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LEGISLATIVE ASSEMBLY

Tuesday 15 March 2016

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

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

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Pursuant to sessional order private members' statements proceeded with.

PRIVATE MEMBERS' STATEMENTS

AUSTRALIAN DEAF GAMES 2018

Mr GREG APLIN (Albury) [12.11 p.m.]: Albury has been named as one of the host cities for the XVIII Australian Deaf Games in 2018. The games will attract competitors from Australia and the Asia-Pacific to regional New South Wales to participate in this major social sports and cultural festival. The games are held generally every three to four years, with the most recent games taking place in January this year in Adelaide. The next Deaf Games have been moved forward by two years in order to better line up with international competitions. All of us on the border are looking forward to assisting Deaf Sports Australia deliver a terrific event that will showcase the region to a wide audience. The Australian Deaf Games are the pinnacle of deaf sporting events in Australia, which is open to participants who are deaf, hard of hearing, hearing impaired or cochlear implantees. Most of the officials and the majority of visitors to the games are deaf or hard of hearing.

Why do we need these games? The Deaf Games give deaf and hard-of-hearing people an opportunity to participate in a national competition format that was developed to encourage involvement and to facilitate real competition. The games also help to promote the development of deaf sport in this country. It is good news that the 2018 games will be held in a regional area where they can produce many worthwhile outcomes. More than 1,000 athletes who will compete in 15 sports are expected to attend the games. The border community will experience economic and social benefits as up to 2,000 family members, friends, volunteers and supporters are expected to attend. The 2,000 to 3,000 people

who will form the games community will boost the local economy by an expected \$3 million.

Interstate deaf sport probably had its origins in Australia in 1895 when the Victorian Deaf Cricket team visited South Australia. The first significant Deaf Games were held in 1911. The games now involve 15 or 16 sports, including cricket, rugby sevens, beach volleyball, tennis, golf, eight ball and athletics. Initially the games were held over two weeks. Eventually this presented difficulties for athletes and families having to take time off work and being away from their homes. In recent years the games have settled into a seven-day program. In part, that has been made possible as a result of access to facilities that are capable of holding events day and night, such as the Lauren Jackson Stadium in Albury which will be used for much more than basketball when the Deaf Games come to town.

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The games have increasingly added an international Pacific component. The 2016 games included athletes from New Zealand and Fiji. For 2018 we can expect Samoa to again send participants. Gold, silver and bronze medals are awarded to the winners, but this is not the focus of the games. A more important prize is the John M. Lovett Cup, which is named after the late stalwart of the Australian Deaf Games. John Lovett, an Australian government administrator who put Australia on the world map of deaf sports, was the sixth president of the international Deaf Olympics from 1995 to 2003. Points are awarded throughout the games on a number of criteria and the cup goes to the State that amasses the greatest number of points rather than simply the leading medal score.

Cultural activities are a big part of the games. These range from captioned movie nights to visits to art galleries and fundraising for youth groups. Garry West-Bail, General Manager of Deaf Sports Australia, visited Albury in February to check out the facilities and meet local representatives. Garry said he is excited about holding the Deaf Games on the border because the community has been so welcoming and flexible in accommodating the various sports and cultural activities. He said that when games are held in a capital city the negotiations over the use of facilities can remain unsettled a year out from the event. The organisers are pleased that all the border facilities where the events will be held are already confirmed two years ahead of the games. This is one of the strong benefits of holding a major event in a large regional centre.

Another important factor for holding national events in a city such as Albury is that everything necessary is within close proximity, whether it is sporting venues, training facilities, accommodation, shopping centres or recreational attractions. The President of Deaf Sports Australia, Phil Harper, noted how the border's central location between Melbourne, Sydney and Canberra put it in an ideal position to attract visitors and athletes, and he anticipates a large contingent of participants will make the trip.

The essence of the games is "Passion and wellbeing through sport". Albury will play its part to make the games a great experience. The 2018 Australian Deaf Games will be co-hosted by Albury and Wodonga through a partnership with Destination NSW, the Albury City Council, the city of Wodonga and the Victorian Government. We look forward to the games and extend a warm welcome to all who will make the trip to our region, whether as athletes, family members or friends. They are going to have a memorable week. Everybody should start planning their visit to Albury now.

Mr STUART AYRES (Penrith—Minister for Trade, Tourism and Major Events, and Minister for Sport) [12.16 p.m.]: I acknowledge the excellent contribution by the member for Albury. The Australian Deaf Games will be a highlight on the events calendar across not just regional New South Wales but indeed the country. This Government is committed to making sure that regional New South Wales shares in the proceeds of the investment we have made in bringing events to this State. This Government does not just leverage off our fantastic assets in Sydney, we also invest heavily to ensure that events are taken to our wonderful regional centres like Albury. Albury is one of our cities that act as a gateway to our State. It attracts people from across the border in Victoria and is a fantastic location for sporting events. The Murray region has a strong history in sport and bringing the Deaf Games to Albury is testament to not only the work of this Government but also the passionate advocacy of the local member.

REDFEB HEART RESEARCH MONTH

Ms SONIA HORNERY (Wallsend) [12.17 p.m.]: When Alwyne Watkins passed away Wallsend lost a local icon. He was a passionate advocate for the Wallsend area and a frequent visitor to my office. Just prior to Christmas, Mr Watkins made headlines when a sinkhole nearly swallowed his mobility scooter and him along with it—at the age of 90. If that sounds like a larger-than-life story then it is; that is the sort of personality he had. My office has lost a good friend and Wallsend has lost one of its most passionate champions and defenders.

Alwyne always spoke fondly of his family. He was glad he was able to spend a few extra weeks with them following his misadventure with the sinkhole and rescue, thanks to the timely intervention of four local boys. It was two days before Christmas and sweltering hot. Mr Watkins was enjoying the summer sunshine travelling on a pathway along the fence line of an oval in Wallsend. According to eyewitnesses, he stopped in the middle of the path and then seemed to vanish.

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Mr Watkins was quoted in the *Newcastle Herald* as saying:

The ground opened up and swallowed me and I was underground. All I knew was that I was driving, and the next moment my head was level with the ground.

Four teenagers, kicking around a soccer ball about a hundred metres away, sprang into action. Jackson Rickford, Michael Zechel and Elijah Startin, all 17 years old, and 16-year-old Jereme Wann, rushed over to Mr Watkins. Michael, the first to arrive, said, "I sprinted over and jumped the fence because I thought he had had a fall. Then I looked under my feet and I could see all the way down. It scared the hell out of me."

Mr Watkins was pinned beneath the scooter. The boys managed to get him out, and Alwyne was taken to John Hunter Hospital, where his injuries were, miraculously, found to be limited to a chipped elbow, cracked rib, bruises and a cut to his leg that required stitches. "They're heroes in my eyes," Mr Watkins said of the boys. Jackson, Michael, Elijah and Jereme are heroes in my eyes, too. What makes the story even more extraordinary is that one of the boys has a congenital heart condition. His mother emailed my office, informing us of his condition and letting us know that physical exertion—say, the physical exertion of sprinting across a field and lifting a scooter off a man trapped in a sinkhole—could be hazardous to his health. She let us know that despite this, he did not even hesitate when he saw Mr Watkins in trouble.

I raise this matter today, and make special note of it in the context of this misadventure, because February was RedFeb Heart Research Month. Heart Research Australia is dedicated to "funding first-stage, innovative research into the prevention, diagnosis and treatment of heart disease". Established in 1986, the organisation's work does not attract Government funding but is nevertheless vital. The organisation was founded by cardiologists at Sydney's Royal North Shore Hospital, who saw firsthand the devastating impacts of the disease on the community, and the "pressing need to find new ways to reduce the high death rate". Heart Research Australia has expanded from research projects, and now offers PhD scholarships, postdoctoral fellowships and many other types of study. Heart disease is the biggest killer of Australians, affecting two out of three Australian families, according to Heart Research Australia. It is predicted that deaths from heart disease will rise as obesity and diabetes become more common.

I take this opportunity to celebrate the tireless advocacy and good friendship of the late Mr Alwyne Watkins; the selfless heroism and quick thinking of Jackson, Michael, Elijah and Jereme, particularly in the face of a major medical problem; and the research and support efforts of Heart Research Australia.

BURDEKIN PARK FLYING FOXES

Mr MICHAEL JOHNSEN (Upper Hunter) [12.22 p.m.]: I again highlight an issue which is important to Singleton, in my electorate of Upper Hunter, and to many other areas across the Hunter, New South Wales and Australia: the management of flying fox colonies. On Sunday I was very happy to attend a protest rally supporting the residents of Singleton to take back Burdekin Park.

At the outset I congratulate Councillor Ruth Rogers, Melinda Grant, Lee Pearce, Donna Saunders and Kelly Knight, the organisers of the protest. It was very successful in terms of attendance: hundreds of people turned up. The protest received wide media coverage through television, radio and newspapers Australia wide. I suspect the reason it received such attention from the media is that this issue—although it is important for Burdekin Park and Singleton—is a much wider issue and points to red tape at State and Federal levels that is absolutely unnecessary. This needs to be dealt with sooner rather than later.

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Also in attendance was Mr Andrew McIntyre, Regional Manager, Office of the Environment and Heritage with whom I spoke about the restrictions. Is it fair that Singleton Council as the owner of the land and therefore land manager of the flying fox colony is responsible but its hands are tied behind its back making it near impossible to take any effective measures to manage flying fox colonies? We know that flying foxes are a protected species and are listed as vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. Since 1999 when the former Federal Government got involved in such matters it has been nigh impossible for land managers such as Singleton Council to be able to deal effectively with a protected native species that is often seen as an absolute pest in urban areas.

Burdekin Park is a relatively small area, maybe a couple of acres, but has an estimated 20,000 flying fox population. For many years Anzac Day and other military services have been held in the park as it has a wonderful war memorial and a military museum. However, for a number of years the services have had to be held at a different location due to the bats that have been in the park since 2000, and are growing in numbers. Attempts have been made in past years to disperse them by using high levels of noise when the bats come back to roost in the morning and to relocate them but they have been unsuccessful. Previously the Federal Government held the view that lopping trees was not an acceptable management practice by council.

We are now at a point where lopping trees must become an acceptable management practice because the bats are killing the park and the trees. The park could be developed into something wonderful for the future of the Singleton community. I said at the protest, and I reiterate in the House, that given bureaucratic processes have effectively created a situation where council cannot deal with the management of this colony, it is only fair that the State and Federal governments consider providing some funding to Singleton Council to take back Burdekin Park.

TARKEETH STATE FOREST

Mrs MELINDA PAVEY (Oxley) [12.28 p.m.]: The Bellinger Valley boasts wonderfully productive native forest and hardwood plantations, such as those in the Tarkeeth State Forest, one of many areas wisely set aside for timber production ad infinitum. I raise this matter because the Tarkeeth State Forest is now the subject of an anti-forestry campaign. Let me inform the campaigners of the facts. Not long ago Tarkeeth was privately owned farmland. It was purchased in the 1960s and planted with native hardwoods. The land was sold to the Forestry Commission in the 1980s, and the timber plantations are now mature. This crop of trees was grown to be harvested and processed at local mills, which in turn provides local jobs and the timber products we all love.

There are more than 4,000 forest industry employees in northern New South Wales. Hence, it is quite a surprise to see that The Greens have tabled a motion in the New South Wales upper House calling for the forest "to be protected, to abandon harvesting and to find alternative jobs for workers".

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It really is time for a mature, factual, science-based and constructive discussion about forestry and our forest estate. Let us look at the figures. Since the 1990s, the North Coast conservation tenure has grown to 2.4 million hectares. There still remains just under 900,000 hectares of State forest on the North Coast, of which 378,000 hectares is harvestable and the balance of 522,000 hectares is not harvestable due to slope, riparian and other regulatory exclusions. An enormous amount of land is not harvested, used or managed. Also, only between 1 per cent and 2 per cent of State forest sees harvest activities in any year. These areas are harvested only once every 25 to 30 years in the forestry cycle. To me, the figures speak for themselves. What really matters is the biodiversity outcomes across the landscape. Many species live in both State forests and national parks, and the two land uses can work collectively to support biodiversity. The key threats to koalas are wildfire, cars, dogs and habitat loss. Yes, there are koalas in State forests, but they also happily live in and around heavily populated areas like Port Macquarie.

I must also make a point about duplicity: One cannot call for the end of native forest harvesting and demand that we get our timber from plantations, and then oppose the harvesting of those plantations. Timber harvesting can take place in a way that meets stakeholders' needs. This happens in New Zealand, in North America and in Europe. But in Australia an attitude and a culture have been engineered and decreed that are contrary to what happens overseas. Sadly, the Tarkeeth Forest is the latest in a long line of production forests to be subjected to political and/or ideological interventions. Our coastal hardwood forests and plantations deserve more than being unmanaged exhibits on one side of an arbitrary line and sustainable timber producing systems on the other side. Both really do need some management to sustain them.

Forestry is one management tool. If we think about it, it could be a substitute for the fire-stick farming under which this continent evolved for 30,000 years. In this sense, *The Biggest Estate on Earth*, by Australian National University Professor of History Bill Gammage, is essential reading. I really do think it is time for a mature, factual, science-based and constructive discussion about our forestry estate that truly balances the environmental, social and economic values of our region.

Mr STUART AYRES (Penrith—Minister for Trade, Tourism and Major Events, and Minister for Sport) [12.31 p.m.]: The statement of the member for Oxley raised an issue that is contested in this Chamber. The member's mature contribution informs members of the public about good decisions to ensure balanced outcomes for land use. As the responsible Minister I believe this contribution warrants attention. The member spoke of the need for biodiversity outcomes that balance the protection of jobs with maintaining our natural landscapes. The member specifically raised the issue of plantations used for timber harvesting to create sustainable products. It would be a significant loss to the environmental outcomes of this State and the productive capacity of the member's electorate if we lost this crucial balance.

SHAMROCKS RUGBY UNION

Mr RYAN PARK (Keira) [12.32 p.m.]: I pay tribute today to the Woonona Shamrocks Rugby Union club, one of the highest profile sporting entities in my electorate that aims not only to improve the standard of rugby played in the area but also to provide opportunities for young people, women and older blokes to get back into enjoying the great game of rugby. The club was established in 1970 and is now based at Nicholson Park. Shamrocks has a proud history in the northern Illawarra suburbs. It fields teams in the Illawarra District Rugby Union Competition and has several junior sides, right through from the

under-eights to the under-17s, as well as under-19s and three senior-grade sides. The club is ably led by president Garry Weston, a remarkable person doing great things across the northern suburbs including at the Bellambi Bowling Club and the neighbourhood centre, and who is one of the first people to put up his hand to help run facilities that improve the lives of those in the community.

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Along with all members of Shamrocks, he has worked extremely hard to improve the playing ground and facilities. Recently I was pleased to work with the club to secure \$45,000 to replace its dilapidated security fencing.

Over the years the club's volunteers have greatly improved their ground by the sea. Literally a stone's throw away from the sand at Nicholson Park and neighbouring Ocean Park, it is a picturesque ground for people to visit and for teams to play at. Being so close to the ocean has meant that the ground has had its fair share of upgrade and upkeep challenges. For many years the tireless Shamrocks volunteer committee has worked hard to provide people from across the northern suburbs with an opportunity to play rugby and has done an outstanding job to ensure that its facility is of an incredibly high standard. I make special mention of club member Stephen Saywell and thank him for his dedication to its most recent project and his hard work to complete it. I thank all of the mums and dads, supporters, friends, family members and former players who spend a lot of time at the club during the week fixing the ground and amenities and who are also there on game day making sure the field is ready to go. As we know, we simply could not run community sporting organisations without our magnificent volunteers.

I extend my heartfelt thanks to everyone involved in the Shamrocks Rugby Union club for all their hard work. I look forward to not only attending a few of their great battles this year but also continuing to find ways that we can improve the facility, given its proximity to the ocean. I wish the club and its members, volunteers and supporters all the best for the 2016 season. On behalf of the House and a grateful Keira electorate I say a big thank you to them for their work to improve sporting facilities and opportunities for people across the electorate. I also thank them for their other volunteering work as part of multiple clubs and organisations across the northern suburbs. Without their dedication and support we simply would not be able to provide people with so many wonderful opportunities. Once again I congratulate and thank everyone involved in Shamrocks Rugby Union club.

NORTHERN BEACHES MULTICULTURALISM

Mr BRAD HAZZARD (Wakehurst—Minister for Family and Community Services, and Minister for Social Housing) [12.37 p.m.]: The northern beaches region is often not considered to be a crucible of multiculturalism. In fact, the northern beaches region is very much such a crucible. On my visits as the local member to Brookvale Public School and Dee Why Public School for the past 25 years I have met with students from more than 30 nationalities, which reflects the broad underpinning of multiculturalism in the area. Generally residents of the northern beaches region are crusaders for what is right and good. They are very supportive of new residents from overseas and hope that they will one day become citizens of our great country. Multiculturalism is not just thriving at Brookvale Public School where Principal Bev Maunder does an incredible job, or at Dee Why Public School where Principal Mark Chaffer does an incredible job; it is thriving amongst community members themselves.

As I said, the northern beaches region is home to people from more than 30 nationalities. Among them are almost 700 Tibetans, who make up the largest Tibetan community in the country. The Tibetans joke that when they are in India having escaped across the Himalayas they often say they are going to Dee Why, not necessarily understanding that it is in Sydney. That is a reflection of the welcoming nature of the local community towards Tibetans.

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I commend Guven Fiasson, Vesna Perisic and others from Northern Beaches Community Connect, which is an amazing organisation doing an incredible job in reaching out and bringing people

together. Its Bringing Us Together program evolved from the needs of new migrants to Australia and the challenges that they face. Language is at the top of the list, but there are numerous other issues for them. The program empowers individuals with knowledge of their local environment and community. Participants in Bringing Us Together meet regularly and are provided with advice on renting a house, buying a car or looking for a job. The program provides new residents to this country with support to integrate and understand our community. Northern Beaches Community Connect also organises visits to museums, art galleries and historical places.

Groups of new residents visit my office to meet me and talk about what is involved in the democratic system, the concept of which is foreign to them. The organisation provides other services such as free English classes, information workshops on looking for a job, how to prepare for your citizens test, cultural events, festivals, and other activities. To assist new arrivals Northern Beaches Community Connect arranges professional speakers from Government agencies such as health, mental health and conflict management. I thank the business community mentors who help the new arrivals.

The first Tibetan refugees arrived in Dee Why approximately 40 years ago. The first couple were the flag-bearers for a Tibetan community that has followed. Recently I met with Nigan Gotsang, a Tibetan community leader, and Tsering Dorjee, the new Tibetan community president, and Jigme Norbu. I will share Nigan's story with the House. He was born in 1969 in a village called Thangkor by the Yellow River in Tibet. At that time Tibet had been occupied by the Chinese for 19 years. His family was part of a nomad tribe known as Ndrogba. Due to the tribe's remote location there was little opportunity for an early education. In 1988 he attended secondary school where he studied the Chinese language, but he was asked to leave the school because of his political views. That is when he decided to leave Tibet. He travelled a long distance to the southern border and joined a group of people with a Nepalese guide. They crossed into Nepal, but they were caught and sent back to Tibet.

They regrouped and eventually arrived in Kathmandu. The Tibetan reception centre looked after them before they travelled to India to study English. In India Nigan remarried a Tibetan lady and spent four years studying Christianity. With the help of the exiled Central Tibetan Administration he was accepted into Australia under this country's humanitarian support policy. Mr Gotsang arrived in Australia on 1 July 2007. With the support of the local community Nigan Gotsang has studied at TAFE, and worked in supermarkets and a glass factory. He is currently working in a nursing home in Mona Vale. For two years he was President of the Tibetan Community of New South Wales and was recently elected President of the Tibetan Community of Australia. He states:

In Australia, what I have mostly enjoyed and still love very much is freedom. I enjoy the freedom to speak the language I choose, the political freedom and the religious freedom.

On behalf of members I welcome all Tibetans to this country, particularly to Dee Why. I am sure that collectively members of this House support our multicultural community across this country. I thank the House for its indulgence.

NEPEAN HOSPITAL

Ms TRISH DOYLE (Blue Mountains) [12.43 p.m.]: The Nepean Hospital at the foot of the Blue Mountains is the key tertiary care hospital providing services to constituents from my electorate. It provides critical health and emergency care services to more than 350,000 people. The Baird Government has starved it of critical funds, which has placed staff and patients under severe stress. I condemn the Baird Government and the Minister for Health for reneging on the \$360 million election promise to adequately fund Nepean Hospital. This Government lies; it does not care about those who live in Western Sydney. It has an ideological fixation with cutting services, and forcing the working class and the poorest in our society to pay for basic, essential services. The mental health unit at Nepean Hospital is in crisis. On NSW Health's own reckoning, mental health services for my constituents are completely underfunded—operating with less than half the funding necessary to meet community need.

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Last week in my contribution to debate on the Health Practitioner Regulation National Law (NSW) Amendment (Review) Bill 2016 I foreshadowed the bed block and staffing shortages at Nepean Hospital that were extensively covered by the ABC the next day. Those shortages make it impossible for staff to provide appropriate care for patients with mental illness. The emergency department at Nepean Hospital is overworked as staff struggle to deal with the number of patients requiring care. A busy emergency department is not the best environment for someone who is experiencing an acute mental health crisis, but each shift six to 12 mental health patients present at Nepean Hospital emergency department. The Psychiatric Emergency Care Centre [PECC] at Nepean Hospital is intended to take patients from 48 to 72 hours. But for the past couple of years it has been operating as an over-flow area, where patients requiring hospitalisation may remain for more than six days, which is against the PECC guidelines, due to an ongoing bed shortage.

In 2014 the shiny new mental health unit opened with high dependency and acute facilities. But staffing problems continue to besiege the unit with an over-reliance on casual staff and overtime. The older people's unit has closed intermittently due to a lack of staff to cover those high dependency and acute units. The assessment unit was built with an ambulance bay so that distressed patients or high-risk patients could be brought into the unit safely by ambulance or police without causing distress to other patients in the mental health unit. To the disgrace of the Baird Government and the Minister for Health, this assessment unit has never been opened. In addition to bed block, there is human resources [HR] block. Recruitment practices are extremely slow, with some positions taking up to eight months to be finalised. Thus casuals and permanent staff feel pressured to fill shifts by working overtime or double shifts—I am told this happens every day.

This practice costs the State money. Indeed, it impacts not only the health of workers but also the quality and level of care provided to patients by overworked, tired staff. In addition to the shortage of nursing and health services staff at the hospital, there is also a shortage of doctors—some patients wait up to a week to see a doctor. Many doctors have told me that they are either leaving or planning to leave because of the poor working conditions and patient overload, which impacts lengths of stay and discharge planning for patients. Aside from staffing problems, there are also problems with the facility itself. Disappointingly, the new facilities are already showing signs of wear and neglect.

Doors have been kicked in, toilets are often blocked and window coverings in the seclusion room have been pulled off. What is the point in building a new health facility if the Government is unwilling to adequately fund the maintenance and cleaning of it? And that is what is required to run a hospital. Nepean Hospital must have its maintenance budgets restored and expanded, and its staffing resources boosted. Patients must have quality care provided by full-time, permanent medical staff that are well rested and not overworked to the point of exhaustion and collapse. If Premier Mike Baird and his Minister have no interest in running hospitals on a day-to-day basis then they should get out of the business of governing New South Wales. The delivery of essential health services is the core business of State Government.

SOUTH-EAST REGIONAL HOSPITAL

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) [12.48 p.m.]: Today I pay tribute to the many staff of my local area health service and to the nurses involved in the historic event for those who live the south-east region of this great State that took place last week.

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History was made on 8 March when residents of my region gained the benefits of a new state-of-the-art \$187 million hospital, the South East Regional Hospital at Bega. The hospital includes a new expanded emergency department, a new emergency medical unit, an expanded intensive care service, additional

medical and surgical beds, a new and dedicated rehabilitation service, dedicated palliative care beds, an expanded mental health service, an expanded medical oncology unit, an expanded renal dialysis unit, an upgraded paediatric unit, an upgraded maternity and neonatal unit, and expanded primary healthcare and ambulatory services.

Our community has come together over many, many years to fight for this hospital. I pay tribute to the late Dr Gareth Long, who led the charge well over 10 years ago to commence the process of advocacy with the community for this facility. The 2½ kilometre transfer of patients from the old facility to the new facility, which started at 7.30 a.m. on 8 March, was an enormous success because of the professional way in which the staff handled the transfer. The general manager, Heather Austin, and her team should be incredibly proud of the meticulous planning in minute detail that went into carrying out this transfer without incident.

I know that some people want to play politics around the delivery of the hospital, but I rise above that because the community knows that a full community effort went into attaining this facility. I pay particular tribute to the State Minister for Health and Nicola Roxon, who was the Federal Minister for Health at the time, who reached an agreement on joint funding for the hospital. I also particularly acknowledge the Turnbull Government, which has had to meticulously secure and manage the finances to fund the hospital, given the nature of the debt that was left by the former Labor Government. The State Government is putting in \$26.9 million as well as funding a new ambulance unit attached to the hospital. At the same time, we are working closely with the community in the delivery of carers accommodation.

I want to pay my respects to Charlie Blomfield and Lynne Koerbin, who have been involved with a community volunteer organisation to get the funds together to start to build stage one of the carers accommodation. I also recognise the contribution of well over \$1 million from local service clubs, as well as the contribution of more than \$300,000 from Bega Cheese and its chairman, Barry Irvin, towards the fundraising efforts. Having carers accommodation alongside the hospital enables patients from rural and regional areas in New South Wales to have a loved one stay on the grounds near them. It is an incredibly exciting and important initiative on behalf of the community that will deliver 18 carer rooms at the hospital.

The new hospital will be formally opened in the next couple of weeks. Although the hospital has been jointly funded by the Commonwealth and State governments, its ongoing recurrent expenditure will present a challenge for the State in light of the lack of certainty around healthcare funding from the Commonwealth Government. We must see that resolved, given the tens of millions of dollars required on a per annum basis to run the facility. This is an exciting time for the region; it is the largest infrastructure project in the region's history. It will transform health care for our community and people will no longer have to go to Canberra to access health care. I pay tribute to the community, who—through the leadership of people such as Gareth Long—have been able to deliver what is an incredible facility.

TRIBUTE TO SARA EVANS

Mr DAVID HARRIS (Wyang) [12.53 p.m.]: I bring to the attention of the House the success story of Hamlyn Terrace local Sara Evans, a young Central Coast mum. On 29 November 2015 she swam for 12 hours—equal the distance from Manly beach to Copacabana beach—at Mingara One Pool, Tumbi Umbi, to help raise funds for the Save Sight Institute. Motivated by her friend's son who was diagnosed with retinitis pigmentosa [RP], Sara swam continuously for 12 hours to raise vital funds for paediatric eye disease at Save Sight Institute in Sydney.

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Sufferers of retinitis pigmentosa have no peripheral or night vision. The disease involves the degeneration of photoreceptors in the retina. Tunnel vision develops, which deteriorates to the point where sufferers are in complete darkness. Retinitis pigmentosa affects thousands of Australian children and their families and is one of many blinding eye disorders for which researchers at the Save Sight Institute are working hard to find a cure. The Save Sight Institute leads the way in finding innovative ways

to preserve and restore vision lost to eye diseases, including glaucoma, macular degeneration, retinal dystrophies, uveitis and inflammatory conditions.

The Save Sight Institute has an involved patient community with which it works closely to raise awareness and funds for eye research. Known as SightFighters, these committed supporters are an integral part of the team that is working hard to cure blindness and vision loss. On 28 October 2014, the day she started the cause, Sara wrote this on the "Swimming 12hrs to Save Sight" Facebook page:

I would like to introduce myself to you all. My name is Sara Evans, I am 32 years old, I am a mother of two beautiful boys and I have a loving and supportive husband. I started at the gym in April this year, training hard.

I am committed to supporting a charity that desperately needs support. So it has begun: My voyage to make a difference! A few weeks ago a very close friend told me about her son's problem with his vision. When he is older he will go blind, the same as my uncle's partner who worked as a tour guide and then had to give up the job that he loved. It really touched a chord with me knowing that my friend's son could be blind by the time he is my age and that it could have been one of my children. I have been thinking of the huge changes he will have to make to the things we just take for granted as he gets older.

This 24-hour swim is to make people aware of all the different eye diseases that people have to deal with and the funds that are raised will go to supporting research into blinding disorders such as macular degeneration, uveitis, glaucoma, cataract, retinal dystrophies, diabetic retinopathy and more.

I know this is going to be hard on my family and me over the next twelve months, and I would love all the support and assistance you can give. So please follow me along this journey, it really will make a difference. Thanks, Sara.

Sara is an inspiration. She came to me during the last State election campaign and told me about her plans to raise \$50,000 for the Save Sight Institute. In November last year, after months of training both in the pool and the gym, Sara took on the big day and successfully raised more than \$50,000 for the Save Sight Institute. The swim took place during Sara's Family Fun Day at Mingara Recreation Club. The Family Fun Day included face-painting, sausage sizzles, jumping castles, markets and live entertainment. Proceeds of the day went towards research at the Save Sight Institute.

Among those present during the day were Professor Peter McCluskey, Director of the Save Sight Institute, and Associate Professor John Grigg, paediatric ophthalmologist and head of the discipline of Clinical Ophthalmology at Sydney Medical School at the University of Sydney. Last year marked 30 years of the Save Sight Institute. In April last year Sara raised \$43,000 by holding a trivia night at the Shelly Beach Golf Club. In August she held a masquerade ball at the Mingara Recreation Club. Sara harnessed the power of social media to get her message out. Her first sponsor was a man in Texas who donated \$100. She now has hundreds of followers from Australia and around the world. I helped to raise \$100 for the cause by happily diving into the pool wearing my suit and tie.

Sara had plenty of experience in her corner, with her coach, Luke Hill, having an English Channel crossing under his belt. Sara was also joined for a couple of laps by Paralympian, Teigan Van Roosmalen. Since raising money for the Save Sight Institute Sara has been nominated by community groups for numerous awards within our local area and has been awarded local Woman of the Year in my Wyong electorate. Sara serves as an outstanding role model for our community and the young women of the Central Coast.

Mr ADAM CROUCH (Terrigal) [12.58 p.m.]: As the member for Terrigal on the Central Coast, I am pleased to advise the Chamber today that the New South Wales Government's Community Building Partnership grants for 2015 are being gratefully received. These grants are making an incredible difference to large and small not-for-profit organisations across the Central Coast. In my local area alone, I am presently announcing the delivery of \$200,000 to local school parents and citizens associations [P and Cs], sporting clubs and after-school care groups, just to name a few. One of the successful groups is the Kincumber Avoca Cricket Club, which applied for a Community Building Partnership grant to revamp the two cricket nets at Kincumber High School. This includes replacing the old slab, replacing the chain wire fence, adding an extra roof bay and improving the cricket netting. Every cent of the \$13,853 will go to making a huge difference to the Kincumber Avoca Cricket Club and at the same time provide a much-needed upgrade to Kincumber High School.

I had the pleasure of visiting the before- and after-school out of school hours [OOSH] care service at Woodport Public School. I saw firsthand what a difference \$6,260 will make to that service. The project the OOSH is applying for is a multipurpose storage shed, which will include a covered awning with two outdoor sinks and water fountains for the children. While this grant will not fund the whole project, it will certainly give it a good kickstart. To complete the project the OOSH will have the support of local businesses and other forms of sponsorship. The Community Building Partnership program provides grant funding for community infrastructure based on projects that support the activities and improvement of the local community. These grants develop vibrant, sustainable interaction and are inclusive of the entire community. That is evident in our local area. The community comes together to build a project, using what I call "seed funding" to attract community support, whether in kind or monetary.

These grant projects provide value for money. They leverage other resources in the community that may need to be tapped into. Projects provide a benefit directly to the local community and, because they worked so hard to see it come to fruition, the community takes ownership of the project. The Rotary Club of Kincumber received \$5,596 to continue its project this year. It is planning to construct four individual memorials honouring Kincumber shipbuilders who have worked in the Brisbane Water area since the 1800s. Presently there is a large memorial to the historic shipbuilders of Kincumber, which the New South Wales State Government assisted in funding. The proposal is to install four smaller memorials along the footpath between Kincumber and Davistown, each honouring the four historic Davis brothers: Rock, Benjamin, Thomas and Edward. This is just one of the many projects that will enhance our region and stand for all time in our local community. I applaud the Rotary Club of Kincumber for its continued drive to achieve this project.

As the member for Terrigal, I have met many people throughout the year who work hard in their community to make it a better place. This is no more evident than when I visit our local schools and meet with their dedicated P and Cs—mums and dads who give up their precious time to ensure that their children's school is improving every year. Wamberal Public School P and C applied for a grant for an outdoor, all-weather, light-emitting diode [LED] school sign, and received \$18,500. Avoca Beach Public School P and C is planning a playground upgrade for a covered area for students, and received \$28,800. Again, this is outstanding work by the P and Cs of schools throughout the Central Coast region.

Sixteen successful not-for-profit organisations have received a total of \$200,000 for their communities in the electorate of Terrigal. I am very proud to represent the New South Wales Government when handing over their giant cheques. I am proud to say that \$123,000 of that funding is going to school P and Cs in the Terrigal electorate. Each organisation has been formally notified that its application has been successful and each has responded in appreciation. The Terrigal Rugby Club—the Trojans—received \$6,248 for a new scrum machine for training, encouraging new patrons and younger players. Recently I enjoyed presenting its giant cheque at the club's "long lunch" with its members and more than 40 local sponsors who are dedicated to the Terrigal Trojans.

Other recipients of the Community Building Partnership program that will benefit from the grants

include Terrigal Community Men's Shed, Davistown Progress Association, Central Coast Baseball Association, Pretty Beach Community Preschool, Erina High School P and C, Copacabana Community Association, Terrigal Public School P and C, Empire Bay and District Sports and Recreation Association, and the Matcham Public Hall Association. These grants are investments in our local communities, some of which will stand for a lifetime for all to enjoy and admire and others that will benefit our children's growth and wellbeing. I assure the Government that this program has been of enormous benefit in the electorate of Terrigal and on the Central Coast. I for one am very proud to be a part of it.

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UNIVERSITY OF WOLLONGONG

Ms NOREEN HAY (Wollongong) [1.04 p.m.]: The University of Wollongong ranks among the best modern universities in the world, with an enviable record of achievement in teaching and research. Global employers rate its graduates in the top 1 per cent. It is ranked in the top 2 per cent of universities in the world and is the highest-rated university in Australia. Its students and staff come from diverse backgrounds, many from overseas. They share a culture that respects openness, inclusiveness and diversity. Many of the staff are leaders in their respective fields, nationally and internationally.

The University of Wollongong generates around \$2 billion in economic activity each year, with most occurring in Wollongong and the surrounding Illawarra region. Since the main campus in Wollongong was established in 1951—which was a very good year—the university has expanded to regional campuses in southern Sydney, Bega, Batemans Bay, the Shoalhaven and the Southern Highlands. The University of Wollongong Sydney Business School delivers courses in the heart of Sydney, and the University of Wollongong campus in Dubai delivers world-class teaching to students in the United Arab Emirates. Partnerships with established international education providers extend its reach into Singapore, Malaysia, Hong Kong and, most recently, Canada.

The Innovation Campus is a world-class, award-winning research and commercial precinct developed by the University of Wollongong. The Innovation Campus was established in 2008, under the guidance of former vice-chancellor Gerard Sutton, with seed funding and a great deal of support from the former Labor Government. In government Labor also supported the Innovation Campus through the provision of a regular shuttle bus service linking the campus with Wollongong's central business district and railway station. The shuttle also provides safe travel for students in the evening.

The University of Wollongong's new strategic plan was launched this week. At the heart of the plan is a commitment to continue to build a research and learning environment that tackles society's challenges, produces highly sought after graduates, enables new enterprises, achieves global growth and earns the University of Wollongong a place in the top 1 per cent of the world's universities. Many of my constituents attend the University of Wollongong. As the member for Wollongong, I am very proud of the work of the university. It is involved in a range of activities in the community. Much of its most recent success is due to the work of Professor Paul Wellings, whose tenure as vice-chancellor has been extended until 31 December 2020 to enable him to oversee the plan's implementation. I congratulate him.

The Graduates of League program is a joint initiative and pilot program of the Athlete Education Foundation, the University of Wollongong and the National Rugby League. The program aims to increase the university entry, retention and completion rates of elite athletes. I commend all involved in the initiative for increasing education opportunities for athletes. The program provides National Rugby League players with opportunities to develop their post-football careers as part of the most comprehensive professional athlete education program in Australian sport. St George Illawarra Dragons co-captain Ben Creagh is the program ambassador. He graduated from the University of Wollongong with a commerce degree, majoring in finance. I would not be the first to say what a fine example of sportsmanship Ben Creagh is to the Illawarra region.

Other St George Illawarra graduates include Dan Hunt, with a Bachelor of Education; Nathan

Fien, with a Diploma of Management; and Mitch Rein, with a Bachelor of Physical and Health Education. The program is an example of the great opportunities that exist for educational facilities such as the University of Wollongong to partner with sporting facilities. Many young athletes unfortunately sustain injuries and must then rely on their education to provide a post-sport career. I commend everybody involved in the program and wish them all well for the future. I recommend that everyone undertake a degree at the University of Wollongong.

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NEW ENGLAND NORTH WEST WESTPAC RESCUE HELICOPTER SERVICE

Mr KEVIN ANDERSON (Tamworth) [1.09 p.m.]: On 17 February 2016 I submitted a private member's statement in Parliament calling for winching capabilities to be reinstated as a rescue option for the New England North West Westpac Rescue Helicopter Service, based in Tamworth. The helicopter service was ordered to cease winching operations in 2013 following an aeromedical retrieval report, which raised safety concerns about the low amount of winching being conducted in the area, and subsequent recommendations that the operation be suspended. The time had come to review that decision because changing circumstances in the wider regional communities established a strong case to reinstate winching by the New England North West service.

It had been reported to me that when a winch was required in the New England North West area the Tamworth helicopter was overlooked and an out-of-area helicopter was tasked with the mission. At times this left Lismore and Newcastle without aerial cover. The community and I did not believe that this was an efficient use of emergency resources. The community had every reason to question the practice given its high financial contribution to the service. On behalf of the community, I tabled a 10,000 signature petition in Parliament. On 14 March 2016 I announced with great pleasure that winching will be reinstated as a rescue option for the New England North West Westpac Rescue Helicopter Service based at Tamworth. This change includes brand new helicopters such as the AW139 and training at the new Bankstown training centre of excellence to provide the significant safety improvements that are required to allow the return of winching to Tamworth.

The AW139 helicopters, which will replace the BK117s, are bigger, safer and eminently capable. All helicopter paramedics will be taught aeromedical and clinical skills during their training throughout the year at the new training centre. Training for pilots and engineers commenced on the new AW139 helicopters late last year and other operational and medical staff are due to commence their aircraft training early next year. It is expected that the new aircraft will be operating in Tamworth in late 2017. This is great news for our region. Our communities depend on this professional and dedicated aeromedical retrieval service based in Tamworth and this service should be provided with the opportunity to use every rescue retrieval option available.

This issue has galvanised the community. I thank them for their continued support in looking for a solution to have a rescue winching operation reinstated in our region. I commend them for their commitment to the safety of our community. I also congratulate and thank the Minister for Health, Jillian Skinner, on listening to the community and taking on board the changing circumstances in our community and the wider region. This has led to winching being reinstated as a rescue option for the New England North West Westpac Rescue Helicopter Service based at Tamworth.

