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# LEGISLATIVE ASSEMBLY

Tuesday 21 October 2014

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**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.**

**Pursuant to sessional order private members' statements proceeded with.**

## PRIVATE MEMBERS' STATEMENTS

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### PYMBLE DEVELOPMENT PROPOSAL

**Mr BARRY O'FARRELL** (Ku-ring-gai) [12.10 p.m.]: Labor's part 3A was probably the worst planning provision in the State's history. Besides inherent corruption risks, which were highlighted by the Independent Commission Against Corruption [ICAC] in 2010, part 3A allowed Labor Ministers and planning bureaucrats to impose inappropriate developments upon local communities. Former planning Minister Brad Hazzard abolished part 3A following the 2011 State election. While most of the matters covered by part 3A at the time were referred to local councils for assessment and determination, in line with our commitment to local government and local communities deciding local developments, those already underway and being assessed were included in a process overseen by the independent Planning Assessment Commission. One of those developments is situated at Pymble in my electorate.

The development site is located at 1, 1A and 5 Avon Road and 4 and 8 Beechworth Road at Pymble. In July 2013 the Planning Assessment Commission rejected outright a proposal to build 273 units on the site in buildings of up to nine storeys in height with a floor space ratio [FSR] of 0.94:1. In making its decision last year the commission said that any future proposals should be "guided" by the Ku-ring-gai Local Environmental Plan (Local Centres) 2012. This plan is inconsistent with the type of development being proposed. Late last year residents were horrified, and understandably opposed, a revised proposal suggested by the developer which involved construction of 184 units in buildings up to seven storeys in height with an FSR of 0.66:1. As I understand, negotiations followed, sponsored by the Land and Environment Court and involving the developer, the Planning Assessment Commission [PAC] and Ku-ring-gai Council.

I wrote to the council seeking confirmation of that because I strongly share local residents' concerns that they appear to have been excluded or shut out of this process. No communications were shared with residents from this behind-closed-doors process even though the local residents will end up wearing the consequences of any development upon this site. Some might argue that Ku-ring-gai Council represented the local community, but that in no way absolves the council from actively engaging with local residents; nor, frankly, should it allow the council to support any development that is inconsistent with its own 2012 local centres local environmental plan. Residents have described it as their worst fears being realised when on 29 September last a new set of plans for this development site were released.

This latest iteration of the development proposal would result in the construction of 198 units in buildings of up to 10 storeys with an effective FSR of 0.81:1—in other words, a development allowing the construction of buildings higher than those rejected by the PAC in July 2013. It is absurd. Understandably, residents are asking, "How is it possible for a conciliation or negotiation process to actually deliver a worse outcome than that originally proposed?" I am advised that the new plans go to the PAC with hearings set down for 27 and 28 November and from 1 to 5 December. Residents are banking on the commission being able either

to convince the court to reject the proposal outright or to ensure that any compromise proposal involves buildings of much lower height than currently proposed—and, hopefully, in line with the densities guidelines set out in the Ku-Ring-Gai Local Environmental Plan (Local Centres) 2012.

In response to the justified concerns of residents, I wrote to the Ku-ring-gai Mayor urging the council not to support the revised development and to indicate its strong opposition to the commission. I wrote also to the Planning Assessment Commission restating my opposition to the proposed development on the grounds of its scale and bulk, its adverse impact upon the environment and its inconsistency with the local centre plan 2012. I urged the PAC to visit the area during morning and afternoon peak periods as well as the after-school period to see current traffic congestion before making any decision. As I pointed out to the commission, the area in which the development is situated already is subject to significant traffic congestion at those times and increasing density to the extent proposed will exacerbate an already susceptible situation.

It would be irresponsible to permit this development to proceed knowing that it will significantly worsen traffic on local streets and the Pacific Highway, which traverses the area. The traffic problems stem, in part, from the limited access the area has to the Pacific Highway through Beechworth Road and Livingstone Avenue, as well as the constraints imposed by the Pacific Highway's bridging over the North Shore rail line at Pymble. I must note that, despite almost 16 years of urging, Roads and Maritime Services [RMS] has failed to identify to me any solution to the latter problem of the Pacific Highway crossing over the railway line at Pymble. I also note that construction activity would ensure adverse traffic impacts from day one, if approval to this proposal is given.

As I stated at the outset, part 3A was a disaster for local communities, which is why we killed the provision in the State's planning legislation. This Pymble development highlights all that is wrong with this type of approach to planning whereby local residents—not bureaucrats, judges or commissioners—have to live with the consequences. It also highlights how hard it is to kill off the provision for developments that had been progressed before March 2011. That is a frustration and burden that residents will be forced to deal with until this matter is resolved in line with the local centres LEP. It is a burden I share with them and will continue to try to lift from them.

### **CORRIMAL BEACH EROSION**

**Mr RYAN PARK** (Keira) [12.15 p.m.]: I inform the House of a very important issue in my electorate concerning Corrimal Beach, which over the past 12 months has lost an enormous part of its beach area owing to dune erosion issues. Corrimal Beach is home to several hundred junior lifesaving club members, about 300 of whom registered over the past few weeks. Last week I met on site with council representatives, the President of Corrimal Surf Life Saving Club, Tony Cartwright, and members of the club to assess the situation and to see what can be done. Members who are fortunate enough to have an electorate that borders the beautiful Tasman Sea of the Illawarra coast, and the member for Wollongong is one of them, know that we are very fortunate but that the area presents its own challenges.

One of the current challenges faced by the club and the local council is that vegetation that was planted in good faith has caused huge problems, including scarping and the removal of sand from the beach area. The council is slowly addressing the issue, but the issue needs to be addressed more rapidly. The State Government should assist the council to improve the dunes of beaches across the Illawarra. Unfortunately, at this stage Corrimal Beach is low on the list of priorities for Wollongong City Council's rollout. I hope that the council will rethink the issue and that Corrimal Beach will be given a higher priority. The large numbers of people involved in the local club do not want to see the beach completely eradicated with only grassed areas available for beach safety activities.

The council has commenced work at Woonona Beach in my electorate to remove vegetation from the dunes. I have written to the Minister for Natural Resources, Lands and Water and the Minister for the Environment seeking approval for volunteers and members of Corrimal surf club to do some of the required work. I know this is a sensitive area but those people know the area better than anyone else. They do not want to destroy the vegetation; they want to reclaim the sand and restore the beach to its natural beauty. I have asked the Government to consider my requests, on behalf of Corrimal Surf Life Saving Club, to fast-track approvals for this very important work.

If this work is not undertaken quickly, very soon Corrimal Beach will be a small strip of sand. That is not good enough for a community that relies heavily on the beach as a tourist and economic driver and as a

place to cool down in the summer months, protected by the wonderful work that our surf lifesavers do each and every day. It is also a safe place for young children to visit. I believe I speak on behalf of many of the elected representatives who represent coastal electorates.

This is a challenging issue, and we should address it by thinking outside the box. I am aware that unlimited funds are not available. That is why I put forward as a solution to fast-track the work of legitimate volunteers, who have the skills and equipment necessary and are ready to do some of the works that are required, by ensuring that the approval process is not overly cumbersome, costly and time-consuming. In this way, they will be able to complete this important work and restore our beaches, such as Corrimal, to their former glory. I congratulate each and every member of Corrimal Surf Life Saving Club, in particular President Tony Cartwright, and thank them for bringing this important issue to my attention.

### **MAITLAND ELECTORATE INFRASTRUCTURE**

**Ms ROBYN PARKER** (Maitland) [12.20 p.m.]: By March 2015 I will have been a member of Parliament for 12 years. As many members know, I am not contesting the seat of Maitland at the next election. I decided to contest the seat of Maitland at the last State election when I was a member of the Legislative Council because I shared a vision with many people in Maitland that although we had a thriving, aspirational community, infrastructure was needed to manage growth and to maintain our lifestyle. Many key projects have been achieved during this term of Government and significant work has been done on our key election commitments. As part of an outstanding Liberal Government I have been delighted to work very hard with my colleagues to deliver on those commitments.

The Government committed \$45 million for the New England Highway roundabout improvements, which addresses the huge issue of traffic congestion in the electorate. That funding was not matched by the former Labor Government. We committed \$20 million for a new public hospital for Maitland. I note that the health Minister is present in the Chamber. The site for that hospital has been identified, planning is underway and an announcement will be made soon in relation to the next stage. This hospital, which the Premier has said will be delivered within the next five years, is going to be a fantastic hospital for public patients.

The Government has completely rebuilt the Hunter River Community School at Metford, a school for children with a disability. For 10 years the students have had demountable classrooms, which the former Labor Government told them was temporary accommodation. We have spent \$2 million refurbishing Maitland Hospital Mental Health Unit and \$2 million on Maitland's regional civic and cultural hub. We have allocated \$5.6 million to upgrade Maitland sportsground and \$15 million to upgrade Rutherford Technology High School, which will almost completely rebuild the school, with new classrooms, a new performance workshop and new facilities for performing arts and students with special needs.

The Government has spent \$12.1 million on the Hunter Valley Flood Mitigation Scheme, which will help protect 3,000 homes and businesses as well as 18,000 hectares of agricultural land. We have committed \$1.4 million to the construction of a new state-of-the-art fire station at Rutherford. We have opened a \$4 million Rural Fire Service Lower Hunter Zone Fire Control Centre as well as Lochinvar and Thornton Rural Fire Brigade stations at a cost of more than \$800,000, and we have spent \$1.1 million to upgrade the heritage-listed Maitland Court House. As well, we have provided \$482,000 for a new double modular classroom at Bolwarra Public School, and Hunter River Community School received a further \$15,000 for a sensory garden.

The Government has spent \$5 million overhauling Hunter train carriages, and Maitland City Council has received \$28,000 for anti-littering programs and \$42,500 to fight African olive infestation, which is not a big issue in some electorates but certainly is in my electorate. I acknowledge that the former Labor Government implemented the Community Building Partnerships program. I am delighted that we have been able to build on those fantastic projects with a further \$100,000 for my electorate in the next round. Amongst those projects have been \$50,000 for the Maitland Park netball precinct, \$25,000 for Maitland Rugby Club to go towards upgrades at Marcellin Park, \$15,000 for Thornton Redbacks Football Club for seating, \$12,000 for the Country Women's Association hall and kitchen, \$20,000 for the Kiwanis Club to install playground equipment at Millers Forest School, and \$64,000 for an upgrade to the power supply at Maitland Showground.

The Government has spent a lot more on Community Building Partnerships projects and we are working with the community to achieve great outcomes, such as providing \$2,000 to the Walka Model Engineering Society and funding to upgrade the kitchen at Maitland Seniors Community Centre so that it can provide treats at its many functions and broaden its service to the community. The most satisfying thing we as

local members can do is to make a difference to the lives of individuals in our electorates. That is what we have done—made changes that do not make the headlines. My staff have worked tirelessly with me to help people each and every day. That is what makes political life worthwhile. I leave very satisfied with the many changes that I believe would not have been delivered by a Labor government.

**Mrs JILLIAN SKINNER** (North Shore—Minister for Health, and Minister for Medical Research) [12.25 p.m.]: It gives me a great deal of pleasure to thank the member for Maitland for her contribution particularly to the people of Maitland and to this Parliament over many years, most recently as the member for Maitland and previously as a member of the Legislative Council. I have known Robyn Parker for many years from when she was in her role as chair of the Women's Council. She is a woman of great intellect and integrity and she has a great social conscience. The people of Maitland have been served extremely well by Robyn Parker, not only in the area of health but also by her many other achievements in her electorate. I thank her enormously for the amount of work she has done in helping me choose the site for the new Maitland hospital, which will be a public hospital, as she said, and for which the Government has allocated \$20 million. The member for Maitland, Robyn Parker, will be sorely missed.

### TRIBUTE TO VICTOR ORESHKIN

**Ms TANIA MIHAILUK** (Bankstown) [12.26 p.m.]: As all members are aware, a terrible tragedy occurred on 17 July 2014 when Malaysia Airlines flight MH17 was shot down mid-air above Ukraine on a routine journey from Amsterdam to Kuala Lumpur. On board were 283 passengers, 38 of whom were from our nation, and 15 crew members—individuals from 10 different nations who tragically and unexpectedly had their lives cut short on that fateful day. I pass on my deepest condolences to the families and friends of the lost souls who were taken away from us before their time. Many families across New South Wales and throughout the world have been greatly touched by this tragedy. One of the passengers on that flight was Mr Victor Oreshkin, who was 29 years old and a cousin of my husband, Alex Kuskoff.

The Oreshkin family is well known to my family and to many in the Russian evangelical and broader Russian-Australian community, which has made the circumstances surrounding his tragic loss even more heartbreaking. Having visited the Oreshkin household on many occasions, I feel that words cannot adequately describe the strength of character shown by the Oreshkin family in this time of adversity. One will rarely meet a more gentle, beautiful and honourable family. For his loving parents, Serge and Vera, his siblings, Tracey, Sonia and Mark, who lost a dear brother, the many nieces and nephews who will miss a devoted uncle, his beloved grandparents—in particular, Baba Raya—and the many loving friends and family that were touched by his kind and gentle soul, I pay tribute to the life and accomplishments of Victor Oreshkin. As Saint Augustine remarked:

The World is a book, and those who do not travel read only a page.

Victor was aboard flight MH17 that fateful day because he was returning from a five-week holiday in Europe, where he travelled in search of knowledge about his faith and to visit significant religious sites and churches. Victor's return to Australia was in anticipation of a bible studies course he was due to commence the week of his arrival. Victor was raised in the Lidcombe-Berala area and lived at home with his family. He had a love for the outdoors and was pursuing studies in landscape design. Since 2007 Victor had worked for the City of Ryde as part of its ground staff team, maintaining parks such as Ryde's Eastwood Park. By all accounts, he was an extremely hardworking member of the council's staff and took great pride in his daily work.

Victor attended and graduated from Regents Park Christian School in the class of 2002. He fulfilled the motto of the school exceedingly well: to "Grow up into Christ". It was at Regents Park Christian School on 20 September 2014 where my husband and I were among hundreds of mourners who gathered to bid our final farewell to Victor. I take this opportunity to acknowledge the attendance also of Jason Clare, Craig Laundy, Barbara Perry and Councillor Hicham Zraika. Pastors Nikolay Chornenkyy and Alex Minchenko of Lidcombe's Slavic Evangelical Pentecostal Church delivered the eulogies that resonated strongly with the congregation on that day. Victor's loving mother, Vera, and loving brother Mark also delivered heartfelt eulogies that day.

Victor was a devout Christian and parishioner who volunteered many hours a week assisting in the ministry with church duties. Victor would never hesitate to lend a helping hand, whether to set up microphones and turn on heaters in winter or organise activities to strengthen the faith of the local youth. Victor's passing has devastated the small congregation, who have sorely missed his devotion to his faith and community, his close companionship and his tireless work. The day was highly emotional for all, most especially for Victor's mother, Vera, who delivered a touching eulogy. Mrs Oreshkin said:

Victor was a precious gift from God.

As a baby [he was] an angel ... a pleasure of a child who grew into a quietly confident, godly young man ...

Victor had the most pure of souls, but if there was one overriding message that resonated on that day it was undoubtedly one of hope: hope in faith and hope in community. I extend my deepest condolences to the Oreshkin family. I hope they find solace in their son's legacy at this undoubtedly difficult time. Victor Oreshkin was a shining light who inspired others. His passing is a great loss, but he will never be forgotten. Vale Victor Oreshkin.

**TEMPORARY-SPEAKER (Mr Mark Coure):** Order! I thank the member for Bankstown for her private member's statement and pass on my condolences to her and to the Oreshkin family on their loss.

**Mrs JILLIAN SKINNER** (North Shore—Minister for Health, and Minister for Medical Research) [12.31 p.m.]: On behalf of the Government I pass on my condolences and ask the member for Bankstown to extend to Victor Oreshkin's family our condolences also. I thank her for raising the matter in the House.

### CASTLE COVE

**Mr JONATHAN O'DEA** (Davidson) [12.32 p.m.]: The suburb of Castle Cove will be welcomed into the Davidson electorate at the 2015 election following electorate boundary redistributions. Originally known as Little Sugar Loaf Peninsula, Castle Cove is on the western side of Middle Harbour and neighboured by Roseville, Chatswood, Willoughby and Middle Cove. Castle Cove was explored by Governor Phillip in 1788, but the rugged terrain did not attract him. The Indigenous population, the Cammeraygal people, were left to inhabit the area until 1820. By 1830 no Aboriginal people followed a traditional lifestyle in the area, although the area remained largely undeveloped until the 1950s. The first grant purchase was in 1858, by Dr H. G. Alleyne. By 1878 almost all the land on the peninsula had been sold. In 1886 most of the area had been resold to Andrew Armstrong, who formed the Cammeray Estate Land Company with a view to developing the area but went into liquidation following the depression of the 1890s.

Castle Cove is named after the estate of the Hon. Henry Hastings Willis, its first permanent resident, who acquired 52 acres of land and set about building a large castle-like house in 1903 from sandstone quarried on the site. He took the adage of "a man's home is his castle" quite literally by naming his expansive residence "Innisfallen Castle" after a ruined abbey at Killarney in Ireland. The residence is in the late Gothic-perpendicular style and has had only three changes of ownership. The interior joinery is of cedar with impressive seven-foot doorways and ceilings 14 feet high, channelling a strong Federation theme with countless Australian wildflowers depicted in plaster and stained glass throughout. Interestingly, the Willis family had a penchant for politics. Henry Willis was the member for Robertson in Australia's first three parliaments, and his son was an alderman and Mayor of Willoughby.

In about 1907 the State Government resumed 58 acres of land on the peninsula as a buffer zone, which became known as Explosives Reserve. This reserve remains undeveloped and features some of Sydney's most pristine, untouched bushland areas and walking tracks. In 1920 Sir Walter Burley Griffin named the area "Castlecove" due to the prominence of Innisfallen Castle. That same year he purchased 650 acres of virgin land on the western shores from the English liquidators of the Cammeray Estate Land Company. The northern parcel of the land was located on Little Sugar Loaf Peninsula and he decided to commence developing his visionary waterside garden suburbs on the southern parcel of land, which he named "Castlecrag".

He named the middle portion "Cove Crag", now known as Middle Cove, and the northern peninsula was named "Castle Cove" after the castle-like residence that stood so prominently on the peninsula. Castle Cove hosts a charming and convenient local shopping village, along with a range of fabulous recreational attractions, such as the historic nine-hole Castle Cove Country Golf Club that was designed by Sir Walter Burley Griffin in 1924. In 1957 fire destroyed the clubhouse. A new clubhouse was opened in 1965. The suburb also boasts a number of parks and reserves, Tennis Cove, a local library branch, Puppeteria, Middle Harbour waterways, Headland Lookout and local bush reserves with a series of walking tracks following the shoreline.

In 1952 a centrally located coeducational public school, Castle Cove Public School, was founded as Roseville East Infants School. It was renamed Roseville East Public School in 1953 and became Castle Cove Public School in 1957. It accommodates students from kindergarten to year 6. Castle Cove has come a long way since then, with statistics from the 2011 census showing the suburb population is 2,523, with a median age of 44 and full-time employment rate of 57.4 per cent; 56.6 per cent of families in the suburb are couples with children; and 21.1 per cent of residents are aged 65 years and over, some of whom reside in the recently built resort-style Watermark Retirement Village. I acknowledge the excellent past representation by the member for Willoughby, Gladys Berejiklian. However, I look forward to soon welcoming Castle Cove as a new addition to the Davidson electorate and representing its residents.

