

The New South Wales Department of Justice is considering the best way to address this issue, in line with the changes that have been made to Federal laws. On 7 May 2014 the Premier said in this House that "members of the lesbian gay, bisexual, transgender and intersex community can continue to have the Government as a great supporter". I reiterate the Government's commitment to that community. When I called home tonight my daughter, who is completing her year 8 exams, asked me what I was doing tonight. I told her I was going to speak on this matter of public importance. She was very supportive. These days young people are aware of these issues, in particular how discrimination, which can be made on the basis of so many things, can impact people's physical and mental wellbeing. It was interesting to have my 14-year-old daughter support my comments.

In the New Year I intend to address the concerns affecting the LGBTI community that the member for Sydney has raised with me. He has done this in a spirit of generosity, intelligence and measure. As I said, the member for Sydney genuinely represents the LGBTI community in New South Wales. I have long maintained that it is important for the laws in this State to apply fairly to all communities. The LGBTI community is entitled to blind and fair justice and should not be subject to anomalies which make that impossible. As a strong advocate for his electorate and the LGBTI community, the member for Sydney should be commended for bringing this matter of public importance before the House for discussion and again raising these important issues. I commend my statement to the House.

Ms JO HAYLEN (Summer Hill) [8.03 p.m.]: Along with the Attorney General, I thank the member for Sydney for raising the important issues facing transgender and intersex Australians, and I wholeheartedly support the member's call for further reform. From decriminalisation in the 1980s through

to equalising the age of consent and introducing same-sex adoption, New South Wales has delivered reforms that acknowledge the fundamental rights of lesbian, gay, bisexual, transgender and intersex [LGBTI] people and impact lives in significant and profoundly personal ways. We have come a long way, but there is more work to be done. Whether it is attacks on programs that acknowledge same-sex attracted and gender diverse kids in our schools or banning documentaries about same-sex parenting or the fact that our country still refuses to allow all Australians to marry, the reality is that the LGBTI community continues to face discrimination and intolerance.

I was pleased recently to attend the annual GLORIAS, hosted by the Hon. Penny Sharpe along with David Marr and Barbra Blacksheep. The GLORIAS shine a light on the worst incidences of homophobia and transphobic bigotry. The Golden GLORIA, awarded for the most outrageous remarks, this year went to Germaine Greer for her recent comments maligning the gender identification of trans women and claiming there is no such thing as transphobia. Greer's comments show that discrimination is an ongoing and painful reality for transgender, gender-diverse and intersex Australians. We must do more to protect and further the rights of transgender and intersex Australians, including removing the requirement for sex reassignment surgery before the gender marker can be changed on birth certificates. We must also remove the insidious provision that married transgender people divorce their partner before being allowed to change their gender marker.

These measures may seem insignificant to those of us who take access to identification for granted, but they will be vital for the many trans people who are unable to hold identification that accurately reflects their gender identity. It is also important for us to understand that some fellow citizens do not wish to be identified as one gender or the other, and to ensure our bureaucracy works to accommodate that. I welcome the Attorney General's comments this evening that she and the Government will work towards ensuring that we make accommodation for transgender, intersex and gender-diverse citizens in New South Wales when it comes to identity paperwork. It is often the smallest of reforms that have the greatest impact on how we live our lives and the kind of community we live in. I note that with the prospect of the marriage equality plebiscite in the near future, it may be a busy time for the GLORIAS. We know the next step is to achieve marriage equality and the best way to do that is through the Parliament.

Ms JENNY LEONG (Newtown) [8.06 p.m.], by leave: I join the member for Summer Hill and the Attorney General in thanking the member for Sydney for bringing this matter of public importance to the House. I specifically acknowledge the importance of talking about reforms to laws affecting the trans and intersex communities. The LGBTI acronym is often used when talking about gender-diverse communities, and it is important to acknowledge that any law reform should recognise the specific and distinct needs of trans and intersex communities. One critical thing to remember in law reform is the impact these laws have on people's lives. That should be at the heart of any reforms. I have heard many heartbreaking stories from members of the trans and intersex communities. I have been told about the impact of laws on their lives and the community response to issues of discrimination in the form of transphobia and homophobia. People, especially young people, have faced trauma and distress as a result of existing laws.

I acknowledge that this matter is being discussed in the lead-up to the Transgender Day of Remembrance. I was honoured to participate in this event organised by the Gender Centre at the Newtown Neighbourhood Centre last year, and I look forward to joining organisers this Friday to remember those who have passed away and those who have suffered as a result of discrimination and hostilities because they are trans. The Greens support a number of law reforms, including the end to surgical requirement and forced divorce. We hope to see reform of those requirements in the coming year. We believe there is a need to reform the Anti-Discrimination Act and to implement the 2013 Senate committee recommendations on intersex people.