NORTHCOTT PUBLIC HOUSING ESTATE

Ms JENNY LEONG (Newtown) [1.14 p.m.]: According to census data from 2011, public housing dwellings account for 8.9 per cent of the total dwellings in the Newtown electorate. That puts Newtown among the 10 electorates in the State with the highest proportion of public dwellings. We have a great diversity of public housing tenants and communities across the electorate. I use the word "communities" mindfully and intentionally because I have met many of the supportive and proactive services, groups of tenants and local residents who have come together to work on local campaigns. These close-knit

communities have supported each other in relation to recreational activities and have offered assistance and friendship across the neighbourhood of these public housing areas.

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Unfortunately, during my first year as the member for Newtown I have seen the constant challenges faced by public housing tenants. The stories of maintenance issues, security issues and waiting lists are not new; they have been told before in this place. However, sometimes things reach a crisis point, and it is important for and incumbent upon us all to work together to address them. Last Friday 11 March, I spent time at the well-known Northcott public housing estate in Surry Hills. For a number of years, residents and staff have been raising serious concerns about escalating crime activity in the area.

Just last week there was a violent stabbing at Northcott. According to the police report, on Tuesday 8 March emergency services were called to Belvoir Street in Surry Hills following reports of an injured man lying in the driveway of an apartment block. On the Friday, I met with residents and talked to them about this incident. It was clear that everyone was traumatised; the mood was tense. When a lawnmower started up or there was a bang from the dropping of a glass people jumped; they were on edge. The community is traumatised by what has occurred and we need to work together to take action.

According to residents, more and more people with severe mental health issues are being moved into Northcott without the adequate support services. Increasingly, the NSW Police Force, the Department of Housing and the NSW Land and Housing Corporation are dealing with problems that should be dealt with through our health systems, mental health support services and drug, alcohol and addiction services. It is being left to the police and housing to deal with these problems because of the inadequate support that is provided in these areas. The residents of Northcott have asked me to raise their concerns in this place and with the Minister, which I will continue to do. I look forward to working constructively with the Minister to address the serious issues in the Northcott public housing estate.

Residents are asking for more effective and visible policing—not just police cars driving into the area and back out again. They want visible police presence, such as officers walking around the area, so that through this community policing there is a sense of safety and security. Residents are asking for greater clarity around security at the entrances. They want the ability to use swipe cards which would allow residents to access only their floor. They want proper services for ex-prisoners who may now be living in public housing and need strong transitional support and for people with mental health and addiction problems who need to be provided with support. Residents are asking for a public meeting with the Minister, which I hope to be able to facilitate in the coming weeks.

I refer to models that address the issues of crime and violence within our public housing system and ensure that residents feel safe and secure. I do not have to look far. Just down the road from the Northcott public housing estate is Poets Corner in Redfern. Recently, I was pleased to join the Minister at the opening of the RedLink Integrated Services Hub. It provides 24-hour security guards and a concierge on the front desk so that entry and exit is controlled. Across-the-board services can be accessed through Redlink, including mental health support, legal services, employment assistance and drug and alcohol counselling.

I recognise that that project took a commitment of money. I believe that no community in the electorate of Newtown is more in need of that type of commitment than Northcott and its residents. We all need to work together constructively on this matter. I say to the residents who live in this area that we are paying attention. I commit to them that I will continue to work constructively with both them and the Minister to continue to address the challenges faced by that community. We need vibrant, safe and secure diverse public housing for people living in the electorate of Newtown.

WESTLEIGH SPORTING FACILITIES

Mr MATT KEAN (Hornsby—Parliamentary Secretary) [1.18 p.m.]: I am delighted to confirm the sale of 34 hectares of surplus Sydney Water land in Westleigh which will be turned into new sporting facilities for my community. The land, known as the Water Board site, was a former night soil dump that was closed in 1964.

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The site has been largely unused since the closure of the nightsoil dump; however, in recent times there have been a number of proposals regarding potential usage of the land.

In 2013, the land was earmarked by the Government to be used as a storage compound for works being undertaken by the Epping to Thornleigh third track. The proposal would have been disastrous for the Westleigh community, with up to 60 trucks a day running through suburban streets. It would have ruined the unique character and amenity of this beautiful suburb and made the area unsafe for residents. I was proud to stand with residents to fight this proposal and find an alternative solution. We were able to stop the area being used as an industrial waste compound, protect the area and ensure that residents were not inconvenienced by the up to 60 truck movements a day. To this day it remains one of my proudest achievements as the member for Hornsby.

Without doubt, another proud achievement was finalising the deal between Sydney Water and Hornsby council to ensure that this can never again happen to this site. The deal will ensure that the site will not be overdeveloped but will be used as sporting fields that future generations will be able to enjoy. People in our community will be able to participate in passive and active recreation on that site forever. That is exciting and special and I am proud to be part of delivering that plan.

Residents had to fight to stop this site being used for something totally incompatible with the quiet, beautiful suburb of Westleigh. Residents fought hard and I thank all those who stood with me to make sure that we protected the unique character and amenity of Westleigh. I am talking about people like Janda Tanner, Paul Taylor, Phil and Therese Downey, Noreen Panos, Joe Maisano, Lisa Walsh, Peter Backe-Hansen and Angus Harris. They all worked hard with me to stop this development happening. I also wish to mention Trevor Long, who grew up in the area and who has a unique commitment to our community. I thank Trevor for continuing to work with me to preserve our area. I should also note the work of the Westleigh Progress Association. Rex Taylor has been an outstanding president and he, like so many other residents in Westleigh, is passionate about the area and has fought to preserve what we have there.

The future of this site is very exciting for the Westleigh and surrounding communities. It is very rare that a land parcel of this size becomes available for public use. It was critical that we seized the opportunity to utilize this open space before it was lost forever. There was a proposal to develop it, with an additional 116 dwellings on the site. That would have had a huge impact on the small community. I thank Hornsby council Mayor Steve Russell, who assisted me in putting our alternative vision forward to Sydney Water for the release of the land for public open space. Steve is an outstanding local government representative and an outstanding mayor.

The deal that was struck is an example of what can be achieved when State and local governments work together to deliver better outcomes for the community. Hornsby council has drastically improved its financial position since Mayor Russell was given the top job in 2012. Mayor Russell was given a budget deficit of \$4.32 million, which he was able to turn into a \$17.1 million surplus within three years thanks to his astute financial management. The council's financial turnaround has been so impressive that Hornsby council is now ranked third of 152 New South Wales councils for its financial position. Mayor Russell's budget surplus also meant that the council was able to write a cheque for \$21 million to Sydney Water on the spot. That happened in my office. That could not have happened if the mayor had not put the council in such a strong financial position.

The potential of this site is truly exciting. Here we have a vast expanse of land in the middle of metropolitan suburbia. With the council's help we can transform this into a great community asset for everyone to enjoy. It is well known that the Hornsby shire is always short of the number of sporting fields needed to cater for our growing community. A site of this scale could allow multiple sporting fields to be constructed and provide a permanent home to a number of sporting groups such as football, cricket, rugby league, netball and baseball organisations. I also thank community sporting representatives such as Grahame Bateman, from Pennant Hills Football Club, who has been a great local advocate for the need to find new sporting fields and to increase junior sport participation numbers. Grahame has been a supportive friend of mine at every step of the process of identifying new sporting field opportunities such as those at Westleigh. I look forward to working with Grahame at the Pennant Hills Football Club, and with the Thornleigh soccer club to ensure that we get a great outcome on this site.

Thank you to all involved for delivering a great result. I mention Catherine Rolston, Gwendy, and Bruce Morgan from Sydney Water, who helped make this possible. They are outstanding public servants and represent what is best in our public service.

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CONCORD REPATRIATION GENERAL HOSPITAL

Mr JOHN SIDOTI (Drummoyne—Parliamentary Secretary) [1.25 p.m.]: During my inaugural speech in June 2011, I mentioned Concord Repatriation General Hospital and the importance of ensuring local residents have the health services they need and deserve. Today I again inform the House of the importance of the needs of the local residents with regard to Concord hospital. On Thursday 19 March 2015, the Government announced a \$150 million commitment towards the staged redevelopment of Concord Repatriation General Hospital. It was announced that works would commence in the second term of a Baird Government, as part of the State Government's \$5 billion hospital and health services infrastructure investment.

Following this announcement, the surrounding community of Concord hospital understandably had an expectation that the commencement of the hospital redevelopment works would be imminent. However, as a result of an article in the *Inner West Courier*, which questioned the unknown time frame for the allocation of funds for the redevelopment of Concord hospital, the clinicians at Concord hospital and my local constituents have become increasingly concerned about the prospect of an undue delay in the commencement of this important project.

There have been no new major redevelopments to modernise Concord hospital's clinical service facilities since a 1996 relatively minor facelift. After years of poor planning and neglect of the health system, under the former Labor Government, Concord hospital is now the only major tertiary referral hospital in Sydney to not receive a major upgrade in more than 20 years. Capital investment has not kept pace with the demand for clinical services and a number of areas of the hospital have significant building compliance challenges, with buildings no longer able to respond to the changing needs of delivering health services.

New building codes, health facility guidelines, models of care, technology and treatments are rendering buildings unsuitable for their original function. Much of the ageing, noncompliant, and poorly located capital infrastructure has reached the end of its useful economic life. Despite repeated patch work and an expensive maintenance regime, the buildings continue to leak in wet weather. There is poor line of sight for safe and quality clinical care, undersized rooms, no central nurses' station, no family facilities and the inability to adapt any of the spaces to new functions. Despite those things the nurses, doctors, allied health clinicians and other support staff continue to provide high-quality health care.

In addition to the outdated building stock, Concord hospital's catchment has a rapidly growing and

ageing population, which is projected to grow by 31 per cent in the 10 years to 2026. Projected population growth is partly driven by major urban development and new housing in and around the Concord hospital catchment area: Breakfast Point, 6,000 new residents; Rhodes peninsula, over 16,000 people; Wentworth Point, 15,000 residents; North Ryde station urban activation precinct, 5,000 homes; Epping town centre, 7,000 residents; and Ashfield, Burwood, Strathfield and Concord developments with over 10,000 new residents to be housed. The Parramatta Road corridor WestConnex development alone could add between 60,000 and 100,000 residents and approximately 50,000 dwellings.

Recently we commemorated our soldiers who served in World War I, many of whom paid the ultimate sacrifice. We also remembered and paid tribute to all of those men and women who have served this great nation. Importantly, phase 1A of the Concord hospital redevelopment will also provide for the establishment of a Defence Force Centre of Excellence, which will provide urgently needed physical and mental health services for Australia's returned veterans, emergency services personnel, and their families. There is an identified need at a State and national level, for a centre of excellence that provides specialist services in the health care of newly returned veterans and their families.

Australia now has approximately 60,000 veterans who served in conflicts and peacekeeping missions over the past 15 years. Their needs are not confined to treating their physical injuries; mental illness is now being increasingly identified in these younger men and women. Emergency personnel including Federal and State police officers, paramedics and fire officers also have issues, which require a similar model of supportive care and could also be treated in the centre. Planning for the redevelopment is already well advanced with the district making a significant capital investment in the 2014-15 financial year.

I believe that no hospital in this nation can boast as proud a service to the military and veteran communities as that delivered by Concord hospital for more than 70 years, a service which is ongoing and positioned to become even more valuable as the twenty-first century unfolds. The growing needs of the local community and our Defence services are undeniable. Delay is indefensible. On behalf of my community I call on the Minister for Health and the Minister for Veterans Affairs in New South Wales to confirm when funds of \$150 million will be made available so work can start. I also call upon the Commonwealth Government, which has not done enough to address the healthcare needs of its contemporary veterans, to match the State Government's contribution towards Australia's first comprehensive care centre for returned service men and women and, very importantly, their families.

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Mr GARETH WARD (Kiama—Parliamentary Secretary) [12.29 p.m.]: I listened to the inaugural speech of the member for Drummoyne and since then I have heard many of his speeches. I have no doubt that there is no greater champion for Concord Hospital than the member for Drummoyne, a hardworking member who is very concerned about the welfare and wellbeing of veterans in his electorate. Coming from a community such as mine with a very large veteran population, I commend the member. I am sure all members of this House are concerned about the fundamental health and wellbeing of veterans, but the member for Drummoyne has used his time in this place to raise issues on behalf of veterans. He is a strong and great advocate for veterans. I was recently with the member for Drummoyne at the opening of Hanlon Windows Australia's new showroom. The member for Drummoyne was warmly welcomed by the business community whose members were very grateful that he opened the business, which started in the Shoalhaven, in my electorate. He is a great member, a great advocate and a great champion for his community. I commend his private member's statement to the House.

SHOALHAVEN HEADS

Mr GARETH WARD (Kiama—Parliamentary Secretary) [1.30 p.m.]: Shoalhaven Heads village is set at the foot of Coolangatta Mountain and nestled along the stunning Shoalhaven River. Whilst Shoalhaven Heads is a beautiful and picturesque fishing village, what makes it special is its warm, dedicated and community-minded locals. Amongst its coterie of clubs and organisations is the community

forum, Red Cross, Rural Fire Service, parents and citizens association, men's shed, Arboretum Group and RSL to name but a few. A new organisation dedicated to the Shoalhaven Heads community has now been formed.

On Saturday 27 February I was pleased to attend the Lions Club of Shoalhaven Heads charter celebration at the Shoalhaven Heads Golf Club. Shoalhaven Heads Lions Club commenced as a branch of Gerringong Lions Club in late 2014 and was chartered in January 2016. After having spent several years in Jaycees, 25 years in Rotary and 13 years as president of the Shoalhaven Heads Golf Club steering it to an 18-hole championship golf course, club president, Terry Lillie, decided that Shoalhaven Heads needed an active service club that would make a difference in the local community and beyond, support and assist the community in its endeavours, and undertake projects to enhance the village and surrounding areas to ensure Shoalhaven Heads was a vibrant place for local residents and visitors.

In May 2014 Terry made contact with the then Lions District Governor, Allan McDonald, with a view to starting up a new Lions club in Shoalhaven Heads. In October 2014 Gerringong Lions Club held a membership orientation night at the Shoalhaven Heads Bowling Club and Shoalhaven Heads Lions came to life as a club branch of Gerringong Lions with some 10 new members. An executive committee was formed with Terry as president. During 2015 membership increased to over 20, and a decision was taken in late 2015 to make an application to Lions International to convert the Shoalhaven Heads club branch and have it chartered as the Lions Club of Shoalhaven Heads. The club was chartered on 28 January 2016.

Although a relatively young club Shoalhaven Heads Lions has hit the ground running, providing services and fundraising within the community such as the weekly Lions Social Hub which is open to all Shoalhaven Heads community members with the objective of: enhancing social interaction, reducing social isolation and supporting social connections and engagement opportunities; establishing a Lions Park in the village; establishing a council-approved Lions Parkcare group to maintain a range of public reserves, facilitate various projects under the banner of Lions and develop Lions Park as a picnic area within Shoalhaven Heads; undertaking maintenance of the grounds in the Shack, the Apex Foundation cottages for kids with chronic illness or disability; hosting Australia Day family cricket day at Jerry Bailey Oval; hosting a number of fundraising activities with barbecues and raffles such as the Laughlin Thoroughgood Appeal, Christmas raffle and cakes, Clean Up Australia Day, Mother's Day, Easter Family Fun Day, Berry markets, school Spring Fair, golf club catering, manning the gates at the Rugby 7s, Berry Sport and Recreation Quidditch Games and barbecues at local businesses; and collecting glasses and stamps.

In 2015 the club moved the local Shoalhaven Heads public pool fence creating a large area which will be known as the Lions Park and it is the club's intention to build and install eight park picnic tables and then install a barbecue, gardens and a rotunda later on as funds become available. Never to miss an opportunity, Terry has hit me up for grant funding and I will be knocking on the Premier's door to ensure we secure the funds. If the Premier thinks I am hard work he should wait until he meets Terry. He is a hard taskmaster but it is all in aid of supporting the Shoalhaven Heads community. I have always enjoyed working with Terry, both as a local councillor and now as a State member of Parliament, to deliver important funds to support the Shoalhaven Heads community. Thanks are given also to local sponsors including Mountain View Resort, Bishops Adventures, Berry IGA, Miola Caravan Park, Lazy Gardener and Mountainside Meats Butcher.

I would like to acknowledge the charter members including: Terry Lillie, president; Rick Chaseling, secretary; Rob Russell, treasurer; and Tony Barlow, Tom Bishop, Carole Cassidy, Pamela Clark, Peter Doosey, Robyn Flack, Lorraine Franklin, Diane Hansen, Nerida Hartman, Tim Hudson, Steve Lawson, Linda Leach, Pamela Mason, John Moore, David Stuart, Laurie Talbot, Jan Turbill and Gisela Zealand. I would also like to acknowledge and thank both the Lions district governor Sally Wilton and immediate past district governor and my very dear friend Lorraine Mairinger, who has been involved with the Lions Club of Kangaroo Valley for many years now. I wish the Lions Club of Shoalhaven Heads all the best for

2016 as it continues to make a difference, support our local community and promote fellowship and charity.

Lions is an amazing organisation to which I owe enormous thanks and gratitude. As members would be aware, I am classified as legally blind. Growing up, I needed large-print books to read and learn, but these were not always available. I needed an item of equipment, a closed-circuit television, which would enlarge books onto a screen in order to help me read. This equipment at the time cost \$5,000, a price my parents simply could not afford. To the rescue came Bomaderry Lions. Without their help and generosity, without their support, this boy from Bomaderry certainly would not have gone on to do all the things that he has done, including standing in this place today. I sincerely thank Lions for the wonderful work that they do for the Save Sight Institute in addition to their great array of local projects and works.

Private members' statements concluded.

[Temporary Speaker (Mr Lee Evans) left the chair at 1.36 p.m. The House resumed at 2.15 p.m.]

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VISITORS

The SPEAKER: I extend a very warm welcome to Steve Yu and Brandon Chen from the Australia Oriental Media Buddhist Charity Association, guests of the member for Parramatta and Parliamentary Secretary for Multiculturalism. Welcome to question time.

CENTENARY OF FIRST WORLD WAR

The SPEAKER: A century ago this week the first Australian troops arrived in the port city of Marseilles to contribute to the defence of France on the Western Front. Most arrived from their homeland but many disembarked already battle-hardened from Gallipoli and the Middle East. Within weeks they had travelled north by train to the battlefields. By early April they had taken over sectors of the front line and engaged with the enemy. They remained until the end of the war. In total some 295,000 of our countrymen were to serve on the Western Front. Nearly half became casualties and over 46,000 lost their lives. As the Australian troops were arriving in Marseilles on 19 March 1916 the longest and most costly battle in history was just unfolding.

The Battle of Verdun commenced on 21 February 1916 and lasted until 19 December that year. In a geographical area about 10 times the size of size of Centennial Park, over the course of an interminable 303 days, two armies engaged in endless slaughter in atrocious conditions. Over a quarter of a million were killed: more than the current population of Hobart. A further 700,000 were casualties, a number exceeding the combined populations of Newcastle and Wollongong today. This was the terrible, true face of the so-called Great War. German General Erich von Falkenhayn stated his objective was to make the forces of France and its allies "bleed to death". French General Robert Nivelle replied "On ne passe pas"—they shall not pass. Looking back, one can but say "Lest we forget."

DEPUTY CLERK

Appointment

The SPEAKER: Order! I advise the House that following recruitment action Ms Helen Minnican has been appointed as Deputy Clerk. I am sure the House will join with me in congratulating Helen on her appointment.

TRIBUTE TO SERGEANT GEOFFREY GRAHAM RICHARDSON

Ministerial Statement

Mr TROY GRANT (Dubbo—Deputy Premier, Minister for Justice and Police, Minister for the Arts, and Minister for Racing) [2.20 p.m.]: Like all those in this House I was saddened to learn about the death of Sergeant Geoffrey Richardson in the car crash at Allandale near Maitland on the night of 5 March 2016. He was on his way to assist his colleagues who were engaged in a pursuit when the car he was driving crashed into a tree. He tragically died before paramedics could assist him. Sergeant Geoffrey Graham Richardson, who was a much-loved, hardworking and respected member of the Port Stephens Local Area Command, was farewelled yesterday at Newcastle's Christchurch Cathedral.

I joined the Governor, the Commissioner of Police, the Executive and hundreds of people who turned out to pay their respects to a man who gave 18 years of his life to protecting and serving the people of New South Wales. His wife, who is also a serving officer, and their two sons—seven-year-old Patrick and five-month-old Aiden—farewelled their beloved husband and father. Patrick donned his father's police cap in a touching tribute to his hero. Sergeant Richardson, Richo or Buddha, as he was known affectionately to his peers and mates, was described as the ultimate gentleman. He was a giant of a man who was just a decent bloke with a hell of a big heart. But he was remembered for being equally comfortable handling violent offenders and supporting victims.

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He gave his everything to the job he loved that spanned across many communities throughout New South Wales. Sergeant Richardson attested from the Goulburn Police Academy in May 1998 and started his probationary constable duties at Campbelltown Police Station. In 2005 he was transferred to Cobar in far western New South Wales at the same time as I was Western Region Commander, and it is where I first met him and his wife Margaret. It was also there he was promoted to the rank of senior constable. Following five years of community service at Cobar he moved to the Central Hunter Local Area Command and by 2010 was promoted to sergeant and started duties at Lake Macquarie Local Area Command. Finally, in July last year he transferred from Lake Macquarie to Port Stephens Local Area Command.

Sergeant Richardson took great pride in his position and the communities he served. He dedicated his life to the people of New South Wales. It was his professionalism and personality that won the respect of his colleagues. It was his ability and talent that won him a number of medals, including the New South Wales police medal, a commander's commendation and a region commander's unit citation. In fact that region commander's unit citation speaks everything of Sergeant Richardson and has a unique twist. You see, Sergeant Richardson received it in recognition of bravery and commitment to duty whilst he was off duty after arresting offenders in Nelson Bay in February 2012. A unique aspect is that he was with his wife when he was off duty, a senior constable herself. Together they faced a volatile crowd who were protecting an offender following a car crash. Their efforts secured the arrest of the driver and other offenders who were charged with a number of offences including high-range prescribed concentration of alcohol [PCA], affray, resisting arrest, hindering police, and malicious damage.

It was an act Sergeant Richardson took in his stride. It was just part of his commitment to protect and serve the people of New South Wales always. It was his dedication to the force and the community that won him the appreciation of many members of the public. Recently our paths crossed again. I did not know it at the time but I learnt that Geoff had come to my own mother's funeral in Fingal Bay just last month. He came to pay his respects simply because she was a local woman and he was her local officer. I cannot adequately convey my appreciation. Geoff was a good, salt-of-the-earth man, a natural leader to whom people were drawn. Time and time again we have heard that Sergeant Richardson epitomised all the qualities we want to see in our police officers: integrity, loyalty, commitment, professionalism, devotion to duty, and fairness.

The death of any member of the NSW Police Force is a tragedy and in circumstances such as this he was just doing his job, making it even more heartbreaking. The death of Sergeant Richardson is a painful reminder of the risks that our men and women in the NSW Police Force face every day for the

protection of others, for the protection of us. Each day they get into their blue and patrol streets of grey. Sergeant Richardson's death reminds us of the sacrifices our officers and their families make every single day. It takes courage and dedication to a higher cause to leave your family every day to protect strangers, often putting yourself in danger running towards situations most of us run from. This incident has had, and will continue to have, an overwhelming impact on the officers of Port Stephens, across the northern region and the wider police family.

Sergeant Richardson has paid the ultimate price and he deserves every accolade for his courage and commitment. I know that the NSW Police Force and this Parliament will rally together to support Sergeant Richardson's family: his parents, Lofty and Jeanette, his siblings, his wife, Margaret, and their beautiful sons, Patrick and Aiden. While they are probably too young to understand the gravity of the loss right now they will grow up knowing the selfless commitment their father made to others. They will grow up hearing the wonderful stories of their father's career and the profound legacy he has left for them, for they too are part of that legacy. May they always feel comforted by the large extended police family around them. We will all wrap our arms around Sergeant Richardson's family and colleagues and support them through these tough days, months and years to come as they come to terms with the tragedy, and we will honour him the best way we can.

The Police Association has already set up a fund to support Margaret, Patrick and Aiden and I thank them for taking the lead and acknowledge their presence here today to support a brother, a mate and a fellow officer. Now and forevermore, Sergeant Geoffrey Graham Richardson's name will be etched on to the Police Wall of Remembrance. He will always be part of the NSW Police family and he will never be forgotten. Vale Sergeant Geoffrey Richardson. May he rest in peace.

Mr GUY ZANGARI (Fairfield) [2.27 p.m.]: I support this statement on behalf of the New South Wales Labor Opposition and echo the sentiments by the Deputy Premier. Sergeant Geoffrey Richardson was a courageous public servant, courageous community leader and dedicated family man. He was, in the words of New South Wales Police Commissioner Mr Andrew Scipione, a "policeman's policeman". Sergeant Richardson's death reminds us of the incredible personal price our police can pay in serving the people of New South Wales.

Sergeant Richardson was a popular and successful officer. After graduating from the NSW Police Academy in 1988 he served at Campbelltown Local Area Command until 2005. He then moved to Cobar and was promoted to the rank of senior constable. In 2010 he was stationed at Central Hunter Local Area Command before he was again promoted to the rank of sergeant at Lake Macquarie. Last year Sergeant Richardson moved to Port Stephens. It was in the service of the people of this region that he lost his life.

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Sergeant Richardson's life was one dedicated to each of the communities he served in. In 2012 he illustrated his commitment to the community by arresting a number of offenders whilst off duty. For this act he received the regional commander's commendation for bravery. Sergeant Richardson was killed near midnight on 5 March whilst assisting colleagues in the pursuit of a vehicle. Sergeant Richardson lost his life trying to save the lives of others—there is no greater sacrifice than that. After two decades of service Sergeant Richardson was posthumously honoured with three awards. The first is the national police service medal, the second the 15 year class of the NSW Police medal and the third, the Commissioner's commendation for service. He was a deserving recipient of each of these accolades.

Yesterday in Newcastle, high on the hill overlooking the harbour, they stood at attention. Sergeant Richardson's fellow officers stood at attention while friends and family looked on. They lined the streets as the procession made its way slowly and mournfully down the hill and past the local area command. Among those watching were his wife, Margaret, also a police officer, and his sons, Aiden and Patrick. Patrick, just seven years old, wore his father's police hat. It was a fitting tribute to a policeman dedicated

to his family, fellow officers and his community. Members on this side of the Parliament extend our thoughts and sympathies to Sergeant Richardson's fellow officers and family. In particular, our thoughts and sympathies go to Sergeant Richardson's wife, Margaret, and his sons, Patrick and Aiden. Rest in peace.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

[Question time commenced at 2.32 p.m.]

MR CARL TRAD

Mr LUKE FOLEY: I direct my question to the Premier. I refer to recent public comments attacking a member of this Parliament and other citizens made by convicted money launderer Carl Trad. In light of these comments will the Premier act and recall the Government grants made to Carl Trad on the recommendation of the member for East Hills?

Mr MIKE BAIRD: It is not going to surprise members that at 2.30, during question time, we get more of the same from the Leader of the Opposition. The Leader of the Opposition knows the Community Building Partnership program is being considered in terms of the best way to administer and improve the grants process. If the Leader of the Opposition wants to use question time to continue to pursue his smears let him do that. It is no wonder the Leader of the Opposition is not pursuing policy. From an economic point of view what could the Leader of the Opposition talk about? It would be unusual for Labor to talk about economic policy. When Labor was in Government the State had the lowest economic growth and jobs growth for 10 years.

Mr Luke Foley: Point of order. I am happy to hand the Premier the disgraceful, disgusting smear comments made by Carl Trad against members of this Parliament and other citizens. My point of order is relevance.

The SPEAKER: Order! The Premier is providing some context to his answer, but I will listen further to what the Premier has to say. There is no point of order.

Mr MIKE BAIRD: It is important. The Leader of the Opposition should explain to his team why he is pursuing this matter rather than policy arguments.

The SPEAKER: Order! The Leader of the Opposition will resume his seat. He is out of order. All members will cease interjecting or they will be placed on calls to order.

Mr MIKE BAIRD: I am not going to indulge the Opposition in relation to their parliamentary tactics to create smears and innuendos. I will continue to focus on the people of this State.

The SPEAKER: Order! Opposition members will cease interjecting or they will be placed on calls to order and ejected from the Chamber following three calls to order.

Mr MIKE BAIRD: Every member is aware of Labor's economic record. Last year more than 50 per cent of jobs created across the country were in New South Wales. The previous Labor Government produced deficit after deficit in its budgets. This Government inherited that debt but it now has over \$8 billion in surpluses and net debt going down to zero.

The SPEAKER: Order! Opposition members will cease interjecting.

Mr MIKE BAIRD: That is what this Government has delivered and what those opposite should be focused on.

Ms Jodi McKay: Point of order: It is relevance. I note your previous ruling stated the Premier was providing context, but the Premier is continuing on with his line of answer which has no relevance.

The SPEAKER: Order! The Premier's answer is generally relevant. There no point of order. The member for Strathfield will resume her seat.

Mr MIKE BAIRD: The good news for the people of New South Wales is that the Government will continue to focus on the people of this State. I am pleased the member for Strathfield is number four on the list as it is an important position. You are not number two on the list, but number four is important. Those of us in Government will continue to focus on the people of New South Wales, full stop, end of story.

JOBS AND INFRASTRUCTURE IN WESTERN SYDNEY

Mr MARK TAYLOR: I direct my question to the Premier. How is the Government delivering jobs and infrastructure to Western Sydney, the centre of new ideas and innovation?

The SPEAKER: Order! Members will come to order. I have asked members to cease interjecting. Members will now be placed on calls to order for interjecting.

Mr MIKE BAIRD: What a fantastic member and a member who those opposite said would not be elected to this Parliament, but here he is. He is doing an outstanding job for his community.

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

Mr MIKE BAIRD: The Government is lucky to have him and acknowledges his service to this State. He is a decorated officer.

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

Mr MIKE BAIRD: Members on this side of the House are proud to be delivering for Western Sydney. Those opposite ignored Western Sydney for a long time, but this Government is delivering for the people of Western Sydney and is proud to do so. There are many great stories across Western Sydney. This Government delivers across all portfolios. The Treasurer spoke of jobs created in Western Sydney. In the last 12 months 50,600 jobs have been created for the people of Western Sydney. I thought those opposite would support that.

Mr Gareth Ward: They do not like jobs.

Mr MIKE BAIRD: They do not like jobs. They do like one job.

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

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

member for Prospect to order for the first time.

Mr MIKE BAIRD: So we continue to see growth. Indeed, across the region in the south-west last year we saw growth of about 14 per cent, the inner south-west about 9.9 per cent, in Baulkham Hills and Hawkesbury about 6.7 per cent—growth across Western Sydney, which is great for families and great for opportunities, and we continue to pursue it. We know the infrastructure we are delivering.

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

Mr MIKE BAIRD: Many times those opposite spoke about the North West Rail Link. We heard it time and time again. It was opened; it was shut; it was closed; it was on; it was off. But the good news is it has actually been built under those on my side of the Chamber—the WestConnex, Westmead Hospital. Everywhere and anywhere you go, there are cranes in the sky across Western Sydney. It is long, long overdue and we are very proud to be delivering it.

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

Mr MIKE BAIRD: Badgerys Creek Airport is a very important opportunity. Indeed, we think it is the single biggest economic catalyst for this city over the next 50 years and we are very determined to support it. We continue to invest in roads around it.

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

Mr MIKE BAIRD: We obviously need to get the rail right and we must make sure that jobs line up with that significant investment. But I also notice that we have a very ambitious agenda for arts and culture in Western Sydney. We are proud that the Treasurer, in the last budget, increased our program funding for arts and cultural organisations in Western Sydney by 40 per cent. We are very proud. The member for Canterbury should just clap—she loves it. That was great news.

Dr Geoff Lee: I love it.

Mr MIKE BAIRD: The member for Parramatta loves it. Everyone loves it. We love it.

The SPEAKER: Order! There are too many interjections in the Chamber. Conversations across the Chamber are disorderly.

Mr MIKE BAIRD: But I note that there seems to be a group across Sydney that does not want us to have one of the largest cultural institutions move to Western Sydney. It seems to be against it for some reason. I do not know why that group is against it. We see a great match in terms of ideas and innovation in taking the Powerhouse Museum to Western Sydney and Parramatta, the geographic centre of this great city. We think it is long overdue and it should have been done a long time ago. This is not just about moving a great museum; it is making a great museum even greater. We are very proud to be delivering that. We will focus on science and technology.

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

Mr MIKE BAIRD: We certainly think there is a chance for the Powerhouse Museum to become the equivalent of the Smithsonian in Sydney. I compare it to the best in the world—and why would we not compare ourselves to the best in the world? We also have a clear strategy to put more items on display. At the same time we want to increase patronage.

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

Mr MIKE BAIRD: At the moment about 430,000 people visit the Powerhouse Museum.

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

Mr MIKE BAIRD: We have the desire to increase that to one million, which will provide great opportunities for Parramatta and across Western Sydney. Those opposite or anyone else who decides to oppose it can go ahead and oppose it, but I will say this: It is happening. It is underway and we are very proud to be delivering it. I note that the Leader of the Opposition does not seem to like arts anymore. He decided to demote himself and remove arts from his responsibilities.

The SPEAKER: Order! The Premier does not need the assistance of Government members. Government members will cease interjecting.

Mr MIKE BAIRD: He does not care. And we know he does not like arts because he gave responsibility for arts to Walt Secord. We are very proud to be delivering on the Powerhouse Museum. It is great for the city and it is great for Western Sydney. We will continue to do deliver.

CARL TRAD

Ms PRUE CAR: My question is directed to the Premier. Will he provide the House with an assurance that he will not approve further grants to the convicted money launderer Carl Trad, given his despicable Facebook posts?

Mr MIKE BAIRD: It is great to have one of the 42 faceless men and women on the frontbench—there she is; she has a face. And isn't it telling?

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

Mr MIKE BAIRD: Let me say this: Whatever this post is, if there is something illegal about it or if there is some objection those opposite want to make to it, they should go ahead and do something about it. But do not come into this place and use question time as a stunt.

Mr Chris Minns: But you are the Government.

Mr MIKE BAIRD: Yes, but you do not use question time as a stunt.

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

Mr MIKE BAIRD: To say how telling it is, let us think about it—

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

Mr MIKE BAIRD: The Leader of the Opposition has just decided to enable this young shadow Minister—the new shadow Minister—her first question as shadow Minister, and it is nothing to do with her shadow portfolio. And doesn't that say absolutely everything about the Opposition?

The SPEAKER: Order! I call the member for Keira to order for the third time. I ask the member for Keira to cease interjecting. Last week I asked members to cease interjecting and warned them repeatedly about their disorderly behaviour. I inform members that following last week's disorderly behaviour I will no longer use the provisions of Standing Order 249A. I will not use my discretion to remove members from the Chamber for up to three hours; instead I will use Standing Order 249 whereby a member is removed from the Chamber by the Serjeant-at-Arms and removed from his or her office for the entire day within an hour. I warn members, many of whom are already on three calls, that the next

time they misbehave they will be removed from the precinct for the rest of the day under Standing Order 249.

Ms Noreen Hay: Point of order: It is clear once again that the Premier today has used question time to impugn the reputation—

The SPEAKER: Order! What is the member's point of order? I remind Government members that it is my call as to whether the member has a point of order. I do not need their advice.

Ms Noreen Hay: It is Standing Order 73. The Premier is seeking to impugn the reputation of the Leader of the Opposition.

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

Ms Noreen Hay: Further to the point of order: The Premier is inciting interjections by shouting across the Chamber.

The SPEAKER: Order! I have ruled against the point of order. The member for Wollongong will resume her seat.

Mr MIKE BAIRD: I finish on this point: As I have said, if there is anything threatening or illegal about this post, which obviously the member has seen—

Ms Tania Mihailuk: It is.

The SPEAKER: Order! I warn members of my previous ruling regarding interjections.

Mr MIKE BAIRD: The member has seen it. If the member wants to take action then that is what she should do. She should take it to the authorities. But she should not use question time as a stunt fest, from her point of view.

Mr Michael Daley: Point of order: It is under Standing Order 129. The member for Londonderry might be concerned that a female member of the upper House was called a pig. The Premier may think that this is a stunt fest, but we do not feel that way. We feel strongly about that, and we want the Premier to advise the House as to what he is going to do about it.

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

Mr MIKE BAIRD: It should be dealt with in the appropriate way. Using question time—

Mr Michael Daley: How? You tell us.

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

Mr MIKE BAIRD: I say this: It is disappointing that new shadow ministers are using question time for this rather than for their policy. I would have thought the shadow Minister for skills might be interested in skills. I thought she might be interested in what we are doing with apprentices to give them more opportunities and more education.

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

Mr MIKE BAIRD: I would have thought that is what the shadow Minister would be interested in.

Mr Michael Daley: Point of order: It is Standing Order 129. Is the Premier really saying this is a joke? Because that seems to be his response to the question.

The SPEAKER: Order! There is no point of order. I remind the member for Maroubra that he is on two calls.

Mr MIKE BAIRD: I am saying I have not read the post. The Opposition is using its question time to promote its own stunts and its own agendas. If they wanted to do it properly, they would not be using the Parliament's time. My serious question for all of them is about the Leader of the Opposition who comes into this place and uses shadow Ministers to bring smears rather than policy. If that is what he wants to do, go ahead and do it.

COMMUNITY SAFETY

Mr KEVIN CONOLLY: My question is directed to the Deputy Premier. How is the Government ensuring police in Western Sydney have the resources and support they need to keep the community safe?

Mr TROY GRANT: I thank the member for Riverstone for his question.

The SPEAKER: Order! I call the member for Wollongong to order for the second time. Again, I remind members that once they are on three calls to order they will be removed from the Chamber for the day—not for one, two or three hours but for the rest of the day.

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Mr TROY GRANT: I again thank the member for Riverstone for his question, his support of and interest in policing in his part of the world, and his wonderful advocacy for the local police in his electorate. He knows, as most in this House know, that the police are there to protect us from all those who wish to do us harm. The Government will always ensure that police have the resources they need to do that. The shooting at Parramatta of NSW Police Force employee Curtis Cheng demonstrated vividly that we must ensure the security of police and those in the community who work for us. Although the memory of that horrific incident lives with us still, it makes us focus without question on how we must continue to demonstrate that we are providing police with all the security measures possible to keep them safe. The analysis and review of that incident will result in an overhaul of security at the Parramatta police headquarters.

In recent years we have learnt that government must continue to respond to the changing local and global threats, and the environment that police work in. As part of our review with the Police Association and the NSW Police Force, I am pleased to update the House that we are upgrading security at police stations in Sydney and across the State to ensure we are protecting the people who protect us. This includes an initial spend of almost \$25 million to ensure that our stations have appropriate closed-circuit television, new safety barriers and more special constables on duty to protect our critical infrastructure. The Government is proud of the investment it is making in the police stations that police officers work from. In south-west Sydney we are building a \$28.9 million police station at Liverpool. I am pleased to inform the House that this project is on track to be completed in June this year.

Mr Paul Lynch: Five years late.