### BARWON ELECTORATE HIDDEN TREASURES

**Mr KEVIN HUMPHRIES** (Barwon—Minister for Natural Resources, Lands and Water, and Minister for Western NSW) [12.37 p.m.]: The Barwon electorate has added the names of seven women to an important list acknowledging their volunteer roles and valuable contribution to New South Wales rural communities. The women are: Daphne Betts from Nymagee, Beth Brown from Walgett, Anna Corby from Nyngan, Michelle Houldcroft from Garah, Christina Johansson from Jacks Creek, Margaret McConnaughty from Kenebri and Bemadette Underwood from Pilliga. These inspiring women have been formally recognised in a unique annual honour roll known as Hidden Treasures. The honour roll was unveiled by the Minister for Primary Industries, Katrina Hodgkinson, at the 2014 NSW Rural Women's Gathering held in Coolamon last month. This honour roll provides a long-lasting legacy to the tireless women volunteers who are the backbone of rural and regional communities. It is a way of saying thank you and honouring what they do—and I fully support this acknowledgement, particularly for the hardworking women in our local communities.

More than 500 New South Wales women are now enshrined on this special honour roll and it gives me great pleasure to see so many Barwon women featuring prominently on it. There are far too many women doing a great job across regional centres and small villages to recognise. These women play an extremely important voluntary role by providing support to community organisations, local businesses and, of course, families. I am very pleased the New South Wales Government has announced a \$30,000 sponsorship package for the next annual Rural Women's Gathering, to be hosted by women from Glen Innes in 2015. Women's gatherings provide opportunities for women from diverse backgrounds to come together to build resilience, learn, share experiences and support each other while gaining access to decision-makers, information and service providers. Women's gatherings are open to all rural women across New South Wales, including farming women, Aboriginal women and women from culturally and linguistically diverse backgrounds.

### TORONTO HIGH SCHOOL

**Mr GREG PIPER** (Lake Macquarie) [12.40 p.m.]: Today I highlight the remarkable achievements of one public school in my electorate, Toronto High School. Toronto High School has been at the centre of much media attention in recent months—and for all the right reasons. The school has undergone a transformation in recent years, and this has been documented in the book, *A Class Act*, written by journalist and former Federal member of Parliament Maxine McKew. The book tells of extraordinary education success stories that have taken place in classrooms throughout Australia, and Toronto High School is one of the case studies. Six years ago Toronto High School was going through a difficult period. As Ms McKew described the situation in a recent article on the scholarly website *The Conversation*:

"Attendance was poor, family and community engagement non-existent and student behaviour was such that the local police were among the school's most regular visitors."

Despite the well-intentioned efforts of many staff, students were not thriving, and there was a feeling among many parents that the school was failing their children. Principal Mark McConville arrived to this environment and set about making changes, with the support of hardworking teachers and support workers. What they have achieved is a complete cultural change. Teachers are implementing cutting-edge educational methods. The school has taken to heart the idea of learning through inquiry, so disciplines are crossed. A maths class that starts in one area can quickly move into accelerated mode if that is where student discovery takes it. As a result student cognition is developed. They have developed partnerships and engagement with the community outside the school.

School pride has been reinstated, and I witnessed this first-hand when I attended the recent induction of the 2015 school leaders and the handover of captaincy duties from the 2014 team of Ethan Stothers and Carla Hill to the incoming pair of Bailey Andrews and Gemma Driscoll. The school leaders accepted the honours with pride. The whole school attended the ceremony and all students were engaged throughout. At the end they all sang the school song—a tradition Mr McConville has reintroduced. The latest New South Wales school report shows that Toronto High School is meeting its aims of maintaining a caring, ordered and disciplined environment, where quality education and personal development help students prepare for life and work. Each student has access to an appropriate, inclusive, engaging and challenging curriculum. Quality teaching and learning opportunities are provided by experienced teaching staff who strive to help students reach their potential.

With modern facilities, the school seeks to ensure a comprehensive program of education for all students to give them the knowledge, understanding, skills and values they require to live rewarding and



fulfilling lives. In 2013, 100 per cent of year 12 students who completed their studies attained the Higher School Certificate [HSC] or equivalent vocational education qualification, and about half went on to higher education. Continuous improvement is evident in all areas of the school. Recently the school was recognised as a Powerhouse School by Social Ventures Australia, one of eight exceptional education establishments in Australia, for its outstanding results achieved for students in disadvantaged communities. This philanthropic organisation has highlighted how Toronto High School develops detailed and meaningful personal learning plans for each student and that it is now strongly engaged with its community.

As a Powerhouse School, Toronto High School has access to strategic planning support, mentoring and resources to develop opportunities that support its continued success. The students are now proud to be ambassadors for their school. They want to be there to learn. They value their ability to participate actively in society, with care and respect for themselves and those around them. They are role models for the community. There is a true sense of achievement in the grounds, which are tidy and orderly, and in students working hard in subjects with which they are engaging. Secondary school education is the key to the development of young people. Every student counts.

It is highly prudent that, during the busy and stressful HSC exam period, we all remember that these young people will be the leaders of tomorrow and that right now they need the support of a strong education system. It is for that reason we must invest in and celebrate their achievements beyond their Australian Tertiary Admission Rank. I am incredibly proud of the accomplishments of Toronto High School in my electorate. It is a shining beacon of success for other schools across New South Wales, and I hope that it continues to inspire in each of its students a love of learning and, by doing so, maximise their life opportunities. I thank the Minister for Education for his investments in these schools, and I commend the success of Toronto High School to the Government.

### **FIESTA KULTURA**

**Mr KEVIN CONOLLY** (Riverstone) [12.45 p.m.]: My electorate of Riverstone is home to a substantial Filipino Australian community. As such, I am frequently invited to attend celebrations involving that community. It is my pleasure to update the House on the annual Fiesta Kultura, held at Fairfield Showground on Monday 6 October—the long weekend. This is reported to be the largest gathering of Filipinos anywhere in the world outside the Philippines. I am not sure who has checked that, but I can attest it is certainly a very large gathering. Special guests included the Consul-General of the Philippines in Sydney, the honourable Anne Jolando-on Louis; Senator Concetta Fierravanti-Wells; the Federal member for McMahon, Chris Bowen; the member for Smithfield representing the Premier; the Leader of the Opposition; the Mayor of Blacktown, Stephen Bali; Councillor Bacha of Fairfield City Council; and as a special guest on the occasion visiting Filipino Congressman Lito Atienza, a former mayor of Manila.

The event was organised by Philippine Australian Sports and Culture [PASC] Inc. Its President is Manny Castillo, OAM, and committee members include Lolita Farmer, OAM, a founder of the organisation; Marivic Flores; Danny Garcia; and Benjie Lualhati, among many others. A highlight of the occasion is the annual Miss Philippines Australia contest. This year it was strongly contested; there were six entrants in the main field, as well as a number in the charity queen section of the event. That certainly attracted a great deal of attention and many passionate supporters from various parts of the Filipino Australian community. There were stalls aplenty across the showground offering food and drink, arts and crafts, products and services of all sorts to and for the Filipino Australian community.

The most obvious characteristic of any Filipino Australian event is that Filipinos love to entertain. They love to be on stage; they love to sing, dance and perform. There were not just one or two stages at this event; three stages were continuously occupied throughout the day with marvellous, high-profile acts performing, no doubt at great expense, for the entertainment of the many people present. Some of the performers were Trill, Majik Honey, Kelebek, Eric Miranda, Frenchie Dy, Ken Chan, M7—which I am told is a Sydney dance band, not a motorway—3D Reborne, the Blackout Dancers and Kookies N Kreme. This was a great event involving many people, and I congratulate the organisers who each year come up with something bigger and better to celebrate Filipino Australian culture and the contribution of Filipino Australians to their new home.

The organisation that runs this event, Philippine Australian Sports and Culture, has a long history dating back to 1976. Like a number of migrant groups to Australia, people from the Filipino community wanted to come together to play a sport with which they were familiar, and basketball was the big one that was attractive to Filipinos who had come to this country. In 1976 a number of basketball teams got together to

launch the first Palarong Pilipino as part of Philippine Independence Day celebrations at the St Columbian's College seminary grounds at Turramurra. This went so well that in years to come various sporting events were organised among Filipino Australians to celebrate and bring together their countrymen in their new home.

In 1979 a group of officials formally became organised as the Philippine Australian Sports Council and based the new body at Bankstown Stadium. Among the executives were Manny Castillo, Danny Garcia, Joe Canlas, Oscar Salcedo, Bob Gonzalez, Tony Chiapoco, Armando Gutierrez, Roger Angara and Rolly Villa. Although the popular sport of basketball had been the backbone of the PASC's activities, the then council catered to the interests of the Filipino community in other sports such as tennis, tenpin bowling, golf, softball, chess, table tennis, darts and—if only briefly—swimming. In more recent years it has branched out into cultural activities. As we have heard, the entertainment at its gatherings makes a significant contribution to showcasing Filipino culture in Australia. The Fiesta Kultura has been used as a fundraiser for many Australian and Filipino charities and has made worthy contributions over the years.

**Mrs JILLIAN SKINNER** (North Shore—Minister for Health, and Minister for Medical Research) [12.50 p.m.]: I commend the member for Riverstone for highlighting the tremendous contribution that the Filipino community makes to his electorate. I have enjoyed the experience of listening to the singing of many people with a Filipino background, particularly Michael who works in the Multicultural Health Communication team. He is absolutely fantastic. He cannot help but sing whenever someone visits. I draw attention to last night's winner of *The X Factor*, Marlisa, who is a young Filipino girl. She thinks that the only people who voted for her came from electorates in Western Sydney and from her school. She is wrong; I voted for her.

### MYALL LAKES COMMUNITY AWARDS

**Mr STEPHEN BROMHEAD** (Myall Lakes) [12.51 p.m.]: Last Saturday the Myall Lakes Community Awards were held in Taree. It was a fantastic occasion. The awards are well thought of and highly sought after in the community. Approximately 300 people attended to watch the awards. I was assisted by Wendy Machin, a former Minister in this place. The attendees appreciated her presence and enjoyed listening to her speaking about volunteers. The awards are about recognising volunteers and others who work for no reward to make our communities a better place. Volunteers do not ask for remuneration and they do not look for recognition; they go about their work quietly in our communities. As a result our communities are much better places, because neither this nor any other government could afford to pay volunteers for the hours they work.

During the day we presented two Premier's awards. The first recipient was Curtis Landers. Members might remember that Curtis is the young rugby league player who broke his neck while playing at Port Macquarie. His injuries were extremely serious and it was not known whether he would survive, let alone walk again. I remember visiting him in North Shore Hospital when he was intubated. He became distressed when the tube was removed and staff were unsure whether to reinsert it. Curtis has made a miraculous recovery that has shocked his doctors. Although he wears a neck brace, he is walking, which was not expected. The second recipient of a Premier's award was Bruce Moy, who was born and bred in the Manning Valley. He is a local businessman who has made a significant contribution to stock and station agent work and to Rotary. Bruce is a life member of the Taree Show Society and a life member of the Wingham Show Society. He has made a phenomenal contribution to the community, which was recognised on the day.

Matthew Koch and Caitlin McLeod were the two finalists for Young Person of the Year, and Caitlin McLeod was presented with the award. Senior Person of the Year finalists were Leonie Bell, Eric Penfold, Ray Long, Pat Trotter, Barry White and Heather Harman. The award went to Ray Long. Junior Sports Person of the Year finalists were Blue Evans—a fine cricketer—Todd Riches and Chloe Northam. The award went to Todd Riches. Senior Sports Person of the Year finalists were Reece Turner, Kasper Fiebig, Sam Hartnett and Nick Larkin. The award went to Kasper Fiebig, who has represented New South Wales and Australia on a number of occasions in canoeing, diving, swimming and other sporting events.

The Community Group of the Year nominations included Wingham Show Society, Manning Support Services Inc., Great Lakes Hospice Inc., Greak Lakes Knit and Spin Inc., Camp Quality-Manning Valley Support Group, Quota International of Taree, Quota International of Foster Tuncurry Inc. The Great Lakes Hospice Inc. won the Community Group of the Year Award. Citizen of the Year finalists were Judith Cluss, Beverly Crisp, Gae Merchant, Greg Blanch, Christina Whitbread, Mark Searles and Bob Curtis. Judith Cluss won the Citizen of the Year Award.

As I mentioned earlier, Caitlin McLeod was the recipient of the Young Person of the Year Award. Caitlin attends year 12 at Taree High School. She has been a proactive and passionate member of the

Student Representative Council [SRC] for the past two years and has led the 2014 SRC Environment Committee. She has received the prestigious Taree High School Principal's Award for 2014. She is a member of the Manning Youth Action Team, which focuses on youth matters in Taree and surrounding areas, including the Live'n' Loud concert that allows local youth to showcase their talents. Caitlin has helped to promote cooperation and healthy relationships through The Amazing Race, which was an afternoon of group activities and challenges that ended with a free after-dark movie in the park.

Caitlin facilitated the 2014 Youth Week Forum and worked on the regeneration of Brown Creek and Cattai Wetlands. As an SRC member, she has increased student awareness of excessive electricity usage by reducing the number of lights used at the school. For the past two years Caitlin has been a member of the Manning Clean Water Action Group and has spoken at a rally against coal seam gas. She is also a member of the Taree High School choir and has sung with Sinfonia Mid North Coast. Caitlin was described by her nominator as an all-round wonderful person who embodies the ethos of this award. I wish Caitlin the very best in her Higher School Certificate exams. I know that she will go on to bigger and better things.

### INTERNATIONAL COMMUNICATION PROJECT 2014

**Mr STUART AYRES** (Penrith—Minister for Police and Emergency Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Western Sydney) [12.56 p.m.]: Recently I had the pleasure of attending a breakfast to promote the International Communication Project 2014, which was hosted by a Penrith speech pathology practice, Belinda Hill and Associates. During the visit I had the opportunity to tour the clinic and receive a presentation from staff. I also met many of the local families who attend the practice. The International Communication Project 2014 and Speech Pathology Australia have inspired health and educational professionals from around the globe to promote the importance of communication and raising awareness about communication impairments.

Communication is one of the most fundamental human rights. Everybody needs to be able to communicate to fulfil their social, educational, emotional and vocational potential. Interestingly, I noted that 46 per cent of youth offenders identify as having impaired speech and a difficulty with language. I also learned about the work of the Speech Pathology in Youth Custodial Education Project, which highlights the importance of speech pathology intervention for this vulnerable group. The importance of early intervention to deal with communication difficulties is clear, given the poor long-term outcomes associated with language difficulties. It is therefore critical that private services and government collaborate effectively to support individuals with their communication disability. It was also interesting to hear about the prevalence and significance of issues within the aged care sector and the importance of communication for the elderly.

One member of staff, Scott McVicar, gave a personal perspective as someone living with communication challenges associated with a traumatic brain injury. He related the role that speech pathology played in his initial recovery 17 years ago and the impact it continues to have in his daily life. Scott was emotional and it was hard to stay dry-eyed while listening to his struggles about learning to talk to people again. Scott has been employed by the practice for the past 15 years and it was inspiring to witness his remarkable resilience firsthand. The breakfast was attended by a diverse cross-section of people who value communication and the positive effect that speech pathology has for people of all ages, particularly its impact on families. I acknowledge the speech pathologists who work at the practice: Carly Bignill, Michaela Cooper, Jessica Litchfield and Nicole Wineberg. They each do an outstanding job helping the many people who attend the practice and are strong advocates for good communication skills. I also recognise for their efforts in facilitating the morning's presentations staff members Melissa Haynes, Betty Jones, Jenny McVicar and Scott McVicar.

I particularly thank the practice director, Belinda Hill, for championing the cause of the International Communication Project. Belinda was recently appointed to the board of Speech Pathology Australia, and has operated a practice in the Penrith area for more than 20 years. She is also the Clinical Education Manager within the Department of Linguistics at Macquarie University. Belinda has authored a number of programs which are currently used by schools right across the country, as well as raising thousands of dollars for a number of local causes. She is truly a local champion in the Penrith region. I know that a number of people who work for her recognise her dedication to her profession and to her local community.

Belinda has a strong interest in rural service provision. She is involved with developing a pilot project for rural clinical education and service provision using telepractice technologies. She is also working on a project that will coordinate free or low-cost student speech and audiology services to at-risk Indigenous

children. I congratulate Belinda Hill on her ongoing advocacy in the speech pathology sector, and I know that as a board member of Speech Pathology Australia she will be a strong and passionate voice for Western Sydney. Most importantly, like Belinda and all the other people I met that morning, we encourage and support the work that is being done by the International Communication Project.

If there is one thing that I recognise working in this place, it is how valuable it is to be able to engage and communicate with one another. It would make for a very different place if we could not communicate across this table, in our own communities and in our own families. The work of the International Communication Project, and speech pathologists across Western Sydney and Penrith and dare I say in rural and regional areas, is making a profound difference.

#### **NSW CARERS AWARDS 2014**

**Mr ANTHONY ROBERTS** (Lane Cove—Minister for Resources and Energy, and Special Minister of State) [1.01 p.m.]: I acknowledge several outstanding members and organisations from my local community in the Lane Cove electorate. Last week, as many members know, was Carers Week. It is a time for the community to not only engage with carers in our community but also honour their selfless service. In Hunters Hill during Carers week two extraordinary people and two local community groups were recognised for their dedication to their fellow man, when they became recipients of the 2014 NSW Carers Awards.

The NSW Carers Awards acknowledge and celebrate the enormous contribution that carers throughout New South Wales make, not only to the people for whom they care, but also to their respective communities. This year's recipients were: Ms Nancy Farrell of Gladesville, Mrs Marilyn Jones of Ryde, the Hunters Hill-Ryde Carers of Autism and Diverse Disabilities and the Hunters Hill-Ryde Carers of Aged. Ms Farrell has dedicated her life to caring for two family members who suffer from life-affecting and complex health problems. Mrs Jones has spent 40 years serving as a carer in the community. Despite the enormity of her role as a carer, Marilyn has found the time and the energy to be instrumental in the founding of an advocacy group for the provision of supported accommodation for adults with intellectual disability. These remarkable ladies help make our society become not only a more humane place but also indeed a better place for all in which to live.

The Hunters Hill-Ryde Carers of Autism and Diverse Disabilities [CADD] group began with only three families and has now grown to an impressive 14. Coming from a range of different cultures, they support, educate, accept and inspire each other in an environment where everyone is given the opportunity to be heard. As one carer stated, "I find when I share within the group, everyone understands me." The Hunters Hill-Ryde Carers of Aged group was established nearly 10 years ago. The group provides an opportunity for carers to come together to share their experiences and learn from one another in a non-judgemental environment. Carers increase their knowledge through guests speakers and, perhaps most importantly, supporting each other. Both those organisations are integral parts of the Hunters Hill-Ryde Community Services.

It was fitting that the representative of both CADD and the Hunters Hill-Ryde Carers of Aged group was Rosemary Liu who received the awards. Rosemary has served as Carers Support Coordinator for Hunters Hill-Ryde Community Services for nearly four years. As a society we all know we must do more to recognise those of our fellow citizens who often do unrewarded and selfless work for our community. I am always delighted to hear about community-minded organisations and individuals who have been justly rewarded for their service. To be frank, the world needs more people like Rosemary Liu, Nancy Farrell and Marilyn Jones. It is people like those three outstanding ladies that make our State a better place as they are an exceptional example of service to the rest of the community. I am sure all in this House would join with me in commending the selfless work of these individuals and organisations who help to build a stronger community. In particular, I also pay tribute to those three fantastic ladies' families for the support they give and the joy and assistance they have been able to give one another. Once again, I commend them and wish them and all of theirs the very best of health in the future.