It is important to recognise that these reforms will have a real impact on people's lives. Marriage equality should recognise that in certain circumstances the New South Wales Act requires people to be

unmarried before they can change their sex. This puts many in the untenable situation of having to divorce their partner. The Greens Senator Janet Rice found herself in that situation with her long-term partner, which makes it an issue close to our party's heart. Members can read Senator Rice's amazing story in a recent *Sydney Morning Herald* article. I encourage law reform in this area, and look forward to some changes in 2016.

Mr ALEX GREENWICH (Sydney) [8.09 p.m.], in reply: I thank the Attorney General, the member for Summer Hill and the member for Newtown for their positive contributions, and their respect of and commitment to trans and intersex communities and law reform. I acknowledge the presence of the Speaker in the Chamber and also thank the member for Coogee, who is a strong advocate for the lesbian, gay, bisexual, transgender and intersex [LGBTI] communities. It is my commitment that 2016 will be a year of law reform for the trans and intersex communities. It is important that we remove the obstacles that prevent trans people from correctly reflecting their sex or gender on their birth certificate. It is important that anti-discrimination legislation does not allow private institutions to discriminate against people based on the fact that they are trans, as is currently the case.

I am pleased that this debate has occurred just before the Transgender Day of Remembrance, which is this Friday. As the Attorney General said, it is sad that we need to have such a day because of ongoing violence and stigma against trans and intersex people and the high rates of suicide in these communities. More importantly, we need to remove the legislation creating the stigma. While we have come a long way on LGBTI reforms, progress has been particularly slow for the trans and intersex communities. I am passionate about this reform, and I need to apologise that I have not given this issue sufficient priority—but that will change in 2016. Many trans people do not have the basic right to a correct birth certificate, and that needs to change. This is recognised as a human rights issue by the Human Rights Commission, the World Health Organization and Amnesty International.

I thank my friend and the Human Rights Commissioner, Tim Wilson, for the work he has done in this space. Amnesty International points out that the barriers to obtaining a correct birth certificate "stigmatise and restrict the ability of transgender people to obtain legal and social recognition of their identity". The reality is that many trans people transition without surgery but laws prevent State documentation from reflecting this. As a result, our State registers are incorrect. Where trans people have had surgery, they still cannot update their birth certificate if they are married: The law forces them to divorce or to live with incorrect documentation. Many married people support each other when one spouse transitions and the law should protect such relationships while respecting the need for people to have correct documentation.

The Norrie case shows how strict rules for registration exclude people who do not identify as either male or female. Some people, be they transsexual or intersex, have both male and female characteristics. I am pleased that the High Court recognised that. I welcome the work being undertaken by the NSW Registry of Births, Deaths and Marriages. Hopefully, it will provide options for those people. I hope that soon our births, deaths and marriages register will be able to reflect the reality of all people in the transsexual and intersex communities, rather than set unrealistic and exclusive criteria.

Forced cosmetic surgery to normalise the genitals of infants born with atypical sex characteristics is also a human rights issue. Such surgery can be delayed until a person is old enough to understand the implications of it. Informed consent is supported by the Australian Human Rights Commission, the World Health Organization, the Australian Senate Standing Committee on Community Affairs and the Council of Europe. If the Government is not going to ban the practice, it must start assessing international research and conduct its own research into adults who have experienced cosmetic surgery as infants.

Speaking with the parents group at the Gender Centre recently showed me how important it is to address these issues. They are parents of people who are transitioning their gender at a certain point in life, either as teenagers or as adults. They told me that it is really important that children have access to puberty blockers early in life and access to hormones later in their teens. I would like to see us move

towards implementing that. They also told me how important it is for a person to be able to change their birth certificate. When someone has gone through the process of identifying to themselves that they are a different gender from the one they were born with—for example, that they were male but now are truly female—it has a real impact when a government document denies that and reflects the incorrect gender.

One can understand the importance of law reform when one talks to parents. The time I have spent speaking to members of the parents group at the Gender Centre has shown me that this issue needs to be addressed as a priority. I look forward to working with my colleagues across the Parliament to progress law reforms in 2016. They include, in this House, the Attorney General, the member for Coogee, the member for Newtown and the member for Summer Hill. In the upper House there are a number of supporters, including the President, the Hon. Don Harwin, the Hon. Trevor Khan and the Hon. Penny Sharpe. I thank all members for their contribution to this discussion. I look forward to future reforms to extend all the protections of the law to transsexual and intersex communities.

Discussion concluded.

**The House adjourned, pursuant to resolution, at 8.12 p.m. until
Thursday 19 November 2015 at 10.00 a.m.**