Mr TROY GRANT: It was 16 years late under Labor. I am pleased to inform the House that in north-west Sydney we are building the \$19.8 million Riverstone police station, which will open in April this year. We are proud of this significant investment. This Government make promises and it keeps them. It

is committed to building a new police station in Mount Druitt. In addition, our police numbers across New South Wales are at record highs. Our fit-for-purpose police stations are well staffed, which is a part of this Government's measure to support police. We are continually investing in crime-fighting tools and active arm defender training, and funding new aircraft to help support counterterrorism.

In addition, we are making a significant investment of \$100 million in the Policing for Tomorrow Fund, which will fund new technology to keep our cops ahead of the crooks in our community. Some of the technology includes innovative body-worn video cameras that will be rolled out to all frontline officers, tablets for frontline officers in the field to enable access to police computer resources, and other amazing equipment such as mobile fingerprint scanners that will enable officers in the field to identify offenders instantly. The Government is proud to make those investments on behalf of the communities of New South Wales so that our police can continue to protect them.

EAST HILLS ELECTION CAMPAIGN

Mr PAUL LYNCH: My question is directed to the Premier. What action will be taken about the repeated and ongoing use of paedophile smears against innocent people that have been practised by close associates of the member for East Hills?

Mr MIKE BAIRD: That question has all types of imputations and there is no proof whatsoever of the allegations. It is a disgrace to use question time for that sort of smear. If the member for Liverpool has a specific allegation, he should put the specific allegation. If he cares about the issue, I would not use question time for that stunt. The people of New South Wales deserve much better.

WESTERN SYDNEY TRANSPORT

Ms MELANIE GIBBONS: My question is addressed to the Minister for Transport and Infrastructure. How is the Government boosting transport and road infrastructure for the people of Western Sydney?

The SPEAKER: Order! I warn the member for Lakemba that I have no tolerance for interjections. I call the member for Lakemba to order for the first time.

Mr ANDREW CONSTANCE: There is a contrast between what is happening on this side of the House versus that side, and the questions that are being asked. The member for Holsworthy asked a sensible question about Western Sydney, which those opposite do not give a stuff about.

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

Mr ANDREW CONSTANCE: It is very telling.

The SPEAKER: Order! I call the member for Lakemba to order for the third time. I warn the member for Lakemba for the final time that he will be removed from the Chamber for the remainder of the day if he continues to interject. I remind the member for Lakemba that shouting is disorderly.

Mr ANDREW CONSTANCE: I am glad the member for Holsworthy asked the question. This Government is starting to look closely at how it can improve transport options in Liverpool and also at potentially extending the metro. Again, I highlight what happened during the Labor years versus what is happening now in Western Sydney. It is incredibly exciting and innovative.

Mr Mike Baird: It is a game changer.

Mr ANDREW CONSTANCE: It is transforming Western Sydney. Someone is putting words in my mouth: It is a game changer. We are seeing incredible results across the board in Western Sydney. Since

coming to office this Government has delivered 7,800 new bus services, 300 extra train services and 80 extra ferry services. We are delivering Parramatta light rail. We are delivering the North West Metro. When it comes to road space, we are getting on with the job. I reflect on some former Labor road Ministers who promised the world to Western Sydney. Let us look at the long list of Labor luminaries who were road Ministers in Labor's final five years of office: David Campbell, Eric Roozendaal, Joe Tripodi, Michael Costa, Carl Scully and, of course, Michael Daley.

They all promised the M4 east, duplication and widening of the M5, and the F3-M2 link. This Government is getting on with NorthConnex, which will carry more than 100,000 vehicles every day and will remove 5,000 trucks from the congested Pennant Hills Road corridor. When it comes to WestConnex, all I hear is opposition from Labor members. For the life of me, I cannot understand why the member for Strathfield, shadow Minister for Transport, and shadow Minister for Roads, Maritime and Freight wants to support 3,000 truck movements every day on Parramatta Road through the electorate of Strathfield. Why on Earth would she support that volume of traffic through her electorate?

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

Ms Jodi McKay: Point of order: I ask that you direct the Minister to address his comments through the Chair.

The SPEAKER: Order! The member for Strathfield will resume her seat. I remind the Minister to direct his comments through the Chair.

Mr ANDREW CONSTANCE: Why on Earth would the member for Strathfield support 3,000 truck movements continuing on Parramatta Road?

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

Mr ANDREW CONSTANCE: This Government wants to deliver WestConnex, which will remove 52 traffic lights and add 33 kilometres of motorway, two-thirds of which will be underground. It will completely transform her electorate and improve connectivity between Western Sydney and Sydney Airport and the Port of Botany.

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

Mr ANDREW CONSTANCE: Why would she be opposed to that? Of course, it gets worse. When we hear opposition to the financial structuring of WestConnex from those opposite, it demonstrates that they have no understanding of public financing.

The SPEAKER: Order! I remind members of my previous ruling regarding interjections.

Mr ANDREW CONSTANCE: They have no understanding of public-private partnerships. They do not understand the concept of recycling capital to build more infrastructure. We have established the Sydney Motorway Corporation Pty Limited for a clear reason.

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

Mr ANDREW CONSTANCE: It was established to protect the interests of taxpayers.

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

Mr ANDREW CONSTANCE: It was also to safeguard the precious triple-A credit rating and to meet the credit matrix that this State has enjoyed for the past five years under the Liberal-Nationals Government so that we can maintain the rating of this economy at number one.

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

Mr ANDREW CONSTANCE: Those opposite have a complete misunderstanding of public-private partnerships.

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

Mr ANDREW CONSTANCE: They have a complete misunderstanding of the necessary financial arrangements to deliver WestConnex, which is a multi-multibillion dollar project.

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

Mr ANDREW CONSTANCE: They misunderstand the concept of recycling capital so that we can deliver more infrastructure and motorways across Western Sydney. Those opposite talk it down and oppose it. All they want to do is continue to congest the streets of Western Sydney. That is why they were hopeless in government.

Pursuant to standing order additional information provided.

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Mr ANDREW CONSTANCE: Those opposite were hopeless in government and they continue to be hopeless in opposition.

The SPEAKER: Order! The member for Kiama will stop shouting across the chamber.

Mr ANDREW CONSTANCE: Let us look at the WestConnex program. We are getting on with it. We have spent \$0.5 billion has been spent on widening the M4, and that will be open to traffic in 2017. The \$3.8 billion M4 East is the first underground section of WestConnex, and that work is underway. The Government will ensure that the vital link linking the M4 and the M5 will truly deliver the great benefit of the WestConnex project. I might add that members on this side of the House welcome the Prime Minister's and Federal Government's interest in Badgerys Creek. We are spending some \$3.6 billion on roads around that facility and we are in the midst of an important review of rail infrastructure around Badgerys Creek.

We will connect the great cities of the west to that facility with the appropriate rail infrastructure, but we will do our homework. It was interesting during the last election campaign to see the Leader of the Federal Opposition, alongside Anthony Albanese, out at the South West Rail Link making a big announcement about extending it to Badgerys Creek. That is a 24-kilometre extension, and guess what price tag they put on it—\$1 billion. I point out that the South West Rail Link that we have built and delivered is 11.4 kilometres and it cost \$1.8 billion. The maths do not add up, which shows Foley's folly when it comes to rail, infrastructure and public transport across western Sydney.

The SPEAKER: Order! I remind Government members that the Minister does not need their assistance. The member for Kiama will cease shouting. I call the member for Kiama to order for the second time.

Mr ANDREW CONSTANCE: It is another clear demonstration of why the Government is getting on and building for western Sydney, but all we have from those opposite is constant whingeing and carping.

RONNEY OUEIK, FORMER LIBERAL CANDIDATE

Ms JODI McKAY: My question is directed to the Premier. Does he continue to stand by his friend, former Liberal mayor and State Liberal candidate for Auburn, Ronney Oueik, as a "fantastic candidate" and "highly respected in Auburn", even after legal action over this development has now been launched by Auburn City Council?

Mr Gareth Ward: Point of order: With respect to Standing Order 128 the question is asking for a legal opinion. It contains adverse imputation. I ask that you rule it out of order.

The SPEAKER: Order! The question stands. The Premier has the call.

Mr MIKE BAIRD: It is going to be a long year; that is all I am saying.

The SPEAKER: Order! It sure is going to be a long year, with lot of members spending a lot of time out of the Chamber.

Mr MIKE BAIRD: Unless members opposite missed it, they would know that the Government has suspended that council and that a public inquiry is underway. They may have missed that, but that is what happened. That is where those concerns can be considered. We have taken action in relation to Auburn City Council and those concerns can be considered as part of the inquiry. With this approach, is it any wonder that the Leader of the Opposition is under such siege within his own party? We all see it in his approach, not only in terms of question time strategy and in losing members like the member for Canterbury but also in terms of promoting his old mate, the member for Maroubra and then the next day sacking him—giving him a lesser shadow portfolio.

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

Ms Jodi McKay: Point of order: My point of order goes to relevance. The question is about the Premier's continuing to stand by Ronney Oueik. The question to the Premier was quite specific.

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

Mr MIKE BAIRD: I have answered this question yet again. The point is pretty clear. This is the first question by the shadow Minister for roads and transport. What has she asked about? Has she asked about roads? Has she asked about transport? No, she has not, and that is an indication of where the Opposition is coming from. It is no wonder that they have nothing to offer the people of New South Wales.

WESTER SYDNEY APPRENTICESHIPS, TRAINEESHIPS AND JOBS GROWTH

Mr RAY WILLIAMS: My question is directed to the Minister for Regional Development, Minister for Skills, and Minister for Small Business. How is the New South Wales Government supporting apprenticeships, traineeships—

The SPEAKER: Order! The member for Kogarah will come to order. Members who continue to interject will come to order. If they do not they will find themselves out of the Chamber for the rest of the day. I call the member for Mount Druitt to order for the first time. I have asked members to come to order. If members do not come to order after I have asked for that to occur I will continue to call members to order.

Mr RAY WILLIAMS: Madam Speaker, members on the Opposition benches are just getting their training wheels on.

The SPEAKER: Order! The member for Castle Hill will ask his question. He should not incite

Opposition members any further.

Mr RAY WILLIAMS: My question is directed to the Minister for Skills. How is the New South Wales Government supporting apprenticeships, traineeships and, in turn, jobs growth in Western Sydney?

The SPEAKER: Order! The Minister has the call. The member for Londonderry will cease interjecting. I call the member for Londonderry to order for the first time.

Mr JOHN BARILARO: I thank the member for Castle Hill for his very unexpected question. He is a true champion and advocate for Western Sydney. He has made sure that Western Sydney has received its fair share when it comes to opportunities provided by this Government.

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

Mr JOHN BARILARO: The member for Castle Hill has been championing the fantastic program in western Sydney called Productivity Bootcamp, where a former construction company owner, Paul Breen, has put together an eight-week pre-employment training program to help young people into skills training that delivers jobs.

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

Mr JOHN BARILARO: I can announce that TAFE Western Sydney has just signed a partnership with Productivity Bootcamp to make sure that we give young people in this State an opportunity to get skills training.

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

Mr JOHN BARILARO: I take this opportunity to welcome the new shadow Minister for skills, the member for Londonderry. It is a real shame that in her new position on the front bench she chose that her first question in this House would be one of smear. That is the price she pays to be part of the Labor Party, with its faceless men and women.

Mr Jihad Dib: Point of order: My point of order relates to Standing Order 129, relevance. The question was about TAFE and skills. It was not about the shadow Minister.

The SPEAKER: Order! I heard the question. The member will resume his seat.

Mr JOHN BARILARO: This is the price you pay when you are one of the faceless men and women of the Labor Party and you receive the 50 piece of silver.

Mr Guy Zangari: Point of order: My point of order relates to Standing Order 129. The question is about TAFE and Western Sydney, not about Labor or anything else that the Minister is talking about.

The SPEAKER: Order! I am sure the Minister will return to the question once he has provided some introductory remarks to his answer.

Mr JOHN BARILARO: The reward for sitting on the front bench opposite, is that have to do the dirty work for the Leader of the Opposition. I also acknowledge the demotion of the member for Wyong from this space—

Mr David Harris: Point of order—

The SPEAKER: Order! I know what the point of order will be. I advise the Minister to return to the

leave of the question.

Mr David Harris: Is the Minister—

The SPEAKER: Order! Was the member's point of order on relevance?

Mr David Harris: It was relevance.

The SPEAKER: Order! I have just ruled on it.

Mr David Harris: Is the Minister suggesting that Aboriginal Affairs is a demotion? Is that what he is saying?

The SPEAKER: Order! The member for Wyong will resume his seat. I call the member for Wyong to order for the first time.

Mr JOHN BARILARO: The member for Wyong is otherwise known as the poster boy for private vocational education and training, because he is evidence of what happens in this State when you give people choice in relation to providers and the opportunities to get the training and the skills that will lead to employment.

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

Mr JOHN BARILARO: I encourage the new shadow Minister to look for that ray of sunshine that the member for Wyong struggled to see.

The SPEAKER: Order! I call the member for Londonderry to order for the third time. This is her final warning. Four members are on three calls to order.

Mr JOHN BARILARO: I am talking about the ray of sunshine that is shining on apprenticeships and traineeships in this State.

Mr John Robertson: Point of order: My point of order relates to Standing Order 129. There is now one minute and 49 seconds left on the clock and the Minister has not even touched on Western Sydney.

The SPEAKER: Order! The point of order is upheld. I ask the Minister to return to the leave of the question.

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Mr JOHN BARILARO: I thank the member for Blacktown. We have some great news for the people of Western Sydney when it comes to apprenticeships and traineeships in this State. Right now more than 9,000 apprentices and 6,300 new trainees are employed by 7,000 different employers in the Western Sydney region. Most importantly, that is almost a quarter of the apprentices in the State. That shows that in Western Sydney there is jobs growth and skills training opportunities for young people.

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

Mr JOHN BARILARO: I have talked about the \$68 billion of investment by this Government that opens up opportunities for young people to gain training off the back of government expenditure. In doing that we must make sure we put in place pathways for young people to gain skills. That is why we announced the \$10 million pre-apprenticeship program—"try before you buy"—to assist young people by

working with providers and training organisations to mentor young people in the early days of their apprenticeships—

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

Mr JOHN BARILARO: —to make sure that we are committed to improving completion rates in this State. More than 5,000 young people have taken up this training, with over 2,000 of them from Western Sydney. We have introduced the 200,000 fee-free scholarships, and Western Sydney has taken these up.

Ms Linda Burney: A whole three of them.

Pursuant to standing order additional information provided.

Mr JOHN BARILARO: I will let the member for Canterbury know that to date nearly 3,000 young people in Western Sydney have taken up the scholarships and 387 of those students are from Londonderry, in the member's backyard. You have to stop talking down the opportunities for young people in your electorate because as soon as you do that—

Ms Jodi McKay: Point of order—

The SPEAKER: Order! Is the member's point of order about the Minister directing his remarks through the Chair?

Ms Jodi McKay: Yes, Madam Speaker

The SPEAKER: Order! I uphold the point of order. The Minister will not address the member directly. He will direct his remarks through the Chair.

Mr JOHN BARILARO: I point to a recent article in the local press that featured the member for Londonderry standing outside the Kingswood campus of Nepean College talking down TAFE.

Ms Jenny Aitchison: Point of order—

The SPEAKER: Order! The member for Maitland will wait until members come to order.

Ms Jenny Aitchison: My point of order is taken under Standing Order 73. If members are standing up for their community, that is not talking it down. If the Minister is failing to deliver a program that is not our fault.

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

Mr JOHN BARILARO: When a member stands outside Nepean College saying, "I fear for the future of this campus" at a time—

Ms Linda Burney: You've ripped the heart out of it.

Mr JOHN BARILARO: I thank the member for that timely interjection. The New South Wales Government has invested \$27 million in the Health and Student Services building at Kingswood, guaranteeing the future of that campus.

Ms Jenny Aitchison: Point of order: My point of order is again taken under Standing Order 73. The Minister is casting aspersions on the member for Londonderry. The member is reflecting the views of her community, which is frightened by the cuts.

The SPEAKER: Order! There is no point of order. The Minister is entitled to comment on those statements.

Mr JOHN BARILARO: I encourage the new shadow Minister to do something different. [*Time expired.*]

ALCOHOL ADVERTISING IN SPORT

Mr MICHAEL DALEY: My question is directed to the Deputy Premier. In September last year the Premier told the Thomas Kelly Youth Foundation dinner that "we can do much more and we will do much more" about alcohol advertising in sport. Since then, what more has the Government done?

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

Mr TROY GRANT: That issue is currently on the Council of Australian Governments [COAG] agenda. What is the portfolio of the member for Maroubra? Is it planning? I am not sure what that question has to do with planning. I think the member has been dumped. As the Premier articulated at the time, and as he and other Government members—

Ms Linda Burney: Which he just whispered in your ear.

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

Ms Linda Burney: He has nothing to say.

The SPEAKER: Order! I call the member for Canterbury to order for the second time. The Deputy Premier has the call. I remind the member for Maroubra that he is on three calls to order.

Mr TROY GRANT: As I was saying before I was so rudely interrupted by those opposite, they prove that you cannot put brains in statues. If the member for Maroubra had paid attention he would be aware that this Government has done more for alcohol policy to protect the community in this State than any other government.

The SPEAKER: Order! Members will come to order.

Mr TROY GRANT: This Government has introduced legislation to protect night-time activities that is being reviewed at the moment through the statutory review—

Mr Michael Daley: Point of order: My point of order goes to relevance, Standing Order 129. The question was about alcohol advertising in sport, mate. I know you do not know the answer.

The SPEAKER: Order! The member for Maroubra will refer to the Minister by his correct title.

Mr TROY GRANT: I have already answered that question. I said that it is on the COAG agenda—if the member had been paying attention. I am getting further information—

The SPEAKER: Order! Members will come to order.

Mr TROY GRANT: As I was saying before I was again so rudely interrupted by those opposite, on the issue of alcohol—whether the legislation, advertising in sport, gaming products or the alcohol industry—this Government is taking a leading role in protecting our community and making sure that the appropriate policies, legislation and regulations are in place. When COAG—

The SPEAKER: Order! I call the member for Prospect to order for the third time. That is his final warning. I remind Opposition members that five of them are on three calls to order.

Mr TROY GRANT: —arrives at its decision, we will consider the position that is held across all States and Territories, and we will report it to the House.

The SPEAKER: Order! I warn members—especially new members—that I will apply the provisions in Standing Order 249. Members who continue to interject will be removed from the Chamber for the remainder of the day. They will have to leave their office within one hour and be escorted from the building by the Serjeant-at-Arms. I remind members that five of them are on three calls to order, which is very serious. I will use only the provisions under that standing order from now on.

WESTERN SYDNEY SCHOOLS

Mr MARK COURE: My question is addressed to the Minister for Education. How is the Government delivering critical support to students in Western Sydney schools?

Mr ADRIAN PICCOLI: I thank the member for his question. Having visited his electorate and many other electorates in Western Sydney a number of times, I know that when you go to schools all you hear is good news.

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

Mr ADRIAN PICCOLI: Schools are happy about what the New South Wales Liberal-Nationals Government is doing—whether they are public schools, Catholic schools or independent schools. That is why those opposite hold constant crisis meetings. They see their local schools are happy because they have extra money and resources they only dreamt of before, so it is time for them to hold a crisis meeting. Those opposite always hold crisis meetings when there is good news. Since 2014, New South Wales public schools have received more than \$1.8 billion in funding through the Resource Allocation Model, including \$301 million invested in schools in Western Sydney this year.

The money is important and is being well spent by those schools, but the results matter most to parents. Early Action for Success—an election commitment from 2011—is proving to be very successful. I urge those members with Early Action for Success schools in their electorates to visit them to talk to instructional leaders whom we have appointed and teachers doing targeted intervention for students struggling in kindergarten to year 2. Just last week I visited Curran Public School and met with a couple of principals, including the principal of Curran school.

Mr Anoulack Chanthivong: What about Hurlstone?

Mr ADRIAN PICCOLI: We will get to Hurlstone when you ask me a question without notice about it.

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

Mr Anoulack Chanthivong: Why don't you do that?

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

Mr ADRIAN PICCOLI: Ask me without notice, because I will—

Mr Anoulack Chanthivong: Do that.

The SPEAKER: Order! The member for Macquarie Fields will come to order. After three requests to come to order, I call the member for Macquarie Fields to order for the first time.

Mr ADRIAN PICCOLI: —then inform the House about some of the questions the member has been asking on notice. He can ask me a question anytime he likes.

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Let us look at some of the results for Curran Public School. In writing for year two, in 2012—one year after this Government came to office—no children were above the expected minimum standard. Last year zero met the expected standard. This year, because of various interventions including Gonski money but also our commitment to early action for succession, 59 per cent met the expected standard. For numeracy, in year one 36 per cent were at or above the expected standard. This year 78 per cent were at or above the expected standard. At Guise Public School—which serves some of the toughest neighbourhoods in Western Sydney—for writing in kindergarten not a single student was at or above the expected standard in 2012. This year 72 per cent were at or above the expected standard.

I take this opportunity to congratulate the staff in those schools—the principals and teachers—who have taken this resource and maximised its value to those children. One cannot overestimate the significant impact on those students not just while they are at school but also throughout their lives. When one gets the foundations of literacy and numeracy right in those early years, they are the foundations for the rest of children's years at school and their ongoing vocational or university training. We know the health impacts on people of a better education, including increased life expectancy.

Cabramatta High School was in the news last week for all the right reasons. It saw huge growth in numeracy: 14.9 points higher than the average. Last week we visited Casula High School to announce some of the first school counsellors appointed under the Supported Students, Successful Students program—which provides a 45 per cent increase in resources available to school counsellors across public schools in New South Wales; the first significant increase in more than 20 years. The school is taking its physical education teacher off normal physical education classes three days a week and providing targeted wellbeing support for students, including helping some year 12 students who are the first in their families ever to attempt the high school certificate—I am sure they will complete it at the end of the year—deal with the difficulties and stress of the HSC. That is how money is spent most effectively to support students in New South Wales. All those schools are doing a fantastic job with the resources allocated to them. Money is one thing; but it is our wonderful teachers who are delivering for our students.

Question time concluded at 3.22 p.m.

LEGISLATION REVIEW COMMITTEE

Report

Mr Michael Johnsen, as Chair, tabled the report of the Legislation Review Committee entitled "Legislation Review Digest No. 15/56", dated 8 March 2016, together with minutes of the Legislation Review Committee meeting dated 8 March 2016.

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

PUBLIC ACCOUNTS COMMITTEE

Report

Mr Bruce Notley-Smith, as Chair, tabled the report of the Public Accounts Committee entitled "Examination of the Auditor-General's Performance Audit Reports September 2013-July 2014".

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

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by Mr ANTHONY ROBERTS agreed to:

That standing and sessional orders be suspended at this sitting to:

- (1) Postpone the commencement of Government business until the conclusion of the motion accorded priority.
- (2) Postpone the commencement of private members' statements until the conclusion of Government business.
- (3) Permit the House to sit past 7.45 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**.

Edgecliff Railway Station and Interchange

Petition requesting that the New South Wales Government upgrade the Edgecliff railway station and interchange to provide full access, received from **Mr Alex Greenwich**.

Surry Hills Light Rail Station

Petition calling on the Government to build a second light rail station in Surry Hills at the Wimbo Park-Olivia Gardens site, using appropriate landscaping to minimise visual and noise impacts and provide a quality park for the local community, received from **Ms Jenny Leong**.

Inner-city Social Housing

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

Local Government Amalgamations

Petition opposing the proposed amalgamation of the Shellharbour local government area with Wollongong City Council, received from **Mr Gareth Ward**.

Pet Shops

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

Slaughterhouse Monitoring

Petition requesting mandatory closed-circuit television for all New South Wales slaughterhouses, received from **Mr Alex Greenwich**.

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

South Coast Rail Services

Petition requesting an hourly service from Kiama to Bomaderry station connecting with trains to Sydney, received from **Mr Gareth Ward**.

Rail Maintenance Facility

Petition requesting that the proposed Kangy Angy rail maintenance facility be relocated, received from **Mr David Mehan**.

Local Government Amalgamations

Petition opposing the proposed amalgamation of Kiama local government area with Shoalhaven City Council, received from **Mr Gareth Ward**.

BUSINESS OF THE HOUSE

Business Lapsed

General Business Notices of Motions (General Notices) Nos 329, 330, 414 to 425 lapsed pursuant to Standing Order 105 (3).

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Western Sydney Arts and Culture

Dr GEOFF LEE (Parramatta—Parliamentary Secretary) [3.25 p.m.]: My motion deserves to be accorded priority because for far too long Western Sydney has not had its fair share of access to arts and culture.

The SPEAKER: Order! There will be no interjections, points of order or other interruptions during the speeches to determine priority.

Dr GEOFF LEE: It is disappointing that members opposite disagree, which is why this motion about moving the Powerhouse Museum to Western Sydney deserves priority. For far too long that region has not had access to its fair share of resources, which have been concentrated in the eastern suburbs and inner city. Members opposite chat but we support the move. It is wonderful to see so many Government members present in the Chamber to support my motion.

The SPEAKER: Order! The member for Parramatta will direct his remarks through the Chair.

Dr GEOFF LEE: I am excited that the Premier, the Deputy Premier, the entire Cabinet and almost every backbencher is in the Chamber; they know the importance of moving the Powerhouse Museum to Western Sydney.

The SPEAKER: Order! The member for Parramatta has the call.

Dr GEOFF LEE: Currently more than 400,000 people visit the Powerhouse Museum but following

its relocation to Parramatta we expect that number to increase to one million over time. These will be not just people from Western Sydney; international tourists will be encouraged to visit Parramatta. The move will be a catalyst for an arts and culture precinct in Parramatta. Prior to the election the Premier and Deputy Premier supported this commitment, so the Government has been transparent. It is a once-in-a-generation opportunity to reinvigorate Western Sydney through the creation of an international icon within the heart of the capital of Western Sydney—Parramatta. Members opposite do not support Western Sydney but we care and we support this motion. I am proud to be part of a government that will deliver arts and culture to Western Sydney. I thank the Premier and Deputy Premier for their commitment to Western Sydney—unlike members opposite.

The SPEAKER: Order! I remind members who are three calls to order that those calls to order will apply for the remainder of the day, not just until the end of question time. The member for Port Stephens will be heard in silence.

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Early Childhood Education

Ms KATE WASHINGTON (Port Stephens) [3.29 p.m.]: If we should be prioritising anything in this House it should be our kids and their futures. Participation in early childhood education programs is widely recognised as providing a child with the greatest opportunity for success in life. Better educational outcomes, better social outcomes and better health outcomes are all linked to early childhood education. Yet in New South Wales investment per child in preschool is the lowest in the country. On the latest figures, Western Australia is spending \$683 per child and Tasmania is spending \$598 per child. What is New South Wales spending? It is spending \$202 per child. What does this mean on the ground? It means that it costs more for parents in New South Wales to send their children to preschool than in any other State or Territory in Australia.

It is no surprise then that New South Wales also has the lowest preschool enrolment rates across the country. The international benchmark for preschool education is a minimum of 15 hours a week in the year before school. In New South Wales only 59 per cent of children are meeting this benchmark. This means 41 per cent of our children are not meeting that benchmark. In comparison, 95 per cent of children in Queensland are meeting that benchmark. In Victoria it is 83 per cent. So what is this Government doing in response? The Government is continuing to chronically underspend the early childhood education budget. In the last financial year alone this Government failed to spend \$100 million of budgeted moneys. Over the past three years this Government has failed to spend a shocking \$310 million of budgeted moneys for early childhood education.

Every year the Government has promised big and failed to deliver for our kids and the families of New South Wales. Given this relentless cutting and underspending of the early childhood budget, is it any surprise that parents in New South Wales pay the highest preschool fees in the country? Is it any surprise that some parents choose not to send their child to preschool, or that some cannot afford to send them for even one day? Others enrol their children for the last few months of the year before school because they just cannot afford any more than that. I am very pleased and proud to stand with members on this side of the House who are committed to accessible, affordable, quality preschool for all children in New South Wales. On this side of the Chamber we want to see every child get the best possible start in life.

I am delighted to have an Opposition leader who is leading the debate on this issue, who understands the importance of early childhood education and who is willing to do what it takes to ensure that any barriers to children attending preschool are removed. This Government continually regales us about New South Wales being the number one State. I can tell members that New South Wales is coming last when it comes to preschool enrolment rates and it is coming last with regard to investing in our kids and their futures.*[Time expired.]*

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

The House divided.

Ayes, 49

Mr Anderson
Mr Aplin
Mr Ayres
Mr Baird
Mr Barilaro
Ms Berejiklian
Mr Brookes
Mr Conolly
Mr Constance
Mr Coure
Mr Crouch
Mr Dominello
Mr Elliott
Mr Evans
Mr Fraser
Mr Gee
Ms Gibbons

Ms Goward
Mr Grant
Mr Gulaptis
Mr Hazzard
Mr Henskens
Mr Humphries
Mr Johnsen
Mr Kean
Dr Lee
Mr Maguire
Mr Marshall
Mr Notley-Smith
Mr O'Dea
Mrs Pavey
Mr Perrottet
Ms Petinos
Mr Piccoli

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

Tellers,
Mr Bromhead
Mr Patterson

Noes, 38

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

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

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

Pair

Mr Rowell

Ms Finn

Question resolved in the affirmative.

WESTERN SYDNEY ARTS AND CULTURE

Motion Accorded Priority

Dr GEOFF LEE (Parramatta—Parliamentary Secretary) [3.37 p.m.]: I move:

That this House:

- (1) Notes that Western Sydney deserves a state-of-the-art cultural institution.
- (2) Supports the Government's commitment to building a museum for the future and a new cultural destination in Western Sydney.
- (3) Calls on Labor to support our plan to give Western Sydney audiences better access to our vibrant arts and cultural scene.

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The Government makes no apology for moving an iconic arts institution such as the Powerhouse Museum to a deserving Western Sydney. The Government makes no apology for funding arts and culture in Western Sydney. The Government is proud of this decision while those opposite are sad and unsupportive. I am interested to hear whether the Opposition supports the motion. The Opposition leader, Mr Foley, is keen to speak to this motion. Western Sydney has been treated with contempt as the poor cousin to the eastern suburbs and inner city and has suffered decades of neglect. On 19 September 2014, in a submission for rebuilding New South Wales, I proudly called for the relocation of the Powerhouse Museum to Parramatta. My submission enjoyed the support of the Deputy Premier and Minister for the Arts, Troy Grant, and the Premier.

The Government will address that situation and move the Powerhouse Museum to Parramatta. It is about the changing face and future of Western Sydney. There are two million residents of Western Sydney and that is estimated to increase to three million over the next 20 years. This will give those residents access to and an opportunity to visit an internationally renowned iconic institution. The building will reflect the changing needs of Western Sydney and Australia. Last week the Premier visited Parramatta, the capital of Western Sydney, and spoke of the Powerhouse Museum as an iconic building and institution with the ability to display a great art collection. It will be just like the Smithsonian. I am proud of that.

The theme will include science, technology, arts, mathematics and engineering. This is an opportunity to reinvent the Powerhouse Museum. Following consultation with the community a change in focus will give children and the community an opportunity to engage with a model that looks to the future education of students in Western Sydney and Australia. This decision should be celebrated rather than denigrated by those opposite who are sounding disapproving notes. The Government makes no apology for focusing on Western Sydney and Parramatta. I have spoken in this place about the petition to stop the move. I say to the haters that Western Sydney deserves this development.

There are two areas being considered as building sites, one alongside the river and the other is a golf course. That decision will be made based upon logic, evidence and the advice of independent experts. Once a site is chosen we can design and build an international, renowned, iconic institution. I thank the Minister for the Arts and Deputy Premier, Troy Grant, and the Premier for their commitment to Western Sydney. Those opposite will continue to cast doubt but this Government supports arts and culture.

Mr LUKE FOLEY (Auburn—Leader of the Opposition) [3.43 p.m.]: I move the following amendment:

That paragraph (3) be amended by deleting all current words and inserting in their place:

- (3) Condemns the Deputy Premier and Minister for Arts for his statement that funding for arts and cultural institutions in Western Sydney is a local government responsibility.

I reiterate clearly that Labor supports the principle of relocating a significant cultural institution to Western Sydney. Why would we not? Labor pioneered redistribution of resources to Western Sydney: Neville Wran and Laurie Brereton proposed moving hospital beds to the west in the early 1980s, which was opposed by those opposite. Labor will not be lectured to by conservatives about redistributing Government resources to Western Sydney. Those opposite say, "What did Labor do for the arts in Western Sydney?" The answer is: the Casula Powerhouse, Campbelltown Arts Centre, the Parramatta Riverside Theatre, and the Dame Joan Sutherland Performing Arts Centre at Penrith. What did the Romans do? What did Labor do for the arts and culture in Western Sydney?

The Deputy Premier states it is a local government responsibility to fund arts and cultural institutions in Western Sydney. The member for Parramatta referred to the Premier's speech last Friday. The Premier was there when I spoke and said, let us not think we have ticked the box for arts and culture in Western Sydney by saying we are relocating the Powerhouse Museum. Let us raise our ambition. Our desire and goal should be that with the Powerhouse Museum moving to Parramatta it be situated in a prime position in the centre of Parramatta not placed out at a golf course without easy access from the centre of Sydney's second central business district at Parramatta. When it comes to the architecture and design of the new relocated Powerhouse Museum it must be world class. That is my challenge to the Government.

As shadow planning Minister I said that attracting and retaining talented graduates in Sydney's west required a better cultural offering for the entire Western Sydney region. The Sydney central business district attracts 90 per cent of the arts budgets and Western Sydney receives less than 5 per cent. We have an arts Minister stating it is the responsibility of local government to fund arts and culture in Cabramatta, Mount Druitt, Fairfield and all through Western Sydney—that is the stated policy position of the Minister for the Arts. The City of Sydney is not required to pay for infrastructure upgrades to the Museum of Contemporary Art, the Art Gallery of New South Wales, the Sydney Theatre Company or any of the major art institutions in the CBD. Why is it the State can and will make contributions to significant infrastructure upgrades on major arts institutions in the Sydney CBD yet the Deputy Premier says when it comes to Western Sydney it is the responsibility of local government? The arts Minister should explain the contradiction between State Government support for arts and cultural infrastructure in the CBD compared to Western Sydney.

During the election campaign both Mr Baird and I committed \$600 million for arts and cultural infrastructure over the life of the next Parliament. What has the Premier committed from that pot of money to arts and cultural infrastructure upgrades in Western Sydney? Reading the motion you would think he had done so, but he has not. He has committed to an upgrade of the Sydney Opera House and finalisation of the Walsh Bay arts precinct. There is not a brass razoo committed to arts and cultural institutions in Sydney's west. There was a fair odour of hypocrisy coming from the Government side of the House when they moved the resolution. I thank the member for Parramatta for the opportunity to make it clear that Labor supports the principle of redistributing resources to the west. The Government must get its act together and explain to the public how it is going to move the Powerhouse Museum. It must do more for arts and culture in the great Western Sydney region.

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Mr RAY WILLIAMS (Castle Hill—Parliamentary Secretary) [3.49 p.m.]: I am absolutely delighted to support my colleague the member for Parramatta on this particular motion that will be accorded priority for the very good reason that we are investing a record amount of money in a feature museum in the heart of Western Sydney. And why would we do that? It is because Parramatta is the geographic centre of the Sydney metropolitan area. It therefore provides the largest number of people with the greatest access to that museum when and how they want to. Something that has also escaped the Opposition is

that we are providing the appropriate connectivity to it such as public transport and roads. The Opposition does not want to support public transport and thinks we are far too focused on roads. Any one of the people sitting in traffic congestion that their previous government failed to recognise and do anything about will say that roads are a very important issue across Western Sydney.

The people of Western Sydney deserve to have this world-class museum in a place of rapid population growth. From a planning perspective, this is a key attractor. Placing a clear attractor in the middle of an area like Parramatta creates further investment, further investment creates employment, we get jobs growth and the cycle continues. That is something that escapes the Opposition. The Opposition says, "We should have further investment in culture and the arts." I would have thought that placing that precinct in the heart of Western Sydney is a wonderful testament to our support for culture and the arts.

When we propose and commit to projects like this we do something that is a little bit foreign to the Labor Party: We actually fund it. We will put a line item in the budget and then we will complete it—something that escapes the Opposition because the Opposition has a policy vacuum and an economic vacuum. They can talk up all the issues they want but never once has the Opposition, including the Leader of the Opposition who just had the opportunity, said, "We will fund it through this particular mechanism." They did not support the recycling of assets; they did not support the leasing of the poles and wires. So how are they ever going to fund important infrastructure or great museums like the Powerhouse Museum? I stand here as a very proud Parliamentary Secretary to the Minister for Western Sydney, the Premier, in supporting this great facility on behalf of the people of Western Sydney. It will provide the cultural heart of Western Sydney and the greatest opportunity for the largest number of people to access it whenever they would like to.

Dr HUGH McDERMOTT (Prospect) [3.52 p.m.]: I speak on the motion and the amendment. It is incredible that the North Shore member of Parliament who calls himself the Minister for Western Sydney, the Premier, can push a cultural icon like the Powerhouse Museum onto the west. That is typical. The Government wants to impose the eastern suburbs on the western suburbs—that is what it is about. And the member for Parramatta should know better. Perhaps if he were the Minister for Western Sydney he would not put up with such a thing. What we need in Western Sydney is our own museum. We do not need something brought in from the east, the north or somewhere else. We have our own culture, artists and musicians—we can have it there.

Have we got an art gallery? No, we do not even have an art gallery in Western Sydney—nothing. So let us think about this: How serious is this Government about bringing the arts to Western Sydney? Let us look at a couple of matters. There are 56 appointments in the five major arts boards in New South Wales. How many of the 56 board members come from Western Sydney? Have a guess. Would members say half or maybe 10? It is five out of 56. So that means that of the 56 board positions for the Art Gallery of New South Wales, the Australian Museum Trust, the Powerhouse Museum, the Sydney Opera House Trust and the State Library of New South Wales there are five from Western Sydney.

The Government is just not serious about bringing culture to Western Sydney; it is not serious about these things for the west. It is all just talk. And where does it want to put this new museum? One would want to put it right in the centre on Church Street in Parramatta or maybe near Westfield. There are plenty of good areas there. But obviously the Government's mates the developers want those areas. It is going to put it on a golf course which is not near the centre of Parramatta. It will take a significant effort to get to the museum if the Government puts it at the golf course. If one were serious about bringing culture, an art gallery and other things to Western Sydney, one would not do that.

Let us think about the numbers. It is a region of two million inhabitants today and there will be three million by 2030. Yet how much money has the Government given? It is \$30 million over four years. That sounds fantastic, but that is the same amount of money being given to the Art Gallery of New South Wales alone over one year. So the Art Gallery of New South Wales is given \$30 million for one year but the whole of Western Sydney is given \$30 million for four years—what an absolute joke. Those on the

other side love to go on about how Labor does not do this and does not do that, so let us think about this. I know the member for Parramatta has been to the Parramatta Riverside Theatre—I have been there with him. He knows how important it is. There is the Casula Powerhouse Arts Centre and the Campbelltown Arts Centre—how fantastic is that? This Government does not take Western Sydney seriously and it is time it did. [*Time expired.*]

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

Dr GEOFF LEE (Parramatta—Parliamentary Secretary) [3.55 p.m.]: Truly this was a chalk and cheese debate. On this side of the House we had the very excellent member for Castle Hill with some very constructive and supportive comments about why we should and are going to move the Powerhouse to Parramatta for the whole of Western Sydney and the whole of Sydney. It is about geographic access and convenience for the total population of the Sydney region. It is about Parramatta's export transport links. It is about a real commitment of funding for an iconic institution such as the Powerhouse in Parramatta. I congratulate the member for Castle Hill on his insight. Well done, member for Castle Hill. You truly showed insight and understanding of why we are making this important decision not just to move the Powerhouse but to fund it and get it done.