#### **BISHOP OF PARRAMATTA AWARDS OF STUDENT EXCELLENCE**

**Dr GEOFF LEE** (Parramatta) [1.05 p.m.]: I take this opportunity to pay tribute to the Most Reverend Anthony Fisher, OP, for his spiritual, pastoral and community leadership in the Parramatta diocese. The Most Reverend Fisher exemplifies these values by his leadership in education. Recently I had the privilege of attending the Bishop of Parramatta Awards for Student Excellence at the magnificent St Patrick's Cathedral, in the heart of Parramatta. Most Reverend Anthony Fisher, OP, Bishop of Parramatta presided over a wonderful

ceremony that recognised outstanding students for their work and community participation. The presentation of awards provides an excellent opportunity for deserving students to be recognised in the presence of Bishop Fisher and Mrs Sue Walsh, who is the relieving executive director of schools.

Many hardworking students were recognised for their achievements, and I bring to the attention of the House five exceptionally talented and deserving students from wonderful Parramatta, the capital of Western Sydney. They are: Brigitte McIntosh, St Patrick's Marist College, Dundas; Casey Portors, Catherine McAuley, Westmead; Stephen Samson, Parramatta Marist High, Westmead; Joseph Wehbe, Maronite College of the Holy Family, Parramatta; and Shirley Wehbe, Our Lady of Mercy College, Parramatta. I salute the wonderful work of Reverend Father John McSweeney who, after a long tenure at St Patrick's Cathedral, has taken up the reins at Stanhope Gardens. I am pleased to welcome Reverend Father Robert Bossini, who takes over as the new Dean of the Cathedral.

With approximately 24 per cent of students in Western Sydney coming under the guidance and tutelage of the Catholic school system, we are truly fortunate to have such passionate, talented and supportive leaders giving students a great start in life. I refer to leaders such as our school principals: Tony Hughes, of St Mary's Primary School in Rydalmere; Gary Borg, Mother Teresa Primary School, Westmead; Bernadette Sabri of St Patrick's Primary School, Parramatta; Mary Ann Gatt-Petrini, St Bernadette's Primary School, Dundas Valley; Louise O'Donnell, of St Monica's Primary School, North Parramatta; Stephen Walsh, Our Lady of Mercy College, Parramatta; Laetitia Richmond, Catherine McAuley High School, Westmead; Angela Hay, St Patrick's Marist College, Dundas; and Brother Patrick Howlett, Parramatta Marist High School, Westmead, about whom I have spoken in this House before.

Next week I am honoured to join other leaders in a civic celebration at Cathedral Hall, St Patrick's Cathedral in Parramatta to farewell Bishop Fisher who has well served the life and work of the Catholic Diocese of Parramatta during the past four years. Bishop Fisher has contributed much to Western Sydney. Recently he personally comforted grieving families affected by the Blue Mountains fires in 2013 and was at Springwood last week to award a Papal Award to the primary school principal who led students to safety while his own home burnt to the ground. Bishop Fisher initiated a Blue Mountains Bushfire Appeal that raised funds to set up an office in Springwood to help with immediate needs of the community.

Bishop Fisher developed the Faith in Our Future Pastoral Plan 2014-2018—a five-year community plan inspiring faith and service to the people of Western Sydney. After extensive consultation with the community, specific programs have been implemented to support families and young people as well as celebrate the diversity of Western Sydney. The bishop also hosted a forum with government, social and religious leaders to seek solutions for homelessness in Western Sydney. He has overseen the establishment of a new seminary at Harris Park to accommodate the increasing numbers of young men seeking to enter the priesthood. Again I take this opportunity to congratulate the Bishop of the Catholic Archdiocese of Parramatta on his new appointment and wish him well as he takes on greater responsibilities for the welfare, education and spirituality of current and future generations.

**ACTING-SPEAKER (Mr Mark Coure):** Order! I thank the member for Parramatta for his contribution. I too, on behalf of both sides of the House, congratulate the archbishop on his recent appointment. He did an outstanding job at St Patrick's Cathedral, and incidentally that is where my wife and I got married.

### **NSW/ACT YOUNG ACHIEVER AWARDS**

**Mr DAVID ELLIOTT** (Baulkham Hills—Parliamentary Secretary) [1.10 p.m.]: I stand in the Chamber today thankful for the opportunities the Premier has given me in my official capacity as Parliamentary Secretary to the Premier for Youth, Homelessness and the Centenary of Anzac, particularly the portfolio of Youth. On Friday 26 September I was requested to officially open the NSW/ACT Young Achiever Awards at the Sydney Masonic Centre Conference and Function Centre in Sydney. The awards are fantastic in that they are designed to encourage and recognise the achievements of young Australians in seven categories. Entry into the awards is open to all Australian men and women aged between 12 and 28 years of age.

The seven categories in the NSW/ACT Young Achiever Awards include: the AustralianSuper Career Kickstart Award, the Santos Indigenous Achievement Award, the Australian National University Science Leadership Award, the Coffee Club Arts and Fashion Award, the Bartercard Leadership and Innovation Award, the Who Printing Environment and Sustainability Award, and the Freemasons of New South Wales and ACT Community Service Award. I applaud these awards as they are designed to encourage young people in

New South Wales to see that dreams can become a reality and that there is truly reward for effort. Each of the category prize winners will receive \$2,000 and a handcrafted glass trophy. I know there will be many worthy nominees in my electorate of Baulkham Hills as I know there are many young people there who are driven to excel.

During the opening ceremony of the Young Achievers Awards I was able to share that, as the Parliamentary Secretary to the Premier for Youth, I hosted a roundtable on 29 August at Parliament House. We had over 20 representatives from the youth sector, representing a broad cross-section of service providers, including church groups, Muslim youth leaders, chaplaincy providers, youth advocacy agencies, the Western Sydney Wanderers—who were robbed in their game last week; but that is a matter for another private member's statement—and many others. I was expecting to hear how the Government had failed our young people or how laws needed to be changed. I was ready for the inevitable call for more financial investment in the youth sector and to hear about how governments both past and present seem to ignore young people.

To my surprise and delight, the overwhelming majority of feedback and input across the board from the representatives present at the youth roundtable was that young people have a desire and need for mentors. I note that the member for Castle Hill is sitting at the table. He is mentoring a number of people in The Hills Shire at the moment through his Castle Hill Leadership Program, as is Federal member of Parliament Alex Hawke, who runs the Mitchell Youth Leadership Forum. In the very robust, frank and energetic discussion—which, I must point out, was always extremely positive in nature, presentation and outlook—it became clear that young people are desperately looking for mentors and that the programs that are most effectively delivering positive, life-changing outcomes are mentoring programs.

The programs needed are not exclusive to any one area or genre; they cover many facets of life, from financial mentoring to positive life choices, health and wellbeing, and even entrepreneurialism. A major factor that was raised, welcomed and agreed upon was that our young people are an extremely valuable resource. With positive encouragement and direction, the youth of New South Wales are very keen to excel. They are a generation that, when guided in the right direction, understand reward for effort and achievement through sacrifice. The resounding message from the group of youth industry professionals was that we as a community need only invest our time, encouragement and wisdom in young people and they will develop into the assets to our society they have the potential to become, and not liabilities as they are often labelled.

Brett Murray, who works for me part-time and is an author on youth policy and bullying, always says, "Speak to a child's potential, and they will rise to it." The discussions around the table confirmed the African proverb which says, "It takes a village to raise a child." Further to this discussion, it was brought to our attention that indeed there is a disparity in the funding that is spent on youth issues but not specifically titled as such. Youth issues are covered under the heading of many portfolios that specifically deal with and include youth; for example, the portfolio of education, which obviously covers young people. It is a bottleneck of society. It is not described as youth funding yet this is the realm where all young people are educated.

There is the portfolio of sport. How many children across New South Wales participate in sport every weekend, and yet sport is not recognised as involving youth or being a youth issue. It is in playing sport that young people learn values that they will take with them throughout life—not to mention the memories of loss and defeat, and victory and success—the value of teamwork and commitment, of never giving up and having fun with friends. There is the juvenile justice portfolio, which is focused only on young people and yet is not classed as a youth issue. Another issue is mental health. In 1920, at the beginning of the Great Depression, the average age of onset for depression was 29. Today the average age of onset for depression is 14, and 6.3 per cent of young Australians aged 16 to 24 have experienced an affective disorder in the past 12 months.

Our juvenile detention budget for the incarceration of just over 5,000 young offenders per year is \$1 billion, yet the entire youth budget for the remaining 1.3 million young people in New South Wales is offensive at just over \$6 million. Our young people are the community's greatest asset and therefore the greatest investment we can make in our future is to invest in our youth. They are the leaders of tomorrow. They will copy the leaders of today. What kind of example are we setting for our young people? The New South Wales Government is a Government of vision, with a plan and a purpose to build a better future for our children and our children's children. We believe in the youth of New South Wales. We believe in their potential. We believe in their abilities. We believe that, with the correct guidance and mentoring, our State will be in very good hands.

### **BLUE MOUNTAINS BUSINESS AWARDS**

**Mrs ROZA SAGE** (Blue Mountains) [1.15 p.m.]: One of the important events on the Blue Mountains business calendar is the annual Biznet Blue Mountains Business Awards. Biznet is a group of Blue Mountains

businesses similar to a chamber of commerce which fosters networking within the business community. A recent development has been the formation of a combined Blue Mountains Regional Business Chamber, which includes Biznet, as a regional chamber of commerce. This year there were a record number of entrants, demonstrating the renewed interest of small businesses in coming together to give them a stronger voice. We were reminded of the impact of the disastrous bushfires of October 2014 on business by Vent Thomas, the Biznet president. Last year at this time, the bushfire was happening. There were numerous last-minute cancellations, including mine, as business owners and employees left to protect their homes. It was, I was told, an "intimate" affair. Businesses are bouncing back and the climate is generally positive.

This year the event was held at the Fairmont Resort at Leura, with magician Jack Black as our master of ceremonies. Entertainment was provided by the Blue Mountains Musical Society, with a brilliant medley of songs from the musical *Cats*. The professional and high-quality performance by a largely amateur company was outstanding and showcased the depth of talent in the Blue Mountains. I especially acknowledge Heather Shepherd, who always does a tremendous job putting together the event—even this year when she had recent health concerns. For Heather, the show must go on.

The winners of awards this year were: Robert Lee of Mortgage Choice Blaxland, who won the business services award, with Choice Home Loans highly commended; Nepean Regional Security, who won the customer service award; and Creative Queen Bees, who won the new business award, with Ask Roz highly commended. The employee inclusion award, sponsored by Nova Employment, went to Stainless Steel Worx. This award celebrates those businesses that have taken the opportunity to employ a person with a disability. Nova Employment is a business which helps transition people with disability into full-time work. Highly commended in that award category was La Montagna cafe in Winmalee.

The retail business award went to aBrasKadaBras, a business with an interesting name which stumped many, especially the male announcers trying to pronounce it. The employer of choice award went to Nepean Regional Security. The employee of the year award went to Denise Schoer of Bygone Beautys. I have been served by Diane at Bygone Beautys and can attest to the great service she gives. The young entrepreneur award went to Kellie Gracey of Euphoria Hair and Beauty. The tourism business of the year award went to the Blue Mountains National Park. Encouragement awards were given to Angophora Arborist and Stainless Steel Worx. One of the big winners of the night was Rubyfruit, a relatively new boutique vegan bakery and cafe in Leura. They won awards in the categories of excellence in innovation and hospitality, and the prestigious people's choice award.

The outstanding business winner, Blue Eco Homes, owned by Joe and Merrylese, won awards for excellence in sustainability, excellence in business ethics, excellence in small business, business leader over 35 and the prestigious Harry Hammon business of the year. Joe and Merrylese own a building business at Yellow Rock that was also directly affected by the fires. Fortunately their house was only damaged and has now been repaired. However, they lost the workshop and some of the motor vehicles so needless to say they were not able to trade for a period of time until tools could be replaced.

During this period the NSW Business Chamber, which was also presenting the awards, gave \$5,000 to those businesses directly affected by the fires to enable them to get back on their feet. Over the years Joe and Merrylese have won many business awards, representing the innovations and high standards they have achieved with their building business. I congratulate all businesses that reached the finals. The local business chamber has collaborated with the NSW Business Chamber to align seven of the categories for the NSW Business Chamber awards.

It has been a very trying year for the Blue Mountains region and for businesses because of the disastrous bushfires. The fires were at the extreme end of the Blue Mountains—at Mount Victoria and in the Winmalee area—yet unfortunately all businesses in the Blue Mountains experienced significant losses, mainly due to media reporting. While the affected areas were burning, the remaining areas of the Blue Mountains were clear and unaffected. Disappointingly, though, media reports indicated that the entire area of the Blue Mountains was on fire so people did not visit the region. However, as a result of advertising efforts by Destination NSW and government funding, the area is experiencing a renewal and business is improving.

#### **COOL OFF PTY LIMITED**

**Mr GREG APLIN** (Albury) [1.20 p.m.]: When you represent an electorate, particularly a regional electorate where there is so much open space and where towns can be tight-knit, you may think you have seen it

all. You meet the business and community leaders; you attend their important functions and mark their milestones. School presentation days, sports carnivals, theatre openings, chamber of commerce and Rotary meetings all become part of the tapestry of electoral representation. But every now and then you come across something that takes you by complete surprise. It might be the person you first met as a schoolchild and who is now representing Australia in their sport. Then there is the face you recognise from down the street but now see in a movie or on television.

I would have to say that one of the most welcome surprises is discovering—which is not really the right word—the local business that is quietly becoming terrifically successful. In the middle of a capital city, with resources all around, it is difficult for a business idea to really take flight. But 500 kilometres from Sydney, the task is even more challenging. Recently I was introduced to a business in the town of Howlong that is reaching out to the world. Howlong, on the Riverina Highway and Murray River west of Albury, is a town of some 2,500 people. Yet in Howlong one will find Cool Off—a business employing 140 people.

Cool Off is Australia's premier producer of pet food raw meats. Established in 1983, the business began as a collector of offal that it turns into pet food products. Cool Off aggregates and freezes natural fall offal from Australian abattoirs and produces premium meat meal, mechanically deboned lamb and natural dried pet treats. The business has a long reach and now sources raw product from more than 22 abattoirs across New South Wales, Victoria, Queensland and South Australia. The factory processes more than 130 tonnes of raw material every day, all of which is supplied from export-registered human consumption processing facilities. Its Australian meat products are non-genetically modified and free of bovine spongiform encephalopathy [BSE]. The product is certified for the European Union. As members may suspect, an operation of this size and which draws meat product from across Australia presents a number of technical challenges.

Cool Off has developed a unique offal collection process. This involves the installation of a customised collection and chilling unit onsite at each abattoir. In this way Cool Off is able to maintain a high standard of quality and control right from the start. A sister business, Dried and True, dries meat products, again focusing on the pet food industry. The company developed and installed a thermal solar cell covering a 1,000 square metre surface. The energy produced by the solar surface is then used to heat a bluestone heat bank. In this way solar energy supplies 80 per cent of the drying energy required by the dried treats operation over summer. To give members an idea of the scale of the drying operation, the factory has the facility to dry the equivalent of 200,000 pig ears in just 24 hours.

This equipment will dry 40 tonnes of product over a 48-hour period, evaporating 30,000 litres of water in the process. Drying times differ for each product according to its moisture content, so the process is managed with the use of programmable logic control computers driving jet dryers. The advanced drying process delivers products with a shelf life of in excess of two years. Cool Off and Dried and True are processing businesses that have found success through the clever use of technology to automate aspects of the work and to give superior control and real-time monitoring of processes by data and video supervision. Now they are looking to further expansion, aiming to put in place the capacity to double their output of product. In this way they will service a growing overseas export program, particularly in the United States and Canada, which is the largest pet market in the world.

Cool Off is a family business, owned and managed by Simon and Edward Staughton, who are father and son. Simon comes from a farming background, where he became a supplier of offal to Mars Australia. His son, Edward, completed a dual degree at Bond University in commerce and information technology, joined Credit Suisse and worked in Sydney, Milan and Zurich. In 2007 Edward moved into the family business in the role of managing director. This family has created a quite remarkable business, based in the rural town of Howlong. Employing a large number of staff, Cool Off is a quiet achiever that is both taking on the world and strengthening its local community through the creation of jobs. Its use of technology, much of which has been specially designed to solve the problems of distance and management of food products, is inspirational. It is a business that has not simply landed in the right place at the right time; it is a business which has, in every sense, made the place right and the time right for its success. I wish the Staughtons and Cool Off every good wish for their future and for the continuing development of Howlong.

#### **BISHOP ANTHONY FISHER**

**Mr GREG SMITH** (Epping) [1.25 p.m.]: I add my voice to the comments made in support of Archbishop-elect Anthony Fisher. I have known Bishop Anthony—I used to call him Anthony and still do privately—since he was about 18. He was a very bright student, was dux of Riverview College and then went on



to study law. In that period he became very involved in the pro-life movement and I helped him publish his first book, *Abortion in Australia: Answers and Alternatives*, a book he wrote with his then girlfriend, Jane Buckingham. Later, although he was working as a lawyer with the prestigious firm Clayton Utz, he decided to become a priest. He entered the Dominican order and the sky is the limit to where he may go in the future.

Bishop Anthony is a brilliant man. His parents, Colin and Gloria Fisher, are both friends. His parents used to allow my children to go swimming in the swimming pool down at Longueville. We did not have a pool; we were poor! They were close friends of the family and were in the same parish. Anthony married two of my sons, Benedict and Nathaniel, and has been an inspiration. He is an expert in bioethics, which is unusual for a bishop. At age 54 he is a young bishop and very young to be appointed Archbishop of Sydney. Cardinal Pell entrusted him to run World Youth Day from the Sydney perspective and he did a brilliant job, although it was very taxing on him and his family.

After my election as a member of Parliament and I think before I became Attorney General he invited me to speak to a group of about 200 young people in the church hall at Parramatta and the number of youth groups and young people involved in that parish, largely inspired by him, was impressive. Indeed, I was Attorney General because he has only been there for four years and the numbers grew after he got cracking on the youth groups. As a Dominican he has inspired many young men to enter that order and study for the priesthood. That is in contrast to most Catholic orders, which mainly comprise older priests. He has been an inspiration and I am sure that as Archbishop of Sydney his profile will rise to new heights. He will do much good, with many blessings for all of us. He will be an inspiration to Catholics and non-Catholics alike.

#### **Private members' statements concluded.**

*[Acting-Speaker (Mr Mark Coure) left the chair at 1.29 p.m. The House resumed at 2.15 p.m.]*

#### **VISITORS**

**The SPEAKER:** Order! Members will take their seats. I welcome to the gallery student leaders, their parents and teachers from West Ryde Primary School, North Ryde Primary School, St Kevin Catholic Primary School, Meadowbank Primary School, guests of the Minister for Citizenship and Communities, Minister for Aboriginal Affairs, Minister for Veterans Affairs, and Assistant Minister for Education. I welcome year six students I met earlier from Holsworthy Public School, guests of the member of Menai. I welcome members of the Western Region Academy of Sport—in particular, athletes Lauren Kerwick, Emma Corcoran and Emilie Miller, guests of the member for Orange. I welcome to the gallery members of the Kiama Rotary Club, guests of the member for Kiama. I welcome Mr Matthew Karam, who is barrister and guest of the member for Lismore.

#### **BRAUND AND LARKIN MEMORIAL PLAQUE**

**The SPEAKER:** The permanent memorial in the Chamber to Lieutenant-Colonel George Frederick Braund, V.D., and Sergeant Edward Rennix Larkin, who were sitting members of the Legislative Assembly killed at Gallipoli, was unveiled on 30 November 1915. I wish to inform the House that the memorial will form part of the Centenary of ANZAC exhibition being held by the Parliament in early 2015. Thus, it is an opportune time to restore the memorial to as it appeared at the unveiling in 1915. The sword and the rifle have already been re-positioned and the memorial will be draped with two national flags in time for Armistice Day in three weeks' time. It is proposed to have a small ceremony just prior to the sitting of the House on that day.