For the Opposition we had the member for Prospect outlining his arguments as to why he was not supporting Western Sydney. It is very sad. He is from Western Sydney too. I am really disappointed and it saddens me because I thought the member for Prospect was a nice person. But I bet he is going to find it hard to go home and explain to his electorate why he does not want an iconic cultural institution in Western Sydney.

Dr Hugh McDermott: Point of order: Standing Order 73, personal reflections on my motives.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is no point of order. The member for Prospect will resume his seat.

Dr GEOFF LEE: They may try to delay the debate on this or try to stop me from talking but I am still going to stand up for the people in Western Sydney and the people in Parramatta. This good-natured Government is going to commit hundreds of millions of dollars to establish a new Powerhouse in the middle of Parramatta. The Leader of the Opposition wants to amend the motion. His speech was a very sad effort. I know that deep down he wants to support Western Sydney. I just wish he would get behind this move for the whole of Western Sydney. As the member for Auburn he should know that we need access to culture and the arts just as much as people in the eastern suburbs.

We are ready to move the Powerhouse as soon as we establish the right location. We are not going to act prematurely. We are not going to run politics and select the wrong site. We are going to base our decision on the evidence and make the right decision. We are going to deliver an iconic institution not just for Parramatta and not just for New South Wales but for the whole of Australia. As the Premier said, it will be just like the Smithsonian.

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The DEPUTY-SPEAKER (Mr Thomas George): Order! I call the member for Canterbury to order for the third time.

Question—That the words stand—put.

The House divided.

Ayes, 45

Mr Anderson
Mr Aplin
Mr Ayres
Mr Barilaro
Ms Berejiklian
Mr Brookes
Mr Conolly
Mr Coure
Mr Crouch
Mr Dominello
Mr Elliott
Mr Fraser
Mr Gee
Ms Gibbons
Ms Goward
Mr Grant

Mr Gulaptis
Mr Hazzard
Mr Henskens
Mr Humphries
Mr Johnsen
Mr Kean
Dr Lee
Mr Maguire
Mr Marshall
Mr Notley-Smith
Mr O'Dea
Mrs Pavey
Mr Perrottet
Ms Petinos
Mr Piccoli
Mr Provest

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

Tellers,
Mr Bromhead
Mr Patterson

Noes, 37

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

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

Pair

Mr Baird

Ms Finn

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

INCLOSED LANDS, CRIMES AND LAW ENFORCEMENT LEGISLATION AMENDMENT (INTERFERENCE) BILL 2016

Second Reading

Debated resumed from 8 March 2016.

Mr RYAN PARK (Keira) [4.08 p.m.]: I lead on behalf of the shadow Minister for Industry, Resources and Energy in the other place, the Hon. Adam Searle, and an angry and determined Opposition. This legislation is disgraceful and anyone with their fingerprints on this legislation is a disgrace. The legislation flies in the face of democracy in New South Wales. It all started with Clover Moore. We could not beat her, so we legislated her out of this place. Last week it was railway lines. We could not rip them up without getting permission from Parliament, so we legislated that law out of this place. This week, hardworking men and women who dare to sit on their farm gates and protest against large companies being given permission to mine on their assets will be treated as criminals.

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This is disgraceful legislation. This Parliament should not even be debating this type of legislation. The New South Wales Cabinet should have gotten rid of it the moment the Minister brought it forward. There are checks and balances in this place that should have prevented this legislation from landing on the floor of this House. It is outrageous that in 2016 we are debating legislation that will treat hardworking men and women who dare to protest against the Government of the day—on issues including, but not limited to, sensitive, important things such as mining, coal seam gas and anything else the Government does not like them protesting against—as criminals. This is not fairness. This is not the New South Wales way. This is not the Australian way.

Mr Deputy-Speaker I know there are residents in your community who have stood shoulder to shoulder with men and women on the land, protesting—and rightfully so—against the coal seam gas industry. Under this legislation these people will be treated as criminals. That should not be the way we do things in New South Wales. It is not the way any Parliament in any democratic State should do things. My parents, particularly my father, protested strongly and vigorously against the Vietnam War. My uncle went to jail for a period of time for protesting. My sisters and I were taught to stand up against things that are wrong. Whatever the colour of the Government—whether it is red, blue or green—you should stand up, in an appropriate way, against things that are wrong; you fight, and you fight hard.

If men and women across New South Wales are to be denied that right and are to be treated like criminals then I ask this Parliament: What have we become? What have we become in 2016 when a Minister of the Crown thinks it is smart to bring this type of legislation into the New South Wales Parliament—the oldest Legislative Assembly in this country? It is a Legislature that should always stand up for the right of people to oppose, to protest in a peaceful manner and to stand up for what they believe in. Governments of all persuasions do not always get it right. In 2010 and 2011 the Labor Government got it very wrong on coal seam gas. I have not defended that. I stood in my community and said the Government of that colour got it wrong.

I say to the hardworking men and women in my community who spoke in their thousands, who protested on the bridge, up on the escarpment and out in the fields: Thank you for standing up to the Labor Government and thank you for standing up against this Government—this mob. One thing the Labor Party never did was to come into this House and make those people feel like criminals. I never thought I would see something like this legislation, particularly from a Government that says that it represents regional and rural New South Wales. Those opposite have to be kidding! Not one Nationals member should dare utter a word in this debate. The Opposition will let every community member know that Government members are treating them like criminals for daring to protest against the Government of the day.

The legislation creates an aggravated form of the existing offence of unlawful entry onto inclosed lands and increases the penalty from \$500 to \$5,500 if the trespass occurs on land where there is a business undertaking. But the legislation gets worse. It amends the Crimes Act 1900 to extend the definition of "mine" in the context of an existing offence under section 201 of intentionally or recklessly

interfering with a mine, which is punishable by up to seven years in prison. This would criminalise protests by farmers on their own land. I do not know which member on the other side of the Chamber was so stupid as to allow this legislation through Cabinet. The defence of this legislation by Government members is getting worse. I remind members of The Nationals members to think long and hard about coming into this place and trying to defend it, because it is indefensible, and each of them knows that it is indefensible.

The legislation gets worse. It also gives police additional search and seizure powers, without the need for any warrant, where the police suspect a person has, or a vehicle contains, anything intended to be used as a "lock-on" device for the purpose of interfering with a business or undertaking, or is likely to be used in a manner causing serious risk to safety. Not only will police be able to seize property without a warrant, but owners will lose any property in the things taken, without any protection at law or by the courts. The legislation also confers—as if it has not gone far enough—additional powers on police to give directions to persons in public places to prevent obstruction to persons or traffic, not only criminalising actions by peaceful protestors but also extending the criminality to any person attending a protest.

This bill will be debated long and hard in this place today because some of us believe in democracy, whether we are on the right side of an argument at times or on the wrong side. This bill absolutely destroys the fundamental right for men and women to protest actively about issues as important as coal seam gas mining in sensitive areas. The Government wants to ride roughshod over democracy and it wants to ride roughshod over men and women who have done nothing other than believe that they should do everything possible to protect the sensitive farming, agriculture and water that are so important to our State. This legislation extends police direction powers to any apparently genuine demonstration, protest, procession or organised assembly. This would include a wide spectrum of activity and is not limited to anti-coal seam gas or mining protests.

This law represents a significant attack on civil rights. It elevates the rights of coal seam gas and other mining companies above other land owners and the wider public. We will stand in this Parliament for as long as it takes, and the men and women of the New South Wales Labor Party will fight this legislation tooth and nail, because we believe that governments get it wrong. But we believe it is a community's right—including the right of men and women who own properties—to get together to protest and raise issues. No-one on this side of the Chamber will ever diminish the right of men and women to protest against the government of the day. It is fundamental to what we believe in; it is fundamental to what our party has fought for; and it should be fundamental to this place.

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The Minister who introduced this legislation should hang his head in shame. This is a disgraceful bill, a bill that undermines so much of what is important to this place and the communities each of us represents. This bill also undermines our democracy, which is something that all of us should believe in and always fight for. Bills like this do nothing to restore the faith of the community in the politicians who represent them. This side of the House will spend as much time as it takes to make sure that the right of communities to protest is upheld and that those who protest are not treated as criminals. I urge members opposite who wish to speak on this legislation to think long and hard before they do so, because we will report everything they say to the communities they represent.

Mr KEVIN ANDERSON (Tamworth) [4.20 p.m.]: The member for Keira fumes on many issues and yet again he is fuming on a bill that he seems not to have fully grasped. He has not read the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. We on this side of the House believe in the democratic right to protest—

Mr Ryan Park: You are kidding!

The DEPUTY-SPEAKER (Mr Thomas George): Order! I remind the member for Keira that he is

on three calls to order. He has made his contribution to the debate.

Mr KEVIN ANDERSON: —but we do not believe in putting people's lives at risk. We do not believe in protestors putting their lives and the lives of those around them at risk. The member for Keira spoke about the men and women on his side of the House, but how about the men and women of the NSW Police Force whose lives are in danger every time they attend an aggravated protest? If you look at the news from the past couple of days you would have seen people riding on the tops of trains. Is that safe? I do not think so. People at protests who chain themselves to dangerous pieces of moving equipment are putting their lives at risk and they are putting at risk the lives of those people who are trying to rescue them and those around them.

If there is any doubt about the dangers presented by some forms of protest, I will give a couple of real-life examples of. The first type of protest action is so-called "lock-ons". I understand that police have had to deal with protestors who have locked onto the underside of trucks on multiple occasions. This involves protestors running in front of trucks to get them to stop and, when they do, climbing under the trucks and attaching themselves to the trucks' axles. The possible risks do not bear thinking about. Truck drivers are usually unsure of where the protestor is located under their vehicle. If members opposite have ever been in an 18-wheeler they would know what the view is like from the top of the cabin—very limited.

Protestors put themselves in significant danger by attaching themselves to what can be sometimes extremely hot axles near the engine and exhaust. When police arrive at these scenes, they have to climb under the truck to ensure the safety and wellbeing of the protestor. This, of course, means that the police are then subjected to the same risks as the protestors, over the often very many hours that the protestors decide to remain locked on. To provide a more specific and rather horrifying example, in 2014 there was an incident involving a protestor running under an active bulldozer. The protestor locked onto the blade of the bulldozer. A number of other protestors climbed on the vehicle and one told the operator to shut down, or he would put the protestor at risk. The bulldozer operator shut the dozer down.

However, as the dozer was no longer running, the hydraulics began to release, which slowly lowered the dozer blade toward the ground, with the protestor still locked on, by the neck, with a bike lock. Yet the dozer could not be re-started, as the blade would automatically go to the ground when it was started. The responding police did not have any rescue equipment, and Police Rescue and State Emergency Service personnel were too far away to bring appropriate equipment in time. Police had to explain to the protestor the imminent danger that she was in. However, she was unable to contact the other protestor who had the key to the bike lock because she had run away from the site. Frantically, police and mine staff placed logs and rocks under the blade to try to halt its descent. Finally, an angle grinder belonging to the mine was located and used to cut the bike lock.

The Tamworth electorate is familiar with protest action and often many protestors are outside my office in Fitzroy Street. I meet these peaceful protestors, whom I welcome, because they give me a clear understanding of what is happening on in and around my electorate. However, I do not sanction those who put others' lives at risk. This afternoon there are familiar faces in the gallery and I know those people engage in peaceful protest because they are peaceful people. I welcome them, as they know they can achieve the same result by engaging in peaceful protest. I cannot tolerate aggravated protestors who put at risk the lives of police and emergency service personnel. We must ensure that community members are safe. We recognise and respect the right to protest peacefully. I commend the bill to the House.

Ms TRISH DOYLE (Blue Mountains) [4.26 p.m.]: As a member of the Labor team I oppose the Baird Government's anti-democratic agenda and the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. We stand alongside activists and environmentalists in their fight to stop the spread of coal seam gas exploration and mining in New South Wales. More than this, Labor stands alongside ordinary citizens to defend the right to protest peacefully against any or all manner of government transgressions—be they by this Conservative Baird Government or any future government. It is also critical that citizens be protected in their right to protest the overreach, negligence

or criminality of private companies wherever or whenever circumstances call for it.

This Parliament and the privilege of governing must not be abused by conservatives and misused to produce anti-democratic legislation on behalf of big business. The legislation put forward by Premier Mike Baird on behalf of his cronies in the mining industry would see penalties for unlawful entry to inclosed lands increased from \$500 to \$5,000. It seeks to redefine the meaning of the word "mine" within the legislation to have the effect of criminalising protests by farmers on their own land. It gives New South Wales police extraordinary search and seizure powers without the need for a warrant, and erodes the property rights of individuals whose property or vehicle has been seized by police. This is an appalling attack on the rights of ordinary citizens of this State. Finally, the Baird legislation gives police additional powers to give directions to persons in public places and will effectively criminalise peaceful public protests.

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The Blue Mountains has a long history of peaceful democratic protest. My constituents have travelled far and wide to contribute to protest action against coal seam gas mining, pollution of our waterways, and war and the internment of refugees on island prisons, and to protect their rights and conditions at work. The Blue Mountains Unions Council, the Blue Mountains Conservation Society, the Wilderness Society, the Colong Foundation, Residents Against Western Sydney Airport and the Blue Mountains Refugee Support Group are among the many local groups in my electorate that will be impacted by this attack on our collective right to democratic protest action. The Knitting Nannas travelled the State during the last election and sat in at electorate offices, including that of the former member for Blue Mountains, knitting away to draw attention to the complicity of local Liberal and National members of Parliament and the damage done to our waterways and farmland by coal seam gas [CSG].

It appears from the legislation brought forward today that it is the intention of Premier Mike Baird to create criminals of the Knitting Nannas. Why? It is because they contributed to the downfall of his former colleagues? I have stood outside this place—and will continue to when necessary—and protested against the bad decisions made by this Government and its predecessors. Recently protests have been held outside Parliament House by taxidivers, environmentalists, nurses, teachers and trade unions, as well as local residents concerned about the Baird Government's forced council amalgamation agenda. These people's right to democratic, peaceful protest will be put in jeopardy by this legislation and that, in my view, is completely unacceptable.

For various historical and contextual reasons, we do not have a Bill of Rights in Australia. This leaves the restriction or limitation of freedoms to conduct protest action largely up to the States. With this model, rather than consistent, national benchmarks to protect basic rights to protest, we are left with a hodge podge of proscriptive legislation that varies across borders and jurisdictions. The problem with this model is that it treats protest action as a crime, rather than starting from a point of established and protected freedoms that all citizens can confidently enjoy. Over recent years we have seen in this State and elsewhere the gradual erosion of rights of assembly and association under the guise offered by conservative governments of tackling criminality. One does not reduce criminality by expanding its definition to capture peaceful, democratic protests or the rights of individuals to collaborate and associate with like-minded people.

These changes can be traced to the ideological antipathy that exists within the heart of every Government member towards workers, environmentalists, trade unionists and now, even farmers and small business owners. Those opposite are so captured by big business, so cosy with their mates in the mining and CSG industries, that they will turn on the people they claim as their own supporter base. Premier Mike Baird is like a snake eating his own tail, but he is too busy swallowing his own dogma to notice that he is cannibalising the rural electorates upon which his Government depends. The Nationals came into this place and are generally a sad and sorry spectacle at the best of times, but today they must be filled with an even greater sense of self-loathing and dread.

For example, The Nationals failed to listen to their communities and after 27 years of incumbency the electorate of Ballina went to The Greens Tamara Smith at the last election—a huge swing to Labor and to The Greens. Likewise, voters in my electorate of the Blue Mountains turfed out a sitting member with a 14 per cent swing against the Liberals because the former member lacked the strength or principle to stand up against the environmental vandalism being carried out by the Baird Government. Regional, rural and outer metropolitan voters are beginning to see that one cannot trust the Liberals or The Nationals to protect the interests of local electorates. It is not surprising. When local members choose to elevate the commercial interest and priorities of big business over the needs of local citizens in their electorates they should expect to feel the heat at the ballot box.

This is sneaky and dangerous legislation, and this is a sneaky and dangerous government. I have said before that Mike Baird might be a nice guy but he is a bad Premier. He is a bad Premier because he is captive to the demands of the crooks, lobbyists and environmental vandals within the mining and CSG industries. He is a bad Premier because fundamentally he does not share the values or principles of the broadly progressive people throughout this State. He is a bad Premier because while we are in here debating this anti-democratic, draconian and sneaky legislation, he is elsewhere, probably practising his selfie technique upstairs. I stand with Labor, and Labor stands with the people in opposing this undemocratic legislation. We stand here today to protect the rights of all citizens to engage in peaceful, democratic protest activity on any issue or cause they see fit.

[Interruption from gallery]

Mr Kevin Humphries: There should be no commentary from the gallery.

The DEPUTY-SPEAKER (Mr Thomas George): Order! This is an emotive issue. There will be no comments from the gallery. Those rules apply to all people in the gallery at all times; not just for this debate. I will enforce that rule if any further comments are made.

Mr MICHAEL JOHNSEN (Upper Hunter) [4.35 p.m.]: I am pleased to speak in support of the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. I was interested to hear the words of the member for Blue Mountains when she said that Labor would not support such legislation because it was anti-democratic and draconian. On 24 March 2015 in a letter to the Minerals Council the Leader of the Opposition—the Leader of the Labor Party—said:

We recognise that trespassing is dangerous and illegal. NSW residents will always have the right to protest legally but Labor will never condone illegal activity or activity that could endanger lives.

Labor will work with industry, police and environment groups on reforms to protect mine workers while respecting people's right to peacefully protest.

This is Labor's opportunity to support reforms that will do exactly that. I will read them out because clearly members opposite have not read them. The Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016 provides higher penalties and stronger enforcement powers, as promoted by the Labor Opposition, to deter unlawful protest activity that negatively impacts on businesses and the community. We know from the Opposition and from The Greens that many of the protests are based on ideology and have nothing to do with practicalities, and nothing to do with the welfare and safety of protestors, police and others. We heard stories from the member for Tamworth about potentially lethal activities that have occurred, yet Labor says it will not support any form of legislation that will protect these people.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Summer Hill will have an opportunity to make a contribution to the debate.

Mr MICHAEL JOHNSEN: They are kidding the people of New South Wales; if not, then they are kidding themselves but no-one will believe them. Increased illegal and unsafe protesting activities at mine sites are creating significant risks to the public, and increasing costs for police and mining operators. Current penalties and enforcement powers are not adequate to prevent negative impacts, or repetition of illegal behaviour causing harm, including protestors using lock-on devices. The current definition of a mine has made prosecution for mine interference laws difficult.

The bill makes a number of amendments, including, first, amending the Inclosed Lands Protection Act 1901 to create an aggravated unlawful entry on inclosed lands with a maximum penalty of \$5500; second, amending the Crimes Act 1900 to extend the meaning of "mine" in connection with the existing indictable offence of intentionally or recklessly "interfering with a mine"; third, amending the Law Enforcement (Powers and Responsibilities) Act 2002 to confer additional search and seizure powers for police to deal with persons who intend to lock-on or secure a person to any plant, equipment or structure for the purpose of interfering with the conduct of a business or undertaking and that is likely to give rise to a serious risk to the safety of a person—as has been identified previously; and, fourth, amending the Law Enforcement (Powers and Responsibilities) Act 2002 to remove limitations on the exercise of police powers to give directions in public places to prevent obstructions of persons or traffic for a demonstration, protest, procession or organised assembly.

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The Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016 will increase the penalties and police powers to help deter unlawful and unsafe protest activities and enable mining and other businesses to conduct their activities uninhibited, as they should. By defining "mine" in the Crimes Act 1900 it will clarify that all mining activities, including construction, exploration, decommissioning and making safe, and any equipment at a mine or petroleum workplace are covered by the interfering with a mine offence. The new definition will ensure that the offence reflects the modern understanding of a mine, which has changed significantly since mining commenced in Australia. It also reflects modern work practices, where many different businesses are involved in the conduct of mining and petroleum operations and plant and equipment are not necessarily owned or controlled by one person or company. The definitions will make enforcement and prosecution of the mine interference offences more effective.

The Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016 was developed collaboratively with the Department of Justice, the NSW Police Force and the Department of Industry—the people who actually know what they are doing. The amendments ensure better protection for businesses from those protestors who deliberately, intentionally and—critically—unlawfully disrupt the conduct of business or an undertaking. At the same time, they preserve the right—and I remind members of this—to protest lawfully. The Government is committed to ensuring that people are able to exercise their right to communicate their opinions and ideas on matters of concern, but through a peaceful and lawful protest.

The amendments are important and necessary. Without them, there is a risk of further unlawful disruption by protestors that threatens their safety and their lives as well as those of workers, and causes significant cost to business. In closing, if I were a member of the Labor Opposition I would listen to the Leader of the Opposition, who has supported these improvements to the law. Members opposite should speak in favour of the bill and support their leader. I commend the bill to the House.

Ms ANNA WATSON (Shellharbour) [4.42 p.m.]: I am pleased to make a brief contribution to debate on the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. What we have heard so far from the Government members who have been rolled out here this afternoon is typical Liberal Party rhetoric; it is nothing new to us. We hear it all the time from those opposite. The provisions in the bill are very disturbing for the future of peaceful assembly and peaceful protest in this State. The bill essentially provides the police with new search and seizure powers, as well as new powers to give directions to people in public places. The provisions are dressed up to emphasise

protests involving mining and environmental causes. However, the provisions are not restricted to such protests.

I was most interested to read the submissions from the New South Wales Bar Association and the Law Society of New South Wales, which raise a series of objections to the bill in its present form. If the Government is not going to take notice of the New South Wales Bar Association or the Law Society of New South Wales, I do not know who it will listen to. Given the Government side could at times be mistaken for a subsidiary of a law firm, one would think members opposite would consider carefully the objections of one of the most powerful "unions" in the State. How on earth can The Nationals—the Coalition partner in this Government—support a bill that will criminalise farmers for objecting to mining and coal seam gas activities on their property? How can any member of The Nationals line up and vote for this bill? I have no idea. As usual, The Nationals, like the Liberals, say one thing in their electorates and say another thing in this place. That is typical.

There is simply no need for this bill. Law enforcement authorities already have the necessary powers to address protest activities. Authorities already have the necessary powers to deal with any individual or group of individuals who trespass, engage in unlawful assembly or commit wilful damage to property. The new offences proposed in the bill use wording that is very wide and uncertain as to its meaning and may, as the Bar Association submission articulates, be unenforceable. The Law Society submission also makes a very clear point in the following quote:

In the Law Society's view, the right to protest and assemble is a fundamental right itself, and its importance is augmented by the constitutionally implied freedom of political communication. Given this, and the already existing police powers to maintain public safety, we submit that the Government has not demonstrated why it is a necessary or proportionate response to amend s 200 of LEPR to allow police officers to issue directions in the context of protests and assemblies without warrants. This is particularly so where failure to comply with such directions amounts to a criminal offence.

That is straight from the Law Society's submission. I hope that those opposite listen to those words and digest them. They should then come into this place and tell us what they are doing is right. As I indicated at the outset, I am very concerned by the provisions in the bill in its current form and will join my opposition colleagues in voting against it.

Mr PAUL TOOLE (Bathurst—Minister for Local Government) [4.46 p.m.]: I take this opportunity to speak in support of the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. I thank the Minister for Industry, Resources and Energy for bringing this bill to the House. The bill seeks to deter further unlawful behaviour by activist groups in New South Wales by providing higher penalties and stronger enforcement powers. I am amazed and shocked that the member for the Blue Mountains would come into this House and declare that she will stand by activists who are breaking the law. She will stand by activists who are affecting those mums and dads who rely on mining across New South Wales. I ask Labor to identify its policy because we agree with a letter from the Leader of the Opposition to the Minerals Council NSW saying that action must be undertaken if there is illegal and dangerous activity. Yet Labor members come into this place and oppose the bill. One minute they are for it; the next minute against it. Next week they will have a different opinion again. Activist groups have wilfully branded themselves as environmental groups, claiming to be undertaking on-ground environmental works that benefit the community and the environment.

Ms Jenny Leong: They are environmental groups.

Mr PAUL TOOLE: Hang on, we have Lock the Gate. The Lock the Gate Alliance is just one of the many activist groups that have deceived the taxpayers by retaining deductible gift recipient status and taking taxpayers' money. That taxpayers' money is used to fund the group's unlawful and unsafe acts to prevent the running of mines in New South Wales. I take this opportunity to inform the House what mining

means in my electorate, and specifically for a community like Lithgow. Mines such as Baal Bone, Springvale, Cadia and the proposed Regis Minerals in my electorate not only provide coal for power stations and seek out gold; they represent so much more. Those mines embody history, culture, families and community. They provide jobs and revenue. Let us consider some statistics. In the Bathurst electorate alone something like 1,510 full-time employees are engaged in mining activities.

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Mines generate \$206 million in wages and salaries, and direct local spending of \$90.3 million. In my electorate there is a total direct spend of \$298.6 million on goods and services, with 311 local businesses benefiting from the contribution of mining activities. Those figures not only reflect the jobs and revenue generated in my electorate but also tell a story. They tell a story of the many families who rely on those mines to put food on the table and ensure that parents can educate their children and put a roof over their heads. It is a disgrace to think activist groups have coordinated deliberate, unlawful acts to disrupt the lives of everyday people—people going to work like everyone else. I am amazed that the Labor Party is turning its back on the working people in this country and has joined The Greens. Activist groups are purposely sabotaging the mums and dads who are just trying to make a living to support their families. Those mums and dads go to work afraid, frustrated and worried about the uncertainties of an environment made unsafe by activists.

[Interruption from the gallery]

The DEPUTY-SPEAKER (Mr Thomas George): Order! People in the public gallery will not interrupt the debate. The member for Newtown will come to order. The member for Bathurst has the call.

Mr PAUL TOOLE: Mums and dads go to work afraid, frustrated and worried by the uncertainties of an unsafe work environment caused by activist groups who claim to be acting in the interests of the community and of the environment. I ask: Does sleeping in trees, chaining oneself to gates or meddling with mining equipment benefit the community or improve the environment? No. This unlawful behaviour is creating disturbances and life-threatening situations in our community that may result in loss of life. Those unlawful acts are not only affecting workers but also placing hardworking police and emergency service officers at risk. The activists are risking their lives and the lives of those who would save them from their own actions.

The Baird-Grant Government has worked hard and initiated statewide reforms to ensure that New South Wales remains number one. The Government has provided jobs for the people of New South Wales. The bill assists mums and dads who rely on mines for their living and will protect the safety of the wider community. The bill is vital not only to the economy and the industry but also to the communities and families who are affected by the mines. I will fight for those in my electorate by supporting this bill. I urge all members to vote in support of the bill, which I commend to the House.

Ms JO HAYLEN (Summer Hill) [4.53 p.m.]: I add my voice to that of my Labor colleagues opposing the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. The bill seeks to expand the definition of mines to prohibit protestors from accessing mine sites and tampering with mining equipment. The bill increases fines for aggravated entry from \$550 to \$5,500. It gives police powers to deal with protestors locking on to mining equipment and allows the imposition of a prison sentence of up to seven years for protesting at mine sites. The definition of "mine site" is now expanded to include mineral, gas or petroleum exploratory sites. This is flawed legislation that will ensnare peaceful protestors and does nothing to deal with the real issue at hand—that is, the community's sense of alienation and powerlessness in the face of Government collusion with mining interests.

The bill is a serious challenge to the rights of individuals to assemble and protest peacefully. That view is supported up by the Law Council of Australia and the New South Wales Bar Association. The

proposed changes to section 200 remove important checks and balances on police powers and, as the New South Wales Bar Association argues, would likely be subject to challenge on the grounds of constitutionality. The bill seeks to necessarily expand the powers of police, providing expansive discretionary powers to break up peaceful protests around the State and to arrest and prosecute protestors if they are deemed to obstruct traffic. It will empower police officers to seize property without a warrant, including items that by themselves pose no threat to the community, including items such as ropes and padlocks. They are items you will find in most trucks and utes across New South Wales. This is a significant challenge to individual property rights as the police will be able to seize property without a warrant and owners may lose that property without any protection at law. The police will be empowered to stop and search any person or vehicle in possession of these supposed dangerous household items—ropes and padlocks. As the New South Wales Bar Association notes:

The bill sets a threshold too low for the activation of police powers in respect of a procession, assembly or demonstration.

With amendments to section 201 of the Crimes Act 1900, the bill raises significant questions about landholder property rights. Landholders objecting to rigs entering their property could now face up to seven years jail time. While the Government argues that this excessive legislation is necessary to protect the wellbeing and safety of workers, the community sees through this veil of untruth. Let us be clear: We all have a right to a safe work place and actions that endanger lives are wrong, but this bill is not designed to protect workers. The single purpose of this bill is to clamp down on the growing community opposition to mining and is nothing more than a hand up to the Government's buddies in the mining industry.

The Government argues that this legislation is targeted at violent greenie extremists—people whom the Minister has dismissed as "eco-fascists". The full force of the bill will be borne by our farmers, people such as the Knitting Nannas and those other well-meaning people who are understandably worried about the inherent dangers of coal and coal seam gas [CSG] mining. They are people who refuse to sacrifice our land and water to the mining industry, and who understand the threat that CSG poses to our water table, to our prime agricultural land and to our fragile environment. From the Knitting Nannas in the Northern Rivers, to Moles Creek, the Leard State Forest and sleepy Berrima in the Southern Highlands, to the people of the Liverpool Plains who are threatened by the Shenhua Watermark proposal, people across New South Wales are standing up and saying no. They are locking the gate, and they have the right to continue to do that.

The Government hopes that a heavy hand will discourage people from protesting the rapid expansion of mining throughout New South Wales. But it fails to identify the real issue: People from all walks of life across New South Wales will continue to protest and fight CSG and coalmining because they understand what is at risk. They understand the impacts on our environment, our rural lives and precious agricultural land and water supplies, and they are fed up with the Government selling off our livelihoods and the future of the State for a few more bucks. Some members in this place—indeed, some on this side of the House—failed to understand community concerns around mining. They did so at their own peril. They were wrong to hand out mining and exploratory licences to the extent they did.

Mrs Melinda Pavey: Who did that?

Ms JO HAYLEN: People from my side of the House did that and they rightly paid the price for failing to listen to the people of New South Wales.

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Despite making lots of noise before the last two elections about mining—admittedly it did buy back a small number of coal seam gas licences—the Baird Government is making the same old mistakes, plus some new ones. It continues to be biased towards mining companies, basing assessments on flawed environmental impact statements written by consultants for mining companies. The Government

continues to ignore communities, introducing legislation such as this, which is designed to shut down community debate.

What the groundswell of community opposition to CSG mining teaches us is that when you fail to engage in meaningful debate, when you fail to listen or to consult, and when you fail to be inclusive and operate with transparency and honesty then you push well-meaning people to take action. But I want to be clear: Locking yourself to a gate is not extremist—sure, it is courageous; but it is not extremist. It is an act by people who have been made to feel powerless and voiceless, and who are peacefully taking a stand. It is direct action by people who have been ignored and excluded from consultation, saying they will no longer be ignored. More than anything, it is utterly undeserving of this heavy-handed and baseless legislation.

So long as mining companies continue to rip holes in our land and reap billions of dollars in profit, and so long as the Baird and Turnbull governments cover their ears while they open their pockets, protesters will continue to fight back—people like the Knitting Nannas; people like 92-year-old Bill Ryan, who served on the Kokoda Track during World War II and was arrested in 2014 at Maules Creek; and, yes, people from my electorate of Summer Hill in the inner west of Sydney who travel to the bush, the Northern Rivers and other places around our State to stand with farmers and locals opposing CSG mining. Given the depth of feeling around this issue, it is clear that this legislation will not deter people from standing up and fighting for their communities. What it will do instead is make criminals of good people. It threatens peaceful protesters with heavy fines and prison sentences. It also weakens our democracy.

I cannot support legislation that too broadly defines police powers to break up peaceful protests. The Minister cannot guarantee that this legislation will not threaten protesters who engage in civil disobedience around other issues in other places in the State. Will we see these laws used to target other protesters locking on to trees to stop logging or roads to stop WestConnex, or opposing forced amalgamations of local councils—perhaps even those outside Parliament today? Despite theoretically exempting industrial action from the provisions of the bill, will we see police using these powers to break up industrial actions where others have joined in solidarity? Just as the Minister has lambasted inner-city residents for going out to stop CSG mining, will these powers be used to break up picket lines where nurses are supporting teachers and vice versa? This bill leaves too many questions unanswered and the community is right to suspect the Government's motivations.

We all have an investment in making sure that this ridiculous law is not passed. We all have an investment in protecting our environment. We have a right to stand up to this arrogant and bullying Government. With eyes wide open to the dangers of coal seam gas and coalmining, we must do all we can to stop its expansion. We must also stand with the nannas, the farmers, and the mums and dads—all the everyday, normal folk—who will no longer be shoved aside when it comes to protecting our land and water. We must also work to protect the rights of everyday citizens to protest lawfully. We must reject this bill.

Mr KEVIN HUMPHRIES (Barwon) [5.03 p.m.]: I support the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016, and I thank the Minister for Industry, Resources and Energy for bringing it forward. Regarding previous contributions to the debate, I am not sure that members opposite have read the bill. I certainly would not support a bill that had anything to do with preventing peaceful protest. The bill is all about aggravated trespassing; it is about people putting not just themselves in danger of physical harm but also workers, security people and communities. I represent 45 per cent of New South Wales. That 45 per cent of the State has all the coal seam gas [CSG] development in it—and I will comment on that in a moment. There is also probably a significant amount of mining between Broken Hill, Cobar, Lightning Ridge—which I include as there are quite a few little miners there who want to get on with their lives—and areas around Narrabri and Boggabri.

The Brigalow bioregion conservation bill was introduced in 2005 by the Labor Government under

Bob Carr. Let us be under no illusion: This bill is about aggravated trespassing. Some Government members spoke about their electorates, and the electorate of Barwon is no different. There are 3,000 direct mining jobs in my area—roughly 1,000 at Broken Hill, probably 500 to 600 at Cobar and another 600 to 700 between Narrabri and Boggabri. Those jobs support 1,000 businesses in our area. They support and generate almost \$300 million in wages in rural New South Wales. Those are not small figures; they are not insignificant. One of the things I said to our joint party room is that just as people have the right to protest lawfully and peacefully, people have the right to a job and a right to get on with their job. They have a right to run their businesses and they have a right to be supported by a government that lawfully granted the exploration licences and production licences.

It was those on the other side, a party in consultation and partnership with The Greens, who ordered a significant number of exploration licences—not just coal licences but CSG licences. It took The Nationals in partnership with the Liberal Party to claw back most of those exploratory licences and cancel them. Those of us on this side have done most of the work. When you have given a lawful property right to somebody and you are asking the Government to negotiate it back, it takes time. It has not been a particularly easy process. I respect that and I respect that people have different opinions. People have the right to work, the right to have a job and the right to get on with their business and not be put in danger by those whose aim is not just to cause mischief but to put lives in serious danger.

Santos—which everyone will know is a CSG company—was granted an exploratory licence converted to a production licence from Eastern Star. It operates in the Pilliga Forest. The Pilliga Forest was part of the Brigalow and Nandewar Community Conservation Area Act 2005. That area extends from Central Queensland down into my area of north-west New South Wales. It is divided into four conservation zones. Zone 1 is the highest, and it is for conservation and recreation. Basically, people can walk in there but they cannot do too much else. It is a preservation zone. I lived for six years in the southern forests of Tasmania in what is now a World Heritage area. I have a high opinion of and high respect for conserving and maintaining areas in a pristine condition.

Zone 2 is about conservation and Aboriginal culture. It supports our Indigenous brothers and sisters to undertake cultural activity in those areas. Zone 2 areas are littered all through the Brigalow and Nandewar bioregion. Zone 3 is for conservation, recreation and mineral extraction. Parts of the Brigalow and the Pilliga, in particular, were set aside by those opposite. It was agreed after seven or eight years of consultation, including with all the conservation groups, that mining was to be undertaken in some of those areas. In fact, the Nandewar region and the Leard State Forest were always set aside for mining. The offset was the Pilliga Forest. For those opposite to say that mining is something new in that area is fundamentally incorrect. When I lived in Boggabri in the 1980s we had meetings with the mining companies and other concerned parties and determined that the exploration licences would remain in place and the areas would be earmarked for extraction some 25 to 30 years later, which is exactly what has happened.

Zone 4 caters for conservation, forestry—in most of the area it is about ironbark and cypress, although the cypress industry has virtually disappeared; that is another chunk of jobs that went missing—recreation and gas extraction. Zone 4 applies to the area called Bibblewindi in the Pilliga—as members who have been there may know. It was set aside with the support of not just Labor but also The Greens and the Coalition. Gas was always to be extracted from that region. So to claim that mining is something new is fundamentally incorrect, as it is to say that farmers oppose coal seam gas exploration. I will be at a barbecue on Thursday night just north of the Pilliga at which some 40 farmers who have exploratory wells on their properties will be gathering and saying good on us for getting on with the job and protecting their right to engage in business with a legitimate company.

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These zones have been in the majority of the State for some time. I represent nearly half of the State and I find it ironic that the member for Summer Hill and the member for Newtown wish to give me advice when bitumen and concrete has been laid over every square metre of their electorates.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! The member for Newtown will have an opportunity to contribute to debate.

Mr KEVIN HUMPHRIES: Those members must sort out their own backyards. The Narrabri community prides itself on keeping issues local and it feels strongly about supporting the coal seam gas industry, which I will comment on in more detail. I have attended a large number of community meetings in forests and on farms over a number of years. The locals have had enough. They are concerned about the cost of providing safety to protesters in their community at the expense of taxpayers. Last year, one of the more extreme groups was offering people in Narrabri, Gunnedah and Tamworth \$100 a day to sit in protest. Not one person in my community took up the offer. However, a number of short-term visitors to the area were involved in aggravated trespassing. They were digging holes and burying themselves in the middle of roads that people needed to access. They were chaining themselves to hydraulic equipment and putting themselves in danger. People were interfering with explosive magazines and power; they were making aggravated threats against the people who live locally and work in the industry.

Virtually all of those people did not come from our area and the locals are not happy. We are being impacted by third parties who should not have a say and should not put our community at risk with their inappropriate behaviour. It is fine if people want to protest, but when it comes to dangerous behaviour police must have the power to protect not only those people but also the community. The bill is about keeping the issues local and respecting people's right to work. Those opposite were at the forefront of putting this legislation in place. This Government has continued to work on it and has sorted out some of the issues. There will no doubt be more issues. Issues about land use competition will always arise and not only on the mining front. There are other intense agriculture issues about which Opposition members wish to have a say. They do not support farmers but they are happy to jump on the back of the issue and grandstand. The bill is about supporting environmental outcomes, keeping a balance in our community and ensuring the safety of the community, the people who work in the mining industry, and those who wish to have a legitimate say by protesting. I support the bill.