#### **CENTENARY OF FIRST WORLD WAR**

**The SPEAKER:** Order! Last month I drew the attention of this House to the service of two members of the Legislative Assembly who took up the call to arms and who paid the ultimate price in the service of their young country. This month we mark the service of members of the Legislative Council who likewise volunteered for service. On 21 and 27 October 1914 leave of absence was granted to Joseph Lievesley Beeston and John Brady Nash respectively. They were the only two members of the Legislative Council to volunteer for overseas military service in the Great War.

There was much parallel in their lives. Both were medical practitioners, both had studied in Dublin and elsewhere and both rendered their service as members of the Australian Imperial Force [AIF] medical corps. Both were officers. Both had ties to the great city of Newcastle—Beeston was born there and Nash was largely responsible for the establishment of the Wallsend Hospital. Both held honorary surgical appointments at

Newcastle Hospital. Nash was appointed to the Legislative Council in 1900 and Beeston in 1908. Both were much of an age, one 57 years old and the other 55, when they volunteered—ages when one thinks that active service would not be regarded as a serious option—but those were different days.

Beeston saw service for five months at Gallipoli treating the wounded on the bloody beaches of that conflict while Nash served in the Army Medical Corps in Egypt and the Middle East. Beeston would have seen many deaths at Gallipoli including that of Paddy, his dog, who he had smuggled aboard HMAS *Berrima* A35 and who was killed by shrapnel. Both men survived and returned to Australia in 1916 and resumed their seats in the Legislative Council, seats which they held until their deaths in 1921 and 1925 respectively. After the war Beeston published a memoir, *Five Months at Anzac*, replete with photographs that he had taken at Gallipoli and which stands as a major contribution to the history of Anzac.

Nash maintained a wartime diary, now in the State Library, and served as a director of both Sydney Hospital and Royal Prince Alfred Hospital. At the time of their departure the Legislative Council recorded "its appreciation of the patriotic action" of each of them in volunteering for service and each was recognised with the Volunteer Officer's Decoration for their service. It is fitting that a century on we should pause to add our contemporary appreciation of their service, the lives they saved and the contribution they made.

## MINISTRY

**Mr ANTHONY ROBERTS:** On behalf of the Premier I inform the House that:

- (1) On 17 October 2014 His Excellency the Governor accepted the resignations of:
  - (a) the Honourable Andrew John Stoner, MP, as Deputy Premier, Minister for Trade and Investment, Minister for Regional Infrastructure and Services, Minister for Tourism and Major Events, Minister for Small Business, and Minister for the North Coast, and as a member of the Executive Council; and
  - (b) the Honourable Katrina Ann Hodgkinson, MP, as Assistant Minister for Tourism and Major Events.
- (2) On 17 October 2014 His Excellency the Governor appointed:
  - (a) the Honourable Troy Wayne Grant, MP, as Deputy Premier, Minister for Trade and Investment, Minister for Regional Infrastructure and Services, and Minister for Tourism and Major Events;
  - (b) the Honourable Duncan John Gay, MLC, as Minister for the North Coast; and
  - (c) the Honourable Giovanni Domenic Barilaro, MP, as a member of the Executive Council and as Minister for Small Business and Minister for Regional Tourism.
- (3) The Minister for Local Government would represent the Minister for the North Coast.
- (4) On 17 October 2014, the following members were appointed as Parliamentary Secretaries to the offices indicated:
 

The Honourable Niall Blair, MLC  
Parliamentary Secretary for Police and Emergency Services

Mr Geoffrey Keith Provest, MP  
Parliamentary Secretary for the Deputy Premier and Regional Roads

Mr Anthony John Sidoti, MP  
Parliamentary Secretary for Planning

## REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS

**Mr MIKE BAIRD:** I advise members that that the Minister for Planning, and Minister for Women will answer questions today in the absence of the Minister for Local Government.

## DEATH OF THE HONOURABLE EDWARD GOUGH WHITLAM, AC, QC, A FORMER PRIME MINISTER

**Mr MIKE BAIRD** (Manly—Premier, Minister for Infrastructure, Minister for Western Sydney) [2.22 p.m.]: All politicians reflect their times but very few shape them. Edward Gough Whitlam was certainly one of the select few who have done so. As I said when we gathered in this House to mark the passing of the Hon. Neville Wran just six short months ago, there are public figures who are determined to make a difference rather than simply occupy office for as long as possible. Gough Whitlam was certainly one of those. In his own

famous words, he would "crash through or crash". By the end he had done both. In 1950, Mr Whitlam stood unsuccessfully for election to this Chamber, and the same thing happened to John Howard 17 years later. It is worth pausing to reflect on how different the course of New South Wales politics might have been if both of those men had been successful in their pursuit of a New South Wales political career.

Mr Whitlam eventually represented the electorate of Werriwa in outer western Sydney for 26 years. He brought Labor back into power federally in 1972 after it had lost itself in the wilderness for 23 years. There were certainly challenges during the three years he was in government, but today is a day on which to reflect upon and certainly to celebrate Mr Whitlam's enduring legacy. That includes a national health insurance system, accessible tertiary education for all and Aboriginal land rights. Perhaps the time when "crash through or crash" worked to the greatest benefit of Australians was when Mr Whitlam managed to break down decades of opposition, including in his own party, and achieved Government support for private schools.

Of course, we cannot forget the style with which Mr Whitlam prosecuted every case and conducted every campaign. That style, which others have described as having a certain grandeur, marked both his successes and his failures. It was never more evident than in the words with which he began his 1972 campaign speech, "Men and women of Australia". They are entirely unexceptional words, yet somehow they have resonated through the decades. What they capture is the sense we all have that beyond State borders we have a shared national identity that we take forward with confidence and pride as we participate in international affairs. That sense of national identity did not begin or end with Gough Whitlam, but he certainly shaped it. It is given to very few to do that. We should also remember that as well as placing his intellect and energy at the disposal of his country, Mr Whitlam, like so many of that great generation, was prepared to lay his life on the line for it.

Today he should also be honoured for his service with the Royal Australian Air Force between 1941 and the end of the war. Of course, Gough can hardly be imagined without Margaret, his soulmate of almost 70 years. Margaret is one of the most loved figures in Australian public life and she was deeply mourned on her passing just two years ago. I also note the role that Gough played in the Sydney Olympic bid. Given his diplomatic skills he was called upon to play a key role with the International Olympic Committee delegates across the planet, but with particular focus on the delegates representing Africa, where he had strong bonds. He did an amazing job and played a pivotal role in bringing the Olympic Games to this great city. Gough Whitlam was a favourite son of New South Wales and a giant of the national political stage. On behalf of the New South Wales Government, I offer my deepest sympathies to Mr Whitlam's family, his friends and his former colleagues.

**Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [2.25 p.m.]: I speak with a deep sense of sadness and a great sense of pride on behalf of the Labor Opposition to speak on the passing of Edward Gough Whitlam. Today we acknowledge and pay tribute to one of our greatest leaders, someone who transformed our nation and contributed so much in shaping modern Australia. For millions of Australians Gough Whitlam will forever be the defining political figure of our nation. He was a true leader in every sense of the word. He was a leader whose imposing physical stature was matched, and possibly exceeded, by his intellect and his wit.

One need look no further than the genuine outpouring of tributes to Gough Whitlam for a testament to his stature in our nation's history. He will forever be remembered for the famous "It's Time" campaign of 1972. It was truly one of the memorable political campaigns of the modern era. Gough brought such a sense of hope, energy and vigour to our nation. It was different, it was bold, and it said everything of the man and his leadership. As Prime Minister, Gough breathed new life into Australia. The pace of change and reform during his term as Prime Minister was truly extraordinary. It is fair to say that the actions of his Government in its first 100 days in office set the benchmark for all governments that have come since. His Government's list of achievements is truly incredible.

Gough Whitlam changed the face of health care in our nation through the establishment of a national health insurance scheme—the first universal healthcare system for our nation. It was a truly revolutionary policy for thousands of Australians. The Whitlam Government's achievements in education are gigantic. By abolishing university fees he transformed education in our country, and by doing so he gave a generation access to tertiary education. Many in this Parliament have Gough Whitlam to thank for the education they have received and the opportunities they have enjoyed. He also established the Australian Schools Commission, increased school funding and provided State aid to non-government schools.

The Whitlam Government also took giant steps in recognition of our Indigenous Australians. Gough Whitlam returned land to the Gurindji people, created the Aboriginal Land Fund and the Aboriginal

Loans Commission, established the National Aboriginal Consultative Committee, drafted the land rights legislation, outlawed discrimination against Indigenous people, and funded legal services for Indigenous people. The list goes on, and I will not continue to read it because it is so lengthy. It includes things like bringing the troops home from Vietnam, abolishing the death penalty, and recognising China. That was a controversial move at the time, but it set up this nation for the prosperity that we enjoy today as a result of our trade with China. He opened up Australia and established our nation as a truly multicultural society—something we cherish so dearly in our modern society today.

The elder of two children, Gough was born in Melbourne. He attended schools in Canberra and Sydney as his father, a solicitor, moved the family around to pursue his career. At the University of Sydney Gough studied law and classics before enlisting in the Sydney University Regiment, part of the army reserve, and later serving in the air force, where he reached the rank of flight lieutenant. He married Margaret Dovey in 1942 and joined the Labor Party in 1945. He was first elected to Parliament in 1952 as the member for Werriwa. It took Gough Whitlam eight years to become deputy leader in 1960. Upon the retirement of Arthur Calwell in 1967, he was elected leader of the Labor Party. Labor had a close shave at the 1969 election, before Whitlam proved too much for Billy McMahon in 1972. Elected Prime Minister, he brought down the curtain on 23 years of Liberal-Country Party Government. As Paul Keating put it so memorably today:

He snapped Australia out of Menzian torpor—the orthodoxy that had rocked the country asleep—giving it new vitality and focus.

Gough Whitlam had great ambitions for Labor as an instrument of change and reform throughout society, but part of his genius was to realise that Labor itself had to be reformed. He sought to broaden the party's base to the suburbs and aspirational middle classes. He also expanded rank-and-file participation throughout the party. On this occasion I reflect on how in touch Gough Whitlam was. I first met Gough Whitlam when I was 10 years old, in 1972, just before that momentous election. We met at a party fundraiser in someone's backyard—that goes to show how far we have come with party fundraisers. They used to be in someone's backyard, a barbecue with a couple of hundred people. I was a 10-year-old and I met a giant prior to his becoming Prime Minister, which was something to behold.

Gough will not just be remembered by generations of Labor Party members and supporters but forever remembered by millions of Australians of all political persuasions. We cannot remember the legacy of Gough without remembering the contribution of his wife, Margaret. Together they formed a partnership that endured for decades and a legacy that will last long into the future. Today our thoughts are with his family as we acknowledge his lasting legacy. Gough Whitlam is one of the largest, most significant and most visionary figures Australia has ever produced. He is a titan of the Labor Party and an icon of the nation. He will forever be remembered in the hearts of our nation. Rest in peace, Edward Gough Whitlam.

## **BUSINESS OF THE HOUSE**

### **Notices of Motions**

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

### **QUESTION TIME**

*[Question time commenced at 2.36 p.m.]*

### **NEWCASTLE RAIL LINE**

**Mr JOHN ROBERTSON:** My question is directed to the Premier. Will his Government guarantee that no part of the rail corridor from Wickham to Newcastle will be sold or leased for property development after the rail line is ripped up? It is a pretty simple question.

**Mr MIKE BAIRD:** It is very simple. This Government promises to do the right thing by the City of Newcastle. The difference between this side of the House and those opposite is that this side is proud of an urban renewal project and this Government is putting in close to \$500 million to the project for the city of Newcastle, a city that those opposite forgot.

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

**Mr MIKE BAIRD:** What I love about the Leader of the Opposition is that those opposite have a new policy—

**Mr John Robertson:** I love you too!

**Mr MIKE BAIRD:** That is unusual. It is worth reminding the House that those opposite have a fantastic new approach to public policy. I acknowledge the young kids in the public gallery and say this is not the way to do public policy, but it is how the Opposition is doing it. Those opposite have a very simple approach: to announce policies and the Government pays for them. We on this side have noticed that those opposite have a new approach: "We say, you pay".

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

**Mr MIKE BAIRD:** Those on this side have made a poster to go with this new approach, "We say, you pay."

**Mr Ron Hoenig:** Point of order: It is disorderly for the Premier to produce a prop, and he knows that, so I ask you to direct that he removes it.

**The SPEAKER:** Order! I uphold the point of order. The Premier has the call.

**Mr MIKE BAIRD:** How can the Leader of the Opposition have any credibility? He has announced \$300 million worth of projects, including a new sky bridge and a new convention centre. But how much money have those opposite put in: \$5 million and that is it.

**Mr John Robertson:** Point of order: My point of order relates to relevance. The question was specifically whether the Premier would guarantee there will be no development on the rail line. Even for the Premier this is simple: it is just yes, or no.

**Mr MIKE BAIRD:** I was trying to think of the best way of encapsulating the policies those opposite are putting forward, and the *Newcastle Herald* has it pretty spot-on: It depicts the convention centre as a pie. It is a real pie-in-the-sky policy and that is the approach those opposite are taking. It reminds all of us of days gone by, of old Labor announcing policies with no funding whatsoever for them, and the electorate waiting and waiting for them to be delivered—which is what happened in Newcastle—and Labor delivering absolutely nothing.

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

**Mr MIKE BAIRD:** The people of Newcastle should be informed that the Department of Planning and Environment said that the policy announced by the former Labor Government in relation to that rail line was dangerous.

**The SPEAKER:** Order! It is not the role of the Leader of the Opposition to argue. I call the Leader of the Opposition to order for the second time.

**Mr MIKE BAIRD:** The Minister said it was something that should not be done. Those opposite can come up with pie-in-the-sky policies that are not funded, but this side of the House is delivering for the city of Newcastle and our policies are funded.

**Mr John Robertson:** Point of order: My point of order relates to Standing Order 129, relevance.

**Mr Thomas George:** You're on two calls.

**Mr John Robertson:** Are you in the chair now? The member for Lismore interjects to remind me of something I am very much aware of, Madam Speaker. I know I am on two calls to order, you have made that abundantly clear. I do not need to be reminded of that by the member for Lismore. My point of order relates to Standing Order 129, relevance. The Premier is going nowhere near answering a very simple and straightforward question.

**The SPEAKER:** Order! The Premier does not have to answer the specific question; he has only to remain relevant. I will not entertain further points of order to that effect.

**Mr MIKE BAIRD:** The Leader of the Opposition and the shadow Cabinet can promise policies that they are never going to deliver and they can promise policies that are not funded, but we on this side take a very different approach. We are proud to deliver for the great city of Newcastle, for that great region, and we will continue to do that. We will continue to look after their interests because those opposite are not putting forward any credible plans. They know they are leading the people of Newcastle up the garden path.

### STATE ECONOMY

**Mr BARRY O'FARRELL:** My question is addressed to the Premier. How is the Government making New South Wales number one again?

**Mr MIKE BAIRD:** I thank the member for Ku-ring-gai for his question. I remember in the last election campaign that, under his leadership, we made a promise to make New South Wales number one again, and we are delivering on that commitment.

**Ms Tania Mihailuk:** You were number 11, mate.

**Mr MIKE BAIRD:** I was number 11.

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

**Mr MIKE BAIRD:** On Monday CommSec released the "State of the States" report, which said:

For the first time since the July 2011 report, there is a new leader at the top of Australia's economic performance rankings: New South Wales.

New South Wales is back on top. It is the first time New South Wales has been the leader since the report was established in 2008. The turnaround demonstrates that with good economic management, sound policies and vigilant discipline we can achieve results if we put our mind to it, and that is exactly what this Government is doing.

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

**Mr MIKE BAIRD:** The report indicates a whole range of measures. In relation to economic growth, New South Wales has led the nation. In relation to retail trade, New South Wales also leads the nation. In relation to unemployment, New South Wales has the strongest jobs growth in the country. The Leader of the Opposition appears to be upset that we are delivering 128,000 new jobs into the economy.

**The SPEAKER:** Order! The Leader of the Opposition will cease interjecting. Members will come to order.

**Mr MIKE BAIRD:** In relation to housing and construction the report said:

The momentum that we identified in NSW has propelled it to the top of the economic performance rankings. And the simple reason for the lift in the rankings is housing.

New South Wales is delivering on housing, which is providing benefits across the economy. I note that other CommSec reports were released before we came to government, and it is worth identifying where New South Wales stood under the former Labor Government. In 2010 the economic rankings indicated that in first place was Western Australia, in second place was the Australian Capital Territory, in third place was South Australia, in fourth place was the Northern Territory, in fifth place was Victoria, in sixth place was Tasmania, next came Queensland and at the bottom was New South Wales. Can members see the difference? Under this Government New South Wales is number one and under the former Government it was at the bottom. The 2010 "State of the States" report said:

NSW still the nation's basket case ... The NSW economy continues to be the worst-performing in the nation.

**Mr Barry O'Farrell:** Who was finance Minister?

**Mr MIKE BAIRD:** I cannot remember who the finance Minister was. It was not the member for Keira, it was not the member for Liverpool, it was not the member for Blacktown, it was not the member for Canterbury, but we are getting warmer: It was the member for Maroubra. On the day when such a good report

has been released the Opposition came out roaring. The member for Maroubra, the shadow Treasurer, came firing out of the blocks like we have never seen him. He was out there to prosecute the case and at 10 o'clock he hit the radio waves—it was an early start to the day for him—and somehow he turned a report that said that New South Wales is leading the nation into bad news.

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

**Mr MIKE BAIRD:** The good news for the people of New South Wales is that our job is not yet done. New South Wales is back to leading the nation and we will continue doing the work to lead the nation. While we do that, there are more jobs and investment across New South Wales and that is great news for the people of New South Wales.

### NEWCASTLE LIGHT RAIL

**Ms LINDA BURNEY:** My question is directed to the Premier. Will the Premier confirm that the journey time for passengers on the proposed Newcastle light rail will take approximately 15 minutes longer than a similar journey on the existing rail line? The people in Newcastle want to know where the Premier was this morning.

**Ms Gladys Berejiklian:** They want to know where you were for 16 years.

**Mr MIKE BAIRD:** That is a good point. Does the member want to answer that? The former Labor Government did absolutely nothing for Newcastle for 16 years. In 3½ years since coming to government we have been leading the greatest urban renewal project that city has ever seen.

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

**Mr MIKE BAIRD:** In conjunction with the transport Minister, today we announced a comprehensive transport policy. There will be buses every 10 minutes while we transition to the light rail system. We are delivering for the people of Newcastle, which is very different from the performance of the former Labor Government.

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

**Mr MIKE BAIRD:** Those opposite show how out of touch they are. They are back to their old tricks: They have announced \$5 million for a steering committee to do some drawings. A different approach to policy is displayed by the member for Wollongong.

**Ms Linda Burney:** Point of order: My point of order relates to Standing Order 129, relevance. Clearly the Premier is not going to go anywhere near answering the question, which was about the length of travel time for trains.

**The SPEAKER:** Order! The Premier has been relevant to the question he was asked. The member for Canterbury will resume her seat. The Premier has the call.

**Mr MIKE BAIRD:** Those opposite announce policies that do not have funding. No-one can believe them; it is pie-in-the-sky stuff. The Department of Planning and Environment recommended against the policy of those opposite on the rail line. Every State in Australia is moving towards no longer using level crossings, but those opposite want to introduce level crossings, despite their safety risks, and they want to slow down trains. That is what they want to deliver for the people of Newcastle, and that is not good enough.

**The SPEAKER:** Order! The Leader of the Opposition will come to order.

**Mr MIKE BAIRD:** If members opposite want to continue with these policies they must be accountable for them. Another approach is that of the member for Wollongong. When she saw the convention centre she said, "Hello, one for me."

**Mr Michael Daley:** Point of order: It is Standing Order 129, relevance. It is clear that the Premier now refuses to answer any and all questions asked of him by the Opposition.

**The SPEAKER:** Order! The Premier is not refusing to answer the question.

**Mr Michael Daley:** It does not matter what it is—

**The SPEAKER:** Order! The Premier is not refusing to answer the question. The member for Maroubra will resume his seat.

**Mr Michael Daley:** The Premier will not answer a single question.

**The SPEAKER:** Order! Refusal to answer a question is not covered by the standing orders. The member for Maroubra should read the standing orders. The member will resume his seat. I call the member for Maroubra to order for the second time. The Premier has the call. Members will come to order.

**Mr MIKE BAIRD:** We know the approach to policy of members opposite. They do policy that departments and experts tell them not to do. They do not put funding against it. Then they have the approach of the member for Wollongong, who says, "By the way, I want one." I note a notice of motion—

**Ms Noreen Hay:** I asked a question—

**The SPEAKER:** Order! The member for Wollongong will come to order. This is not the time to argue about the issue.

**Ms Noreen Hay:** He is inciting me.

**The SPEAKER:** Order! I know the Premier is inciting the member for Wollongong. The member for Wollongong will come to order.

**Mr John Robertson:** Point of order: It is Standing Order 129, relevance. I am not sure if the Premier is confused about where Wollongong and Newcastle are located, but the question related to Newcastle.

**The SPEAKER:** Order! The Premier's answer is relevant to the question he was asked.

**Mr John Robertson:** To the point of order: With respect, Newcastle and Wollongong are two vastly different geographical locations.

**The SPEAKER:** Order! That may be so, but the Premier's answer to the question is relevant. There is no point of order.

**Mr MIKE BAIRD:** The Leader of the Opposition and the shadow Treasurer can answer this basic question: How will you pay for your promises? That is a reasonable question to ask. Labor is \$295 million short. So who will give it up? Will you make cuts in education? Is that what you will do?

**Mr Ryan Park:** No way.

**Mr MIKE BAIRD:** The member for Keira said no.

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

**Mr John Robertson:** Point of order: It is Standing Order 129, relevance.

**The SPEAKER:** Order! I have ruled on the point of order.

**Mr John Robertson:** Madam Speaker—

**The SPEAKER:** Order! The Leader of the Opposition should not argue with me.

**Mr John Robertson:** This is question time. We ask questions and we try to get answers. This is not an opportunity for the Premier to ask us questions and somehow make out that that is an answer. That is not how this process works. If he does not want to answer the question he should simply sit down.



**The SPEAKER:** Order! There is no point of order. The Leader of the Opposition will resume his seat.

**Mr MIKE BAIRD:** The truth hurts. All of a sudden that is a bit sensitive: Oh my God, we have to tell people where the money is coming from.

**Ms Noreen Hay:** Point of order: It is Standing Order 129, relevance. It is a fact that when the Premier was Treasurer he lost \$1 billion. He does not know how to be an economic manager.

**The SPEAKER:** Order! That is not even remotely close to a point of order. The Premier has the call. There is too much audible conversation in the Chamber.

**Mr MIKE BAIRD:** Until members opposite learn that when they make announcements they have to fund them, they will go nowhere in this State.

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

### TOURISM

**Mr KEVIN ANDERSON:** My question is addressed to the Deputy Premier. How is the Government making New South Wales number one in tourism?

**The SPEAKER:** Order! The behaviour of the member for Keira is inappropriate. The member for Canterbury will come to order. If members continue to interject I will stop the clock and wait for the House to come to order. The member for Keira will come to order. The Deputy Premier has the call.

**Mr TROY GRANT:** I thank the member for Tamworth for his question, and his obvious interest and drive in relation to the importance of tourism to the New South Wales economy. Tourism is a big reason why New South Wales is number one again under Premier O'Farrell, Premier Baird and the Liberal-Nationals Coalition. The member for Tamworth knows how important tourism is, particularly in relation to key major events. I spent 14 years knowing about the Tamworth Country Music Festival. People used to put on their boots and hats, grab their old guitar and a new song, head straight to Tamworth, belt it out and have a wonderful time.

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

**Mr TROY GRANT:** The Government is getting on with the job of growing tourism across the State. Some outstanding work by former Ministers Souris and Stoner has put New South Wales at the front of the frame, number one.

**The SPEAKER:** Order! I remind Opposition members that several of them are on two calls to order.

**Mr Ryan Park:** Point of order—

**The SPEAKER:** Order! I cannot imagine what this point of order is. This might be the member's final minute in question time. What is the member's point of order?

**Mr Ryan Park:** It is Standing Order 129, relevance. The Minister is moving completely away from the question. I note the member for Upper Hunter was shaking his head.

**The SPEAKER:** Order! The member for Keira will resume his seat. That was a spurious point of order. I call the member for Keira to order for a first time.

**Mr TROY GRANT:** Stupid is as stupid does. New South Wales is number one in the visitor economy. In the year ended June 2014 the visitor economy generated a total of \$28.1 billion for New South Wales. This is \$3 billion more than when Labor left office. New South Wales has also exceeded the three million visitor mark for the first time since 2005, when Labor was in control. Since coming to government, we have secured 276 events across the State. In the past year 6,000 new tourism jobs have been created, with the tourism industry now directly employing 158,000 people. As the Leader of The Nationals I am proud to say that 43 per cent of those jobs are in regional New South Wales. Our steadfast commitment to the tourism industry is the record of what we have done in the past three years, and there is much more to come. Have members opposite changed in terms of what they did in the past 16 years? No, they have not. The Leader of the Opposition has talked down the redevelopment of the convention centre.

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

**Mr TROY GRANT:** Now he has duelling banjos from Wollongong and Newcastle. He is all over the place.

**The SPEAKER:** Order! The member for Mount Druitt will come to order. The member for Wollongong will come to order.

**Mr TROY GRANT:** Labor does not support the \$5 billion boost to the economy and the additional 4,000 jobs that the project will deliver once completed. Ironically, despite having no money and no real plans, Labor has been promising things that it simply cannot deliver, using money that it has spent already. As I told members last week, Labor has promised money for an art gallery; money that it has spent already. Members opposite have no idea. It is clear that they will say and do anything to look popular, but when it comes to tough decisions and hard work they fail to deliver. The Liberal-Nationals have delivered 91 events for the State in the past financial year. This includes the opening series of Major League Baseball, the world premiere of *Strictly Ballroom the Musical*, and Handa Opera on Sydney Harbour. In Western Sydney, that wonderful part of the State, we have had the Italian Soccer Giants, Juventus—

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

**Mr TROY GRANT:** —the State of Origin—

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

**Mr TROY GRANT:** —the Bledisloe Cup and the Monster Jam at ANZ Stadium. In communities across the State we delivered the World Rally Championships in Coffs Harbour—

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. Members, including Government members, will be removed from the Chamber if they continue to interject.

**Mr TROY GRANT:** —Ironman 70.3 at Port Macquarie, and the Deni Blues and Roots Festival at Deniliquin in the Murray-Darling electorate.

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

**Mr TROY GRANT:** The value that tourism brings to the economy is clear. The choice for the community is clear.

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

**Mr TROY GRANT:** For 16 years members opposite failed to deliver. This year we are hell-bent on getting the job done.

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

#### NEWCASTLE RAIL LINE

**Ms SONIA HORNERY:** My question is directed to the Premier. Will the Premier give the people of the Hunter a say in their future and hold off on any move to terminate the Newcastle rail line until after the March general election and guarantee that that corridor will not be handed to property developers?

**Mr MIKE BAIRD:** No.

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

#### HOUSING

**Mr KEVIN CONOLLY:** My question is addressed to the Treasurer. How is the Government making New South Wales number one again in housing and in other areas?

**Mr ANDREW CONSTANCE:** After 16 years—

**Government members:** Sixteen years.

**Mr ANDREW CONSTANCE:** —it is tremendous to see the State return to the number one position under the Liberal-Nationals Government. It is not just on the economy that we have attained the number one position, but it is also about being at the top in housing. I know members have seen the numbers, but in the June quarter housing starts stood at 7.3 per cent higher than they were a year ago. Yesterday's CommSec report also confirmed that New South Wales housing starts stood at 36 per cent higher than the decade averages. Here is the very big set of numbers: How many homes were approved in 2009 under Labor? There were 15,200. How many homes were approved in 2014 under the Liberal-Nationals Government? There were 52,000. Therein lies the difference. The CommSec report noted, "The momentum that we identified in NSW has propelled it to the top of the economic rankings ... and the chief reason is housing." It seems to me that only those opposite, all 20-plus of them, are the ones who are suffering selective amnesia in relation to Labor's years in office. I was pleased to read today's editorial in the *Australian*, which stated:

In the past year NSW's economy has surged more than 6.3%—more than 3 times as fast as Victoria's. Since Former Premier Bob Carr's naive, populist declaration that Sydney was full in 2000, the state's population has swelled by more than a million ...

Despite the State enjoying its fastest population growth in 5 years, about 120,000 new people a year, its unemployment rate has consistently hovered below the national average.

And the declaration that I like:

This isn't simply luck. The Coalition Government deserves credit for reviving the state after 16 years of mainly corrupt, indolent and parochial Labor government.

Yesterday I could not help but note the CommSec report and the 2010 report, which had New South Wales holding the wooden spoon. We all know that the member for Maroubra was the finance Minister but the other half of the economic team at the time was then Treasurer Eric Roozendaal. When the report was released what did Eric Roozendaal do? He bought a CRV. Do members think he might have taken action? Do they think he might have looked at what was needed to stimulate the State economy to get it off its bottom ranking? No, all he did was to write to executives at the Commonwealth Bank in these terms to complain about the CommSec report:

This report is consistently misleading and repeatedly paints a distorted picture of state economic performances. ...

Your flawed ranking system penalises states that perform well consistently...

I am not sure how Labor measures performance, but this is how we measure it. In relation to unemployment we are below the national average, in relation to housing approvals we have 52,000 in the past 12 months and in relation to our credit rating last week it was reaffirmed as triple-A and upgraded. On every conceivable economic indicator in 3½ years this Government has turned New South Wales around from the worst State to the best State. Yes, there is more to be done to ensure that we maintain our triple-A credit rating and at the same time maintain the number one position in relation to other States.

Last night when I was watching the television I could not help but notice the shadow Treasurer busily trying to talk down the State's economy. He said the main reason that New South Wales has achieved the number one position is interest rates. He offered up advice to the Premier that he ring Glenn Stevens at the Reserve Bank and say "thanks." The only person who should ring Glenn Stevens is the shadow Treasurer to get a lesson about interest rates. The interest rate in New South Wales is the same interest rate that applies in Western Australia, Victoria and Queensland. I am not quite sure how the shadow Treasurer thinks that our low interest rate, which is universal across the States— [*Time expired.*]

#### **DRAYTON SOUTH AND COALPAC MINES**

**Mr RON HOENIG:** My question is directed to the Minister for Planning. Was the Minister or her office involved in the leaking of decisions on the Drayton South and Coalpac mines to the *Daily Telegraph* before they were officially released by the Planning Assessment Commission [PAC] at 10 o'clock this morning?

**Ms PRU GOWARD:** I thank those opposite for their hypocrisy in asking such a question about the Drayton South decision. This is from the party that gave us a planning Minister who refused to approve a mine on the eve of the 2011 election, who flat out ignored the recommendations of the Planning Assessment

Commission to approve the Wallarah mine and who has been found to be corrupt by the Independent Commission Against Corruption. The Labor Party played the planning system like no other government has played it. When those opposite were in government they never based their decisions on what was for the greater good of the State. They devised part 3A.

**Mr Michael Daley:** Point of order: Standing Order 129. The applicant, Anglo American, has issued a press release saying it was disappointed with how the announcement was made. This is a very clear question: Did the Minister leak this to the media?

**The SPEAKER:** Order! The Minister has made some introductory remarks only at this stage. She is not way off at all.

**Ms PRU GOWARD:** For 16 years—

**The SPEAKER:** Order! Members will cease arguing across the Chamber.

**Ms PRU GOWARD:** For 16 years the State suffered the planning decisions of Labor and that is why, when we came to government, we were determined to fix that assessment system.

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

**Ms PRU GOWARD:** It is for this reason that the Coalition Government refers major mining projects to the independent PAC for assessment and determination. In relation to Drayton South, the PAC undertook a thorough and expert review of the project. I am very well aware of the concerns that were raised about potential impacts of this project on the nearby Coolmore and Darley horse studs and I am equally aware of the concerns of the mining industry. In refusing to approve the South Drayton mine, the PAC determined that the Coolmore and Darley studs are the epicentre of the thoroughbred breeding industry in Australia and have reputational significance for the Hunter. In rejecting the mine approval the PAC found that these studs were pivotal to the sustainability of the Upper Hunter equine critical industry cluster, which this Government introduced.

**Mr Michael Daley:** Point of order: Standing Order 129. The question was whether the Minister or her office released the decision to the media before the PAC made its announcement. The question was not about the merits of the announcement. Did the Minister or her office leak it to the media before the consent authority released the determination?

**The SPEAKER:** Order! I am listening to the Minister's answer. I will not rule on the member's point of order until I have heard what the Minister has to say. I know what the question was.

**Ms PRU GOWARD:** While the PAC rejected this mining project I think we need to make one thing very clear, that is, the strong support of this Government for the mining industry. We are a government that understands the mining industry is a major investor in regional communities across our State. We know that the mining industry supports many thousands of jobs in New South Wales, which is in contrast, I might add, to the Leader of the Opposition, who said last year on the future of coal that Labor was working on a policy to phase out coal before the 2015 elections. Opposition members can ask these questions, but they should remember they are members of a party that is opposed to coalmining and which said that its policy was under development. When will we get to see it? I wonder if we will get to see it before the 2015 elections. We on this side of the House know that mining has a long and proud history, and we have seen coal operations in this State for more than 200 years.

The Government is aware of the contribution the mining sector makes to the State. Last year it returned \$1.3 billion in royalties to the State Government and it employs more than 50,000 people. That is why there have been more than 125 mining-related development and modification approvals since this Government came to office. The Government wants the mining industry to continue to make a valuable contribution to the State's prosperity and success. This might be unfamiliar to the Labor Party, but the Drayton South mine project was not about choosing sides. Rather, the assessment of the project was about a robust and thorough independent process, a process that is integral to a fair and reasonable planning system.

## HEALTH

**Mr MARK COURE:** My question is addressed to the Minister for Health, and Minister for Medical Research. How is the Government making New South Wales number one for high-quality patient care?

**Mrs JILLIAN SKINNER:** It was a pleasure to join the member for Oatley at the opening of the new emergency department at St George Hospital—a \$41 million upgrade—with the first patients going through last week. There were smiles across every clinician's face and patients expressed their pleasure with this wonderful new facility. It is number one, the best emergency department redevelopment in years. After 16 years of Labor neglect, this hospital is well on the road to redevelopment, with planning for the next stage well underway.

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

**Mrs JILLIAN SKINNER:** The Australian Institute of Health and Welfare report on elective surgery, which came out this week, shows that this State is number one again. In fact, New South Wales is the number one best-performing State for the total combined percentage of surgery. The 2013-14 report states that there were more than 216,500 admissions for elective surgery.

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

**Mrs JILLIAN SKINNER:** Do members opposite not care about health?

**The SPEAKER:** Order! If Opposition members are not interested in hearing the Minister's response, they can leave the Chamber.

**Mrs JILLIAN SKINNER:** For the benefit of people in the gallery, this is the normal reaction of Labor members when we talk about health. They do not care. They are unprepared to debate it. I look forward to a debate on 7.30 NSW on the ABC this Friday. I will not be joined by the shadow Minister for Health; he is unprepared to debate me. Can members believe that? It is a shock, I know. Opposition members do not care about health and they are unprepared to debate it. Like every other portfolio area, they have no policies and they do not care.

**The SPEAKER:** Order! The Leader of the Opposition will come to order.

**Mrs JILLIAN SKINNER:** The report shows that more patients are being treated than ever before and I am very proud to say that this has not been at the expense of quality care. The report shows that New South Wales has the lowest proportion of adverse events reported of any State or Territory in Australia. Along with Victoria, we have the lowest percentage of unplanned readmissions. In the urgent category—patients who need to be treated within 30 days—99.7 per cent of patients were treated within that time frame, ranking second only to Victoria, which came in at 100 per cent. In the semi-urgent category, which are people who need to be treated within 90 days, 96.9 per cent of patients were treated within the time frame, meaning New South Wales was the best performing State in Australia.

**The SPEAKER:** Order! Members will cease walking around the Chamber.

**Mrs JILLIAN SKINNER:** It is indicative of Opposition members who do not care. In the semi-urgent category New South Wales is number one in Australia. For non-urgent category patients, 96 per cent of our patients were treated within the one-year time frame, ranking New South Wales third in the country. It is interesting to compare this Government's and the previous Government's performance in this category. When Labor was last in office in 2010-11, 3.6 per cent of those patients waited for more than a year; under this Government last year the figure was 1.8 per cent. It is a major improvement, making New South Wales number one again.

Whether it is elective surgery, hospital redevelopments across the State or improvements in emergency department targets, when Labor was last in office 59 per cent of patients went through emergency departments in four hours whereas that figure is now more than 75 per cent. New South Wales is now number one in Australia. I am very proud of our doctors, nurses and allied health professionals who work across our system. I also point out with respect to staff employment that we now have the largest number of nurses of any jurisdiction, with more than 48,000 nurses working in our public hospital system—well above what we promised before the election. We are undoubtedly number one in health.

## PLANNING ASSESSMENT

**Mr MICHAEL DALEY:** My question is directed to the Premier. Does the Premier think it is appropriate for his Ministers to leak arms-length decisions of the Planning Assessment Commission to the media before they are officially released and before workers and businesses are advised of the decision?

**The SPEAKER:** Order! The question is highly argumentative and is out of order. The Premier can decide whether he wishes to answer it.

**Mr MIKE BAIRD:** I completely reject the assertions made in that question. The shadow Treasurer needs to explain to his broad shadow Cabinet how on earth they are going to get to a position where they will be able to run a campaign. How will they do that? Over the past week we have seen a range of positive stories about this Government.

**The SPEAKER:** Order! The Leader of the Opposition will cease laughing.

**Mr Michael Daley:** Point of order: This is a serious issue. Anglo American—

**The SPEAKER:** Order! The question was not serious. It should have been ruled out of order.

**Mr Michael Daley:** My point of order relates to Standing Order 129. The question was very simple.

**The SPEAKER:** Order! The question contained inferences and imputations. It should have been ruled out of order. The Premier does not have to answer it. The member for Maroubra will resume his seat.

**Mr MIKE BAIRD:** The Opposition is playing politics. I reject the assertions in the question. While Labor continues to play politics, we will continue to deliver for the people of New South Wales. That is the important point. Recently the Minister for Health and I visited Westmead Hospital to see the \$110 million medical research centre that will transform Parramatta and this State. At the same time, public transport customers gave the Minister for Transport a big tick for improved customer service. On top of that, the third tunnel-boring machine—not the first or second but the third—went into the ground on the North West Rail Link.

**The SPEAKER:** Order! The member for Cessnock and the member for Toongabbie will come to order.

**Mr MIKE BAIRD:** Labor spoke about it continually but this Government is delivering it. Last week Standard and Poor's not only affirmed this State's triple-A rating, it gave the Government's financial management a big tick.

**Mr John Robertson:** Point of order: My point of order is relevance under Standing Order 129. The Premier has chosen to answer this question. He is now required to answer it in accordance with Standing Order 129.

**The SPEAKER:** Order! The Premier is not required to answer the question pursuant to any standing order.

**Mr John Robertson:** He is required to be generally relevant.

**The SPEAKER:** Order! The Leader of the Opposition is correct.

**Mr John Robertson:** The North West Rail Link is far from being even generally relevant. If the Premier does not want to answer the question, he should just say so.