Ms TAMARA SMITH (Ballina) [5.13 p.m.]: In response to the Minister for Local Government, there are mums, dads, nannas, nurses and farmers present in the gallery who were at Bentley. They would be caught under this legislation and may, in the future, face fines up to \$5,000 and a minimum of seven years jail. This issue is about overreach. We must be careful about what we are conflating. I have a lot of respect for the member for Barwon. I lived in Broken Hill for five years and it is absurd that protesting is being portrayed as an element of the proud mining history of Australia. There is a little thing called climate change. We are in the twenty-first century and we know that our natural resources can no longer be destroyed willy-nilly. We have to ensure that future generations have clean water and abundant food and species on this planet.

I lead for The Greens in debate on the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. Difficult issues are at play, not the least of which is the disconnect in the words of the Minister for Industry, Resources and Energy in his second reading speech. He mentioned real threats, personal safety and severe disruption to lawful business activity and the broad terms and reach of this legislation. The new offence under section 4B is categorised by the NSW Bar Association as "wide and uncertain in meaning". It has the potential to capture such a wide range of conduct that the Bar Association and the Law Society of New South Wales regard its effect to be violating people's rights against arbitrary deprivation of property; the common law right to assemble; the International Covenant on Civil and Political Rights in relation to peaceful assembly; and that it is an unreasonable expansion of the search and seize powers of police. If the Minister wishes to capture the extreme and rare instances of proven severe disruption or damage to a business or undertaking, or circumstances in which there is a serious and immediate risk of significant physical harm to a person, he should go back to the drawing board.

These laws represent a serious winding back of civil and political rights in New South Wales when

there is no demonstrable failure of existing laws that relate to trespass or obstruction. These laws also reflect an ideology that says the interests of businesses have priority over the interests of other property holders in the State and the basic civil and political rights that are appropriate in a democracy. Political protest in Australia remains vulnerable to ongoing and cumulative legislative restriction over time. The absence of clear positive civil and political rights in the Australian Constitution means there is a lack of agreed benchmarks and a prevailing ambiguity about the importance of political liberties.

Recently, several significant legislative initiatives by Australian State governments have had the effect of reducing the scope for effective non-violent forms of protest while also advancing a discourse that privileges businesses to enjoy substantial immunity from the inconvenience that being a target of protest activity may involve. The lack of a widely recognised set of benchmarks for political liberty risks allowing legislatures to progressively curtail rights to expression, protest and assembly, and to engage in a progressive reframing of the discourse relating to political liberty by reference to other competing values such as public order, security and business interests.

It is important to note that this new wave of anti-protest laws is aimed specifically at non-violent protest. Australia has a long history of non-violent protests, which was acknowledged by the member for Tamworth. It has been a significant world leader of non-violent protests since the 1970s and has a history of social movements and non-government organisations having a commitment to non-violent protest techniques. If violence at protests is not a significant issue, it begs the question: What has changed about protests that is propelling new legislation? The most significant change in recent decades is that the focus of protests, particularly environmental protests, has increasingly shifted from the activities of government to more directly protesting about business corporations that are the proponents of controversial projects.

It is questionable whether this warrants a response by the State that further criminalises protest, assembly and organisation simply because it is an inconvenience to business interests. All of the activities that could disrupt business activity and that are proscribed by the new anti-protest laws are already covered by existing minor public order offences such as obstruction and trespass. Proposed schedule 1 section 4B, "Aggravated unlawful entry" provides for a tenfold increase in the maximum penalty for statutory trespass. This applies not only to mining or petroleum operations but to any site on which a business or undertaking is conducted. It penalises any person who interferes with or attempts or intends to interfere with the conduct of such business or undertaking.

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This section elevates business premises above other private premises by providing a much higher penalty for trespass and interference. This approach mirrors the approach taken in anti-protest laws in Western Australia and Tasmania recently, in which interference with business is used as a justification for imposing exceptionally heavy penalties for protest actions. It is to be noted that whilst rights of assembly are prominent in a number of international human rights instruments, the idea of business rights trumping civil and political rights is a new development and appears to be an invention of Australian politicians.

Proposed section 201 (2) adds petroleum and gas operations to the definition of "a mine" for the purposes of the offence of interfering with a mine under section 201 of the Crimes Act. The effect is that protests at coal seam gas and other gas operations could now fall within this offence, which carries a maximum penalty of seven years imprisonment—hence my reference to those here in the gallery.

Division 7 at the end of Part 4 provides for additional search and seizure powers in relation to lock-on devices. The Law Society of New South Wales has pointed out that never before has there been a situation where the suspicion of something being in someone's bag is enough reason to seize it, hold the property and not return it. As a lawyer I cannot get my head around this provision in the bill. The additional search and seizure powers would extend to common items such as bicycle locks, padlocks, chains, ropes, barrels and tins. Some of these would be common items in the vehicles of farmers or tradesmen and tradeswomen. It is possible that it could even extend to tractors or other agricultural

machinery if police suspected these were intended to be used as part of a lock-on installation.

My colleagues will talk in this debate about the idea of peaceful assembly and protest. People do not always ask for a permit, and in this country they are not breaking the law if they do not. A police officer should be able to give a direction to an individual or group in a public assembly when there is a serious and immediate risk of significant physical harm to a person, but there is no judicial review of this. It will be at police discretion. We are very critical of other countries that are police states, where police make decisions on the ground. A person does not have to be doing anything; the police may act if they have a reasonable suspicion that a person is about to do something.

Further, the bill requires only that a demonstration, protest or assembly is obstructing traffic for a direction to be given in relation to it. What does that mean? I think the legislation is going to be a nightmare. I encourage the Minister to rein it in, because it is a massive overreach. The Law Society is concerned that the proposed new laws may interfere with the ability of people in New South Wales to engage in demonstrations, protests, processions or assemblies. The Greens, with the Law Society and the Bar Association of New South Wales, consider this right an important aspect of any healthy democracy. These amendments appear, again, to expand police powers without the safeguards of judicial oversight. They may also interfere with the right not to be arbitrarily deprived of property. As I said, the police may seize things from someone's bag and never give them back.

We are not talking about terrorists. We are talking about men and women who are at their wit's end about what is going on in our agricultural regions. I am so disappointed that The Nationals are supporting this legislation.

Mr GUY ZANGARI (Fairfield) [6.07 p.m.]: I speak in this second reading debate on the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. The aim of the legislation is to crack down on environmental protests and bestow additional powers on the NSW Police Force to manage and control protests.

This legislation can be broken down into four sections. Firstly, this legislation will amend the Inclosed Lands Protection Act 1901 to insert section 4B, which creates an aggravated form of an existing offence of unlawful entry on enclosed lands. A person will be guilty of an offence under this section if their actions occur on lands on which any business or undertaking is conducted and, while on these lands, either interferes with or intends to interfere with the conduct of a business or undertaking. Should they do anything which poses a serious risk to their safety or that of any other person while on those lands they will be found guilty of an offence. The penalty for this offence has increased from \$500 to \$5,500.

This legislation will also amend the Crimes Act 1900 to extend the definition of "mine" in the context of an existing offence under section 201 of intentionally or recklessly interfering with a mine—an offence which is punishable by up to seven years imprisonment. The definition of a mine has been expanded to include the following: a place at which gas or other petroleum is extracted from the ground; a place at which exploration for minerals, or for gas or other petroleum is undertaken by mechanical means that disturb the ground; a place at which works are being carried out to enable the extraction of minerals, or of gas or other petroleum, from the ground; and a former mine at which works are being carried out to decommission the mine or make it safe.

As a result of these changes, landholders in New South Wales would have no legal right to prevent coal seam gas mining on their properties. Any action taken by the landholder, whether it be intentional or not, could mean that they could be charged with interfering with a mine, and then face up to seven years in prison. Such changes are essentially handing coal seam gas companies de facto ownership of farming land throughout New South Wales with more rights over the lands than the landowners themselves.

Further proposed changes under this legislation include amending the Law Enforcement (Powers

and Responsibilities) Act 2002 to confer additional powers on the police, which would allow them to search and seize items without the need for a warrant. The items in question here are things which may be used as "lock-on" devices. This could affect anyone including tradespeople, farmers or even recreational drivers who may have items such as chains, ropes, padlocks or bicycle locks. Should any of these items be seen in a vehicle, under the proposed legislation the police would have the ability to search the vehicle and seize any such items, which would be forfeited to the Crown for resale or disposal.

This seems a little extreme, does it not? How do members think those in rural and regional New South Wales would feel about these changes coming into force? It is a real shame that everyday people who may have such items in their vehicles—as a day-to-day necessity or as an "in case of emergency" preparedness plan—will be treated as though they are common criminals. I feel very sorry for the poor farmer whose truck is parked on his or her property with some rope and a chain in the back. This poor person may be told that his or her vehicle is obstructing the works of the CSG company that is mining on his or her lands and that the commonly used lock-on items he or she has in the back of the truck is evidence of their ill intentions. I guess that that would serve as proof that this Government is hell bent on punishing anyone who has CSG fields anywhere near his or her property, simply for living in that area.

This legislation is designed to look as if it will tackle problematic and erratic behaviour by some individuals who take protesting to the extreme. What has been delivered is a muzzle for the people of New South Wales, coupled with the empowerment of coal seam gas companies, who will have more say than landowners when it comes to what can be done and what cannot be done. Those on this side of the House adamantly oppose this legislation presented by the Government.

Ms JENNY LEONG (Newtown) [5.21 p.m.]: The Universal Declaration of Human Rights Article 20 states that everyone has the right to freedom of peaceful assembly and association. The power and intimidation of the police force in New South Wales, whether explicitly granted under legislation or implicitly used has been inflicted on peaceful protestors for too long, and is already too great.

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The expansion of these powers is unacceptable and a clear breach of our basic human rights. It is yet another attack on civil liberties—on groups, organisations and individuals who wish to speak out, act up and demonstrate resistance to this Government's conservative agenda. If the neoliberals and big corporations have one thing in common, it is to come together to lobby governments for less regulation and more government policy that enables them to maximise profits.

Those on the left and those of us who are part of socially progressive movements also share a united common value. That value is our right to be protected to protest peacefully and our right to freedom of expression, freedom of assembly and freedom of association. It is these rights that are under attack by the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. This is why the Government has introduced this legislation in an attempt to shut down our movements for change and our attempts to take direct action to prevent the widespread destruction of our land, our water and our communities. We will protest against attacks on our neighbourhoods, whether farmland in rural New South Wales or inner-city neighbourhoods facing the threat of WestConnex. Our right to take direct action, our right to protest, must be protected.

As the member for Newtown I am proud to have provided our local community members with nonviolent direct-action training so that community members have the skills to engage in action to stop the polluting WestConnex tollway that will destroy neighbourhoods. I am proud to be a member of The Greens, a party that stands with the left and progressive movements in support of the right to protest. Whether joining a picket with members of the Maritime Union of Australia at Hutchison, as I did last year, storming James Hardy offices over a decade ago with the Construction, Forestry, Mining and Energy Union to highlight that asbestos was impacting workers from migrant communities or joining residents at an exploratory drill site in Tempe for WestConnex just last month, I will stand with community members to

take direct action.

The Greens strongly oppose the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016 and strenuously reject the limitation it seeks to impose on legitimate protest. In debating this bill, those opposite have focused specifically on mines and mining. They have not addressed the fact that the powers in this bill would remove the current limitation on move-on powers under section 200 of the Law Enforcement (Powers and Responsibilities) Act. These provisions prevent police from using move-on powers for an apparently genuine demonstration or protest, a procession or an organised assembly. This change would mean that there would be a broad range of circumstances in which a police officer could direct a person or a group of people to move on. This would include an ability to issue a direction to any person participating in a protest if the officer believes they are obstructing another person or traffic, or if their presence constitutes harassment or intimidation. I say to those opposite that this bill does not just cover protests on mine sites. This bill will cover protests in the whole of New South Wales, including in inner-city Sydney. That is why I and other members on this side of the Chamber are very concerned about the broad reach of this legislation before us.

It is not just The Greens who are raising these concerns. Today a rally outside Parliament House was attended by hundreds of people despite the rain. These people were exercising their right to peaceful protest. They included farmers, traditional owners defending the Leard and Pilliga and members of the Nature Conservation Council, NSW Nurses and Midwives' Association, Stop CSG Sydney, the Council for Civil Liberties, Unions NSW and Groundswell Gloucester. These people strongly oppose this legislation. But it is not just people engaging in peaceful protests who have serious concerns about this legislation. The Law Society of New South Wales has expressed serious concerns that:

... the proposed new laws may interfere with the ability of people in NSW to engage in demonstrations, protest, processions or assemblies. The Law Society considers this right an important aspect of a democratic state.

This Government consistently and continually is attempting to shut down dissenting voices, whether around local council amalgamations and the removal of local representation, speaking out against the destruction of communities through overdevelopment or in relation to mining and the destruction of water supplies. This Government is making every attempt to shut down dissent because those opposite do not understand that voices of dissent are crucial to a strong civil society built on a strong democracy. These voices must be heard and expressed freely without fear of intimidation or overreach by the police. The Law Society also said:

We consider that the NSW Police already have extraordinary powers of search and seizure, and are able to restrain and detain people for their own, or others', safety.

This legislation would extend police powers at a time when it is clear there is no need for the extension of police powers in this State.

The NSW Bar Association has also raised serious concerns about the broad reach of this legislation. I urge those opposite to look at this legislation in detail and not focus on the Minister's second reading speech or the briefings they have received about extreme cases of people locking on in protests at mine sites. I urge them to look at the implications for basic civil liberties and the right to peacefully protest. The right to peacefully protest should not mean that people only have the right to protest if the NSW Police Force gives its permission. Actually, people have the right to protest and freedom of assembly without the police giving written permission for a protest. That is a fundamental right—there is no such thing as an illegal protest. This legislation suggests people need the permission of the police to protest, and that is factually incorrect. People have the right to assemble to express their views no matter what the police believe is true. The police do not decide how we protest in this State.

The Lock the Gate Alliance has expressed concern about this legislation that it believes

represents a threat to the farming communities and property rights and interests of the people of New South Wales. Even the Conference of Leaders of Religious Institutes in New South Wales has expressed concern that only the interests of the mining industry will be served, rather than those of farmers and people concerned about the environment and future food stability.

It is bizarre that the Minister with carriage of this bill is the Minister for Industry, Resources and Energy when this legislation represents yet another overreach by the Minister for Justice and Police and the New South Wales police to shut down our civil liberties and rights. For too long the New South Wales police have had too much power when it comes to attacking civil liberties and demanding the police control how justice is done in this State. The Minister for Industry, Resources and Energy has focused specifically on the impact of this legislation on people locking on when protesting on mine sites. The Government has ignored the fact that this legislation will have an impact on the right to peacefully protest around the State. It will affect people protesting against WestConnex, forced council amalgamations, lockout laws in Sydney or local development and groups like Knitting Nanas. All these protesters will be affected by these expanded police powers that show that the people in control of this Government's law and order and justice agenda are the New South Wales police.

Finally, we need to recognise that so far no evidence has been provided for the need for these laws. These despicable laws provide police with too much power to intimidate peaceful protesters. The right to peaceful protest is a fundamental human right. The Greens strongly oppose this bill.

Mr GREG PIPER (Lake Macquarie) [5.38 p.m.]: I cannot be complimentary about this legislation.

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Mr GREG PIPER (Lake Macquarie) [5.39 p.m.]: I make a brief contribution on the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. I commence by saying that I do not find it unreasonable for the Government to review the existing suite of legislation available to manage risk associated with protests and other unlawful interference with mining and other business undertakings. The question is not the reasonableness of the review but rather that of the outcome. In this instance the outcome that is set to pass this House is, in my mind, an unwarranted and gross overreach.

No doubt a number of protestors or activists would present the archetypal image that supporters of this legislation propose. However, there are many—and I suggest it is the vast majority—that do not fit that image. Indeed, I suspect that the vast majority of protestors who rally against certain mining operations, be they coal, CSG or others, are actually in most, if not all, other ways upstanding, law-abiding and productive members of the community. The examples provided by Government members in support of these very significant changes to New South Wales law are compelling and appalling, but they are rare and not supported by the majority of right-minded people including other protestors. The response by this legislation is an overreach. I note that there was consultation on the legislation, but also note that this does not seem to have extended to any group that might have been expected to have an opposite point of view, leaving a legitimate concern as to bias in the process.

The key reforms include: creating the offence of "aggravated unlawful entry on inclosed lands", with the maximum penalty increasing from \$550 to \$5,500 under the Inclosed Lands Protection Act 1901, including amendments relating to illegal protests that occur on mine sites; extending the meaning of "mine" to include petroleum workplaces in connection with the existing indictable offence of intentionally or recklessly interfering with a mine under the Crimes Act 1900, thereby broadening the net; providing additional search and seizure powers for police to deal with people who intend to "lock-on" to equipment or structures for the purpose of interfering with a business or undertaking, and that is likely to be used in a way that poses a serious risk to the safety of any person, under the Law Enforcement (Powers and Responsibilities) Act 2002; and removing limitations to allow police to give directions in public places to prevent obstructions of persons or traffic for a demonstration, protest, procession or organised assembly under the Law Enforcement (Powers and Responsibilities) Act 2002.

Both those last two measures can easily be seen to pit the police against people who are carrying out what they believe to be legitimate action for their communities, their families and for future generations. That is an unnecessary overreach in the legislation. In response to the examples given where persons have "locked-on" to equipment, putting themselves or others at risk, or interfering with explosives, for example, as outlined by the member for Barwon, I think that many, if not most, would agree there is significant risk associated with this type of behaviour.

However, I would expect that legislation would be drafted in a way that was nuanced to differentiate such dangerous behaviour as opposed to the more common civil disobedience of the great majority. I agree that it is important to protect people, sometimes from themselves, but it is also very important to be proportionate in response. Legislators should guard against being capricious, heavy-handed and disproportionate in using the powers of the Parliament or risk embarking on a creeping path of removal of rights that the public would otherwise expect to be inarguable. I oppose the legislation.

Mr ALEX GREENWICH (Sydney) [5.43 p.m.]: I strongly oppose the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. This is a draconian piece of legislation that aims to curb the rights of people who protest peacefully against the environmental destruction caused by mining operations in the State and indeed will impact on those who protest peacefully for important social change. Healthy democracies encourage public displays of opinion and do not curtail dissent against government decisions and policies. Mining continues to be a contentious community issue, and many people feel their only option is to protest on site against mines.

People are understandably concerned about the impacts mining is having on food, air, water, biodiversity, climate change and green energy alternatives. There are a large number of examples where mining has destroyed the local environment and significantly impacted on local communities. The planning approval process has not prevented long-term environmental damage associated with many mines and much damage has been done that can never be remediated. When first elected, the Government attempted to empathise with community concerns on coal seam gas [CSG] and temporarily placed a moratorium on CSG development in the special areas of Sydney's drinking catchments while the New South Wales Chief Scientist and Engineer investigated its impacts on water.

But a second term sees the Government fed up and wanting to steamroll mining projects with a tough stance against anyone who actively opposes them. The bill will increase the maximum fine for trespassing on private property from \$550 to \$5,500 if there is interference, or an attempt or intention to interfere with a business, or where the trespasser does something that creates a serious risk to their safety or the safety of anyone on the land and that is according to the discretion of the police. This is a tenfold increase to existing fines. Complying with the safety risk will be easy on mining sites where there is heavy machinery and heavy trucks. Anyone peacefully protesting against mines will be at risk of massive fines.

The Government has a clear aim to punish and deter people who choose to show public dissent. Protesters against mines are often farmers, environmentalists or neighbours to the mine—their wealth is incomparable with that of mining companies. A \$5,500 fine will have a significant negative impact. It is a disproportionate amount for the offence and other charges are available if criminal activity does take place, including mine operators suing for any losses they suffer as a result. In contrast, the Government is introducing a new penalty regime for mining companies that do the wrong thing, with fines of just \$5,000 for drilling without approval, which is a crime that can endanger land, water, flora and fauna. For multimillion dollar mining companies that stand to earn super profits from mining activities, this will be a mere running cost.

The bill gives police new search and seizure powers without a warrant if they reasonably suspect that someone or a vehicle is carrying an object that will be used to lock-on a person to a fence, tree or fixture in a way that will interfere with the conduct of the business and pose a safety risk. The ability to

search a person and to also seize their belongings, such as bike locks, based on the subjective test of reasonable suspicion is an unacceptable approach to dealing with people exercising their right to protest. I share the concerns expressed by Stephen Banks, President of the New South Wales Council for Civil Liberties, who stated:

Police powers which are based on their assessment of a person's intention are very easily able to be abused and undoubtedly will be abused in many cases—police shouldn't have those kinds of powers.

Under the bill, police directions in public places to prevent the obstruction of persons or traffic, or harassment or intimidation, will be able to apply in the case of demonstrations, protests, processions or organised assemblies. These limitations have applied historically to enable people the freedom to assemble in protest, which is essential to a free democracy. Police will be able to move people on if they believe it is necessary to deal with a serious safety risk or if the protest is obstructing traffic and was not authorised. Again, police wanting to break up a protest will easily be able to claim safety risks on mining and logging sites because of heavy machinery, trucks and bulldozers. Distinguishing between authorised and unauthorised protests is a dangerous and anti-democratic approach given that protests can, and often must, be organised with little time as they respond to issues and incidents.

I was concerned to learn that despite the limitations this Parliament has placed on donations, mining company Santos, which has highly controversial CSG mining projects in the heart of the Pilliga forest with a number of ongoing protests, has donated \$568,857 to the Liberal-Nationals Coalition since 2010. I also find it ironic that a few weeks ago the House made a formal apology to the 78ers for heavy-handed policing that lesbian, gay, bisexual, transgender and intersex [LGBTI] people and their supporters suffered while they protested peacefully against government policies affecting them at the first mardi gras in 1978. I am sure that the 78ers would agree with me that laws designed to prevent people from standing up against what they see as wrong, and to search and move on protesters even if their actions are peaceful are a human rights violation.

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If fact, former Senator and leader of The Greens Bob Brown is contesting similar laws in Tasmania in the High Court on the grounds that they are contrary to the implied freedom of speech on Government and political matters in the Australia Constitution. Mr Brown was arrested when he was rallying against the logging of Lapoinya Forest. This House should not be considering these laws until the outcome of this High Court challenge is determined. I foreshadow that when the question is put "That this bill be now read a second time", I will move to postpone the vote on the bill to the end of the year, by which time we should have more information on the outcome of the court case. The Government has failed to justify the need for these changes. Protests have not changed over the years and there are laws to deal with violence and trespassing on and destruction of private property. The bill is hard lined, unnecessary and undemocratic and I oppose it. I move:

That the motion be amended by leaving out the word "now" and adding the words "on 24 November 2014"

Question—That the amendment of the member for Sydney be agreed to—put and resolved in the negative.

Amendment negated.

Ms JODIE HARRISON (Charlestown) [5.50 p.m.]: I oppose the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. It should probably be called the anti-protest bill. I am proud to stand with Labor on this side of the House where we remain committed to ensuring that the people of New South Wales are able to exercise their right to communicate their views and ideas on matters of concern through protest. The Government pretends this bill is simply about protecting the

safety of protesters who are anti-coal or anti-coal seam gas [CSG]. What a load of rubbish! But I will talk more about that later.

A protest is quintessentially an expression of opposition, a disapproval or discontent. Protesting is normally regarded as an integral part of a democratic process. However, the Baird Government views protest as a threat to social order, and an impediment to business and economic growth. In New South Wales in recent times the mining of coal and coal seam gas has been a particular focus of protest activity. This activity has left the Baird Government feeling threatened and in the firing line of frustrated mining companies. So, we now see the introduction of this legislation that is aimed at deterring protest activity that interferes with the operation of the mining industry, as well as a whole heap of other things.

While the word "protest" typically evokes images of large street marches, these laws are designed to intimidate and hinder smaller groups of protesters too. Not even the Knitting Nannas will escape the grasp of these laws. If passed the Knitting Nannas could be fined \$5,500 for simply using knitting as a tool for non-violent political activism to stand up for what they feel is important. I suppose holding a knitting needle could be seen as a safety issue, but who knows? When the Minister for Industry, Resources and Energy was asked to guarantee that the anti-protest laws would not see the forcible removal and arrest of peaceful community protesters like the Knitting Nannas, he responded in one word—no. His brief response reflects the Government's lack of will to uphold the right of the people of New South Wales of political expression and communication. The common law right to assembly—usually called the right to protest—can be traced back 800 years to the signing of the Magna Carta.

The right has been expressly recognised by Australian courts, including the High Court of Australia and the New South Wales Supreme Court, in terms that illustrate an acceptance of the role of protests as part of democratic systems of government. As these courts have said, freedom of assembly and speech are important democratic rights, precious democratic rights and common law freedoms. Peaceful assemblies are perfectly reasonable and entirely acceptable modes of behaviour in a democracy, and peaceful assemblies are integral to a democratic system of government and way of life. The right to protest is further protected by the Australian Constitution, as the High Court has interpreted it as providing an implied freedom of political communication. Public protesting in New South Wales has been a socially important and influential part of New South Wales history for more than 200 years. These protests have, on occasion, involved civil disobedience and breaches of laws. However, what is more common is more often than not these protests have widespread and overwhelming community support.

We need only cast our minds back a few weeks to when in this very place we stood to apologise to the 78ers. This protest in 1978 saw 53 people taken by police to the Darlinghurst police station where they were charged under the Summary Offences Act. It was this protest that paved the way for decades of law reform for the lesbian, gay, bisexual, transgender, queer or questioning, and intersex [LGBTQI] community. What about the Freedom Riders who fought for Indigenous rights? They stood protesting for hours and hours at segregated areas such as pools, parks and pubs, which raised a mixed reception in country towns. Their protest was a catalyst for the 1967 referendum removing discriminatory sections from the Australian Constitution and enabling the Federal Government to take direct action in Aboriginal affairs. The legislation before us today could well have worked to stand in the way of the Freedom Riders. Had the suffragettes not been allowed to protest for the right to vote and then stand for Parliament, women may not have had the opportunity to debate this bill today.

My electorate of Charlestown has used protests as a means to keep issues in the public's eye, one such example being the Reclaim the Beach rally. This peaceful action, which possibly would have been caught by this bill, led to the establishment of the Belmont Wetlands State Park. Change does not happen unless people speak out, and protest is one of the ways that people do this. The Freedom Riders, the suffragettes, the 78ers, the Knitting Nannas and the Reclaim the Beach rally prove that protests are where pioneers are born. It is their outspokenness that paves the way for law reform. Their activism shifts community attitudes. They are the grassroots for change.

Let us look at the current laws in New South Wales regarding protesting. There is the Summary Offences Act 1988; the Crimes Act 1900; the Inclosed Lands Protection Act 1901; the Forestry Act 2012, and the Mining Act 1992, alongside common law and many site-specific provisions that already deal sufficiently with the right to assembly and ensuring safety of person and property. If criminal activity does take place and miners or coal seam gas proponents suffer loss they have the ability to sue the protesters and claim damages. People can be charged for breach of the peace, which is found to have occurred when harm is actually done or likely to be done.

The Summary Offences Act provides that it is an offence for a person without reasonable excuse to wilfully prevent in any manner the free passage of a person, vehicle or vessel in a public place. The Summary Offences Act also states that a person must not conduct him or herself in an offensive manner in or near or within view or hearing from a public place or a school. The Crimes Act provides that it is an offence to knowingly join or continue to be part of an unlawful assembly. Another section of the Crimes Act provides for the offence of affray, which is committed when a person uses or threatens unlawful violence towards another. And protesters who intentionally or recklessly destroy or damage public property or the property of another person are, under section 195 (1) (a) of the Crimes Act, liable to imprisonment for up to five years. Finally, if people are trespassing the existing law concerning trespass is perfectly adequate.

This list is not exhaustive. It touches only on the vast range of checks and balances that are already in place. The extensive amount of legislation that is currently in place to deal with protests goes to show that these amendments are excessive and over the top. These amendments are not aimed at improving the safety of police or protesters, they are aimed at silencing those with opposing views. The wording of the amendments is vague, and could be misused and manipulated to suit different people depending upon their interests. Let us be clear: The Liberal-Nationals Government claims this legislation is all about safety around mining and coal seam gas operations.

Let us look at the definition of "inclosed lands" used in the 1901 Act to which this amendment applies. An inclosed land means a prescribed premise, which is a school, childcare centre, hospital or nursing home, or any land either public or private, inclosed or surrounded by any fence, wall or other erection or partly by a fence, wall or other erection and partly by a canal or some other natural feature, such as a river or cliff, by which its boundaries may be known or recognised, including the whole or part of any building or structure and any land occupied or used in connection with the whole or part of any building or structure.

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Inclosed land covers pretty much any land with any kind of fence around it. The Baird Government no longer seeks to represent the interests of the people of New South Wales, it is legislating with developers, mining companies and casinos in mind. This bill opens the floodgates for the Government to shut down any peaceful protest. It is shameful that earlier this month it was reported that the Baird Government gave regulators discretion to reduce fines for coal seam gas companies who explore for gas without a permit from \$1.1 million to as little as \$5,500. Today they seek to increase fines for protestors conducting civil disobedience peacefully protesting by a factor of 10 from \$550 to \$5,500 and those people are likely to be facing compensation claims. It is another example of The Nationals failing to represent their constituents, the ones that this bill will impact the greatest. I join with me colleagues on this side of the House in condemning the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016.

Mr TIM CRAKANTHROP (Newcastle) [6.00 p.m.]: I oppose the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. The purpose of this bill is to crackdown on peaceful protests by giving police new search and seizure powers, and new powers to give directions to persons in public places. The new laws are not restricted to mining or environmental protest. The bill creates an aggravated form of the existing offence of unlawful entry on inclosed lands and increases the

penalty from \$550 to \$5,500 if the trespass occurs on land where there is a business undertaking. Second, it amends the Crimes Act 1990 to extend the definition of "mine" in the existing offence under section 201 of intentionally or recklessly interfering with a mine to be punishable by up to seven years in prison.

Mr Gareth Ward: Better for Newcastle.

Mr TIM CRAKANTHROP: This criminalises protests by farmers on their own land. What are the Nationals doing with this? It is amazing that they support this bill. The member across from me mentioned that it would be better for Newcastle. I do not think the people of Newcastle would agree. They protested long and hard against the coal seam gas proposal in Newcastle. If this proposed legislation had been in existence there would not have been a protest and we would not have stopped the mine. The Government will push this legislation through without a thought to safeguard the drinking water of Newcastle—that is what will happen. This bill gives police additional search and seizure powers without the need for a warrant where the police suspect a person has or a vehicle contains anything that is intended to be used as a lock-on.

Police will be able to seize property without a warrant, but owners will lose any property taken without any protection of the law through the courts. For example, farmers could lose a ute or a car, and under the new law they cannot necessarily get it back. It confers on police additional powers to direct persons in public places to prevent obstruction to persons or traffic, thereby criminalising not only actions by peaceful protestors but extending that criminality to any person attending a protest. This bill is far too broad. In addition, it extends police direction powers to any apparently genuine demonstration, protest, procession or organised assembly. It will include a wide spectrum of activity and is not limited to anti-CSG or mining protests. The proposed new laws represent a significant attack on civil rights. It elevates the rights of CSG and other mining companies above other landowners and the wider public.

The bill is a disgrace. It is not just peaceful protestors, such as those with green bans, that will be impacted by this bill. In earlier days green bans were very effective in Sydney and Newcastle. This bill will put a stop to any future green ban. The member for Tamworth talked about peaceful protestors outside his office. Peaceful protestors such as the Knitting Nannas often sit outside the offices of Coalition members. In April last year they were sitting outside the front of the office of the member for Lismore and were asked to move on. I wonder at the reaction when they are told move on, but are unable to attend a site. They will not be able to do much at all. In 2014 the Illawarra Knitting Nannas against CSG assembled outside the office of the member for Heathcote and they were again asked to move on. If they want to protest on a site, this law will effectively stop that.

Farmers will be affected. I am amazed that the country members in this House have not taken a stand against the Liberal Party with regard to this bill. Sarah Ciesiolka, a farmer from north-western New South Wales said the proposed changes would put "basic freedoms on our properties and in our regions at risk". At Fullerton Cove in my electorate we had a protest that lasted nine days. The blockade at Dart Energy's Fullerton Cove site was successful and stopped that exploration from going ahead. With the aquifers of Newcastle and the Hunter's drinking water so close to that proposed site it was an action that people in the electorate were happy to support. These proposed laws will attack the people who attend the rallies.

Lisa McDonald and Julie Wood were arrested after locking themselves onto a tractor. They were cut loose by police hours after Ms McDonald's 95-year-old grandmother, Linda Reynolds, accepted a \$200 fine to stand her ground. She said, "My granddaughter is tied up over there ... and I'm staying with her". Good on her! It is an absolute disgrace that this Government wants to enact laws that effect 95-year-old people protesting for their rights. This Government has not only the Knitting Nannas, 95-year-old grandmothers, and the green ban protests of old in its sights but also the farmers.

To be specific, this law represents a massive threat to property rights and interests in New South

Wales. They elevate the rights of coal seam gas companies above those of farmers and traditional owners, and criminalise landholders who take action to protect their property. The problematic provisions are the amendments to section 201 of the Crimes Act 1900: Landholders that oppose CSG drilling rigs coming onto their properties can be charged with interfering with a mine under section 201 of the Crimes Act, which carries a maximum penalty of seven years imprisonment. Is that what this Government wants? It appears so. Legislation is in place that legally prevents a landholder from stopping CSG mining on their property. If a petroleum project is approved over the property and they take action to block access they are likely to be charged with interfering with a mine. There is no need for tougher legislation.

The second point is the amendment to section 200 of the Law Enforcement (Powers and Responsibilities) Act 2002. These amendments broaden police powers to move on the assembly of landholders and traditional owners even if gathered outside their own property. It is a dramatic broadening of powers beyond individuals to prevent groups of people gathering peacefully to oppose mining and other activities in the region. It is designed to prevent farming communities from acting together to oppose something. It is particularly anti-democratic in a region such as Fullerton Cove where landholders overwhelmingly rejected the plans for CSG in their specific region.

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The third point is the amendment to part 4 of the Law Enforcement (Powers and Responsibilities) Act, which provides for the power to seize property on the basis of some suspected future intended use. I have talked to that provision.

I share the concerns of the Law Society of New South Wales, which is very concerned that the laws may interfere with the ability of people in New South Wales to engage in demonstrations, protests, processions or assemblies. The Law Society considers this right to be an important aspect of a democratic State. The amendments appear again to expand police powers without any safeguard of judicial oversight. They also interfere with the right against arbitrary deprivation of property. In conclusion, I think this proposed law is atrocious. It blocks people from protesting in simple protests to save their environment, such as the old green bans. It stops the Knitting Nannas from going onto sites; it stops 95-year-old women from attending protests, as they did in Newcastle; and it stops peaceful protesters from standing up for their democratic rights. What a disgrace!

TEMPORARY SPEAKER (Mr Adam Marshall): Order! I welcome to the gallery Glenn, Katia, John and James Dwarte, guests of the member for Kiama, and Parliamentary Secretary.

Mr DAVID HARRIS (Wyang) [6.10 p.m.]: Nelson Mandela said:

Where globalization means, as it so often does, that the rich and powerful now have new means to further enrich themselves at the cost of the poorer and weaker, we have a responsibility to protest in the name of universal freedom.

New South Wales used to be the premier State, but we are fast becoming the police State. I speak in debate on the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. I am surprised, like many on this side of the House, that The Nationals members in this place are sitting by whilst legislation that seeks to elevate the rights of coal seam gas [CSG] and mining companies above those of farmers and traditional owners and to criminalise landholders who take action to protect their land is driven through this Parliament. Clearly this is a government that despises meaningful public consultation, hides important documents behind a veil of secrecy and now wants to criminalise protesting in this State—whether it is against mining, new infrastructure or council amalgamations. This is a government that hates scrutiny. This legislation is reminiscent of that of the former Bjelke-Petersen Government in Queensland.

The Law Society of New South Wales wrote to the Minister for Industry, Resources and Energy,

the member for Lane Cove, stating that it is concerned that the proposed new laws may interfere with the ability of people across New South Wales to engage in demonstrations, protests, processions or assemblies. It considers this right to be an important aspect of a democratic State. The society wrote that the amendments appear again to expand police powers without the safeguard of judicial oversight. It also felt that the legislation may interfere with the right against arbitrary deprivation of property. Damningly, the Law Society of New South Wales wrote:

As a rule of Law matter, the Law Society does not support the proposed amendments to the Inclosed Lands Protection Act 1901 or to the Law Enforcement (Powers and Responsibilities) Act 2002 [LEPRA].

The New South Wales Bar Association also reviewed the bill and considers the legislation should not be enacted in its current form. It highlighted the fact that the Minister's second reading speech did not match the intent of the legislation. Particularly, it had problems with the expansion of police powers and the criminalisation of activity in any type of public assembly or demonstration. The Bar Association further highlighted that replacing section 200 of the Law Enforcement (Powers and Responsibilities) Act 2002 with the new section 200 as proposed in schedule 3 would involve an unjustifiably broad conferral of discretionary power on police officers to prevent or disrupt peaceful assembly and protests. The Bar Association also expressed concerns about the proposed new criminal offence in schedule 1 to the bill of "aggravated unlawful entry on inclosed lands". The New South Wales Bar Association felt that the wording of that provision is too wide and uncertain in meaning. I also must endorse the words of Mark Morey, Secretary of Unions NSW, who said:

The State Government's proposed anti-protest laws are deeply concerning and unions will consider a constitutional challenge to the bill if it goes ahead.

The legislation is ostensibly aimed at environmental protestors, particularly those railing against the coal seam gas industry, but Mr Morey said that Unions NSW has "deep misgivings" about what it sees as "the attempt to restrict peaceful protestors' activities in public places". Mr Morey accused the Baird Government of "seeking to silence those it disagrees with" and is understood to have particular concern about a proposal that many fear will bolster the ability of New South Wales police to disband protests in public places. He said:

Public protesting has been a socially important and influential part of New South Wales' history for over 200 years and is a crucial element of democracy and ensuring collective voices can be heard.

These laws will only serve to target and disband peaceful protestors who join together over common causes impacting heavily on the people of NSW's right to political expression and communication.

The fact is there are already adequate laws that deal with trespass, obstruction and criminal damage. Those laws are already used to deal with improper protest tactics. So why do we need such legislation? The truth is that these anti-protest laws follow on from an undertaking made by Premier Mike Baird at a mining industry dinner in late 2014, at which he said that his Government would "crack down" on civil disobedience and "throw the book" at people who "unlawfully enter mining sites". Once again, we see this Premier and this Liberal-Nationals Government putting the interests of political donors and millionaires ahead of local communities.

How do we know that mining companies are getting an easy ride from this Government? At the same time this Government is increasing penalties for protesting it has introduced regulations to reduce penalties for mining companies. As the Minister for Industry, Resources and Energy, the member for Lane Cove, introduces this legislation to clamp down on anti coal seam gas protestors, the Government has ushered in smaller, alternative penalties to court prosecution for a range of offences. For example,

mining without authority, which currently attracts a \$1.1 million fine plus \$110,000 per day for a company if successfully prosecuted in court, can now be punished with a \$5,000 penalty notice. That is actually less than a protester would have to pay. Prospecting without authority, which currently attracts a \$550,000 fine and \$55,000 per day under a prosecution, may now be dealt with via a \$5,000 penalty notice—again, less than a protester would have to pay.