**The SPEAKER:** Order! Given that the question clearly contained imputations, it should have been ruled out of order.

**Mr MIKE BAIRD:** I have addressed that. It was great to see the Minister for Health at St George Hospital opening the brand-new \$41 million emergency department; tick, that is done.

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

**Ms Linda Burney:** Point of order: So long as the Premier refuses to answer the question we will take points of order under Standing Order 129.

**The SPEAKER:** Order! The Premier does not have to answer a question that is out of order.

**Ms Linda Burney:** He has chosen to answer the question.

**The SPEAKER:** Order! The Premier has chosen to speak about the question. The member for Canterbury will resume her seat. The Premier does not have to answer the question he was asked.

**Ms Linda Burney:** He needs to stay generally relevant.

**The SPEAKER:** Order! The member for Canterbury is now arguing with the Chair. She will resume her seat.

**Ms Linda Burney:** I just find it astounding.

**The SPEAKER:** Order! The member for Canterbury will remove herself from the Chamber until the conclusion of question time.

*[Pursuant to sessional order the member for Canterbury left the Chamber at 3.19 p.m.]*

**Mr MIKE BAIRD:** While those opposite play politics this Government delivers.

**Mr Paul Lynch:** Point of order: I refer to Standing Orders 103 and 104. The Premier's answer has moved away from the question and is taking on the nature of a ministerial statement. This is not the appropriate time for a ministerial statement.

**The SPEAKER:** Order! The answer is not in the nature of a ministerial statement. There is no point of order.

**Mr MIKE BAIRD:** There is nothing like adding value for the member for Liverpool. The Government is proud of its record. When the economic news came out this week that New South Wales was leading the nation those opposite said it was "bad news". This Government will continue to improve economic performance and deliver better health services, better transport services and infrastructure—services promised by those opposite but never delivered. Our delivery of services is what the people of New South Wales deserve.

### LITERACY AND NUMERACY ACTION PLAN

**Mrs LESLIE WILLIAMS:** I address my question to the Minister for Education. How is the Government's delivery of the 2011 election policy called the Literacy and Numeracy Action Plan helping to make New South Wales number one in education?

**Mr ADRIAN PICCOLI:** I thank the member for Port Macquarie for her question. This is how to develop policy in opposition and to deliver it in government. It was a 2011 election commitment: \$261 million committed to the Literacy and Numeracy Action Plan and resources equivalent to 900 teachers provided to all three sectors, targeting 400 schools in the bottom 20 per cent of performing schools in this State. Dr Ken Boston chaired the advisory group. When asked about this last week he said, "I have not seen signs this good in my career", and I assure members that he has had a long career.

**Mr Barry Collier:** He wasn't talking about your Government.

**Mr ADRIAN PICCOLI:** He was absolutely talking about our Government. He said further, "... for the first time in a long time something is happening. The turnaround has been incredible".

**The SPEAKER:** Order! The Leader of the Opposition will come to order.

**Mr ADRIAN PICCOLI:** A lot is said in this Chamber but I want to emphasise the significance of these results. Improving and changing teaching practice are fundamental to the success of our plan. I will give the example of Tregear Public School. That school used to have a barbed wire fence around it, as did 36 schools in Western Sydney. This Government changed those fences to the diplomat fences that we see on the North Shore or in the inner city. We changed a barbed wire fence at Tregear Public School to a diplomat fence. Just two years ago 80 per cent of children in kindergarten to year 2 did not meet minimum benchmarks. That has dropped from 80 per cent to 8 per cent.

Across the 59 public schools involved in the plan since 2012 the number of kindergarten children who are anticipated to reach the end-of-year standard in reading has increased from 75 per cent last year to 93 per cent this year. I repeat, this is the number of children that meet the minimum benchmark at the end of kindergarten. Members must keep in mind that these are underperforming schools. They have been trying valiantly to change things for years but they have not been achieving the results they had expected. In participating schools, 89 per cent of students are on track in writing and 82 per cent are on track in comprehension.

In numeracy, 97 per cent of year 1 children are on track to meet or exceed the end-of-year standard compared with 65 per cent at the end of 2012. They are incredible results: going from 65 per cent at the end of 2012 to 97 per cent. That is for government and non-government schools. In targeted Catholic schools in the Lismore diocese, 80 per cent of kindergarten children, 91 per cent of year 1 and 69 per cent year 2 children will meet the standards by the end of this year. The diocese reports this is a significant improvement on previous years.

An update has been released in regard to the performance of Aboriginal students across the State, and in the 3½ years of this Government the results have been very encouraging. New South Wales is on track to meet the NAPLAN targets for halving the gap for year 5 reading and numeracy for Aboriginal students by 2018. New South Wales is also on track to halve the gap for Aboriginal students for year 3 reading. This is where the rhetoric in this Chamber meets the reality of changing children's lives. These results are incredible. All of the results from the Literacy and Numeracy Action Plan are being independently evaluated by Erebus International, which will produce an interim plan at the beginning of next year.

Halfway through the five-year rollout for the Literacy and Numeracy Action Plan we can see results in some of the most difficult schools in the State, such as those in Walgett, Coonamble and Toomelah. We have instructional leaders in those schools as part of this plan and we are seeing results, with phenomenal performance by those students. It is particularly prevalent in kindergarten. The kindergarten children this year will become year 1 students next year at the level at which they should start. For year 1 students this year, achieving the targets by the end of the year is the key to ensuring a great performance in year 2 next year. Every member of the Government should be particularly proud of the work of the teachers and principals in these schools.

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

**Mr ADRIAN PICCOLI:** I wish them all the best as they continue to do great work on behalf of the people of New South Wales.

**Question time concluded at 3.25 p.m.**

## **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 provide for the following routine of business after the conclusion of the motion accorded priority:

- (1) government business;
- (2) private members' statements;
- (3) matter of public importance; and
- (4) the House to adjourn without motion moved at the conclusion of the matter of public importance.

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders: Condolence Motion**

#### **Motion by Mr ANTHONY ROBERTS agreed to:**

That standing and sessional orders be suspended on Thursday 23 October 2014 to:

- (1) Postpone the discussion on the 10,000 signature petition, community recognition statements and private members' statements until the conclusion of a motion of condolence for the Hon. Ronald Joseph Mulock.
- (2) Provide that from 4.30 p.m. until the rising of the House no divisions be conducted or quorums be called.



**LEGISLATION REVIEW COMMITTEE****Report**

**Mr Stephen Bromhead**, as Chair, tabled the report entitled "Legislation Review Digest No. 63/55", dated 21 October 2014, together with the minutes of the committee meeting regarding Legislation Review Digest No. 62/55 dated 14 October 2014.

**Report ordered to be printed on motion by Mr Stephen Bromhead.**

**COMMITTEE ON CHILDREN AND YOUNG PEOPLE****Report**

**Mr Mark Coure**, as Chair, tabled report No. 3/55 entitled "Review of the 2012-2013 Annual Report of the Commission for Children and Young People", dated October 2014.

**Ordered to be printed on motion by Mr Mark Coure.**

**PETITIONS**

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

**Kiama Rail Service**

Petition requesting additional carriages and seats on the 4.24 p.m. rail service from Central station to Kiama station, received from **Mr Gareth Ward**.

**Sydney Electorate Public High School**

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

**Shoalhaven District Memorial Hospital Parking Facilities**

Petition requesting additional parking facilities at Shoalhaven District Memorial Hospital, received from **Mr Gareth Ward**.

**Berry Ambulance Station**

Petition requesting the construction of an ambulance station at Berry, received from **Mr Gareth Ward**.

**Same-sex Marriage**

Petition supporting same-sex marriage, received from **Mr Alex Greenwich**.

**Low-cost Housing and Homelessness**

Petition requesting increased funding for low-cost housing and homelessness services, received from **Mr Alex Greenwich**.

**Pet Shops**

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

**Slaughterhouse Monitoring**

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

### **Pig-dog Hunting Ban**

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

### **Container Deposit Levy**

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

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

The Hon. Jillian Skinner—Macksville District Hospital—lodged 11 September 2014 (Mr Andrew Stoner)

## **CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

### **Government Performance**

**Mr MATT KEAN** (Hornsby-Parliamentary Secretary) [3.29 p.m.]: What a horrible day yesterday was for the New South Wales Labor Party with CommSec confirming that this Government is implementing the right economic agenda and that it has made New South Wales number one again. My motion deserves to be accorded priority because the CommSec report confirms that this Government is doing the right things. The tough decisions that it has made have been endorsed. It has restored the State's triple-A credit rating, it is addressing Labor's \$30 billion infrastructure backlog and the black hole that it left behind. The Government is getting on with the job of rebuilding this State. It has built the South West Rail Link and it is building the North West Rail Link and the NorthConnex and WestConnex motorways.

The decisions that this Government has made have led to a stronger economy, and that means more prosperity for all of us—more jobs, more infrastructure and better services. The New South Wales Government's agenda has been implemented and it has now been endorsed by CommSec. There could be no-one more upset about that than the Leader of the Opposition and the shadow Treasurer, who thought Labor's time in office was good. In fact, he said, "In terms of economic management, we left government with our reputation soundly intact, and deservedly so." New South Wales's economic performance was the worst of all the States in the country.

We had a \$60 billion budget deficit and a \$30 billion infrastructure backlog. New South Wales was a basket case. If members opposite think that is good, I would hate to see what they think is bad. CommSec thought very differently about the shadow Treasurer's assessment of Labor's performance while in office. Its last report issued in 2010 when Labor was in office said that New South Wales was still the nation's basket case and that the economy continued to be the worst performing in the nation. The report showed that New South Wales was last or second last in key economic indicators. The member for Maroubra tore apart the CommSec report yesterday.

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

**Mr MATT KEAN:** The shadow Treasurer said that New South Wales's economic situation had nothing to do with the Labor Government's policy decisions. He said that it was all about low interest rates, the same interest rates as those in Western Australia, Tasmania— [*Time expired.*]

### **Government Performance**

**Mr CLAYTON BARR** (Cessnock) [3.32 p.m.]: It is essential that my motion be accorded priority because it is 66 days until the Government will reward corruption. It is 66 days until the brown paper bag—the seed of corruption for this Government—reaps its reward. I am disappointed that the people in the gallery have left because if they had stayed we could have conducted a straw poll. The scenario would have gone something like this: Developer gives brown paper bag to politician; politician gets decision in favour of developer; developer makes millions. Who would have thunk it? We should conduct that straw poll and see the results.

We should ask people whether they have confidence in the decision about the Newcastle rail line given that people such as Jeff McCloy, Keith Stronach and Hilton Grugeon were involved. They are the brown paper

bag developers who donated funds to the Liberal Party in breach of the laws of this State to ensure that the Government made the decision they wanted. They wanted the Newcastle rail line to be ripped up because the value of their properties would increase immeasurably as a result. This Government, which failed to respond to the corruption identified by the Independent Commission Against Corruption, is 66 days away from tripping and fumbling over its commitment to crime.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I remind Opposition members that I am in the chair.

**Mr CLAYTON BARR:** Members on this side of the Chamber are trying to save Government members from their greed and corruption but they will not heed the call. Are they proud enough of their commitment to Newcastle to stand a candidate in Saturday's by-election? No, they are not. They are ashamed and embarrassed and they know that the work has already been done—the reward for corrupt donations has been gifted already. That gift is the ripping up of the Newcastle rail line.

Has the Government revealed a plan for that project? No, it has not. Has it provided costings? No, it has not. Has it undertaken a cost-benefit analysis? No, it has not. Has it provided a time line? No, it has not. The media release issued by the Minister suggests that there might be a 15 minute delay in travel time. If employees negotiate with their employer to leave work in time to catch the 4.30 p.m. train to the Upper Hunter they could be home by 6.00 p.m. However, if they miss that train because of a 25 minute delay they will get home at 7.30 p.m. That will be a disaster. [*Time expired.*]

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

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

**The House divided.**

**Ayes, 62**

Mr Anderson	Mr Fraser	Mr Piccoli
Mr Aplin	Mr Gee	Mr Provest
Mr Ayres	Ms Gibbons	Mr Rohan
Mr Baird	Ms Goward	Mr Rowell
Mr Barilaro	Mr Grant	Mrs Sage
Mr Bassett	Mr Gulaptis	Mr Sidoti
Mr Baumann	Mr Hartcher	Mrs Skinner
Ms Berejiklian	Mr Hazzard	Mr Smith
Mr Bromhead	Mr Holstein	Mr Souris
Mr Brookes	Mr Humphries	Mr Speakman
Mr Casuscelli	Mr Issa	Mr Spence
Mr Conolly	Mr Kean	Mr Stokes
Mr Constance	Dr Lee	Mr Stoner
Mr Coure	Mr Maguire	Ms Upton
Mrs Davies	Mr Marshall	Mr Ward
Mr Dominello	Mr Notley-Smith	Mr Webber
Mr Doyle	Mr O'Dea	Mr R. C. Williams
Mr Edwards	Mr O'Farrell	Mrs Williams
Mr Elliott	Mr Page	<i>Tellers,</i>
Mr Evans	Ms Parker	Mr Patterson
Mr Flowers	Mr Perrottet	Mr J. D. Williams

**Noes, 19**

Mr Barr	Mr Hoenig	Ms Tebbutt
Ms Burney	Ms Hornery	Ms Watson
Ms Burton	Mr Lynch	Mr Zangari
Mr Collier	Ms Mihailuk	<i>Tellers,</i>
Mr Daley	Mr Park	Mr Amery
Mr Furolo	Mr Piper	Ms Hay
Mr Greenwich	Mr Robertson	

**Pairs**

Mrs Hancock	Mr Lalich
Ms Hodgkinson	Dr McDonald
Mr Roberts	Mrs Perry
Mr Toole	Mr Rees

**Question resolved in the affirmative.**

**GOVERNMENT PERFORMANCE****Motion Accorded Priority**

**Mr MATT KEAN** (Hornsby-Parliamentary Secretary) [3.44 p.m.]: I move:

That this House:

- (1) notes the CommSec "State of the States" report ranks New South Wales as Australia's new economic leader, for the first time since its inception;
- (2) supports the strong economic management of the New South Wales Government; and
- (3) acknowledges the New South Wales Liberal-Nationals Government is delivering on its election commitment to make New South Wales number one again.

It should come as no surprise that Labor opposes this motion, because it has opposed every measure that this Government has taken to turn around the State's economy. Labor has opposed every decision the Government has made to get the budget back in the black and to restore the State's triple-A credit rating. The infrastructure that families across New South Wales need has been opposed by the Labor Party Opposition. These measures have been opposed because those opposite do not believe that there was a problem. They do not believe that showering the State with debt is a problem. They do not believe that deficits are a problem. In fact, they believe the way to cure deficits is to have bigger deficits and the way to cure debt is to borrow more. That is the economic formula that the previous Government lived by for 16 years. Labor governments did this in New South Wales and in Canberra, and they created an absolute mess.

CommSec has confirmed that it was a mess. In 2010 CommSec said that New South Wales was "the nation's basket case" and that the New South Wales economy "continues to be the worst performing in the nation". What did that mean? That meant less prosperity for all of us, fewer jobs, a lower standard of living and people in New South Wales were far worse off than those in any other State or Territory. That is what this Government has sought to address. This Government wants to make this State number one again. We will continue to do so by making some tough decisions. We made tough decisions about public sector wages and recycling of assets. We make no apology for these decisions, because we understand that every dollar the Government borrows is a dollar the people of New South Wales will have to repay in taxes or \$2 that their children will have to repay when the debt falls due.

**Mr Geoff Provest:** They don't care.

**Mr MATT KEAN:** They do not care, as the member for Tweed says. They are economic vandals, and we are turning their legacy around. The results speak for themselves. Under this Government, New South Wales has the fastest economic growth, up by 6.3 per cent on a year ago. Compare this to economic growth when the Labor Government was in power: the slowest economic growth for the past decade. In relation to retail trade, spending in New South Wales is 15.4 per cent above the decade average. Compare this to the Labor Government's time in office when this State had the lowest decade average annual growth to March 2011. New South Wales has the second lowest unemployment rate in the nation, having created 128,000 new jobs and New South Wales' unemployment rate was below the national average for 10 straight months.

Under the Labor Government, New South Wales had the lowest decade average annual growth amongst the States. In relation to housing construction, the CommSec report noted that the momentum that we identified in New South Wales has propelled the State to the top of the economic performance ratings. The simple reason for the lift in the rankings is housing. New South Wales is currently playing catch-up after years of underbuilding, when demand for homes exceeded supply and pushed the rental and vacancy rates to record

lows. Those statistics show this Government's economic record compared to Labor's economic record. Under this Government there is growth, prosperity and opportunity versus destruction, waste and missed opportunities under the previous Government.

The contrast could not be clearer and as we head to the next election, that contrast will remain clear. The question will be: do people want a government with a true Liberal agenda that will build this State and ensure it can reach its capacity and create opportunities for all who want them, or do people want the party that will look after its union mates, that will featherbed its friends in the union movement and stakeholders? Labor is the party of themselves for themselves; the Liberal-Nationals are the party of opportunity for all. That is why we believe in building a strong and healthy economy so that everyone can enjoy the spoils of victory, the spoils of those hard decisions.

**Mr MICHAEL DALEY** (Maroubra) [3.49 p.m.]: That was a nice try by the member for Hornsby but his speech was full of platitudes. He talked about a party of opportunity for all and looking after union mates and that sort of rubbish. That was erroneous enough, but his main critique of the former Labor Government was that we were a government of deficit. Treasury must be wary of the member for Hornsby and are giving him false notes so that he cannot progress up the ministerial ladder if Treasury is encouraging him to speak about deficits when the former Labor Government ran 14 surpluses in 16 years. Someone has put vaseline on his wheels.

Before the member for Hornsby speaks about debt he should note that Bob Carr and Michael Egan paid off all the Greiner Government's debt and that when we left office in March 2011 the net debt in the general government sector was about \$7 billion. But this Government took it way up to new heights and it is still higher today than it was when we left government. Let us get some honesty into this debate. In the *Sydney Morning Herald* Ross Gittins wrote a few weeks ago and Matt Wade wrote yesterday that State governments are wont to take a lot more credit for things than they deserve to and that they do not have available to them the levers that bodies such as the Reserve Bank and the Federal Government have.

The Premier can take credit for some things—he took credit for everything yesterday—but not for others. He can take credit for his cuts to education. That is what the party that provides opportunity for all did soon after it was elected in this State: \$1.7 billion cuts to education—almost outdone by the Government's mates from the North Shore in the Federal Government who are going to gut Gonski. The New South Wales Government can take credit for \$3 billion cuts to health—that is the lever that Mike Baird pulled in his very first budget, and has that not had a remarkable effect? I can see from my frequent visits to the Prince of Wales Hospital what it has done for services and staff morale and I can see what it has done all across the State for elective surgery waiting lists. In John Hunter Hospital and Gosford Hospital, 39 per cent of patients presenting to the emergency departments are not seen within the national benchmark time of four hours. A person can get a hip replacement quicker in Estonia than in New South Wales.

This Government is very good at some things: it is very good at getting rid of people—it has sacked 15,000 government workers. In fact, the Government is so good at getting rid of people—and compare its 3½-year record to Bob Carr's 10-year record, during which his Government did not lose a soul—it got rid of a Premier, who hit the ICAC wall, and yesterday the Deputy Premier. Is it not great to see the courage of the new Deputy Premier? He is the first person in the more than 150-year history of this Parliament to have been manhandled, bashed and manipulated by George Souris and Don Page. George Souris shook down the big, tough copper, who talks about putting people in the dock, and forced him to stab Andrew Stoner in the back and get rid of him. Andrew said he would help him be the Deputy Premier and three hours later a couple of people knocked on his door. Andrew told him to stare them down but the member for Dubbo said, "I cannot stare them down; I've got to kill you. Please turn around, Andrew. Just let me stab you in the back just this once. It will only take one; I'm a good shot."