Failure to provide information and records to an inspector, which currently attracts a \$1.1 million fine and \$110,000 a day under a prosecution, is now punishable with a \$5,000 penalty notice—again, less than a protester can be fined. This illustrates graphically that the Baird-Grant Government has abandoned the community it is supposed to represent and has sold its soul to big business interests. I know that firsthand in the Wyong electorate, having fought against a coalmine called Wallarah 2 for 10 years. Under this legislation I probably would have been arrested by now and may be serving seven years in jail instead of seven years in here. I would certainly be getting fined more than the mining companies would be at the moment.

Mr Greg Piper: You would be overqualified for jail.

Mr DAVID HARRIS: That is exactly right.

Mr Paul Lynch: At least you would not be in the Menzies wing at Long Bay.

Mr DAVID HARRIS: Exactly. And that is on the back of the fact that the Liberal Party went to the 2011 election promising to introduce special legislation to stop that mine and then reneged on the promise once voted in.

Mr Greg Piper: "No ifs, no buts."

Mr DAVID HARRIS: That is right—Barry O'Farrell stood there and said, "No ifs, no buts. We will introduce special legislation." But once those opposite were in government they became the slaves of the mining industry. They are doing everything it asks and making its job far easier. Today people have mentioned examples right across the State of how people need to protest against things to get good outcomes for their communities. Given the widespread opposition to this legislation from the Law Society of New South Wales, the New South Wales Bar Association, EDO NSW and so on, the confusion that has arisen from the Minister's stated intent in his second reading speech and the interpretation of the legislation by the said legal community, the Minister should withdraw the legislation and commit to proper consultation.

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The legislation overreaches further than it should. If that is not the Minister's intent, the bill should be rewritten. Democratic protest is the right of everyone in Australia except, we are now told, anyone who questions the rights of miners. The right to protest must be reserved for future generations. Peaceful protests have improved our world. Protests helped to end slavery and child labour, they have delivered workers' rights and gender equality rights, better air and water quality, and they have protected important iconic environmental features. The right to protest should be protected. I oppose this anti-democratic legislation.

Mr JAMIE PARKER (Balmain) [6.20 p.m.]: I add the voice of The Greens to the opposition to the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. We can be sure that protests, public action and public assemblies make a difference. In fact, they make such a difference that the Government is seeking to gag them, criminalise them and outlaw them. It has to defame those who stand up to protest against decisions that it feels are not in its interests or the community's best interests. Many members have spoken about coal seam gas [CSG] and coal. Government and Opposition members have had to change their opinions on coal seam gas and coal because of the significant public protests, arguments and campaigning—including lobbying in

Parliament—that has occurred in the streets of local communities.

The Minister for Industry, Resources and Energy—otherwise known as the Minister for Santos—has been captured by the industry. This legislation is an overreach. The member for Lake Macquarie said it is fair that the Premier said to mining companies that we must review the laws. It is his right to do that, but the result is ridiculous. It is concerning that the mining industry can have such a powerful influence on the Government. The outlook for the Government is not good. It is proposing to increase fines and penalties on protesters by multiples of 10 but at the same time it is massively reducing fines for the mining industry. It is bad politics. The Government does not care. Its members think they can crash through with the support of the mining industry, which is one reason that last week I introduced my private member's bill to ban political donations from mining companies.

Mining companies and developers live and fall on the decisions of government. The relationship between government and mining companies being granted mining approvals is so direct that it should disqualify mining companies from making political donations. I understand that the Government supports the rights of mining companies to make political donations, which is not surprising. This legislation highlights that this Government is here to do the bidding of the mining industry, which is disappointing. The Greens oppose the bill and reject the limitations that the Government seeks to impose on legitimate protests. The bill amends the Law Enforcement (Powers and Responsibilities) Act—LEPRA—to give police the power to search persons and seize and detain items without a warrant if an officer has a reasonable suspicion that a person has material they intend to use to "lock on" or otherwise secure a person to equipment for the purposes of interfering with a business, and that it is likely to be used in a way that poses a serious risk to the safety of the person.

It is nonsense. It is an overreach by the Government. Their power will extend to searching vehicles and seizing "things" without a warrant. The days of getting a warrant have been thrown out the window so that the mining industry will be protected. The bill removes the current limitation on move-on powers under section 200 of the Law Enforcement (Powers and Responsibilities) Act that stop police from using move-on powers for:

- (b) an apparently genuine demonstration or protest, or
- (c) a procession, or
- (d) an organised assembly.

This change means an officer can direct a person or a group of people to move on in a broad range of circumstances. It will include an ability to issue a direction to any person participating in a protest if the officer believes they are obstructing another person or traffic or if their presence constitutes harassment or intimidation. That is a recipe for disaster. Surely there is a better way to handle public protests with sensitivity to ensure that protesters can allow their procession to begin and end at appropriate locations.

It is important to note that because of historical police violence against protesters, including at the first Mardi Gras in 1978, reasonable limitations were placed on police during protests, whether it be a demonstration, procession or organised assembly. The removal of those limitations is likely to see more heavy-handed policing of protesting across the State, which should not be encouraged. The Greens in the upper House propose to have the bill referred to the Standing Committee on Law and Justice, with a requirement to report to Parliament. We will also move an amendment to reinstate the power re forfeiture and remove new section 45C (4), thereby allowing a court to have the jurisdiction for any challenges to the forfeiture of any materials seized by police. The Greens also wish to review the operation of the bill 12 months after its commencement so that the issue of police move-on powers and the requirements for approval can be assessed. I acknowledge the submission received from well-known organisation Lock the Gate Alliance, which states:

The laws elevate CSG company rights above those of farmers on whose land they are operating and criminalise landholders who take direct action to protect their property from CSG miners.

It raises the following concerns: Landholders could be arrested on their own properties for peacefully opposing the entrance of CSG mining equipment via provisions that make hindering CSG activities an offence under the Crimes Act, punishable by a seven-year jail term; and farmers and others will be subject to arbitrary search and seize powers without a warrant. It is remarkable that, based on a suspicion, police will be able to search and seize property without a warrant. The alliance is also concerned that rural communities will be subject to far-reaching move-on powers that will severely curtail the right to public assembly and which make gathering together to oppose CSG very difficult. It further stated:

The laws are extraordinarily anti-democratic, conferring multinational mining companies with rights far above and beyond those granted to rural people and communities.

I also acknowledge the submission from the Law Society, which states:

... the right to protest and assemble is a fundamental right itself, and its importance is augmented by the constitutionally implied freedom of political communication. Given this, and the already existing police powers to maintain public safety, we submit the Government has not demonstrated why it is a necessary or proportionate response to amend section 200 of LEPRA to allow police officers to issue directions in the context of protests and assemblies without warrants. This is particularly so where failure to comply with such directions amounts to a criminal offence.

Finally, I bring to the attention of the House a submission from the Conference of Leaders of Religious Institutes, which states:

... on behalf of the Social Justice Committee of the Conference of Leaders of Religious Institutes. This body represents most religious orders of women and men in New South Wales. The Institute is deeply concerned at the recent announcement by the NSW Government to introduce to the Parliament the intention to increase enforcement powers with respect to illegal protests.

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It concludes by saying:

Nonviolent direct action is not a threat to democracy and has always been central to the freedoms we enjoy. Most of the protestors associated with the campaigns referred above have not been by people outside the mainstream. These are legitimate protests in the face of powers that have not listened, that are biased and these are an attempt to stop policies and practices that would otherwise go ahead without question.

We support the views of many people in the legal fraternity and in the wider community who say that the Government is over-reaching on this legislation. The Government should withdraw the bill and rethink it. It should not put this legislation before Parliament again.

Ms KATE WASHINGTON (Port Stephens) [6.30 p.m.]: I contribute to debate on the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016, and add my voice to those of my colleagues, everyone who rallied outside Parliament today and many residents of New South Wales, who oppose the bill. This Government's agenda is on full display today. Unsurprisingly, the legislation is weighted in favour of big business and, in particular, the coal seam gas [CSG] industry. It was interesting to hear the Minister for Local Government say that this bill is about "saving activists from their own actions". I thought that was an extraordinary statement to come from a conservative politician so I looked up the Liberal Party website. Under the heading, "Our beliefs," it says:

We believe in the inalienable rights and freedoms of all peoples; and we work towards a lean government that minimises interference in our daily lives; and maximises individual and private sector initiative.

It says that Liberals believe:

In those most basic freedoms of parliamentary democracy—the freedom of thought, worship, speech and association.

Yet the legislation we are debating today will curtail people's freedoms and will represent a protectionist attitude of saving activists from their own actions. As many people have said today, it is absolute over-reach. The Minister also asked whether chaining oneself to a gate can make a difference to communities. I say that it can. Community protests—community voices—make a difference. I have seen that close to home. Residents of Fullerton Cove campaigned hard against CSG mining, which was literally going to occur in their backyards. Had they not done that—had they not chained themselves to front gates and blocked their driveways—I fear what would have occurred. That mining was going to occur on an aquifer. The aquifer that they were seeking to protect has since been found to be polluted by Royal Australian Air Force base contaminants. We do not know what is around the corner. Those people voiced their concerns and ultimately they won the security and protection of their land.

Last week in Parliament I asked the Minister for Industry, Resources and Energy whether he could guarantee that, under this bill, the peaceful protest group known as the Knitting Nannas would not be arbitrarily arrested or be asked to move on. His answer was a resounding no. That is a clear indication of how far this Government will go to silence opponents of its policies—even those with knitting needles. I wonder whether this is the first time that the Minister for Industry, Resources and Energy has been put in charge of a bill to amend the Crimes Act. Where is the Attorney General? Where is the Minister for Justice and Police? There can be no doubt that this bill is aimed at silencing the coal seam gas protestors of the North Coast, and environmental protestors more broadly. In the face of rampant community opposition, plebiscites in the North Coast showing near universal opposition to coal seam gas mining and reports from the NSW Chief Scientist and Engineer highlighting serious concerns about the safety and reliability of the industry, this Government has not sought to reassure the community, has not told the industry to clean up its act, or put in place regulation and enforcement procedures to protect the environment; this Government's response to community opposition and these environmental concerns is to make that opposition illegal.

It is important to note exactly what this bill will do to the people wanting to protest peacefully. The Government is trying to make it sound as if the amendments are aimed at reducing "unsafe" protests and to reduce "severe disruption to lawful business activity". But in reality the proposed amendments could have an impact on every single public assembly or demonstration. This includes the people who gathered outside this building today—some of whom were sitting in the gallery earlier—to protest against these very amendments. This includes the farmers from the North Coast and the residents of Fullerton Cove, who have staged peaceful, grassroots demonstrations opposing coal seam gas mining on their properties and in agriculturally sensitive areas. This includes people in my electorate who have recently protested against this Government's forced merger of Port Stephens Council and Newcastle City Council. These laws could apply to any of those anti-amalgamation rallies.

During the Government's recent petroleum exploration licence buyback scheme, many exploration licences were bought back from mining companies, but the PEL covering much of the Hunter region—all the way from Newcastle to Nelson Bay and to Maitland—was not bought back. The people of Fullerton Cove, Port Stephens and every area covered by this exploration licence have every right to be concerned about exploration activities on their properties. The ability for landowners to organise protests on their own properties should be protected. This bill is designed to remove their right to protest on their own properties and at their own farm gates.

My colleague the member for Wyong pointed out earlier in the debate that the New South Wales Bar Association is of the opinion that the proposed changes to section 200 of the Law Enforcement (Powers and Responsibilities) Act would potentially be unconstitutional "in its application to individuals or groups that are exercising their implied constitutional freedom of communication about government and political matters". The Bar Association has also raised concerns about the apparent ability of police officers to give directions to individual participants because the assembly as a whole, or any one individual involved, is "obstructing traffic". The informed opinion of the Bar Association and the Law Society of New South Wales, as raised by my colleague the member for Shellharbour today, must be taken into consideration by this Government.

I am sure that every person who sits in this place has, at one point or another, attended a rally, protest or assembly of some sort. Recently the Premier attended a rally in Newcastle that was organised against his Government's proposal to privatise our public transport system. While the Premier's comments at the rally were largely unhelpful, the rally's participants saw it as an important part of democracy that the Premier of New South Wales was able to address them directly about their concerns. If these laws had been in place, the police would have had the discretion to ask the entire rally to move on if any individual involved had, in any way, "obstructed traffic".

This bill also has an impact on the traditional owners of land across the State who might oppose mining companies coming onto the land that has belonged to them and their ancestors for tens of thousands of years. This Government wants to remove their right to protest and protect their own land. In 2016 it should be unimaginable that any government would try to legislate in a way that will take away the ability for traditional land owners to use their land in any way they see fit, and to voice their concerns about other uses on it. Traditional owners deserve much better from this Government.

Another significant issue raised in the bill is the Government's proposed amendments to sections 45A to 45C of the Crimes Act. The changes will allow police to have extra powers of search and seizure, all without a warrant. If a farmer is in a vehicle just outside or even inside their property where exploration or energy activities are taking place and the police have a "reasonable suspicion" that "anything that is intended to be used to lock-on or secure a person" in a way that interferes with the conduct of a business or undertaking and that is "likely to be used in a manner that will give rise to a serious risk to the safety of any person", then the police may, without a warrant, search their vehicle. If items such as chains, ropes, padlocks or bicycle locks—which are common items found on a farm—are found in a searched vehicle, then the police may arbitrarily seize these items indefinitely. That is a ridiculous restriction on people's freedoms that is being proposed by this Government.

How many farmers are The Nationals prepared to see locked up under these laws? How many farmers are going to have their property searched and their possessions seized under this legislation? If The Nationals really care about standing up for regional and rural communities they will protect the rights of those communities to protest peacefully and to protect their properties when mining companies come knocking.

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It is clear that these amendments will make it more difficult for opponents of coal seam gas mining and opponents of other issues to publicly express their opinions. I can understand why the Government would want to push these amendments through. If these laws had been in power years ago, then peaceful protesters at Fullerton Cove might not have successfully stopped the coal seam gas exploration proposed for their peaceful area, which may have irreversibly damaged our environment for generations to come. These are the concerns of people who are serious about protecting their property and they have every right to voice those concerns.

The right to protest and express opinion peacefully is a fundamental element of democracy. Only weeks ago we stood in this Chamber to offer a formal apology to those who had had the nerve to stand up to the Government and to community sentiment of the time and call for a change. [*Extension of time*

agreed to.]

The 78ers faced opposition, they faced hostility, they faced violence, but through their protests our society has been changed for the better. This Government and the New South Wales police have apologised for their actions back then. If this bill is introduced, I fear that a future government will have to do the same again.

One of my constituents wrote to me about this bill today saying that this Government is "just walking over us and ripping the heart out of New South Wales and pandering to big business". They spoke from fear that their son may not be able to challenge mining activity on his own property if this bill becomes law. I stand with my colleagues and the people of New South Wales in opposition to this bill. I wholeheartedly oppose this Government's attempt to silence the people of New South Wales.

Ms JENNY AITCHISON (Maitland) [6.41 p.m.]: We know that the Premier is a fan of *Back to the Future*, but with the Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016 the Baird Liberal Government is reaching right back past 1985 to 1976—another time, another State and another Premier, so help me, Joh. I start by sharing an extract from a 2009 paper by Christopher Crawford entitled "Civil Liberties, Bjelke-Petersen & a Bill of Rights: Lessons for Queensland":

In 1976, a policeman was captured on film striking a female protest marcher on the head with a baton. Moves to hold an inquiry were quickly quashed by the Premier. Shortly thereafter, twelve people were arrested at a 'hippie' commune at Cedar Bay near Cooktown. The hippies claimed that the police burned their food, personal property and dwellings. A television crew produced footage of burned-out huts. Bjelke-Petersen told the press that the allegations made by the hippies were part of a campaign to legalise marijuana and denigrate the police. He stated that some of the evidence was manufactured after the police had left the scene.

On 5 September 1977, Bjelke-Petersen declared that, 'The day of the political street march is over...Don't bother to apply for a permit. You won't get one. That's government policy now'.

It turned out that the police had in fact torched the homes of the hippies. Charges were laid against three policemen, but the prosecutions were unsuccessful. The article goes on:

At that time, if a march permit was refused by police, there was an avenue of appeal to the courts under the *Traffic Act*. Two weeks after Bjelke-Petersen's declaration, that avenue was removed and replaced with a right to appeal to the Police Commissioner. So began a two year conflict between the government and what has been called the 'Right to March movement', during which over a thousand people were arrested in the course of many separate protests.

It is important to recognise that if this bill becomes law this State will be heading down the same path of restricting the right to peacefully protest. However, even Bjelke-Petersen stopped at removing the right to peacefully protest. Strictly speaking, Queensland never abolished the right to march but the Premier took the view that the Government could ban people from marching.

If protest becomes violent then we need police to have the right to act, but they must not act if people are peacefully assembling when protesting against the actions of the Government of the day. This Government is busting to go back to those times. Why does the Attorney General not have carriage of this bill or the Minister for Justice and Police? Why does the Minister for Industry, Resources and Energy have carriage when he consistently misjudges community attitudes to his portfolio? The Premier does not like us to disagree with him. Every day in question time he expects us to applaud the policies of his Government. However, some of this Government's policies have not enjoyed much support from the community.

There have been protests about legislation for the Newcastle rail line. How would those protests

have fared under this legislation? What action has the Government taken to address community concerns about the lack of consultation on the Government's proposal? In this case, the Government took the opportunity to change the legislation. With the bill before us, the Minister is attempting to do the same thing. He understands that people do not want to lose the right to peacefully protest, so he chooses to change the law to stop them from being able to express that view. That is not a good way to govern this State in 2016. Another policy that has come under fire in the local media is forced council amalgamations. There have been widespread protests across New South Wales against these amalgamations and even some Government members have participated in some of these protests. How would they be dealt with under this legislation? What action will the Government take against people protesting against these direct policies? These policies are not aimed at companies exploiting resources but at issues that directly affect communities across New South Wales.

I am surprised by the torpor of those opposite. Normally when I speak against government policy in this place I am faced by a rabble. Last week I moved a motion on local government calling on members of The Nationals to join with those on this side of the Chamber in supporting their communities but Government members were unhappy that I was expressing this view. When petitions with more than 10,000 signatures are debated we expect a fair and open debate, but often this Government uses its numbers to shut down debate. This legislation goes to the heart of how patronising this Government is. It says it is passing legislation in the interests of the community although it is not taking into account what the community wants or what scientific research shows. If there is a dollar in any policy then this Government will rip it out and say it will be fine. If the Government is forced to consult on anything it can use this legislation to ensure it can stop any protests from happening. It is easier to control people who cannot express their views.

I note that the member for Charlestown spoke eloquently about the 78ers, the suffragettes and other groups who have used peaceful protests to put forward their views. Many people are currently protesting against cuts to Medicare and other huge concerns. If this bill is passed people may be prosecuted for protesting on their own land, such as those protesting against coal seam gas exploration. They can be charged with a crime and receive a sentence of up to seven years in prison. There is also a provision for search and seizure without a warrant, which is not good policy. This is not just a human rights issue. Who believes it is right to search and seize without a warrant? This goes against the views of eminent lawyers from the Law Society and the Bar Association. There are also move-on powers if traffic is being obstructed with this power applying not just to people who are assembling but also to observers. The police will have veto powers over nonviolent and peaceful assembly.

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These are all acts of a government that is desperate and knows it is out of touch with the community. What the Government is seeking through this ambit bill, which overreaches and infringes on the rights of citizens, is appalling. I am astounded that Government members would vote for this kind of legislation. I place on record that I definitely oppose the legislation and urge Government members to vote not just with their hearts and souls but with their minds and to think about the consequences of their actions, which would be novel.

Mr PAUL LYNCH (Liverpool) [6.50 p.m.]: I speak against the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. The Government, through Minister Roberts, has forgotten that it is to govern for the whole State and has instead decided to govern for mining companies and coal seam gas owners—for Santos not for the people of New South Wales. The object of the bill, in reality, is to criminalise legitimate dissent and protest. Under this bill the green bans campaign would have been prohibited.

The objects of the bill are formally expressed somewhat differently. They claim to create an aggravated form of the offence of unlawful entry on inclosed land with a tenfold increase in penalty; to expand the definition of "mine" in the Crimes Act so that it includes things that people acquainted with the

ordinary meaning of the English language would never regard as a mine; to amend the Law Enforcement (Powers and Responsibilities) Act [LEPRA] to confer powers of seizure without warrant far beyond the traditional common law positions; and to amend the Law Enforcement (Powers and Responsibilities) Act to significantly broaden the use of move-on powers to cover pretty much all protest. In effect, it abrogates the common law right of assembly.

The first point to note is that the Minister with the carriage of this amending bill is not the Minister with portfolio responsibility for the principal legislation. That, in this case, is quite significant. This is not a sensible piece of law reform or considered amending legislation. Its provisions are entirely tied to the politics of a Minister supporting CSG owners against protesters. As a piece of law reform it completely lacks any bona fides. The fact that it is this Minister who is introducing the bill is highly symbolic. This is about CSG not about sensibly getting the law right. Proposed section 200 of the Law Enforcement (Powers and Responsibilities) Act is particularly interesting. It effectively prohibits protest that has not been approved in advance by police. It treats the common law right of assembly with absolute contempt.

Interestingly, in September last year the Attorney was asked about this proposal in estimates committee hearings. She denied all knowledge of such a proposal. Either this bill has been cobbled together with remarkable and unseemly haste or the Attorney has been entirely sidelined in the development of such provisions, not even being made aware of the proposal, let alone consulted or participated in the debate. The responsibility for these laws thus lies entirely at the feet of Minister Roberts. His judgement in this portfolio is seriously flawed and has already caused great harm to the State. His completely appalling judgement in relation to Metgasco Limited licences at Bentley caused losses of many millions of dollars to this State. The Supreme Court judgement was scathing. It is precisely that lack of judgement that is being replicated in this ill-conceived bill. With that performance it should be no surprise that the Minister wants to lock up the Knitting Nannas—tough on crimes, tough on the causes of crimes, tough on grandmothers.

The inescapable reality is that the behaviour targeted by the bill insofar as it is undesirable is already subject to criminal sanction. The amendments to the inclosed lands legislation increase the fine for the so-called aggravated form of the offence tenfold. The basis behind this is of staggering intellectual inadequacy. The law is aimed at protesters; people not motivated by pecuniary gain but motivated by belief. Increasing fines is likely to have little impact, or more likely absolutely no impact, upon them. As a measure to dissuade anti-CSG protesters it is probably going to be an abject failure.

The proposed amendment to the Law Enforcement (Powers and Responsibilities) Act, to allow expanded seizure without warrant, flies in the face of common law principle and traditions. The actual wording leaves considerable uncertainty and simply seems a way to increase legal disputes. What is even more interesting is the double standard here. Many people of the Minister's ideological ilk have been outraged at the use by the Independent Commission Against Corruption of a notice to produce to obtain phones from Deputy Senior State Crown Prosecutor Margaret Cunneen—a seizure without warrant—and yet it is precisely that—a seizure without warrant—that is being introduced in this bill. The hard Right uses one standard for a Deputy Senior State Crown Prosecutor and an entirely different one for anti-CSG protesters.

The changes to the move-on powers are clearly about trying to stop anti-CSG protesters; it is as simple as that. However, their drafting goes way beyond that. The move-on powers amendment of section 200 are expressed in general terms and do not apply specifically to just environmental or mining issues. The Government's justification for this bill, such as it is, is restricted to those categories but the bill is not, so will it be used to stop protests against a whole range of things, presumably, dare I say, a protest against local government amalgamations? A significant number of representations have been made about this bill. The New South Wales Bar Association regards this bill as representing a massive threat to property rights and interests in New South Wales. It stated:

The laws elevate CSG company rights above those of farmers and Traditional Owners, and

criminalise landholders who take action to protect their property from CSG miners.

In relation to amendments to section 201 of the Crimes Act the Bar Association stated:

These amendments will mean that landholders who oppose CSG drilling rigs from coming on to their properties could now be charged with "interfering with a mine" under s201 of the Crimes Act. The offence carries a maximum penalty of 7 years imprisonment.

The Bar Association is also concerned about amendments to section 200 of the Law Enforcement (Powers and Responsibilities) Act and stated:

These amendments broaden police powers to move-on any assembly of landholders and/or Traditional Owners, even if they are gathered outside their own properties to oppose CSG access.

This is a dramatic broadening of powers beyond individuals to prevent groups of people gathering peacefully to oppose CSG mining in a region. It is designed to prevent farming communities from acting together to oppose the CSG industry.

This is particularly anti-democratic in a region like north-west NSW ...

In relation to an amendment to part 4 of the Law Enforcement (Powers and Responsibilities) Act the Bar Association stated:

A police officer will have the power to stop, search and detain a farmer on the grounds of a reasonable suspicion that they are in the possession of the items above, and to seize the items.

This is an extraordinary infringement on the everyday rights and actions of farmers in rural NSW, in areas where CSG mining may be imminent. They will be forced to accept police searches without a warrant, which is an extremely invasive measure.

Such powers are transparently designed to intimidate farming communities and to remove the rights and liberties that Australians expect and have come to rely on as a basis for a fair society.

The Conference of Leaders of Religious Institutes NSW is also outraged at this proposal and stated:

The CLRINSW is deeply concerned at the recent announcement by the NSW Government to introduce to the Parliament the intention to increase enforcement powers with respect to illegal protests.

The institute makes a number of important points in its letter. I note that the Environmental Defenders Office [EDO] has said this about section 200 of the Law Enforcement (Powers and Responsibilities) Act:

The Inclosed Lands Bill will remove the protection under s 200 unless an assembly acquires authorisation under s 24 of the Summary Offences Act, despite lack of authorisation not being a ground for an assembly to be deemed illegal, essentially granting police the power to veto any and all protests on public land that they do not agree with.

I note there is more a detailed exposition in the material that the EDO distributed. That point also goes to the duplicity at the heart of the Government in this area. On 3 September last year the Hon. Lynda Voltz, in an estimates committee, asked the Attorney General:

Minister, have you or your department received a proposal to ban all public protest unless approved in advance by the police?

The Attorney advised that she had not received a proposal, it was not under active consideration, she had not been consulted and she was unaware of it. The implications of that are quite interesting. She has been completely cut out of the process or this has been cobbled together in a very short period of time or she misled the committee. I actually do not believe the third of those to be relevant. I think it is more likely to be the first; that she has been ignored by the Government. That speaks volumes as to what is going on here. This is a bad bill, prosecuted by the wrong Minister in the wrong way. The Minister is obviously having some sort of delusion; he thinks he is John D. Rockefeller Junior at Ludlow. He is no doubt hoping that Woody Guthrie will write songs about him and Howard Zinn will write books attacking him.

Alternatively, he might think he is in the Bavin Government in 1929 introducing the Unlawful Assemblies Act in this place. That, of course, was part of what gave us Rothbury and the murder of Norman Brown. It is a matter of melancholy reflection that the Minister is putting himself in that tradition. I have called the Minister a number of things over the years and he has certainly called me a number of things but if there is ever anything that justifies the use of my favourite comment about him it is his prosecution of the provisions of this bill. He is undoubtedly and genuinely the idiot son of the ruling class.

Mr CLAYTON BARR (Cessnock) [6.58 p.m.]: I speak on the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016 and state at the outset that I will object to the bill. I acknowledge that there are some newer members but I get a sense in this Chamber that there is a bit of questioning, "Oh, is that really what is in the bill?" I remember being in this Chamber during the debate on the Cemeteries and Crematoria Bill 2013 and if members cast their minds back they will recall the good member for Mount Druitt noting that people's remains effectively were going to be dug out of the ground after 25 years and put into a mass grave.

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I was sitting on this side and I looked across the Chamber at a bunch of Government backbenchers who were down here with their speaking notes and preparing to speak, and I literally saw their faces go pale. I saw them feverishly flicking through the speech they had been giving thinking, "I have not been told about this. I did not know this was in here. This did not come up in the party room." Of course, the member for Mt Druitt then proceeded to dismantle the bill entirely and talk about the history of that idea being put up and rejected when he was a Minister in the Labor Government because it was deemed unsuitable by the Government—and indeed by Nick Greiner's Government.

There is something about this particular inclosed lands bill which is strikingly similar and all too familiar. Obviously, when a Minister brings a particular piece of legislation into the party room there is a sales pitch. You want to put forward the good points or the favourable rationale for the legislation, but you might not want to talk so much about the things that would be far less popular and favourable. To that end, of course, as I always do, I make an appeal to the members of The Nationals, who I sometimes think are getting absolutely no counsel at all on anything that comes through this place. I sometimes wonder about where the brains of The Nationals operation are, or indeed why they are so often on leave or asleep.

So here we are again talking about a particular piece of legislation that affects members of The Nationals far more than it does the member for Lane Cove, the Minister who introduced the bill. I do not see too many coal seam gas mines out that way. I do not see too many protests out that way. I do not see too many coal mines out that way, and when I say "out that way" I am talking about Lane Cove. Having said that, I see plenty of protests, dozens of them, across regional New South Wales dealing with those very same issues. Indeed, right here in Macquarie Street I see dozens and dozens of protests dealing with all manner of issues.

What is the significance of the protests that we see here in Macquarie Street with regard to the bill in front of us today? Well, the threshold which makes activities such as protest unlawful is fairly low. It includes things like an assembly of people, it could be as simple as obstructing traffic, or it could be an

interpretation that there is a risk to safety. If members go out into Macquarie Street and see the tens of thousands of vehicles that go up and down that street on any given day, they will realise that that threshold could be met on any given day. To that end I ask: Have we seen today the last protest out the front of Parliament House?

I wonder if the police officers that protested outside Parliament House in 2011 knew that would be their last lawful opportunity to protest. I wonder if the fire men and women who protested out the front of Parliament House—and indeed hosed down our roof—knew that would be the last time they would be permitted to protest. What about the nurses and midwives? What about the teachers? And most importantly, what about all of the farmers in the Lock the Gate movement who came down here to protest out the front of Parliament House? I wonder if they knew that was the last time they would be given the freedom of speech in this country.

I wonder what I will say to my children in the future when they say, "Daddy, why do we not have freedom of speech? Why do we not have the right to voice an opinion? Why do we not have the right to protest? Daddy, were you not in Parliament? What did you do about that? What could you have done about that?" To my children, who will read this in the future when they are wondering why they cannot protest, I say we stood here late on a Tuesday night and argued the good argument and fought the good fight. We argued for justice. We argued for commonsense. We argued for the great traditional Australian way to be protected and enshrined in legislation, but we had a Government that did not have sufficient common sense, foresight, vision and willingness to protect the way of the Australian people.

It is quite interesting to see some of the things members care about and some of the things that they do not care about when they move from opposition to government. One does not have to do much of a search on the internet to find Government members who in the past have used protest as a part of their work and appealed to people in their communities over the issues. I found on the internet a reference to the Minister and member for Lane Cove addressing a protest group in 2009. I found many examples of Reverend the Hon. Fred Nile speaking and participating in protest. Indeed, the Shooters and Fishers Party members are not exempt and stood out the front of Parliament House in 2013 protesting.

We understand that The Nationals are very nervous and uncertain about the protests that might be coming their way as a result of the forced council amalgamations that are going to be rammed down their throats. They do not want protests on their doorstep. I think about the member for Clarence who unfortunately had the prisons in his electorate closed down. He participated in and attended those protests and spoke to those people. The member for Bathurst frequently had protesters outside his electorate office when he was first elected in 2011 as a result of the decisions being made in Macquarie Street, no matter how tough he talked in Bathurst. When decisions were made in Macquarie Street he was part of those decisions and the protests at his office were so frequent that this Parliament was forced to fund the movement of his electorate office from that very public place into a new office building that is more difficult to access. That was all done because people are afraid of protests. I have had protests out the front of my office where I went out, met with the people, provided them with water, gave them access to toilets, and gave them tea and coffee if they wanted, because I welcome the opportunity for expression of opinion and personal belief.

That is what we need to protect here. One wonders why this particular piece of legislation is being introduced by the Minister for Industry, Resources and Energy and not the Attorney General or the Minister for Police and Emergency Services. One wonders what the members of The Nationals who represent the people of north-west New South Wales will do knowing that 96 per cent of the people in their electorates are opposed to coal seam gas but no longer have the right to protest. I wonder what is going to happen when a farmer who cannot lock the gate now, because that would be deemed to be interfering with a mine, is unable to drive down to the site of the coal seam gas well and object to that particular mine. Undoubtedly, if he drives down in a tractor or a ute and it has chains, chainsaws, D shackles and padlocks and things like that, they can all be seized and taken away. There are no grounds on which to appeal or to require or request that that equipment ever be returned.

I wonder what the members of The Nationals will say to the farming community when they become aware that they are being blocked. Typically the largest protests in New South Wales are protests of the common people, law-abiding citizens who are simply seeking to express an opinion or voice their objection to the government of the day. Labor parties in the past have had protesters march on them. Liberal and National parties in the past have had protests and marches against them. That is nothing to be feared. It is an expression of the people and the people are entitled to express their opinions.

Ms YASMIN CATLEY (Swansea) [7.08 p.m.]: I make a contribution on the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. The purpose of this bill is seemingly to create the image of a tough cop on the beat when it comes to environmental protests and to carry out undertakings like those made by the Premier at a mining industry dinner in late 2014 where he said his government would crack down on civil disobedience and throw the book at people who unlawfully enter mining sites.

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As members have heard, the bill will give police additional search and seizure powers, and new powers to give directions to persons in public places to prevent obstruction to persons or traffic. However, the new laws are not restricted to mining or environmental protests. The right to protest peacefully is a defining feature of liberal democracy, a system of government characterised by the tolerance of dissenting minority opinion. The right to protest peacefully is, and should remain, the fundamental right of every person in New South Wales. New South Wales has a proud history of using democratic tools, such as the right to protest, to bring about legislative and social change in our great State.

Contrary to what the Government is telling us, there appears to be broad discontent with some of the ramifications of this bill, with concerns expressed by many community groups, including those in the legal sector and the trade union movement, and environmental activists. The President of the New South Wales Council for Civil Liberties, Stephen Blanks, said that what the State Government is proposing appears to be "completely unnecessary and disproportionate" to the challenges thrown up by protests against big mining. Sue Higginson, principal solicitor at the public interest law firm the Environmental Defenders Office of New South Wales, said as it currently stands in New South Wales:

If a protestor breaks any law as part of their peaceful protest the police have the power to arrest and charge that peaceful protestor for the offence they have committed. This is how the law works. The community is not seeing a strong case for the need to change the existing law.

The Law Society of New South Wales is concerned that the proposed new laws may "interfere with the ability of people in New South Wales to engage in demonstrations, protests, processions or assemblies", which is an important right of people in a democratic State. The Law Society is also concerned that the amendments presented by the Government may expand police powers without the safeguard of judicial oversight, and they may also interfere with the right against arbitrary deprivation of property. The right to peacefully protest is a right that is fundamental to me.

As a woman from the Hunter I know the power of peaceful protest and the importance that this right has had on shaping my community and my role in the New South Wales Parliament. I ask today: What effect would these amendments have had on the suffragette movement in New South Wales when those brave women held public demonstrations and took to the streets to fight for gender equality? What effect would they have had on workers rallying for an eight-hour day or two weeks paid recreational leave? What about those recent rallies against this Government's callous changes to workers compensation legalisation that attracted hundreds, if not thousands, of workers into Civic Park in Newcastle for peaceful demonstrations?

The rights of workers and the community to have their say, both politically and socially, is indeed a fundamental tenet of democracy in New South Wales. This bill has unions in this State advising that they may need to mount a high court challenge to these proposed amendments if the so-called reforms go too far and "restrict the rights of people to voice political and industrial concerns over issues that can affect their everyday lives". Mark Morey, the Secretary of Unions NSW, speaking outside Parliament House today has said that the State Government's proposed anti-protest laws are deeply concerning and unions will consider a constitutional challenge to the bill if it goes ahead. Unions NSW advise that it has "deep misgivings" about what it sees as "the attempt to restrict peaceful protesters' activities in public places". Union concerns in New South Wales are well founded.

As we have heard so far, this legislation does four things over three separate pieces of legislation. First, it creates an aggravated form of an existing offence of unlawful entry on inclosed lands, increasing the maximum penalty from \$550 to a massive \$5,500. Secondly, it amends the Crimes Act 1900 to extend the definition of a "mine" in the context of an offence under section 201 of intentionally or recklessly interfering with a mine, which is punishable by up to seven years in prison. Thirdly, it gives police additional search and seizure powers without the need for a warrant where the police suspect a person has or vehicle contains anything intended to be used as a lock-on device for the purpose of interfering with business or undertaking, or is likely to be used in a manner causing serious risk to safety. Fourthly, it confers on police additional powers to give directions to persons in public places to prevent the obstruction to persons or traffic.

The bill incites great concern in relation to the points outlined above. "Inclosed lands" actually refers to schools, childcare services, hospitals, nursing homes, or any public or private land enclosed by a fence or some natural feature. This is not just about mines or mining infrastructure. This is about a Government that is determined to shut down the voices of any people or groups who dare to dissent from the decisions that it makes. It is quite extraordinary when you think about it in those terms. The amendment increases the scope of an offence by including the intention of an individual to interfere with the conduct of the business or undertaking. This is a significant shift from the current legislation and opens a dangerous precedent of presumptive guilt.

Regarding additional search and seizure powers, concerned community groups have stated that this amendment is a legal overreach and should be rejected. As I said, the amendment requires police to search and confiscate on the mere suspicion that an individual is carrying any number of items that may be capable of allowing that individual to lock-on. The Opposition has the utmost respect for the NSW Police Force. Its members do a wonderful job to protect the people of our great State. This bill puts the police in a pretty tricky spot. A number of community groups including unions, environmental groups and the legal community have stated their concerns about placing the police in a situation of having to make broad assumptions without further guidance as to what they are searching for and what warrants a suspicion on reasonable grounds. The ambiguous nature of a "thing" as described in new section 45A could literally be extended to include any number of tools commonly used on farms or by tradespersons.

This side of the House believes that the additional powers that will be given to the police to direct persons in public places to prevent obstruction to persons or traffic are unnecessary and should be opposed. The Act provides an unqualified right to industrial action, protest, processions and assembly without police direction. The amendment empowers police officers with discretionary powers to disperse protests and give move-on directions. The amendments are ambiguous and confusing, and could be read to allow police interference in industrial action. This is a significant restriction on the rights of workers who are partaking in industrial action and a direct attack on unions in New South Wales. Current legislation exists to deal with protests that become violent and, in turn, unsafe. Violent protests may constitute a breach of the peace, unlawful assembly, riot or affray, as well as relevant criminal law offences relating to violence. Police are currently empowered to take actions to respond to violent protests.

Labor does not condone violent protests, nor do our brothers and sisters in the trade union movement. A key objective of laws relating to protests in New South Wales has been encouraging mutual

co-operation between police and protesters. The amendments propose a stark shift in the positioning of the role and social importance of protests by providing unfettered power for protests to be dispersed, and that is of great concern to the Opposition. This legislation is more of what we are starting to expect from this Government—ideological oppression of any group that does not tow the Government's line. It will adversely affect many forms of legislative community-based campaigns and protests in this State. That is why I oppose this bill.

Mr DAVID MEHAN (The Entrance) [7.18 p.m.]: I oppose the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016. I note at the outset that this bill is opposed by the Law Society of New South Wales, the New South Wales Bar Association and Unions NSW. I endorse the passionate arguments from those members on this side of the House who oppose the bill. Under cover of addressing crimes of access in the mining industry this bill makes unlawful a range of peaceful protest activities used by the community. The object of the bill is to amend three acts as follows:

- (a) to amend the Inclosed Lands Protection Act 1901 to create an aggravated form of the offence of unlawful entry on inclosed lands to increase, from \$550 to \$5,500, the maximum penalty that is applicable in relation to land on which a business or undertaking is being conducted and where the offender, while on the lands:
 - (i) interferes with, or attempts or intends to interfere with, the conduct of the business or undertaking, or
 - (ii) does anything that gives rise to a serious risk to the safety of the offender or any other person on those lands,
- (b) to amend the *Crimes Act 1900* to extend the meaning of "mine" in connection with the existing indictable offence (that carries a maximum penalty of imprisonment for 7 years) of intentionally or recklessly interfering with a mine (including hindering the working of equipment belonging to a mine) so that it extends to equipment and other things associated with a mine and to:
 - (i) a gas or other petroleum extraction site, and
 - (ii) a mineral, or gas or other petroleum, exploration site, and
 - (iii) a work construction site for proposed minerals, or gas or other petroleum, extraction, and
 - (iv) a former mine at which works are being carried out to decommission the mine or make it safe,
- (c) to amend the *Law Enforcement (Powers and Responsibilities) Act 2002* to confer additional search and seizure powers (without warrant) where a police officer suspects on reasonable grounds that a person has (or a vehicle, vessel or aircraft contains) anything that is intended to be used to lock-on or secure a person to any plant, equipment or structure for the purpose of interfering with the conduct of a business or undertaking and that is likely to be used in a manner that will give rise to a serious risk to the safety of any person,
- (d) to amend the *Law Enforcement (Powers and Responsibilities) Act 2002* to remove limitations on the exercise of police powers to give directions in public places to prevent obstructions of persons or traffic (or harassment or intimidation of or fear to other persons) in the case of demonstrations, protests, processions or organised assemblies, so that directions may be given:
 - (i) if the police officer believes on reasonable grounds that the direction is necessary to

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deal with a serious risk to the safety of the person to whom the direction is given or to any other person, or

- (ii) if the demonstration, protest, procession or assembly is obstructing traffic and is not an authorised public assembly under the *Summary Offences Act 1988* in which persons are participating substantially in accordance with the authorisation, and the police officer in charge at the scene has authorised the giving of directions.

In relation to the inclosed lands amendments I note, first, that it elevates trespass on business premises above trespass on other premises. By creating a separate offence on business premises it will also capture what is currently common industrial action within a workplace such as meal room sit-ins and work-to-rule bans. The amendments to the Crimes Act would criminalise protest by landowners on their own land. What an appalling creation by those who hold themselves up as the protectors of private property. Finally, the amendments to the Law Enforcement (Powers and Responsibilities) Act seek to take us back to the worst aspects of the Summary Offences Act 1988, that creature of the Greiner Government directed at union and community protest.

The amendments at schedule 3 to the bill will remove the limitations on police powers to give direction in public places and provide police officers with powers to search and seize citizens without a warrant at their discretion. Section 200, which is rewritten by this bill, has been present in its current form since the initial draft of the Law Enforcement (Powers and Responsibilities) Bill 2002 was introduced to Parliament in September of that year. In the second reading speech for the bill it was stated that part 14, in which section 200 resides, "repeals and re-enacts without amendment legislative provisions in relation to police powers to give reasonable directions". In giving the second reading speech, then Labor Minister Debus reiterated that "police are required to exercise their power responsibly, particularly when these powers affect the civil liberties of members of the community whom the police serve".

The Government, with this bill, seeks to overturn the original intent of the Law Enforcement (Powers and Responsibilities) Bill 2002. Our law enforcement officials have developed a range of strategies under the existing law to allow peaceful protest and industrial action to occur while protecting the safety and security of those involved and impacted by such protest. This bill makes their job a whole lot harder, not easier. We should err on the side of protecting the right to peaceful protest and to take industrial action. This bill goes too far. This is a bill for business interests not the public interest. It is a bad bill and I encourage the House to vote it down.

Mr ANTHONY ROBERTS (Lane Cove—Minister for Industry, Resources and Energy) [7.24 p.m.], in reply: I thank members for their contribution to the debate on the Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016, which provides higher penalties and stronger enforcement powers to deter unlawful protest activity that negatively impacts on businesses and the community. The purpose of the bill is to be a deterrent to unlawful protest activities that threaten the safety and lives of protesters, workers and the public, as well as cause significant costs for business. These amendments address the Premier's commitment to bring legislation to provide a deterrent to illegal behaviour by protesters at mine sites. Unless these amendments are made, unlawful protest activities will continue to threaten the safety and lives of protesters and workers as well as cause significant costs for businesses in New South Wales.

The Leader of the Opposition has acknowledged that more needed to be done to allow mining businesses to operate without being hindered by illegal interference. The bill captures this idea without affecting the right to lawful, peaceful protest. In relation to the point raised by the member for Shellharbour, I note that she and other members flagged points raised by the NSW Bar Association in relation to the suggestion that the risk to safety should be classified as serious and immediate as opposed to the classification provided in the bill, as well as a perception that the expansion of police powers is too broad.

It is the attitude of this Government that these measures are intended to prevent the risks to health and safety presently posed by a minority of protesters who do not act in a lawful, peaceful manner and who have repeatedly shown a flagrant disregard for the safety of others. There are countless examples of protesters endangering themselves, mine site workers and the community through their reckless acts. This bill aims to protect the health and safety of these groups by acting proactively to manage an emerging risk before an immediate risk requires drastic action to avoid disastrous outcomes. Indeed, as the Bar Association also notes, peaceful protests "have for centuries properly been regarded as an essential part of the social, political and cultural life of any civilised society". The Government strongly supports this and has ensured that the bill retains this important principle. However, it recognises that there is a radical minority, which in some circumstances, moves beyond lawful, peaceful acts, placing themselves and others at risk in the process.

I also note the concerns raised by the member for Ballina and others in relation to what items may be captured by the "search and seizure" powers being introduced. It is important to remember that this may occur only when a police officer has a reasonable suspicion that a device will be used to interfere or attempt to interfere with a business or undertaking, and where it is likely to be used in a manner that would give rise to a serious risk to the safety of any person. The items seized will be limited to only those items that fall within this category. I also note the point raised by the member for Newtown in relation to move-on powers. In regard to the concern about a move-on power being used when someone is intimidating or harassing another person, it is important to remember that the police will only have the power to issue a move-on direction where this intimidation or harassment constitutes a serious risk to the safety of the person. I thank all members who have contributed to this debate. I commend the bill to the House.

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Question—That this bill be now read a second time—put.

The House divided.

Ayes, 45

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

Noes, 34

Ms Aitchison	Ms Harrison	Mr Parker
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Mr Atalla
Mr Barr
Ms Burney
Ms Car
Ms Catley
Mr Chanthivong
Mr Crakanthorp
Mr Daley
Ms Doyle
Mr Greenwich
Mr Harris

Ms Hay
Mr Hoenig
Ms Hornery
Mr Kamper
Ms Leong
Mr Lynch
Dr McDermott
Ms McKay
Mr Mehan
Mr Minns
Mr Park

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

Tellers,
Mr Lulich
Mr Warren

Pairs

Mr Baird
Ms Berejiklian
Mr Elliott
Mr Hazzard
Mr Rowell

Mr Foley
Ms Finn
Mr Dib
Ms Haylen
Ms Mihailuk

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Anthony Roberts agreed to:

That this bill be now read a third time.

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

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Divisions and Quorums

Motion by Mr ANTHONY ROBERTS agreed to:

That standing and sessional orders be suspended to provide that for the remainder of this sitting no divisions be conducted or quorums be called.

DRUG MISUSE AND TRAFFICKING AMENDMENT (DRUG EXHIBITS) BILL 2016

Second Reading

Debate resumed from 9 March 2016.

Ms MELANIE GIBBONS (Holsworthy) [7.36 p.m.]: I support the Drug Misuse and Trafficking Amendment (Drug Exhibits) Bill 2016, which responds to concerns raised by the New South Wales Auditor-General in a report to Parliament in February 2013 entitled "Managing drug exhibits and other high profile goods—NSW Police Force". The bill amends the Drugs Misuse and Trafficking Act 1995 and the Drugs Misuse and Trafficking Regulation 2011, and builds on the work of the Government to tackle drug crime by ensuring that drug trials are run as efficiently, effectively and fairly as possible.

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The bill aims to assist many different areas of the justice system and the community. For the NSW Police Force, more police officers will be freed to carry out their frontline duties, with a workplace health and safety hazard being minimised. For those in the NSW Forensic and Analytical Science Service, which is a part of NSW Health, a backlog will be reduced for drug analysis. For the courts and lawyers on both sides, establishing the chain of evidence will be easier, which will make drug-related trial processes quicker. For the broader community, stringent best-practice procedures for the safe and secure handling of illegal drugs will be formally embedded in the legislation.

The first significant change is the creation of a presumption as to the weight of a substance, where it has since been destroyed. Where a person who has legal representation before a Local Court on trial for a summary offence with respect to a substance under the Act pleads guilty to the offence, makes an appeal against any determination of the Local Court with respect to that offence, and before the appeal is heard the substance is destroyed in accordance with the rules set out in the Drug Misuse and Trafficking Act 1985 or the Drug Misuse and Trafficking Regulation 2011, then the court attendance notice as to the nature and quantity of the prohibited plant is, for the purposes of the appeal, presumed to be true.

This presumption backs up the other changes introduced by schedule 1 to the bill. It ensures that when drug exhibits are destroyed in compliance with the requirements of the Act, and an individual has been served with notice of the impending destruction, they then cannot use this to challenge the findings of the analysis certificate if they pleaded guilty during proceedings in the Local Court. Whilst this presumption will be rebuttable, it ensures that the reforms to how drug exhibits are managed are not compromised by the evidentiary requirements in drug trials.

Currently the NSW Police Force requires a court order to destroy drugs that have been seized in their operations. In the Auditor-General's investigation and report it was found that because court orders are generally not obtained, 25 per cent of drugs held by the NSW Police Force are held for more than two years. It was also noted that some are even held for up to 10 years—long after court proceedings and investigations have concluded. The Auditor-General highlighted very serious concerns regarding the exposure of our police officers to health and safety risks, as drug exhibits could deteriorate and become dangerous. The Auditor-General also found that drug exhibits are currently transported around the State for analysis, taking the equivalent of 1,000 police officers away from the front line for two days per year—particularly regional officers, who travel long distances—at an estimated cost of \$1.2 million per year.

Due to the Auditor-General's report, a range of police operational procedures have already been implemented, with legislative amendments to be effected through this bill. The bill will now allow for the destruction of drug exhibitions earlier and without the need for a court order. This process will be similar to what is occurring already in South Australia, Queensland and Western Australia. It will ensure that police are not exposed to potentially dangerous exhibits for longer than necessary, and will also promote efficiency within the courts, as they will no longer need to spend time considering orders for the destruction of drugs. The bill will also provide for an improvement in the way that police handle seizures of prohibited plants.

Decaying plants have little evidentiary value and present a health risk to the specialists who need

to handle them, due to the mould, fungi and spores that can grow on them. New section 39H will now allow for a qualified police officer to order that a plant be destroyed after it has had a certificate issued to identify it and any particulars of the plant. The Forensic Services Group, who are scientifically trained and certified police, will now be able to weigh all drug exhibits and issue a mass or quantity certificate and then provide those samples to the Forensic and Analytical Science Service. The weighing and sampling of the drugs by the Forensic Services Group will allow for a reduction in the analysis backlog that is currently occurring within the system.

Secure couriers will now also be able to transport exhibits that are less than the trafficable quantity and samples of an exhibit taken by the Forensic Services Group officer to the Forensic and Analytical Science Service. Secure couriers are already in use by the NSW Police Force for the transportation of other exhibits for analysis, including blood and DNA samples. With the introduction of secure couriers being able to transport drug exhibits, police officers will no longer be required to transport drugs around the State and this will allow them to return to their core duties of protecting our communities. The bill also creates a new evidentiary provision that will allow the production of print-offs of the NSW Police Force exhibits management system to be prima facie evidence that a substance retained by police is the same substance analysed by a qualified analyst where the certificate issued by the analyst relates to the same drug exhibit bag.

The police exhibits management system—the Exhibits Forensics Information and Miscellaneous Property System [EFIMS]—tracks the progress of a drug exhibit throughout its custody. A drug exhibit will be checked in, placed in a tamper-evident drug exhibit bag and provided with a unique barcode. Every time a police officer handles the drug exhibit bag they must check out and then check in the bag through the exhibits management system. The system will record who handled the exhibit, at what time and where. The print-off of the exhibits management system will give the accused and the prosecution a clear summary of the chain of custody of the drug exhibit. This will cut down the complexity of the current system, which requires statements from each officer and which can often make it difficult to create a clear timeline of the progress of the drug exhibit. This change takes advantage of the advancement in tracking technology and is about modernising the Drug Misuse and Trafficking Regulation 2011 to ensure it keeps pace with current NSW Police Force drug exhibit management practice and procedure, which includes significant safeguards around the handling of drug exhibits.

I thank the Attorney General and her staff for the work they have done in drafting this bill and the recommendations that were put forward by the Public Accounts Committee and the Auditor-General. The changes proposed by the bill will ensure that only the amount of drugs that need to be retained, are retained. It will improve the health and safety of our police officers by limiting their exposure to dangerous and deteriorating exhibits and it will cut down the costs attributed to the storage of those exhibits. The bill will make our justice system more efficient and will cut down on red tape and time spent unnecessarily examining the chain of custody of a drug exhibit. I commend the bill to the House.

Mr PAUL LYNCH (Liverpool) [7.46 p.m.]: I lead for the Opposition in the second reading debate on the Drug Misuse and Trafficking Amendment (Drug Exhibits) Bill 2016. The Opposition does not oppose the bill. The bill has two objects. The first is:

To amend the Drug Misuse and Trafficking Act 1985 and the Drug Misuse and Trafficking Regulation 2011 to update and streamline the system for the retention, analysis and destruction of prohibited plants, prohibited drugs, schedule 9 substances and psychoactive substances, and suspected psychoactive substances, that are seized or otherwise come into possession of the NSW Police.

The second object is to make consequential and transitional amendments and provisions. The New South Wales Bar Association has advised me that it has no issues with the legislation. A significant portion of the bill finds its ancestry in a performance audit by the New South Wales Auditor-General entitled, "Managing drug exhibits and other high profile goods", from more than three years ago. It is dated 28

February 2013. There was also some commentary by the Public Accounts Committee in its report No. 17/55, dated August 2014. At the end of her second reading speech the Attorney General referred to these "long-awaited measures". With that description I certainly agree. The Auditor-General found that police managed drug exhibits well—including the recording storage and tracking of drug exhibits. The Auditor-General dealt with other high-profile goods as well, but that is not germane to this debate or to this bill. However, the Auditor-General did say that there could, nonetheless, be beneficial changes. He said:

However, there is room for improvement, mainly in regard to the effective disposal of drug exhibits and other goods, and improving efficiency by reducing the need to transport drug exhibits for testing. Nearly 7,000, or around a third, of the drug exhibits recorded on New South Wales Police's electronic tracking system EFIMS have been on hand for more than a year, and some for over 5 years.

The Auditor-General also said:

Some exhibits could pose a significant risk to the health and safety of officers and this risk may increase over time. Police in other jurisdictions reduce the risk by documenting, analysing and destroying drug exhibits as soon as possible, with only a sample of the drug exhibit retained for court proceedings. However, in New South Wales, unlike most other jurisdictions, police must hold onto some drug exhibits until a court order is obtained for their destruction.

The Auditor-General noted the development of legislative changes. He also pointed to the tying up of police resources through the transporting of drugs by police. He said:

Some New South Wales police practices are also not as efficient or cost effective as they could be. Drug exhibits, as well as the samples taken from the exhibits for analysis, are currently moved around the State, tying up New South Wales police resources.

The Auditor-General pointed out that in 2011-2 more than 15,000 of the nearly 40,000 drug exhibits collected in the State were from areas that would require overnight stops in Sydney.

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The residual of drug exhibit samples not used up in the analysis process need to be collected by officers and returned to police storage. An alternative is for exhibits to be weighed and samples taken locally in the regions, with samples only taken to Sydney by courier and samples being destroyed during testing. This seems to follow the procedure in other jurisdictions. The driver behind these changes is of course not justice but costs. There is nothing wrong with reducing the costs of the legal system if that is capable of being done without reducing the quality of justice.

The police commissioner's response to the Auditor-General's recommendation, dated February 2013, noted proposals for legislative change made by police. Some of these proposals seem at last to have found their way into this bill. The Auditor-General estimated the cost of transporting drug exhibits at \$1.2 million. That is equivalent, he said, to 1,000 police being away from frontline duties two days per annum, although he conceded that if a trip has to be made from a regional area to Sydney then officers as a matter of practicality would link the trip in with other tasks. The system of destruction of drugs is complex. Police can in some circumstances destroy them themselves; in other cases they currently need a court order. It is, however, a very complex regime—a point made very graphically by appendix 2 of the Auditor-General's report.

Many of the considerations found their way into this bill. That includes the issue of how long police retain some evidence and the complexity of how much to destroy makes this worse. It is not the case that police are simply unable to destroy drugs without a court order—in some instances that is correct, but not in all cases. Holding onto exhibits imposes a cost in relation to secure storage. It can

cause health dangers if the substance deteriorates, although the Auditor-General does assert police can destroy drugs if they are dangerous—and that certainly emerges from appendix 2 of his report.

The bill replaces part 3A of the Drug Misuse and Trafficking Act 1985 and part 3 of the Drug Misuse and Trafficking Regulation 2011. Division 3 of the new part 3A deals with destruction of substances. New section 39G provides that a qualified police officer may order the destruction of a substance where there is no likelihood of prosecution, although it must be recorded by a means such as photographing. New section 39H provides for the destruction of prohibited plants by a qualified officer's order, providing it has been recorded and a certificate issued identifying the plant. A qualified officer, in this part of the rank of superintendent or above, may under 39I order destruction of a non-plant substance where the exhibit is not less than the trafficable quantity. This applies with the bulk of the exhibit after a sample has been taken.

The regulations provide for the taking and analysis of the sample and the destruction of the remaining amount. Transport will be by courier. There will be two samples, the A and B samples. Notice of proposed destruction of the bulk must be served on the defendant. The defendant can apply for a mass review application under new section 39M. There are also provisions allowing the defendant or accused to request that the B sample be sent to an authorised, independent analyst. New section 39J provides an authorised officer with power to order destruction of a prohibited drug if it is less than the trafficable quantity, after the end of proceedings. New section 39K allows for destruction by police if an analyst certifies that it should be done in the interests of health and safety, after appropriate recording has occurred. Notice must be served on the defendant or accused, although this can be overridden in the interests of health and safety. New section 39L allows immediate destruction if it cannot reasonably be kept secure. New section 39N provides a presumption on appeal relating to a substance. I note the Attorney General's assurance that the presumption is rebuttable.

The regulations in division 5 create rebuttable presumptions concerning the chain of custody of a drug exhibit. There are provisions also that effectively codify the existing trial of presumptive testing of exhibits of less than trafficable quantities. Presumptive certificates can be disputed. The proposals in this bill will allow substances to be destroyed, in some cases earlier than they presently are. They will relieve the need for some transportation of exhibits and replace some of the transport by police with transport by couriers. This legislation has taken three years to reach the Parliament but the Opposition entirely supports it.

Mr GEOFF PROVEST (Tweed) [7.53 p.m.]: I compliment the Attorney General on bringing to this place another important bill, the Drug Misuse and Trafficking Amendment (Drug Exhibits) Bill 2016, which amends the Drug Misuse and Trafficking Act 1985 and Drug Misuse and Trafficking Regulation 2011 to streamline the way that drug exhibits are managed from seizure to destruction. When I was Parliamentary Secretary to the Minister for Police and Emergency Services I visited the central police command in Surry Hills where the chief superintendent and senior officers gave me many a tour of the vaults where large quantities of seized drugs were stored. A year or two ago they estimated that well over \$1 billion worth of illicit drugs were stored there. The police were concerned that many of those dangerous chemicals would break down over time. If that occurred, the result could be carcinogenic. To the best of my knowledge, this had resulted in a number of successful workplace health and safety claims resulting in workers compensation payouts. I was of the opinion that something needed to be done to protect the hardworking men and women of the NSW Police Force. Keeping vast quantities of illicit substances for lengthy periods put anyone who came in contact with them at risk, so I am pleased that the Cabinet is introducing legislation to implement a process to deal with those substances.

The bill introduces new procedures for analysing drug exhibits. Weighing of the seized substance will now be conducted by police. Police will issue a certificate as to the weight of the substance. Authorised analysts will only receive the drug exhibits for substances of less than a trafficable quantity, or samples of the substance for exhibits not less than a trafficable quantity. This follows the success of the presumptive testing trial by the NSW Police Force, the Office of the Director of Public Prosecutions, the

Office of the Chief Magistrate and the Forensic and Analytical Science Service since September 2013. The trial has cut down analysis waiting times at the Forensic and Analytical Science Service, as well as minimised costs borne by police when transporting large amounts of drugs. The bill provides that presumptive testing will apply to all drugs of less than trafficable quantity. The bill provides that where a defendant pleads not guilty and the nature or weight of the substance is in issue, an analyst will only conduct a full analysis if the substance remains in issue after the court has been presented with a presumptive test certificate.

The bill will authorise members of the NSW Police Force to take and retain two samples from the drug exhibit. Police will provide the A sample to an authorised analyst, and retain the B sample. This B sample will be used where the findings of the analysis of the A sample remain in contention, and provide an accused with the opportunity to request that the B sample of the relevant substance be tested by an independent analyst not later than 28 days after receiving a certificate of analysis of the A sample. Police will now be able to provide samples to an authorised courier for the purpose of transporting samples to an analyst. All couriers will be probity checked, and will only transport small, securely sealed amounts of the prohibited substance in tamper-proof evidence bags. This change will help police spend more time fighting crime.

Under the current Act, police require a court order to destroy a substance even where the substance may be dangerous, is no longer required for court proceedings or where there is no likelihood of prosecution. The bill will allow a police officer of or above the rank of superintendent to authorise the destruction of a substance without a court order in circumstances prescribed by the Act. The changes proposed in the bill will ensure that only the amount of drugs that need to be retained are retained, which will cut down the costs borne by police for the storage of drug exhibits. It will also cut down on unnecessary red tape and provide for more efficient trial proceedings.

The current procedure for storage of illicit substances has been costly and troublesome, particularly in regional areas. I believe my electorate currently ranks fourth or fifth in the State in terms of illicit drugs per head of population, behind some metropolitan hotspots. A lot of drugs confiscated on the North Coast must be transported to Sydney for storage, which takes first responders off the roads as well as vehicles and manpower. I believe we must change legislation to streamline the procedure. The Attorney General has done good work to protect people who challenge the process by pleading not guilty by legislating that two samples are kept for analysis. That means anyone who challenges a finding has the opportunity to have the second sample analysed independently.

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Justice should not only be done but also be seen to be done. Under the bill the rights of accused will be protected until they are convicted by the courts. I note that the Opposition does not oppose this commonsense bill, although I acknowledge that it is a little overdue. It will protect our hardworking police from possible injury through the inhalation of decomposing drugs. It will also provide a level of safety to accused within the judicial system. I commend the bill to the House.

Ms JENNY LEONG (Newtown) [8.00 p.m.]: On behalf of The Greens I express support for the Drug Misuse and Trafficking Amendment (Drug Exhibits) Bill 2016. We support this sensible reform to drug-handling practices by police and recognise that in the past poor management of drug exhibits by the NSW Police Force has seen officers exposed to dangerous chemicals, resulting in serious injuries in a number of cases. As we know and as the Attorney General has noted, the Auditor-General's report in 2013 into the management of drug exhibits by the NSW Police Force identified concerns regarding the disposal of drugs in timber mills, crematoria and industrial furnaces rather than through certified disposal authorities. There were clear breaches involving risks and harms to officers involved.

The Greens New South Wales police spokesperson, David Shoebridge, raised these issues back in July 2013 and we are pleased that the Government is now acting by bringing forward these amendments. We acknowledge that the Attorney General said in her second reading speech that the bill

contains safeguards for the rights of the accused and will promote community confidence in the justice system. While we are supportive of the bill, we will continue consultation and discussion with the Government and key stakeholders to ensure that safeguards and protections remain in place for accused. We will also monitor the bill to ensure that it gives accused the ability to go to the Local Court to have drugs re-weighed and to obtain an independent analysis. The Greens will seek to ensure that there are no barriers to accessing that important safeguard. I note that The Greens have been calling for this measure and therefore I am happy to support the amendments. It is great to have support from all sides of the Chamber for sensible reform that works in the best interests of those in the NSW Police Force and in the community.

Mr MARK TAYLOR (Seven Hills) [8.02 p.m.]: I speak in support of the Drug Misuse and Trafficking Amendment (Drug Exhibits) Bill 2016. The bill is filled with commonsense, balanced reforms to existing legislation surrounding drug exhibits. The bill is founded upon three important principles that all members in this House would support. First, the bill will remove unnecessary red tape for those interacting with our justice system, including our lawyers, judges and police. This will free our courts to do what they do best: achieve justice for the people of New South Wales. Of course, it will also free our police to do what they do best: fight crime in New South Wales.

Secondly, the bill will provide ample and just opportunities for accused or defendants of drug crimes to respond to evidence served on them by the Crown. Whilst the justice system's first priority is for just outcomes for victims of crime, we should never forget that the rights of accused or those being prosecuted also need to be respected and protected. In that respect the bill will introduce and retain important checks and balances in exhibit access and analysis. Thirdly, the bill will ensure the safety of the tireless men and women—the mums and dads—who do so much valuable work behind the thin blue line. All members will agree when I say that ensuring the safety of NSW Police Force officers should be one of the Government's highest priorities. The Government is steadfast in its support for our police, and this support is clearly shown in the bill.

One of the most important additions to the existing legislation is new section 39N, which provides that where a legally represented individual has pleaded guilty but then appeals a decision of the Local Court on a drug-related charge and the drug exhibit has been destroyed before the appeal is heard, the particulars in the court attendance notice about the drug exhibit will be presumed to be true and correct. Some people may question the efficacy of this measure in achieving justice but I place my faith in our highly professional men and women behind the thin blue line. We cannot entertain a situation where police resources or courtrooms are further strained by those who have already admitted their guilt.

Not only does this bill do away with procedural inefficiencies; it also makes better use of police time by utilising new technologies and embracing new and tested initiatives in the transportation of evidence. The new standard will ensure that all drug exhibits seized by the NSW Police Force will be placed in barcoded tamper-proof bags. These sensitive exhibit bags will mean that accused and police can know for sure that the exhibit that was sealed by the seizing officer will be the same exhibit that was received by the analyst. This seems like a fundamental and basic concept that should underpin all evidence procedure but for far too long it has simply not been possible to have the certainty that is now afforded to us by technology.

The same goes for establishing the chain of custody for exhibits. If enacted, new section 16F of the regulation will mean that we can say goodbye to the days of a manual book entry system, which required extensive statements from police officers involved in the moving of exhibits. This clause will require instead that the barcode of each tamper-evident bag will be scanned and entered into the New South Wales police digital exhibits management system. The Attorney General was correct in saying last week that this is a great leap forward in the management and tracking of exhibits. The new system will provide real-time tracking of exhibits. This will allow for better oversight and provide a digital footprint in those rare cases should it become necessary to challenge the same.

A report by the New South Wales Auditor-General investigated the real costs of members of our Police Force transporting drug exhibits around the State and to and from the Surry Hills Exhibit Centre. The report revealed that continuing with this archaic, inefficient system was equivalent to taking 1,000 police officers away for two days each year, or a \$1.2 million waste of New South Wales taxpayers' money. One recommendation made by the Auditor-General, and supported by the Public Accounts Committee, was that all drug exhibits should be transported by the same secure couriers that transport other exhibits for police analysis, including blood and DNA samples. This will return our police men and women to their core duties of combating crime, which is more important than ever with the increasing supply of drugs such as ice on our streets.

I am proud to be part of a government that respects the members of our Police Force enough to let them focus on the roles that they have been trained and prepared to execute with the professionalism they exhibit each and every day. It is important at this point to remind ourselves that the reforms in the bill were developed in consultation with Law Society of New South Wales, Local Court, District Court, Legal Aid and New South Wales Bar Association representatives and the Public Defenders. All those groups have contributed in some way to ensuring that the appropriate checks and balances will be in the legislation.

As the Attorney General outlined, clause 13 of the regulation provides that both A and B samples will be taken for testing and analysis and they must be at least three times the minimum amount required for this undertaking. This is not just a rule of thumb that the Government made up; it is an internationally accepted standard for drug analysis. We know that the NSW Police Force is world class and employees can now know with certainty that they are operating according to international standards across the drug exhibit space. As a result of the checks and balances to which I referred earlier, those accused of drug-related crimes can know that only the most accurate evidence is being served upon them and law-abiding New South Wales residents can trust that our criminal justice system will deliver just outcomes in full accordance with our laws.

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If the defendant of a drug crime is not satisfied with the analysis conducted by the world-class Forensic Services Group of the NSW Police Force they have the opportunity to request a mass review application under section 39M.

This bill contains proposed section 39, which provides that when there is no likelihood of a charge being laid, a superintendent of the New South Wales Police can destroy the prohibited substance 21 days after the exhibit was seized. Each day that a drug is stored by our police force not only costs the taxpayers in New South Wales money but involves issues of safety to members of the NSW Police Force. We know from the report handed down by the State's Auditor-General in 2013 that some drugs contain chemicals that can quickly deteriorate and become unstable, posing serious health and safety risks to any person handling those drugs or working nearby. We know also that decaying plants have little evidentiary value and present serious health risks. We will not be exposing our police force to unnecessary dangers. As a Government we refuse to do this.

Yet another safety measure incorporated in this bill is provided in section 39K, which will allow a qualified police officer to make an order for the destruction of dangerous substances once the analysis certificate is in writing and the substance is indeed dangerous. If the substance is so dangerous that in the interests of officer health and safety it must be destroyed within the prescribed 28 days, there is also a provision for this to occur. This is a commonsense measure, which, like so many other reforms included in this bill actually improves health and safety outcomes for officers of NSW Police; it is not just passing legislation and regulation for its own sake.

The reforms contained in this bill stand tall on the three pillars of increasing judicial efficiency, proving appropriate and substantive checks and balances, and, most importantly, ensuring the safety of the men and women of the NSW Police Force. I am sure all members will join with me in congratulating

the Attorney General and the other stakeholders in formulating the reforms contained in this bill. I commend the bill to the House.

Mr JONATHAN O'DEA (Davidson—Parliamentary Secretary) [8.11 p.m.]: I am delighted to speak on the Drug Misuse and Trafficking Amendment (Drug Exhibits) Bill 2016. I do so as a former chair of the Public Accounts Committee, which considered this matter following the Auditor-General's report to Parliament in February 2013. In due course the committee considered that as a follow-up report in the last Parliament and we endorsed, essentially, the recommendations of the Auditor-General. We pointed out that some good progress had been made but that there was a need for further action. That further action constituted a need to pass legislation as well as to change practices, particularly some of the police practices.

Sometimes government moves slowly and on this occasion I think it is probably fair to say we moved a little bit more slowly than we might have as a government, but that is not uncommon. One of the frustrations that I sometimes experience is that the expectations I have had in the past in the business community are not necessarily met in the political environment. But the reality is that it is not easy to implement change; you do have to consult with stakeholders and, when elections occur, sometimes you have to start again.

We are now seeing before this Parliament legislation which reflects the recommendations and important reforms that had to be made as identified by the Auditor-General and by the Public Accounts Committee. I congratulate the Attorney General and the Government on implementing those legislative changes now. I congratulate the police and other relevant stakeholders on implementing some of the practical reforms and changes that were required as well.

This legislation has various benefits, as have been highlighted. It removes a workplace health and safety hazard for New South Wales police by destroying all drugs earlier, or it alleviates such a risk. It improves drug analysis times and reduces the drug analysis backlog. It reduces costs associated with transportation and storage of drugs but without impacting their secure handling. It consolidates stringent safeguards already used by New South Wales police, including an electronic management system, drug vaults and barcoded tamper evidence bags to track the movement of drugs once seized. It decreases the time to finalise drug matters in courts by encouraging appropriate pleas earlier, and it introduces new rights for the accused to have drugs reweighed and retested.

I particularly want to focus on some of the safeguards for the accused under this new regime. When police seize a prohibited substance it is critical that the substance is handled properly while in police custody. This bill implements a system that protects the integrity of that exhibit from seizure to destruction to ensure that an accused has the opportunity to receive independent and expert advice on the identity, mass or quantity of the substance. Under the current scheme an accused will receive an analyst's certificate that lists the identity, mass or quantity and purity of the substance, often months after the police have seized the substance. This makes it difficult for the accused to make an informed decision on whether to plead, or whether it is appropriate to challenge the findings of the analyst in court. The bill creates safeguards that ensure that the accused receives prompt information on the drug exhibit, as well as providing an opportunity to challenge the findings of certified and trained Forensic Services Group police officers or Forensic and Analytical Scientific Service analysts.

Under the Act an accused is unable to seek that a drug exhibit be reweighed to confirm the findings listed on a certificate issued by an analyst. This bill and this reform will change that situation. It will allow an accused to make an application to the court within 60 days of receiving the mass certificate to have the mass of the drug exhibit reviewed if the Local Court is satisfied that there has been a substantial failure to comply with the Act or the regulations in respect to the substance, or there is a real doubt as to the accuracy of the certificate issued by the member of the NSW Police Force or the analyst in respect of the substance. This new safeguard is in addition to an accused receiving a certificate listing the mass of the exhibit at a much earlier date than is currently available. That is due to certified and

trained Forensic Services Group police officers weighing exhibits.

Additionally, when an accused receives an analyst's certificate after an analyst tests the exhibit, the accused can now challenge this finding by requesting that the B sample of the drug exhibit, which is retained by police until all proceedings including any appeal period are finalised, is tested by an approved independent analyst. Again, this system is available because of the efficiencies gained from certified and trained Forensic Services Group police officers sampling exhibits and creating an opportunity for the accused to challenge the findings of an analyst without creating unnecessary delays in proceedings. The new system allows an accused to have information sooner and creates important safeguards for the accused. Mindful of those aspects on safeguards for the accused and the earlier contributions made by various members on this side for the Government I commend the bill to the House. I congratulate the Attorney General on a welcome and, dare I say it, timely piece of legislation.

Ms GABRIELLE UPTON (Vaucluse—Attorney General) [8.18 p.m.], in reply: I thank members for their contribution to this debate tonight, in particular members of the Government: Melanie Gibbons, member for Holsworthy; Geoff Provest, member for Tweed; Mark Taylor, member for Seven Hills, and of course, Jonathan O'Dea, member for Davidson who was during our last term of government chair of the Public Accounts Committee which had a direct input into the bill before the House. I acknowledge also the contributions tonight of the shadow Attorney General, Paul Lynch, and Jenny Leong, The Greens member for Newtown.

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I acknowledge the support of the House for this bill in its entirety. Members of all parties have acknowledged the concerns identified a number of years ago by the Auditor-General about the current process for the destruction of illegal drugs. I will make some comment on matters raised in debate by members opposite. The member for Newtown raised a concern about the protection of rights of the accused. I make a strong point that this bill introduces new rights to protect the accused in addition to those that exist. The accused can challenge the findings as to the mass of an exhibit by making application to the Local Court and can challenge the findings upon analysis of the A sample as to the identity of the substance. I can assure the member for Newtown and the shadow Attorney General that the Government brings this bill for debate before the House in the interests of justice and efficiency.

I will explain why I make that statement. The bill is intended to help in operational matters, assist in police duties, provide protections to the accused and ensure that court processes and justice are more speedily delivered. The Government is committed to tackling drug crime and that requires a fair, efficient and safe process for dealing with illegal drugs after they have been seized by police. This bill streamlines the procedures for dealing with drug exhibits in a way that better positions the police and courts to manage drug-related matters through the entire criminal justice system. It introduces presumptions in the trial process to facilitate the quick resolution of drug-related matters. These presumptions have been carefully drafted in consultation with all stakeholders to ensure that efficiency is not delivered to the detriment of the accused. In the past the court process for hearing a matter involving less than a trafficable quantity of drugs was unnecessarily drawn out.

This bill codifies the presumptive testing trial that commenced in 2013 by providing that less than trafficable quantities of drugs only need to be presumptively tested. A full analysis by the Forensic and Analytical Science Services [FASS] is only required where the identity of the drug is in dispute. This allows an accused to plead on the basis of that presumptive test, with results to be provided to the accused in a shorter time frame. If the accused is able to enter an appropriate early plea the time spent in court is significantly reduced—that is an option, it is not mandated. However, the accused will still have the right to seek a full analysis of that exhibit by FASS. That is a necessary and important protection. The bill also improves the presentation of evidence to the court in drug-related matters.

Currently the court needs to consider statements by multiple witnesses in order to be satisfied of the continuity in the handling of illegal drugs. This is time consuming for the court, police, prosecution and

defence. This bill proposes the court presumes that where the drugs have been sealed in tamper evident bags, entered on the New South Wales police exhibit system and FASS receives a sealed drug exhibit bag, that the drug analysed by FASS is the drug seized in the first instance by police. This change capitalises on the efficiencies gained by the modernisation of police processes for handling illegal drugs. The presumption can be rebutted by the accused if there is evidence of a break in the chain of custody I described.

In addition to decreasing the time taken to finalise drug-related matters in the court the bill introduces measures to save costs and resources for FASS and the police. The bill also addresses the current backlog of illegal drugs waiting for analysis by FASS by allowing scientifically trained and accredited police officers from the Forensic Services Group [FSG] to weigh all drug exhibits, issue a mass or quantity certificate and sample drug exhibits which are not less than the trafficable amount. Those specialist police officers in the FSG will use the same procedures and processes as FASS. The accused has a new right to apply to the court for a review by FASS of the weight specified in the mass certificate issued by police. The changes to the process of weighing and sampling drugs mean that FASS analysts will have more time to focus on the complex analysis of the drugs and waiting times for analysis results will be cut.

By allowing specialist accredited police to take samples of drugs police will no longer be required to transport the bulk of drug exhibits around the State. Currently, police officers transport kilos of seized drugs to FASS at Lidcombe from wherever they are in the State. The trips to Lidcombe may take regional police officers from their front-line duties for days at a time. This bill will allow the bulk of drugs to remain in secure drug lockers and vaults at local area commands. Only the samples of drugs, or less than trafficable quantity of drugs, will be transported to FASS by secure couriers in tamper evident bags. Those couriers are used for a number of police transport exercises, including blood samples and DNA. This bill will, by those methods, be creating a safer workplace for those members of our police force who handle illegal drugs.

The shadow Attorney General noted that the Act provides the power to destroy dangerous drugs; indeed, that is the fact. This bill goes further to protect safety by giving police the power to destroy drugs before they become dangerous. Currently, illegal drugs are often stored by police for many years. I travelled to Sydney central police station to view some of these drug exhibits. Some of them had been there for many years, potentially giving off toxic odours and placing police at risk. As was explained to me by police officers, during the time in which the drug exhibits are stored, sometimes over many years, the chemicals in those drugs can become unstable releasing toxic fumes that create a serious safety hazard for any person in the vicinity of that chamber. By removing the requirement for a court order before illegal drugs can be destroyed, this bill will ensure that police officers are not exposed to illegal drugs for any longer than is absolutely necessary for the purpose of court proceedings.