**Mr Matt Kean:** Point of order: My point of order is that the motion relates to New South Wales being number one again; it has got nothing to do with the internal machinations of political parties.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Maroubra may think it is a very broad and challenging debate, however, I do not see that the leadership of The Nationals is mentioned anywhere in the motion.

**Mr MICHAEL DALEY:** I apologise; I misunderstood. I thought, from observing question time in the last six weeks, that members do not have to answer questions; I thought it was optional. We have been asking the Premier for weeks and weeks and weeks—

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! Is the member for Maroubra challenging my ruling?

**Mr MICHAEL DALEY:** No, I am not. In fact, I am apologising. Your ruling is pure and wise, but you should speak to the Speaker because I am sure I heard her say that members do not have to answer the question or be relevant in this place.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The Speaker does not need my help. The member's time has expired.

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [3.54 p.m.]: I support the motion of the member for Hornsby. We came to power three years ago when this State was—we heard the term earlier—an absolute basket case. I sat in Opposition for four years and I heard members on the former Government's side promise Metro Rail, the Tcard—the list went on and on and on. All their promises were hollow. For 16 years all we saw under the former Labor Government was failure: unemployment levels rose and New South Wales slipped from the top of the pile to the bottom of the pile.

Watching the shadow Treasurer rant and rave and fantasise brought it home to me that those opposite are starting to believe their own spin. What a disgrace. They believe that they know everything, but under their financial management the New South Wales economy was a disaster: unemployment levels rose and the State debt levels rose. The former Labor Government was quick to blame everyone for that, but I saw that Government go through three different Premiers and countless Ministers. For the first time since July 2001 there is a new leader at the top of Australia's economic performing ranks: New South Wales.

It is the first time New South Wales has been a leader since the inception of the "State of the States" reports in 2008. The turnaround demonstrates the strong economic management this Government has delivered to this State. That is not what this Government says; it is what CommSec says. We have kept our triple-A rating, as opposed to other States around this great nation, because of good leadership and good management and because we have worked together as a team. I am proud to be part of that team. The "State of the States" report said:

The momentum that we identified in NSW has propelled it to the top of the economic performance ranks. And the simple reason for the lift in the rankings is housing.

Housing was one of the key drivers of economic growth. Back in 2011 we said that we wanted to increase housing construction, and we have delivered on that. The former Labor Government did not deliver on anything. Did it deliver on the \$500 million Metro? Did it apologise to the good people of New South Wales for frittering that money away? It is atrocious that those opposite are starting to believe their own political spin. They dream up these things and then they start to believe them. No wonder the Opposition is in disarray. I am proud to be a part of this Liberal-Nationals Government because it is quite clear that we are delivering for the good people of New South Wales.

**Ms ANNA WATSON** (Shellharbour) [3.57 p.m.]: It is good to see the report by the Commonwealth Bank released earlier this week. There is no doubt that the State Coalition Government has delivered for developers and for merchant and investment bankers in this State. The Liberals and Nationals can crow about being the best friends that the developers and the merchant bankers have ever had. I challenge each and every member opposite to go into their electorates and tell their local communities that they are the best friends the developers and merchant bankers have ever had in this State. Of course, rather than the simplistic way the Government would like us to scrutinise this Commonwealth Bank report we should delve into the detail of the report. We will find that it is not all beer and skittles.

**Mr Geoff Provest:** You never did that.

**Ms ANNA WATSON:** Yes, I have. In fact, this State Government under the leadership of O'Farrell, and now Baird, has delivered rising unemployment, rising housing unaffordability and increasing cost-of-living pressures. Over the past four years this Government has been delivering higher unemployment. Over the past four years this Government has been killing the great Australian dream of people buying their own home. Over the past four years this Government has been driving the daily cost of living higher and it is harder to make ends meet. This Government is in lockstep with its Federal counterparts in Canberra.

The two boys from Manly are delivering a higher cost of living for this State's residents. We need look no further than the GP tax for that. On a day when we are recognising the contribution of universal health care

to Australia under the Whitlam Government, the boys from Manly want to stick their grubby hands into every sick person's pocket and drag out \$7 a visit to every local GP. There are 33,500 more people out of work in New South Wales than there were in 2011, youth unemployment in this State is skyrocketing and housing affordability is at an all-time low.

**Mr Geoff Provest:** Where did you get that from?

**Ms ANNA WATSON:** Read the report. Electricity prices in the Illawarra region have increased by 35.5 per cent since March 2011. We are on the cusp of increasingly higher gas prices because gas will soon be linked to international parity prices. Wait and see what higher gas prices will do to jobs and the cost of living in New South Wales. The Government parties are supposed to be those that revel in smaller government. Yet at every election the Liberal-Nationals stand up and say that they support getting the Government off the backs of the little guys. Well, the little guys say, "Let the Government get out of the way." The Liberal-Nationals say they will reduce taxes and charges. But rather than move silly motions in this House, perhaps members opposite should have a good look at the Parliamentary Library's recent publication "Trends in the NSW State Finances". With the Liberal-Nationals rhetoric about smaller government, and a fall in revenue as a proportion of gross State product, one would expect to find a budget surplus over the past four years of this Government. [*Time expired.*]

**Mr ALEX GREENWICH** (Sydney) [4.00 p.m.], by leave: I support the CommSec report. In a previous life I recruited hundreds of people at CommSec who continue to contribute to our important economy. My one concern about this motion is that it does not look to the future. We need to ensure that we embrace new industries in the future. Start-ups and digital entrepreneurship are key to the future, especially in my electorate, whether it is through education and ensuring that coding is taught in schools—my recent questions to the education Minister confirm that more needs to be done there—or immigration and the way we attract entrepreneurs to Australia. That is important. Indeed, federally there is work being done on tax reform to ensure that employee share option plans are able to make it easier for start-ups to recruit. Procurement and government grants also need to favour the start-up and entrepreneur sector.

I acknowledge the work of the former Deputy Premier with the innovation and start-up sector. He was a big supporter of the sector, and the sector greatly respected that. I am concerned that when we are looking at tax breaks and government funding much of our attention focuses on industries of the past, such as racing and mining, and not enough on the future. Indeed, we have had a discussion about clubs being able to provide child care and support for that. I would like to see start-ups able to provide child care and support. That is happening throughout the United States where digital co-working spaces are given incentives to have child care on site. That should happen here. As it is important for us to look to the future, I move:

That the motion be amended by the addition of the following paragraph:

- (4) notes the importance of start-ups and digital entrepreneurship to the future growth of the New South Wales economy.

**Mr MATT KEAN** (Hornsby-Parliamentary Secretary) [4.03 p.m.], in reply: I was interested in the *Alice in Wonderland* lesson in economics that we got from the shop steward from Shellharbour and the member for Sydney. I think the current Lord Mayor of Sydney will be petrified at the thought that the member for Sydney has supported the New South Wales Government's initiative to get this economy right and to make New South Wales number one again. But I guess she is pitching for the business vote. So that is interesting for the member for Sydney. This motion is about confirming the Government's economic agenda, which has seen the restoration of the State's triple-A credit rating, the budget move into the black and the State's infrastructure backlog drawn down.

The member for Maroubra, for whom I have a great deal of respect, pointed out that there are few levers available to the New South Wales Government. But the levers available have been used fully. He forgot to mention the \$60 billion infrastructure investment that this Government has undertaken—infrastructure investment that has seen the building of the North West Rail Link, the completion of the South West Rail Link, WestConnex, NorthConnex and new hospitals across the State. If that is not an example of the result of good economic management, I do not know what is. Building a stronger economy means more prosperity for us all. It means better services and infrastructure for the people of New South Wales. The Government is committed to making New South Wales number one again.

I will not be lectured by the member for Maroubra about debt and deficit. When he was the Minister for Roads his budget blew out by \$316 million; when he was the Minister for Police in 2009-10 his budget blew out

by \$156 million. That is his idea of successful economic management. And the member for Maroubra wants to be the New South Wales Treasurer. The Government is committed to building this State, to building more infrastructure and to creating more services and jobs for the people of New South Wales because that leads to more prosperity for everyone involved. That is what this Government is about. CommSec knows it and the public knows it. Standard and Poor's knows that New South Wales is number one again. I urge members to continue to support the Government's agenda to ensure that the State remains top of the pops and number one again.

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

**Amendment agreed to.**

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

**The House divided.**

**Ayes, 59**

Mr Anderson	Mr Fraser	Mr Piccoli
Mr Aplin	Mr Gee	Mr Piper
Mr Ayres	Ms Gibbons	Mr Provest
Mr Barilaro	Mr Grant	Mr Rohan
Mr Bassett	Mr Greenwich	Mr Rowell
Mr Baumann	Mr Gulaptis	Mrs Sage
Ms Berejikian	Mr Hartcher	Mr Sidoti
Mr Bromhead	Mr Hazzard	Mrs Skinner
Mr Brookes	Mr Holstein	Mr Smith
Mr Casuscelli	Mr Humphries	Mr Souris
Mr Conolly	Mr Issa	Mr Speakman
Mr Constance	Mr Kean	Mr Stokes
Mr Coure	Dr Lee	Mr Stoner
Mrs Davies	Mr Maguire	Ms Upton
Mr Dominello	Mr Marshall	Mr Ward
Mr Doyle	Mr Notley-Smith	Mr R. C. Williams
Mr Edwards	Mr O'Dea	Mrs Williams
Mr Elliott	Mr Page	<i>Tellers,</i>
Mr Evans	Ms Parker	Mr Patterson
Mr Flowers	Mr Perrottet	Mr J. D. Williams

**Noes, 17**

Mr Barr	Mr Hoenig	Ms Tebbutt
Ms Burney	Ms Hornery	Ms Watson
Ms Burton	Mr Lynch	Mr Zangari
Mr Collier	Ms Mihailuk	<i>Tellers,</i>
Mr Daley	Mr Park	Mr Amery
Mr Furolo	Mr Robertson	Ms Hay

**Pairs**

Mr Baird	Mr Lulich
Mr O'Farrell	Dr McDonald
Mr Roberts	Mrs Perry
Mr Toole	Mr Rees

**Question resolved in the affirmative.**

**Motion as amended agreed to.**

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



**CRIMINAL PROCEDURE AMENDMENT (DOMESTIC VIOLENCE COMPLAINANTS) BILL 2014**

**Bill introduced on motion by Mr Brad Hazzard, read a first time and printed.**

**Second Reading**

**Mr BRAD HAZZARD** (Wakehurst—Attorney General, and Minister for Justice) [4.15 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Criminal Procedure Amendment (Domestic Violence Complainants) Bill 2014. The bill amends the Criminal Procedure Act 1986 to enable domestic violence complainants to give their evidence in chief by way of a prior recorded video or audio statement in criminal proceedings for a domestic violence offence. The bill implements a key reform identified by this Government's Domestic Violence Justice Strategy 2013-2017 aimed at improving the criminal justice system's response to domestic and family violence. It demonstrates the high priority we place on the safety of victims of domestic violence and holding perpetrators accountable for their offending. The bill also complements ongoing reforms progressed by this Government aimed at empowering victims of domestic violence.

The power dynamic that typifies domestic violence does not stop at the courtroom door. There is a risk of re-traumatisation of victims. They must attend court and give oral evidence from memory, and usually in front of the perpetrator, about a traumatic incident. They may face pressure from a perpetrator to stop cooperating with the prosecution. This can result in victims being reluctant to come to court or changing their evidence once in the witness box. Some may choose to not report an incident to police. The Bureau of Crime Statistics and Research estimates that only half of domestic assaults are reported to police. New measures for giving evidence using available technology are needed to reduce the trauma faced by victims when in court. These reforms provide such measures by introducing a new part into the Criminal Procedure Act 1986 to apply to the evidence of domestic violence complainants.

The key element of the new part is removing the hearsay rule of evidence as it applies to domestic violence complainants in criminal proceedings. Recorded interviews of complainants taken by police at or shortly after a domestic violence incident will be able to be played in court as all, or part of, their evidence in chief. In committal proceedings, the recording will stand as the complainant's evidence instead of a written statement. The bill contains a number of necessary safeguards of complainants' privacy in light of the intensely personal or graphic nature of recorded material. These include a prohibition on a defendant possessing a copy of the recording, and a prohibition on copying or publishing the recording.

Importantly, the rights of defendants to procedural fairness in a criminal proceeding are also protected. A complainant will still be required to attend court and give evidence on oath, and be available for cross-examination and re-examination. Defendants will be provided with notice of the evidence given against them prior to any hearing. Recorded evidence will not be able to be admitted into evidence unless the defendant has been given a reasonable opportunity to listen to and view the recording. The reforms strike an appropriate balance between supporting the domestic violence complainant's participation in the criminal justice process, while ensuring the defendant maintains the right to a fair trial. I now turn to the main detail of the bill.

Schedule 1 [1] to the bill defines a domestic violence complainant by reference to the existing definition of "domestic violence offence" in the Crimes (Domestic and Personal Violence) Act 2007. That is, certain personal violence offences committed in the context of domestic violence. Schedule 1 [3], [9], [20] to [22] and [24] make consequential amendments. Schedule 1 [4] to [8] amend the Act's provisions concerning committal proceedings for indictable matters. New section 76A enables the recorded statement of a domestic violence complainant to be used in committal proceedings instead of a written statement. All relevant provisions that apply to written statements will apply to the complainant's recorded statement as if the recorded statement were a written statement. In short, where a brief of evidence would have included a written statement, it will include a recording and the same procedural and evidentiary rules apply, except for the specific provisions in this bill. This includes, for example, provisions relating to inadmissibility, admissibility as if it were oral evidence, death of a witness, notices of rights, attendance of the witness and later use of written statements.

New section 79A requires recorded statements to contain the age of the complainant and an endorsement of the truth of the representation as if it were a written statement. Police will obtain this information verbally from the complainant at the start of the recording, and it can be in the form of questions and answers. Where the complainant requires a translator, the translation can be either recorded on the video at

the time the statement is taken or alternatively a written translation can accompany the recording. Schedules 1 [6] and [11] are the offence provisions for the giving of false evidence by way of recording in committal and summary hearings. The penalties proposed mirror those already applying to written statements.

New sections 114, 142, 185, 247E and 247Q make further consequential procedural amendments. They clarify that any requirements to give a copy of the recording to the accused is subject to the special rules in this bill applying to the provision of recordings. Schedule 1 [10] provides for briefs of evidence in summary proceedings for domestic violence offences. The bill provides that such briefs may include the recorded statement of the complainant instead of a written statement. Again, for the purposes of summary procedure, the recorded statement will be treated in the same way as a written statement.

Items [12] to [16] deal with the use of recorded statements in matters determined in the accused's absence. A court will be required to consider any recorded statement given to it by the prosecutor before determining the matter in the absence of an accused. Where a court requires the provision of additional evidence in the form of a recorded statement, the statement will not be admissible unless certain service and notice requirements have been complied with—new section 200 (2) (c). Schedule 1 [19] provides for a new part 4B to be inserted into the Act, which will govern the use of recorded statements in all criminal proceedings for domestic violence offences.

New section 289D defines a recorded statement as a recording made by a police officer of the statement of the complainant, taken with the complainant's informed consent, as soon as practicable after the commission of the offence. The complainant must understand why the statement is being recorded and that it will be used in court at a later date. This consent must be obtained at the time of the recording. Requiring the recording to be made as soon as practicable after the commission of the offence reflects the broad range of circumstances in which these offences are committed. Complainants may not always be able to give their statement immediately at the scene. They may need to attend a hospital as a result of the incident. In some cases, police may consider it is more practicable to take the statement at the station, away from the defendant and any children.

New part 4A will operate alongside existing special provisions of the Act that apply to prescribed sexual assault proceedings and vulnerable witnesses. Part 5 of the Act will apply to provide additional protections for a domestic violence complainant who is also a sexual assault complainant, such as an entitlement to give evidence from a remote witness facility or in camera. Where, however, a domestic violence complainant is also a vulnerable person within the meaning of the Act—a child or cognitively impaired person—then the vulnerable witness provisions of part 6 of the Act will apply instead of the provisions in this bill.

New part 4A will also operate in conjunction with the Evidence Act 1995, except where specific exception is made. For example, a complainant will still need to attend court and give evidence on oath, and evidence that the court considers to be irrelevant or unfairly prejudicial to the accused may not be admissible. A complainant who gives evidence in the form of a recorded statement must be available to be cross-examined and re-examined. The key exception in this bill to the Evidence Act 1995 is that domestic violence complainants will now be entitled to adopt, as their evidence-in-chief, their recorded statement. New section 289I makes clear that in allowing the recorded statement to be admitted as the complainant's evidence-in-chief, the hearsay rule and the opinion rule contained in the Evidence Act 1995 will no longer apply. Admissibility is, however, subject to compliance with the specific requirements for access and service set out in new division 3 of part 4A.

The recording will not be tendered as part of the prosecution's case; rather, it will be treated just as a witness's oral evidence. The existing common law principles concerning the discretion of the court and the procedure to be followed where evidence is given in chief by way of a recording, as set out in *R v NZ* (2005) 63 NSWLR 628 and other relevant authorities, are not affected by the new provisions. That is, the court will maintain discretion as to how the court and/or jury, if there is one, may be reminded of the evidence contained in the recording and the procedures and safeguards around playing the recording multiple times in court or in jury deliberations.

New section 289G details how a decision will be made as to whether evidence will be given by playing the recording or orally. Where a complainant indicates a preference to give evidence orally, their wishes must be taken into account but will not determine whether the video is played in court. This decision will rest with the prosecutor. The prosecutor must, however, take into account any evidence of intimidation of the complainant by the accused and the objects of the Crimes (Domestic and Personal Violence) Act 2007. As such, the bill recognises that the complainant's wishes may not always be freely given, but may be influenced by a controlling defendant. Where a complainant disavows a statement made in the recording, the usual provisions of the Evidence Act 1995 concerning unfavourable witnesses will continue to apply.

New section 289H allows the recorded statement given in evidence in proceedings for an offence to be given in the same form in concurrent proceedings or those arising from the same conduct for an apprehended violence order under the Crimes (Domestic and Personal Violence) Act 2007. This ensures that where the application for the apprehended violence order arises from the same set of circumstances or offending, and even where the criminal offence is dismissed, the complainant can still rely on the recorded statement in the civil proceedings. This is a common-sense way of ensuring the efficient disposal of apprehended domestic violence order [ADVO] proceedings and avoids requiring a complainant who has given recorded evidence in one set of proceedings from giving oral evidence in another related proceeding.

New section 289J requires a judge in cases heard before a jury to warn that no adverse inference to the accused should be drawn and that the complainant's statement should not be given any greater or lesser weight because the evidence is given in the form of the recorded statement rather than orally in court. Division 3 of new part 4A sets out the special service and access requirements for recorded statements. These are important measures balancing procedural fairness for defendants and the need to protect complainants' safety and privacy. This is of particular concern where defendants are unrepresented. There is an increased risk of dissemination of recorded statements as a tactic to embarrass or intimidate the complainant, a risk heightened by the ease of uploading recorded material to the internet. Developments in technology require an appropriate response to ensure domestic violence complainants are not re-traumatised because of a process that is intended to support them in the criminal justice process.

New section 289L provides that where a defendant is represented, a copy of the video recording must be served on their legal representative. Where a defendant is unrepresented, service of the audio copy only is required. To balance this limitation, the prosecution must, as far as is reasonably practicable, provide the defendant with an opportunity to view the video statement before the court hearing. This may occur at a police station immediately following charge, either during an interview or alone, or on nominated days after being charged. As a last resort, recordings will be shown to an unrepresented accused on a day on which their matter is listed in court—new section 289M (4).