I am pleased that this Government is delivering on the recommendations of the Auditor-General as endorsed by our Legislative Assembly Public Accounts Committee. Since the Auditor-General delivered his report in 2013 New South Wales police have undertaken a significant amount of work to improve operational procedures for handling illegal drugs. These include: the development of a new drug exhibit bag to reduce the environmental impacts of drug destruction, regular audits of drug exhibits at local area commands, and improvement in the police exhibit management system for illegal drug exhibits. I commend the NSW Police Force for their procedural advancement. This bill is the capstone of efforts to make the illegal drugs handling process in the criminal justice system safer and more efficient. On that basis 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 Ms Gabrielle Upton agreed to:

That this bill be now read a third time.

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

CRIMES (DOMESTIC AND PERSONAL VIOLENCE) AMENDMENT (NATIONAL DOMESTIC VIOLENCE ORDERS RECOGNITION) BILL 2016

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

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Second Reading

Ms GABRIELLE UPTON (Vaucluse—Attorney General) [8.29 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes (Domestic and Personal Violence) Amendment (National Domestic Violence Orders Recognition) Bill 2016. Today, proudly, New South Wales again leads the nation in addressing domestic violence. New South Wales is tonight the first jurisdiction to introduce these model laws adopted by the Council of Australian Governments [COAG] in December 2015 to hold domestic violence perpetrators accountable across the nation.

The Premier has made reducing domestic violence reoffending one of the top 12 priorities for the New South Wales Government. As the Attorney General of New South Wales I have been working together with the Premier, the Deputy Premier and the Minister for the Prevention of Domestic Violence and Sexual Assault to change the way in which the New South Wales justice system responds to domestic violence. This bill shows this Government is not only addressing domestic violence in New South Wales but also playing a leading role in the national effort to protect victims of domestic violence throughout Australia.

It has been said many times before in this House that domestic violence is an insidious and indiscriminate crime. It is a crime which has no borders. At its heart is the issue of control. According to a report published in October 2015 by Australia's National Research Organisation for Women's Safety based on data from the Australian Bureau of Statistics, one in four women in Australia have experienced at least one incident of violence by an intimate partner. Four out of 10 women in Australia over the age of 15 years have experienced violence during their lifetime. This is unacceptable and devastating. This cannot continue.

We know that victims of domestic violence across the country are too often forced to flee their homes, jobs and support networks to seek protection from their perpetrator by concealing their whereabouts in another town or interstate. It is for this reason that all Australian governments agreed to take urgent collective action to ensure that those people affected by domestic violence can access the protection they need and deserve, regardless of where they live in Australia. Just as importantly there should be and there will be no place for a perpetrator of domestic violence to hide.

In April 2015, COAG committed to developing a national domestic violence order scheme, where domestic violence orders or DVOs will be automatically recognised and enforceable in any State or

Territory of Australia. Domestic violence orders are a key tool of the justice system to protect victims of domestic violence. Domestic violence orders issued in New South Wales are called apprehended domestic violence orders or ADVOs. An ADVO is a civil order that allows an immediate response to domestic violence, prioritising the safety of the person in need of protection. In New South Wales, the court can make an ADVO if the person has reasonable grounds to fear and in fact fears the commission of a "personal violence offence" or an offence of intimidation or stalking by the defendant with whom they are or have been in a domestic relationship.

Following changes introduced by this Government in May 2014, senior police can now approve provisional ADVOs immediately after the incident. This allows victims to remain safely in their home while the defendant is removed from the scene. An ADVO prohibits the defendant from assaulting, molesting, harassing, threatening or otherwise interfering with, intimidating or stalking the person in need of protection. A court can additionally prohibit or restrict the conduct of the defendant in any way the court considers necessary or desirable to ensure the safety of the person in need of protection.

All States and Territories have similar domestic violence order frameworks. Existing State and Territory legislation allows DVOs issued by a court in one jurisdiction to be registered and enforced in another jurisdiction. However, the onus is currently on the victim to apply to the court to have their DVO registered. This is a burden and stressful as it requires the protected person to engage again with court and law enforcement processes in another State or Territory to have that protection extended.

The national domestic violence order scheme will remove the need for individuals to negotiate those recognition processes to register their DVO in a new jurisdiction. The scheme will also overcome associated barriers impeding the protection of victims. For example, protected persons are often not aware of the need to register an interstate DVO; they may not wish to make contact with another legal system for reasons of fear or re-traumatisation; or they fear that registering the DVO will alert the defendant to their whereabouts. These significant reforms build on other initiatives of this Government to improve victims' safety and increase victims' confidence in our criminal justice system.

As an Australian first, legislation commenced on 1 June 2015 to provide greater support for domestic violence victims in New South Wales courts by enabling them to give their evidence in chief through a prior recorded video or audio statement. This reduces the pressure on domestic violence victims in court and aims to increase early guilty pleas. Where matters proceed to court, it means victims spend significantly less time reliving their trauma in court and are less pressured by offenders to change their story or withdraw from proceedings at a later time.

The Government has also provided additional support for victims at court including advocacy at court proceedings through the Women's Domestic Violence Court Advocacy Services at 114 local courts in New South Wales, the provision of safe rooms in courts and the greater use of remote witness facilities. I have recently visited the newly refurbished courthouse at Wollongong—the \$20 million upgrade—and the new flagship Newcastle Court House. Both of those courthouses now have the state-of-the-art video conferencing technology that allows victims, including domestic violence victims, to give evidence from a private room. Of great note and comfort to me was to see at both the Wollongong and Newcastle courthouses that there were safe rooms provided, with toys and other items of comfort, for women and children who may come before the criminal justice system at those locations. It is important to make them as comfortable as they possibly can be when they are having their day in court in our criminal justice system.

The Government has also improved court processes and time frames to ensure domestic violence matters and applications are dealt with efficiently and swiftly, including specialist domestic violence list days in local courts across New South Wales to help standardise procedures for ADVOs. Local Court Practice Notes have been introduced to improve court efficiency by setting time frames for proceedings in criminal matters and for ADVOs. New South Wales is also rewriting its ADVOs in "plain English" to better protect domestic violence victims. These redesigned orders will eliminate excuses for

violating domestic violence orders. These are just a handful of ways in which this Government is already improving the safety of domestic violence victims in New South Wales.

I am proud to introduce this bill. It will increase protection for victims of domestic violence not only in New South Wales but across Australia. In December 2015 every State and Territory committed to introduce laws to give effect to the national domestic violence order scheme in the first half of 2016. The national domestic violence order scheme working group comprising representatives from justice and police agencies in each jurisdiction drafted national model provisions to assist with that process. This bill is substantially in the form of the model provisions.

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The national model provisions were drafted to reflect a set of common policy principles that were agreed by each jurisdiction. The first principle is that a DVO made anywhere in Australia or New Zealand registered anywhere in Australia is nationally recognised and enforceable. The second principle is that a DVO that is nationally recognised can be amended in any jurisdiction, but only by a court. The third principle is that if a DVO made in one jurisdiction is in force, a new order, if necessary, can be made in another jurisdiction, again only by a court. The fourth principle is that the latest DVO in time will prevail.

The model provisions were also considered by the advisory panel on reducing violence against women and their children, chaired by Mr Ken Lay, APM, former Chief Commissioner of Victoria Police, and deputy chairs Ms Rosie Batty and Ms Heather Nancarrow. I thank all members of the advisory panel, including Ms Tracey Howe of the NSW Council of Social Service [NCOSS], the New South Wales representative on the panel, for their important contribution to the development of these reforms. I also take this opportunity to thank the stakeholders who consulted in the drafting of this bill in New South Wales, including the Department of Justice, the NSW Police Force, the Department of Family and Community Services, Legal Aid NSW, the Chief Magistrate of New South Wales, the New South Wales Children's Court, the New South Wales Bar Association, and the Law Society of New South Wales.

I now turn to the details of the bill. The bill inserts a new part 13B into the Crimes (Domestic and Personal Violence) Act 2007 to give effect to the National Domestic Violence Order Scheme [NDVOS] model laws within the existing New South Wales Apprehended Domestic Violence Order [ADVO] framework. The general principles I mentioned for the national recognition of DVOs are contained in division 2 of the bill. A recognised DVO means a DVO made in New South Wales, a DVO made in another jurisdiction that has enacted the model provisions, or a New Zealand DVO registered in any participating jurisdiction. Proposed section 98W limits the scope of recognition of orders from South Australia and Western Australia to only those that are made to address domestic violence.

This provision is necessary because their local legislation does not currently differentiate between DVOs and personal violence orders. The provision allows registrars and courts in South Australia and Western Australia to declare their respective orders to be those that currently address a domestic violence concern in order for them to be recognised under this new scheme. Proposed sections 98Z and 98ZA clarify the circumstances in which variations and revocations are permitted and therefore recognised under the model scheme. These provisions, together with schedule 1 [1] and [2] make it clear that a DVO can only be varied or revoked by a court in another jurisdiction, and that a police issued DVO cannot override a court DVO made for the same defendant and protected person. Similarly, proposed section 98ZC clarifies that although a person is not prevented from applying for a new DVO in New South Wales, a police officer should not make a new DVO in New South Wales if that officer is aware that there is already a recognised DVO made by another court in another jurisdiction.

Proposed section 98ZO acts as a safeguard to prevent forum shopping by creating a leave provision for the variation and revocation of non-local DVOs. The bill sets out a list of matters the court may consider in deciding whether to hear an application for the variation of a non-local DVO. These factors include: consideration of where the defendant and the protected person live and work, difficulty of either party to attend the proceedings, whether there is sufficient information available to the court about

the DVO, whether there are existing criminal proceedings for a breach of the DVO, the practicality of the applicant applying for a similar DVO in New South Wales, and the impact of the application on children subject to the DVO.

Proposed section 98ZO (5) also specifies and clarifies that a court in New South Wales must refuse to hear an application for a variation or revocation made by a defendant if the defendant would not be entitled to make such an application in the issuing jurisdiction. For example, whether there is a time limit on when the defendant can make such an application. Division 2 subdivision 2 relates to an enforcement of the DVO. Proposed section 98ZD gives effect to the principle that a recognised DVO is enforceable in all participating jurisdictions once the defendant has been properly notified.

Proposed section 98ZE defines proper notification in New South Wales as to where the DVO is made by a court and the defendant is present in court, or when the defendant is served with a copy of the DVO in accordance with the Crimes (Domestic and Personal Violence) Act 2007. Jurisdictions have agreed to accept compliance with the service requirements set out in the local laws as proper notification of interstate DVOs and proposed section 98ZE (2) gives effect to this principle. Division 2 subdivision 3 prescribes the elements of the enforcement of a non-local DVO to ensure they are treated in the same way that a New South Wales DVO would be. This means that New South Wales will recognise prohibitions or restrictions imposed by a non-local DVO as if it were made in New South Wales. Similarly, all existing New South Wales provisions that restrict the grant of a particular licence or permit, such as a firearms licence, will extend to a person with a DVO from a participating jurisdiction.

Proposed section 98ZF provides that a breach of a DVO is recognised in all participating jurisdictions. In other words, a contravention of a non-local DVO that is a recognised DVO in New South Wales under the scheme may be enforced in New South Wales as if it were a New South Wales DVO. Division 4 sets out the principles relating to the exchange of information between jurisdictions for the purpose of enforcing DVOs. While in the interim police and courts will rely on the national police reference system to check details of interstate DVOs, the Commonwealth is working with New South Wales and other jurisdictions on the establishment of a national information sharing capability to support the enforcement of the NDVOS. Further legislation may be required to provide for the information sharing provisions and it will depend on the outcome of this important work.

Under proposed section 98ZW, the bill will apply prospectively to any New South Wales DVO or New Zealand DVO registered in New South Wales, that is, on or after the commencement date. That is necessary to ensure that all the required information sharing systems are in place and that the parties to the DVOs are properly notified that the DVO can now be nationally enforced. However, there is some scope for DVOs made before the commencement of the scheme to be recognised nationally. The model bill provides for a declaration process. Division 6 subdivision 4 outlines the process by which this declaration can be made. The declaration mechanism is based on the existing manual process for registering external DVOs in New South Wales. It requires a person to apply to a registrar to have their DVO declared to be a recognised DVO under the national scheme.

While the Council of Australian Governments [COAG] has agreed to develop a comprehensive national DVO information-sharing system that police and courts will be able to use for evidentiary purposes or to enforce DVOs, it is noted that it will take several years to fully implement. Therefore, COAG has agreed in the short term to establish an interim information-sharing system that will provide police and courts with information on all DVOs that have been issued. The interim system will not have the same evidentiary or enforcement capability as the permanent system may, but will go some way in assisting courts and police to clarify information about DVOs made in other jurisdictions. For this reason, the bill will commence on proclamation to allow time for the interim information-sharing capabilities to be put in place.

New South Wales is proud to be the first jurisdiction to implement these significant reforms, which will undoubtedly provide increased protections for victims of domestic violence across the nation. I look

forward to continuing to work with my Commonwealth, State and Territory colleagues at the Law, Crime and Community Safety Council meeting next month to drive the National Domestic Violence Order Scheme into reality. I make a strong call to my colleagues in States and Territories to step up to the plate in that regard.

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I also look forward to New South Wales continuing to lead the way on other domestic violence initiatives. New South Wales will soon be the first State or Territory in Australia to pilot a domestic violence disclosure scheme. The purpose of the scheme is to allow a person who has concerns about their partner to apply to the NSW Police Force to check whether their partner has a history of domestic violence offending. This scheme, too, is about empowering victims to make informed decisions about their relationships. New South Wales is again the first State or Territory to introduce a bill in relation to the national Domestic Violence Order scheme. I call again on all the other States and Territories to fast-track their adoption of these model orders as soon as possible. The success of this important national scheme depends on all of us pulling together and working together. I have no doubt that all governments will take the necessary action to ensure this scheme achieves its potential. Its potential is to protect domestic violence victims, regardless of where they reside. That is in their interests and it is something that this Government is committed to doing. I commend the bill to the House.

Debate adjourned on motion by Ms Prue Car and set down as an order of the day for a future day.

Pursuant to resolution private members' statements proceeded with.

PRIVATE MEMBERS' STATEMENTS

NEPEAN HOSPITAL

Ms PRUE CAR (Londonderry) [9.47 p.m.]: I wish to lend my support to the brave doctors at Nepean Hospital, who have put their own jobs on the line in calling for the Baird Government to deliver on its \$360 million election commitment for the upgrade of Nepean Hospital. As members would be aware, Nepean Hospital has one of the most overworked emergency departments in the State, with four in 10 people waiting more than the national benchmark of four hours for treatment. It was unbelievable therefore to me and to my community that the State Government did not allocate any funding in this year's budget for the promised upgrade of Nepean Hospital. On the ABC last week, doctors took the amazing step of speaking out against the Baird Government for failing to deliver the promised upgrade to Nepean Hospital, a situation that they have described as a crisis.

The doctors did not criticise the Government on party lines. They are not being partisan. They are simply in a desperate situation and are struggling under an ever-growing strain on the hospital. These are men and women who work themselves to the bone, but who are not being supported by a State Government that has left them high and dry with nothing but deafening silence from the Minister for Health and the member for Penrith on when this promised upgrade will be delivered. We hear the statistics all the time—bed shortages, waiting times and emergency department waiting lists are blowing out every time the figures are released. But when doctors are prepared to go on national television essentially to beg the Government for funding, the crisis has become far too real.

[Interruption from gallery]

TEMPORARY SPEAKER (Mr Adam Marshall): Order! I remind members of the public gallery

that it is disorderly to take photos of proceedings of the House. People are most welcome in the public gallery, but they cannot record or take photos of the proceedings.

Ms PRUE CAR: Doctors who spoke on the ABC last week said that it can sometimes take patients up to eight hours see a doctor, with sometimes more than 90 people waiting in the emergency room. This is a hospital that treats up to 67,000 people in emergency every year. More than 52 per cent of patients wait for more than four hours in the emergency department at Nepean Hospital. A total 835 patients waited for longer than 20 hours during the July to September 2015 reporting quarter. Unfortunately, this situation is a microcosm of what is happening across the health system in New South Wales. We know how much Government members like to get up in question time and harp on about new houses being approved every minute in Western Sydney, but they fail to understand that it is irresponsible not to match this growth with investment in services.

In a booming region like Western Sydney, where thousands of new families are choosing to raise their children, health care must be a priority of the State Government. Hospitals like Nepean Hospital are surrounded by new release areas—many of them in the Londonderry electorate—that are growing every single day, with the Nepean Blue Mountains Local Health District set to grow by 100,000 in the next 20 years. Yet the State Government turns a blind eye to increasing funding for Nepean Hospital. We know that there is something wrong with the health system when sick patients are stuck in ambulances waiting outside hospital emergency departments. That was something that doctors raised in the news item last week.

Whilst our doctors, nurses and other medical staff are working long hours in difficult circumstances, often at the expense of their own physical and mental health, they are up against it in the face of cruel budget cuts from both State and Federal Liberal governments. I place on the record my support for the Nepean Hospital doctors as they call for the Baird Government to fund the stage 4 upgrade of Nepean Hospital urgently, which will see up to four new operating theatres, a high-dependency unit, birthing suites, a specialist cancer unit, improved renal services, and new cardiology and neurology services. This inaction from the Baird Government is not good enough. I call on the State Government to deliver the much-needed and promised stage 4 upgrade of Nepean Hospital in this year's State budget.

Private members' statements concluded.

Pursuant to resolution matter of public importance proceeded with.

ORGAN DONATION

Matter of Public Importance

Mr MARK TAYLOR (Seven Hills) [8.56 p.m.]: It is with honour and some sadness tonight that I talk about the matter of public importance—organ donation. Only late last year, I was with Minister Skinner at the Westmead Hospital where we attended a function and heard the story from the Gremmo family about Nathan Gremmo, who sadly passed away in May 2015 after a motor vehicle accident near Glenhaven. This heroic 13-year-old boy was an organ donor and his gift saved six lives, including that of a baby boy. An absolutely tragic horror, entirely grim in its unfortunate occurrence, ended with six lives drastically changing course for the better. During that function at Westmead Hospital, we heard of efforts by the Gremmo family, through their foundation, to promote Jersey Day, which is a day when people in schools and in the workplace are encouraged to wear jerseys of their favourite football teams in an effort to raise awareness of organ donation.

It is under those circumstances that I make this speech tonight on organ donation. The Government is committed to continuing to support a whole-of-hospital approach to organ donation. We have invested billions of dollars in our hospitals all over the State. This is paramount to supporting and

improving the rate of organ donation. New South Wales recorded 127 deceased organ donors in 2015—surpassing the previous record of 102 donors in 2013 and exceeding the 2015 target of 116 donors. On this trajectory, we are very well placed, but we still need to do more in this very important space. This was New South Wales highest number of deceased organ donors, and that is something that we must seek to increase every year.

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Last month New South Wales had 15 actual deceased donors, the highest number recorded in any single month since 2010. These are more than just mere statistics; these are rock-solid indicators that show we are on a very strong pathway to improved numbers. These outstanding results could not have been achieved without the expert care provided by doctors and nurses in our hospital intensive care units and emergency departments. We must take this opportunity to commend those doing this remarkable work in our hospital system. They are the bedrock of our State doing a magnificent job each and every day. I cannot imagine the difficult circumstances under which they work and commend them for their great work.

The Government is committed to having designated requestors in our hospitals, as they have the unique skills to help families make the very difficult decision to consent to donating organs and tissues. More than 1,600 Australians are on the organ transplant list at any time, but organ donation is a very rare event—only about 1 per cent of deaths occur in circumstances that allow organ donation to occur. The best way to increase organ donations is to encourage people to discuss their wishes with their loved ones. We must encourage and promote this conversation in homes across New South Wales. Only by changing the conversation can we change the narrative, and only by changing the narrative can we progress in this important area.

The Government has two key priorities for 2015-16 to increase the donation rate. They are to increase the consent rate for organ donation by ensuring that only specially trained clinicians conduct the family donor conversation and to support clinicians to increase identification of potential organ donors. New South Wales continues to encourage people to discuss their wishes with their families and record their decision on the Australian Organ Donor Register. That is the most important way in which we can take practical steps to ensure that the rate of organ donation improves.

[Business interrupted.]

PRIVATE MEMBERS' STATEMENTS

TEMPORARY SPEAKER (Mr Adam Marshall): Order! The member for Davidson has requested leave, pursuant to standing order 108, for the consideration of a four further private members' statements at the conclusion of the matter of public importance. Is leave granted?

Leave granted.

ORGAN DONATION

Matter of Public Importance

[Business resumed.]

Mr CLAYTON BARR (Cessnock) [9.02 p.m.]: My contribution to the discussion on this matter of public importance on organ donation will be brief because in doing research on this important issue I found the Federal Government website, donatelife.gov.au, eloquently gives the statistics and necessary process for people to follow. I place on record that every organ in my body is available for donation once I cease to breathe. The website gives useful statistics on organ donation, which we all know saves the

lives of others. As the New South Wales Minister for Health notes in her contribution to the website, giving organs to save lives is possibly one of the more wonderful things humans can do. The website notes that the majority of Australians, 69 per cent, are willing to be organ and tissue donors. However, sadly, only 60 per cent of their families give consent for organ and tissue donations to proceed.

This means we still have work to do with families to help them to understand what donors expect to happen to their organs at the time of death. The website also notes that 61 per cent of Australians are not sure about the donation decisions of their loved ones. We must have these difficult conversations to make our families aware of our wishes. The website also notes that the majority of Australians, 74 per cent, recognise that it is important to have this conversation with people who are close to them and 60 per cent of Australians have discussed their donation decision with their families. In 2015, 1,241 Australians received an organ transplant as a result of the generosity of just 435 organ donors. That statistic shows that a single human organ donor can have multiple organs transplanted and therefore save multiple lives. In 2015 the ratio was close to three lives saved for every organ donor.

The Australian Government's national reform program includes actions to increase clinical capacity and capability to boost community engagement and awareness in relation to organ and tissue donation. When I was growing up I was under the impression that by indicating my willingness to donate organs on my New South Wales driver licence I had ticked all the boxes. The reality is that the process is not that simple; it is incumbent on all of us to finalise the process on donatelife.gov.au. We must also have conversations with our family and loved ones about our intention and perhaps even make it a part of our will or finalise details with a chosen funeral director. I commend this matter of public importance to the House.

Mrs MELINDA PAVEY (Oxley) [9.05 p.m.]: I join the member for Cessnock and the member for Seven Hills in supporting this vital matter of public importance. In New South Wales the statistics on organ donation, as outlined by the member for Seven Hills, have in part been thanks to the tireless work of the Minister for Health, Jillian Skinner. New South Wales recorded 127 deceased organ donors in 2015, surpassing the previous record of 102 donors in 2013 and the 2015 target of 116 donors.

I want to share the beautiful personal story of a mate of mine from Lithgow, Peter Pilbeam, who used to drive trains and is now on Lithgow City Council. He is also a fine member of The Nationals. On 11 August 2012 Peter and his wife, Karleen, the secretary of the Zig Zag soccer association, were watching their daughters, 16-year-old Hillary and 14-year-old Claire, play soccer. At about 8.30 a.m. Karleen told Peter she had a headache and at 8.55 a.m. she said to Peter, "My head is really sore." Peter had recently had an elbow operation and was unable to drive, so called for an ambulance at 9.00 a.m. The ambulance arrived at 9.05 a.m. and took Karleen to Lithgow Hospital. At that point she was screaming with pain. The hospital got permission to conduct an angiogram to investigate Karleen's brain. It was found that she had a 6.3 centimetre ball of blood in her brain, which stopped her from functioning.

This situation led to brutal conversations between the family and the medical staff. Peter kept telling me that the best thing was that they had had those conversations before Karleen died and he knew what he needed to do. He was told Karleen had only a 1 per cent chance of survival and if she did survive she would have been in a nursing home and not the wife and mother they knew. Peter spoke to the kids about her wish to be an organ donor. Karleen was taken to Nepean Hospital and 10 hours after she had suffered the bleed on her brain, Peter had a conversation with the organ transplant team.

That conversation resulted in four people being alive today because of Karleen's sacrifice and, most important, the conversation she had with Peter about her wish. When I told Peter today that I was going to speak on this matter of public importance, he asked me to emphasise the conversations. He said that the conversations are vital because in a crisis the family knows what direction to take. Peter described as amazing receiving a letter from a beautiful woman in the Illawarra with cystic fibrosis who had received Karleen's lungs. He was grateful to the health system and for those family conversations for helping him to make the right decision on organ donation.

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I conclude by saying that the other day at Coffs Harbour airport I ran into Associate Professor David Gracey and Professor Debbie Verran from Royal Prince Alfred Hospital, who had travelled up to talk about renal transplant within the mid North Coast health network. It was wonderful to see such great expertise going to a regional community such as that on the mid North Coast and to hear comments that country people are so stoic, so strong and so grateful that that advice is now coming from the city into regional New South Wales. It is a testament to the health system that we have all created and are a part of that this level of expertise is coming to our regions.

Mr MARK TAYLOR (Seven Hills) [9.10 p.m.], in reply: I thank the member for Cessnock for his contribution, statistics and personal offering. I thank the member for Oxley for her touching personal stories that bring a human element to this issue. Nothing is a truer reflection of our shared humanity than when we take steps to save another person's life—even more so when that person is a total stranger. The Government is proud to support increasing rates of organ donation. The great work done in this space is about improving lives throughout the State for family, friends and even strangers. We are removing any negative stigma attached to organ donation because it is inherently positive.

As has been said, organ donation is a matter for conversation, and I certainly had that conversation with my family during the Christmas break. Things can become interesting on Christmas Day, when families come together. But I was fortunate that our day went in a positive direction and I took the opportunity to discuss organ donation. It was the first time we were able to state clearly our beliefs, desires and intentions and we can now use that as evidence—if I can use that word—should we have that conversation again in the future. The member for Oxley spoke about the health system and I described visiting Westmead Hospital with the Minister for Health, Minister Skinner. Under this Government the Westmead Hospital precinct is receiving its first significant upgrades since opening in 1974. In excess of \$900 million will be invested in that campus, with further enhancements to medical research and health services on the campus that will take those upgrades to more than \$1 billion worth when completed.

The Government tackles all types of health issues, providing capital investment, additional nurses, midwives, doctors, interns, paramedics and even ambulance stations. But I conclude the discussion on this matter of public importance by stating that perhaps it is time to talk about organ donation if people have not already done so.

Discussion concluded.

Private members' statements, by leave, proceeded with.

PRIVATE MEMBERS' STATEMENTS

NATURE'S CARE TWENTY-FIFTH ANNIVERSARY

Mr JONATHAN O'DEA (Davidson—Parliamentary Secretary) [9.13 p.m.], by leave: There are many successful Australian companies with founders of Chinese heritage operating in the health sector and contributing towards growing economic and trade links between Australia and China. These include Tasly Healthpac, Homart, Phoenix Beauty and Nature's Care. For example, Healthpac was founded in 1995 by Dr Ven Tan and has developed from a small practice into a multicentre one-stop-shop facility. Having become Tasly Healthpac, it is now dedicated to integrative medicine, and blends conventional and traditional Chinese medicine to offer a holistic approach to patients. Tasly Healthpac is currently part of a joint venture establishing a new in-vitro fertilisation clinic in China.

Other companies include Homart, which specialises in manufacturing and marketing high-quality Australian health supplements, and Phoenix Beauty, which continues to expand its salons in Sydney. However, the company I will focus on today is Nature's Care. In particular, I congratulate Nature's Care, located in my electorate at Belrose, on its twenty-fifth anniversary. Nature's Care Manufacture Pty Ltd's story began in 1990, when Jina Chen and Alex Wu, the company founders and managing directors, began researching remedies to help cure a cough suffered by Jina's father. Jina discovered that garlic had been used for centuries to treat respiratory illness and to prevent a range of other diseases. She acquired high-quality garlic, produced an extract and her father's cough eased. His overall health improved too.

Jina wanted to share the benefits of quality natural food supplements and established a natural health business that could benefit everyone—Nature's Care. Jina's husband, Alex Wu, is one of a number of people in the gallery tonight from Chinese and health industries, and also the company's chairman. He, along with his wife, grew the business from a small local business into a reputable international company. It is now one of the top three health food manufacturers in Australia, and also sells baby and adult skin products. Jina and Alex's son, Michael, is now the chief operating officer and I understand they have a great team at Belrose.

With cooperation from Austrade, Nature's Care's products are now distributed all over the world including the United States of America, Canada, China, Indonesia, Singapore, the Philippines, Malaysia, Taiwan, Japan, Korea, Hong Kong, Thailand and of course Australia, from the Belrose plant in my electorate of Davidson. Around 80 per cent of the company's turnover is from the export market. Nature's Care is celebrating its twenty-fifth anniversary this month with a grand dinner and the opening of its new Hunter Valley estate in Pokolbin in the electorate of Cessnock. While unfortunately a prior engagement precludes my attendance, I congratulate the whole Nature's Care team on its innovative beginnings and increasing market strength over the past 25 years. I commend them and all others who are working in the industry to strengthen ties between Australia, particularly New South Wales, and China. I encourage them to continue in their efforts well into the future.

UNDERGROUND INFRASTRUCTURE TRACING

Mr CLAYTON BARR (Cessnock) [9.17 p.m.], by leave: Once again, I raise the issue of tracing underground infrastructure. It is a simple problem with a number of simple solutions that would save the State and its councils millions. Yet after three years and letters to six Ministers, State and Federal, I cannot extract even a morsel of interest from either level of government. I speak in Parliament today in a final attempt to stir somebody into paying some attention. We hear so much from the flapping gums about efficiency and productivity. This is an opportunity for us all. I shall explain again. At present, infrastructure services such as electricity, water, gas and telecommunications are installed underground. Of course, in the case of electricity and water, the wires, connections and infrastructure are easily detected with a simple sweeping of the area. However, gas, which is largely in hard plastic piping, and telecommunications, in the absence of proper cabling, cannot be found quite so easily. This means that the registration of the proposed plans with Dial Before You Dig is important but, sadly, also quite useless.

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It gives no real indication of what has been buried where. That is the problem. Without a trace wire people do not know where to look. Using gas as an example, a gas main line that goes down one side of a street must be registered with Dial Before You Dig. But at the point where it crosses the road into other properties there is no need to register it. If a council or a State government body wants to dig up the road, build a footpath or make some other infrastructure change, lo and behold, when workmen dig beneath the road they will bust through the gas line or possibly a telecommunications cable.

When that happens emergency services, Fire and Rescue NSW are sent out and there is all manner of delay and increased expense in trying to find the source of the problem and rectify it. The problem was created when the gas line could not be found because there was no trace wire. How much

would trace wire cost, members may ask? It has been put to me that, worst-case scenario, trace wire would cost about 5¢ per metre. If we extrapolate that, we are talking about 20 metres for \$1 and 20 kilometres for \$1,000. Considering that between \$20,000 and \$30,000 is the minimum cost incurred when a gas pipe is busted, we can assume that that same \$20,000 or \$30,000 might be better spent on trace wires for the gas line. About \$43 billion is being spent on the National Broadband Network [NBN], but that \$43 billion worth of infrastructure will be completely undetectable. How much extra would it cost to install trace wire? Retrofitting is incredibly difficult. The question is: Do we ignore the need to take action to prevent future problems or do we start addressing the issue today?

Because we cannot detect infrastructure by sweeping for a metal substance underneath the ground, two different techniques are used. One method is to use water spray jets to try to detect the line so as not to damage it when digging—if there is some idea where it is. The problem is that the soil becomes wet and when the land mass on top is re-established on the infrastructure that has just been repaired, changed or amended wet soil will not be used. So the wet soil needs to be put in a truck and taken off site. Once soil is taken off site it becomes a contaminated product and needs to be assessed and disposed of. In New South Wales there is a charge for that. So we have all sorts of operators from all over New South Wales taking their contaminated product into Queensland, where there is no charge for dumping wet soil, for example. An entire industry has developed around the wet vacuum process. Albeit it is good to have a new industry, but at what cost when we are doing basic works? It costs local government and the State and Federal governments tens of millions of dollars a year, and the problem is easy to fix.

NATIONAL TOUCH LEAGUE FINALS

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [9.22 p.m.], by leave: I congratulate the National Touch League for the great competition it held over the last four days of last week in Coffs Harbour. We were privileged to host the National Touch League [NTL] finals. There were 118 teams, from mixed teams to women's teams, and the eventual winners were crowned the national champions. More than 2,000 players and 160 referees assembled at the Coffs Harbour International Stadium. The competition statistics involved just blew me away—one might think having 160 referees is somewhat bizarre. Members can appreciate receiving invitations to events and thinking, "Saturday afternoon—I probably should be mowing the lawns or doing something around the yard but I'll accept the 2 o'clock invitation, go along for the VIP session and then disappear and go home and get some real work done." I arrived about 2.25 p.m. for my 2.15 p.m. invitation and I did not leave until 7.30 p.m. It was probably one of the greatest afternoon's entertainment I have experienced.

Anyone who has not been to a National Touch League football game—the games are played with some intensity, especially at that level—is really missing out. There are teams of 12 or 14 players—there are six in a side at any given time and they interchange on a regular basis—and the speed at which they play the game and the camaraderie within the teams are second to none. Mr Colm Maquire, the Chief Executive Officer of the NTL in New South Wales, and his fantastic team of officials must be congratulated on organising this very complicated, I would suggest, competition. I also compliment the Coffs Harbour City Council on the condition of not just the stadium but also the grounds surrounding it. Hosting 118 teams in a round-robin competition takes a lot of facilities, and care and attention to those facilities prior to the event.

Unfortunately, I must report to the House and to Parliament that there were two Queensland teams in the women's competition, which was won by the Broncos who beat the Titans. Thank God the Titans did not get clean sheeted: They got one try on the board, with a final score of 8:1. Unfortunately, the great New South Wales Country Mavericks were beaten by the Queensland Cowboys in the final by 7:4. I compliment the Country Mavericks. They are a great young team with a heap of enthusiasm but, while their attack was brilliant, the Queensland team's defence was up to the task. They were definitely not disgraced by the final score of 7:4, and I think everyone who watched the final—including all the enthusiasts—were extremely pleased to see it.

I thank the Minister for Sport and Destination NSW for investing in this event, and we look forward to welcoming the NTL back to Coffs Harbour next year. The competition has been held there since 2013, and the facilities provided by Coffs Harbour City Council are second to none. The crowd was fantastic, and the competition was top of the tree and conducted in the right spirit of the game. I congratulate all those concerned and look forward to having the teams back next year—and for many years to come. We appreciate the money they drop in Coffs Harbour every year. Some 2,000-plus visitors over four days gives a great boost to the local economy and reinforces the investment made by Destination NSW.

SYDNEY CENTRAL BUSINESS DISTRICT LOCKOUT LAWS

Mr ALEX GREENWICH (Sydney) [9.27 p.m.], by leave: Sydney needs to have a vibrant night life—which is clearly on display tonight in the New South Wales Parliament. It is two years since the 1.30 a.m. lockouts and 3.00 a.m. closures began in the central business district [CBD] entertainment, Oxford Street and Kings Cross precincts and the Government is reviewing the laws. Kings Cross and the CBD got out of control on weekends late at night because previous governments allowed 24-hour trading to proliferate, making the areas magnets for violence and conflict. Following the death of two young men in Kings Cross, the community demanded action. Reports in the media, police and emergency services indicate the public safety benefits from the lockout laws, with drops in hospitalisations and assaults on Friday and Saturday nights. These improvements are welcome. But it is time to work out which aspects of the laws are producing benefits and which are creating unintended consequences.

In April last year, the Bureau of Crime Statistics and Research reported that the benefits may simply be a result of the reduced number of visitors to the area. The City of Sydney reported drops in foot traffic in Kings Cross by as much as 84 per cent. A number of studies have shown that blanket lockouts do little to curb violence and that it is earlier closing times that reduce assaults. In Sydney a 1.30 a.m. lockout law was introduced with a 3.00 a.m. cessation of service. A number of other restrictions also apply, including a freeze on new liquor licences, temporary and long-term banning orders, identification scanners in Kings Cross, the three-strikes policy, responsible service of alcohol [RSA] marshal requirements, risk-based licensing and drink limits. We need to fine-tune the laws to ensure that violence and anti-social behaviour remain low while maintaining a diverse and vibrant night-time economy that supports music, entertainment and culture. Since the 2014 laws were introduced many venues have closed, including Jimmy Licks, Flinders Hotel, Hugo's Lounge, Soho Nightclub, the Backroom, the Goldfish Bar, FBI Social and the Exchange Hotel, which had six venues including Spectrum and Q Bar. Many were live music venues.

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Owners of existing venues say that patron numbers are so low that they have cut back staff and live entertainment. Smaller venues say that patrons go straight to larger venues that open later to avoid being locked out. Patrons report empty venues with no options to go elsewhere after 1.30 a.m. Many say Sydney's nightlife is suffering and that Sydney has become a laughing stock. While the review will focus on protecting safety, it must also aim to protect cultural diversity, which is essential to ensuring that Sydney remains an attractive place to live and visit. Young, creative people will not stay in or move to a city without a vibrant nightlife. Venues that promote the rich social fabric for our city must remain viable. Those that do not contribute to violence and antisocial behaviour but help to civilise our night culture should not be subject to the same level of restrictions as those with a history of violence and poor management. There is strong evidence that people watching shows drink less. When a live act is on, people engage with the show rather than line up for a drink. People drink less in smaller venues.

While Australia has a binge drinking culture, for the vast majority of people going out is not about getting smashed but about belonging to a scene and being part of a sub-culture—it is about music, art, fashion, dancing and friendship. Some lesbian, gay, bisexual, transgender and intersex people tell me that gay clubs are among the few places they can express themselves. The Minister agreed to my request that the review address cultural impacts and engage with affected people, including people who

go out. I welcome his commitment to host roundtable discussions with affected stakeholders, including the live music industry, youth organisations, NSW Police Force, St Vincent's Hospital, Uber and taxis. Also included will be Keep Sydney Open, which organised the 21 February rally of 10,000 Sydneysiders protesting against the laws. I recently participated in a roundtable with parliamentary colleagues and the live and dance music industries. I acknowledge the goodwill displayed towards a measured approach to ensure a safe and vibrant nightlife.

I support action against alcohol-associated violence and I have long opposed 24-hour trading. I believe planning and licensing laws must prevent areas becoming saturated with licensed premises and that the right to trade late at night should be renewable. Restrictions essential to public safety must apply uniformly across Sydney so that new hotspots do not emerge and inner-city venues are not unfairly disadvantaged. Pyrmont residents report more late-night revellers on the street from the casino. The casino is one of the most violent venues and its exemption does not make sense. It is a sticking point for many. I hope the Parliament can work with stakeholders to find a balanced solution. I call on the House to acknowledge that people want and should be able to go out at night and that it is essential if Sydney is to be regarded as a global city. The review is an opportunity to work towards a safe, civilised, diverse and vibrant nightlife.

Private members' statements concluded.

**The House adjourned, pursuant to resolution, at 9.32 p.m. until
Wednesday 16 March 2016 at 10.00 a.m.**