New section 289Q (3) expressly empowers the court to adjourn a case for up to two weeks to enable a defendant to view or listen to the recording, if they have not had a reasonable opportunity to do so prior to the hearing. New section 289M (5) makes it clear that evidence of the behaviour or response of the defendant when viewing the recorded statement may not be used in proceedings, except where the viewing took place as part of the police interview in relation to the alleged domestic violence offence, or where the proceedings relate to the behaviour of the accused. For example, where an accused's response to the video recording leads to a charge of assault on a nearby police officer, then evidence of that response could be admissible in support of the assault charge.

As further protection for a defendant viewing the video during a police interview, the time taken to play the recording will count towards the maximum prescribed investigation period under section 115 of the Law Enforcement (Powers and Responsibilities) Act 2002. Similar to existing provisions for sensitive evidence, new section 289O enables the court to require the recorded statement to be returned to the prosecutor once criminal proceedings have finished, while new section 289P provides that, with limited exceptions, it will be an offence to copy or publish, or give a copy of the recording to any other person. This offence provision makes it clear that no-one can give a copy to, or cause a copy of the recording to be made by, the accused person.

This obligation and prohibition applies equally to a third party who has been given a copy of the recording for the purpose of criminal proceedings, for example, an interpreter or other expert witness. The offence will carry a maximum penalty of two years imprisonment or a fine of \$11,000 or both. Although the court will otherwise retain its discretion to manage the conduct of proceedings, these specific reforms provide a significant new means of supporting a domestic violence complainant in giving evidence in criminal proceedings for a domestic violence offence by way of a previously recorded statement. I commend the bill to the House.

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

**CROWN LANDS AMENDMENT (PUBLIC OWNERSHIP OF BEACHES AND COASTAL LANDS)  
BILL 2014**

**Bill introduced on motion by Mr Kevin Humphries, read a first time and printed.**

**Second Reading**

**Mr KEVIN HUMPHRIES** (Barwon—Minister for Natural Resources, Lands and Water, and Minister for Western NSW) [4.32 p.m.]: I move:

That this bill be now read a second time.

This bill elevates into law the longstanding policy of successive New South Wales governments that beaches and important coastal areas should be retained in public ownership in perpetuity. These amendments will ensure that beaches and beach-related land within the Crown Lands estate is owned by the Minister on behalf of all New South Wales citizens. The bill defines "Crown beaches and coastal land" within the Crown Lands estate and will stop the transfer of such lands into private ownership. The issue prompting this bill is the conflict between the Government's policy of public ownership of beaches and the recent granting of a beach, in freehold, by the courts to a New South Wales Aboriginal land council. There are similar land claims in existence that place in question the ownership of more than 600 kilometres of beaches and coastline along New South Wales.

If the bill is not passed, the Government will be unable to prevent the further sale or transfer of beaches on Crown land to private landholders. The basis of the bill is the principle that beaches belong to everyone, and should not be owned by any particular individual or groups of individuals. The Government believes that the public ownership of beaches provides the best mechanism for the community to ensure certainty and consistency in beach access and environmental management. It also ensures maximum community and social outcomes, and lower government administration and compliance costs. Beaches and coastline generate significant economic benefits through tourism and recreation activity. Privatisation along the coastline can potentially diminish the scenic quality and public utility. Private ownership redirects the economic benefits from the citizens of New South Wales to individuals. Beaches and coastline hold great cultural value to the community. Public ownership protects this value on behalf of all citizens.

Public ownership also allows for the recognition of Aboriginal interests by providing for joint management and other mechanisms to ensure culturally significant sites are retained and preserved. With concerns about the capacity of the private sector to maintain publicly significant land to appropriate community expectations, the public ownership of beaches and important coastal land will give the community confidence that these significant assets are preserved for future generations. This bill is consistent with the foundation values of related legislation, including the pending marine estate legislation and revised Coastal Protection Act.

These Acts will reflect the Government's principle of public ownership of beaches and other important coastal areas. Introduction of the bill precedes, and is completely separate from, the broader Crown Lands Act review announced in January this year. It is a stand-alone amendment that provides a specific mechanism. It will minimise the privatisation risk posed by the lack of legislative force behind the current policy position. The bill is focused on existing Crown land. It does not affect existing private land that may be located on or near beaches. The bill does not extend to a policy for the acquisition of such properties.

I turn now to the proposed amendments in detail. The amendments in the bill will create a new sub-type of land within the Crown Lands Act, known as beaches and coastal land. The definition of "beaches and coastal land" has three main parts. The first part is a physical description of the beach, known as core beach land, which effectively identifies the sandy part of the beach. The second part is a description of certain specified Crown land adjacent to this core beach land. This additional land includes the submerged land that is three nautical miles out from the beach. The third element of the definition includes Crown land used in conjunction with the core beach land. This includes land which has certain beach facilities upon it such as picnic areas, life saving clubs, public change rooms, kiosks and rescue facilities.

The purpose of this three-fold definition is to describe the beach in a way that is consistent with community's understanding of the beach. It describes the real footprint of the beach as an activated community facility and resource. This definition also overcomes the difficulties of a strict technical or property boundary-based definition of beaches, which may not be consistent with the actual placement or activation of a beach and its adjacent areas. I emphasise that this definition applies only to land that is existing land within the Crown Lands estate. It does not apply to land owned privately or by other government agencies that may have a facility upon it.

Most beaches in New South Wales are on New South Wales Crown land. These beaches will be covered by the changes. In some cases, local councils and certain other government bodies also own beaches. These groups are not affected by these specific changes. However, consideration of the beach land owned by councils and these bodies will be considered in 2015 as part of broader coastal reforms. As I have said, the amendments do not impact existing private land on or near beaches, including land that already has been granted to Aboriginal land councils. The effect of erosion and accretion of beaches on private property boundaries, along with the broader issues of maintaining public access and the use and enjoyment of beaches, will be subject to consideration through other government processes. The outcomes of those processes may be implemented through further legislative changes, if needed.

The principal operative part of the bill deals with the prohibition of sale or other disposal of the defined Crown beaches and coastal lands. This is the crux of the bill and it ensures that beaches that come within the definition of "Crown beach" and "coastal land" are not sold or transferred into private ownership through any mechanism in the Crown lands legislation or any other legislation. The bill does not prevent the ongoing activities permitted on beaches and coastal lands. It preserves the capacity of the Government or agencies to make appropriate management arrangements or agreements. This means, for example, that the bill does not disrupt any current or future leases, licenses or joint management arrangements between the Crown Lands Division and tenants, local councils or local Aboriginal land councils.

Further, it does not interfere with the capacity of other Ministers or agencies to undertake their statutory activities. This means, for example, that the Department of Planning and Infrastructure maintains its role in imposing zoning controls or granting development approvals, and that the Department of Environment and Heritage may still activate any restrictions it deems necessary for marine or wildlife protection. Where necessary, the bill also allows the Government to restrict activities on beach or coastal land to ensure public benefit or public safety. Before I elaborate on the last component of the bill, I will outline some background to the Aboriginal land rights legislation and the Government's view.

As I have mentioned, the prompt for this bill is an emerging risk of private ownership of beach land triggered by a recent court decision under the New South Wales Aboriginal Land Rights Act. In layman's terms, the intent of the New South Wales Aboriginal Land Rights Act 1983 was to allow certain "vacant or surplus Crown land" to be claimed and transferred to Aboriginal land councils. Where the land is transferred, the land council is granted freehold ownership of the land. The Government does not regard New South Wales beaches and coastline as vacant Crown land that is surplus to the community's needs. The Government views beaches as a shared community resource for recreation and environmental protection. On this basis, the bill voids land claims to the extent that they are currently lodged on beach and coastal land as defined in the bill and prevents any future claims of such land.

The bill also explicitly provides that no damages or other monetary compensation is payable to Aboriginal land councils as a result of the effect of the bill on these particular claims. The Government agrees that where Aboriginal cultural significance is associated with a beach, then acknowledgment and agreement about this cultural value is explored. This may or may not encompass any native title connections also associated with beach land. The policy that public ownership of beaches is desirable has been held by this Government and previous New South Wales governments and has been reflected in coastal policies since the 1990s. However, this policy was not recognised as sufficient by the courts to prevent the transfer of land in freehold to an Aboriginal land council, which is permissible under the New South Wales Aboriginal Land Rights Act. It is for this reason the policy of public ownership of beaches is being affirmed in law.

I highlight to the House that the bill will not affect Commonwealth native title claims on beaches. The recognition of traditional connection to relevant beach areas remains available to Indigenous communities. I also re-emphasise that the New South Wales Government and Aboriginal land councils may negotiate access or joint management arrangements on a voluntary or case-by-case basis. The bill makes it clear that any Aboriginal land claims that have been determined and finalised are not affected by the amendments. Land councils with beach land that has already been granted will have the same rights and protections as other private landholders who have land on or near a beach. Land claims which have been lodged but not yet determined and which contain land that is defined as "beach and coastal land" will be affected by the bill. The bill makes it clear that the Aboriginal Land Rights Act does not apply to this new sub-type of Crown land.

I am sure every member of the House agrees that beaches hold a special place in the hearts of all Australians and for all the people of New South Wales. We have a coastline of amazing natural beauty and environmental richness. It is a shared source of recreation and identity for millions of citizens. We have a duty of care to ensure that it is available to future generations to enjoy. I am aware that there will be some members of the House who see the bill as having a particular focus on one section of the community. However, I remind the House that these amendments to the Crown Lands Act will have consistent application to all New South Wales citizens. They will prevent beaches from being sold, transferred or disposed of into private hands. This is what the community wants, it is sound policy, and it is the foundation of this bill. I commend the bill to the House.

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

**ABORIGINAL LAND RIGHTS AMENDMENT BILL 2014**

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

**Second Reading**

**Mr VICTOR DOMINELLO** (Ryde—Minister for Citizenship and Communities, Minister for Aboriginal Affairs, Minister for Veterans Affairs, and Assistant Minister for Education) [4.46 p.m.]: I move:

That this bill be now read a second time.

It is appropriate that I commence this speech by acknowledging the traditional custodians of this beautiful land upon which we meet, the Gadigal people of the Eora nation. I also pay my respects to the elders of other First Nations of New South Wales. We all understand that underneath the carpet, the floorboards and the concrete is Aboriginal land that has been there for tens of thousands of years. I respect that and the love and care that they have for this land of ours. This bill will make a number of significant and important amendments to the Aboriginal Land Rights Act 1983. The review undertaken to inform this bill was the first statutory review of the Act in its 31-year history. I can proudly say that it is a true demonstration of this Government's commitment to working in genuine partnership with Aboriginal people.

The proposed amendments seek to address critical issues raised during extensive and in-depth consultation conducted as part of the review. Nine public forums were held and I personally attended those held in Kempsey, Sydney and Tamworth. The review received 21 written submissions and I directly consulted with chief executive officers from different regions. Throughout the review we have worked closely with the New South Wales Aboriginal Land Council as the peak body representing Aboriginal people in New South Wales. It is only through this partnership approach that we have managed to secure the endorsement of the New South Wales Aboriginal Land Council for the majority of the proposed amendments.

I will deal with the detail of the amendments in my summary of the bill. However, in a nutshell, the resulting amendments are transformative. They aim to strengthen Aboriginal land councils by improving accountability, efficiency and economic capacity. The amendments will enable Aboriginal land councils to go to the next level and they will empower the Aboriginal people of New South Wales. The Aboriginal Land Rights Act was enacted in 1983 in recognition of the dispossession of Aboriginal people from their traditional lands without consent and without compensation. It is unique in that it provides Aboriginal communities with the right to claim unused Crown land and to hold that land in freehold title via 120 elected local Aboriginal land councils, which represent the interests of their members and the broader Aboriginal community in their areas.

In my almost four years as Minister for Aboriginal Affairs, I have spoken regularly to members of Aboriginal land councils and visited a large number of local Aboriginal land councils across New South Wales. What I have seen is a vibrant network of community organisations in New South Wales striving to use their assets to deliver returns to Aboriginal communities and the broader population of New South Wales, including through providing social services, training and employment opportunities and business venture development, and protecting our nation's cultural and environmental heritage. Examples of services being run by local Aboriginal land councils for the benefit of the community include medical centres, transport services, accommodation and tourism operations.

The work of these local Aboriginal land councils demonstrates that the Aboriginal Land Rights Act is not simply a tokenistic gesture acknowledging past wrongs; it is an important vehicle for Aboriginal people to shape their own social and economic futures. The importance of the Aboriginal Land Rights Act in Aboriginal social and economic development is recognised internationally. When James Anaya, the former United Nations Special Rapporteur on the Rights of Indigenous Peoples, visited Australia in 2011, in addition to hailing our land rights model as "remarkable", he noted that the work of Aboriginal land councils in New South Wales in securing and developing Aboriginal lands to provide greater opportunities to Aboriginal peoples is:

... essential to operationalizing the standards set forth in the United Nations Declaration and to move forward in a future in which indigenous peoples are in control of their development, participating as equal partners in the development process.

The New South Wales Government is committed to this vision of an equal partnership between Government and Aboriginal people. In furtherance of this partnership, the landmark reforms in this bill are part of the Government's efforts to ensure that the next generation of Aboriginal leaders have the best possible platform to secure sustainable and prosperous futures for their communities. As I have already mentioned, the amendments

in this bill represent the results of the first statutory review conducted under the Aboriginal Land Rights Act. I commenced the review in December 2011 by establishing an expert working group, chaired by the Registrar of the Aboriginal Land Rights Act, to review the legislation and provide me with proposals to improve it. The working group also included the chief executive officer of the NSW Aboriginal Land Council and two members of local Aboriginal land councils. These members ensured that the diversity of views held by Aboriginal land councils—those most affected by any changes—across New South Wales were represented.

As a result of the working group's recommendations, I introduced into Parliament mid-last year an initial suite of amendments to the Aboriginal Land Rights Act aimed at getting rid of unworkable and inefficient provisions in the Act. When I did so, I foreshadowed that further and more significant reforms were being developed. The bill sets out the further reforms in the policy areas of housing and land claims and the regulatory framework for Aboriginal land councils. These reforms were built on other recommendations from the working group and include further proposals developed in consultation with the New South Wales Aboriginal Land Council.

The final form of the amendments in the bill has been informed by extensive consultation with the community at large. Nine public consultation forums were held from August to September 2013, administered by the Registrar of the Aboriginal Land Rights Act on my behalf and independently facilitated. The forums were attended by more than 300 people. I personally travelled throughout New South Wales to speak with Aboriginal people during this process, and I am proud to say that the bill has, at its basis, the vision and aspirations of the communities we consulted.

The bill amends the Act in significant ways to improve three key areas: the efficiency, capacity and accountability of the network. I will deal with efficiency first. Critical to achieving greater efficiency are the proposed amendments relevant to land claims. Most significantly, these include the addition of a provision allowing the New South Wales Government and Aboriginal land councils to enter into agreements relating to land transfers and land use without having to go through the existing land claims determination process. The current determination process is a lengthy and costly process. As a result of these delays, there are more than 26,000 undetermined land claims in New South Wales.

The delays in determination and the backlog of undetermined claims result in uncertainty for government, industry and the Aboriginal communities that land rights are intended to benefit, and so discouraging investment and economic growth. Litigation on land claim determinations also results in substantial costs for both government and Aboriginal land councils. Further, the adversarial approach promoted in the existing system can undermine relationship building between government and Aboriginal communities. Currently, all land claims have to be individually assessed by the Crown lands Ministers as to whether they meet specific statutory criteria relating to use and purpose as at the date of lodgement of the claim. There is no discretion to take into account the Government's current intentions for that land, nor the local Aboriginal land council's strategic aims.

The bill will give both government and land councils flexibility to step outside the existing land claim determination process and negotiate the settlement of multiple land claims simultaneously. This has the potential to significantly reduce the amount of undetermined land claims. The amendments also allow the parties to agree on a range of alternative outcomes to the transfer of claimable Crown land in fee simple, enabling outcomes better aligned with the strategic interests of both government and local Aboriginal land councils. Specifically, the amendments will allow transfers of Crown land which may not otherwise fall within the definition of "claimable Crown land" in the Aboriginal Land Rights Act, potentially in exchange for the withdrawal of existing land claims by the Aboriginal land council parties or commitments not to lodge future claims over certain areas, whether for a limited time or in perpetuity.

Other agreed outcomes may include financial and other forms of consideration; exchange or leases of land from government to local Aboriginal land councils or from local Aboriginal land councils to government; conditions or restrictions on the use of land; joint access and co-management opportunities on land; and undertakings by the parties with regard to the future lease, transfer, management or use of any land. Negotiations for an agreement may commence whether or not there are current claims on foot, and any existing claims do not have to be determined or withdrawn before negotiations can begin. The process is purely voluntary, and Aboriginal land councils will retain the right to claim Crown land under the existing provisions of the Act if they do not choose to engage in the agreement-making process or if they no longer wish to participate. The time and priority of their claims will not be affected if they choose not to participate or if they withdraw from the process.

The bill also contains a number of legislative reforms to streamline and improve the existing land claims determination process, including by allowing the Registrar to refuse to refer new land claims to the Crown lands Ministers for determination if a title search reveals that the land is privately owned and is therefore not Crown land available to be claimed; and preventing the lodging of sequential land claims while an appeal is awaiting final determination, while preserving the rights of Aboriginal land councils by prohibiting acts or omissions by the Crown lands Ministers which would affect the ability to claim that land. These reforms will ensure that resources within government can be most efficiently directed towards the resolution of existing land claims.

The second critical reform to enhance efficiency is in the area of social housing management by Aboriginal land councils. First, the amendment bill will streamline regulation of Aboriginal land council social housing by removing the additional requirements imposed on social housing schemes over and above ordinary community benefit schemes, and providing that local Aboriginal land councils, which have obtained registration as an Aboriginal housing organisation under the Aboriginal Housing Act or as a community housing provider under the national regulatory code, are exempt from having to separately obtain approval from the New South Wales Aboriginal Land Council for their social housing schemes. This means that Aboriginal land councils will not have to comply with two parallel schemes to obtain approval to run their social housing programs.

To promote sound and sustainable housing management by Aboriginal land councils well into the future, the bill also provides for additional grounds for the appointment of an administrator to local Aboriginal land councils to assist in achieving housing management approval. It will also be an additional ground for the dissolution of local Aboriginal land councils if an administrator appointed under the Act fails to achieve the appropriate housing management approval within a certain time frame. These measures are absolutely a last resort and are designed to ensure that the housing stock owned by Aboriginal land councils remains viable for the Aboriginal people of this State for some time. I also note that the Aboriginal Land Rights Act will provide clear procedural fairness provisions to members of Aboriginal land councils if ever these measures are required to be activated. Ensuring that local Aboriginal land councils obtain appropriate housing management approval will result in a reduced administrative burden on the network and improved asset management.

The bill addresses inefficiencies in the regulatory environment for Aboriginal land councils. The current reporting and compliance obligations are one size fits all and impose an onerous burden on less well-off local Aboriginal land councils. The bill also proposes changes to the reporting and compliance framework that are aimed at smarter, rather than cumbersome, regulation, so that more of the money that local Aboriginal land councils receive can go directly to the communities they serve. The bill also removes unnecessary external approval requirements in favour of local oversight mechanisms.

In particular, the bill contains amendments to provide the New South Wales Aboriginal Land Council with flexibility and discretion to prescribe the financial and administrative reporting obligations of local Aboriginal land councils in policy rather than in legislation. This will allow the level of reporting to be tailored according to the size and complexity of operations of the local Aboriginal land council. The bill will also remove the requirement for New South Wales Aboriginal Land Council approval of local Aboriginal land council budgets and community, land and business plans, in recognition that these are a community's strategic planning documents and are more appropriately decided at the community level. Local Aboriginal land councils will still be required to provide those budgets and plans to the New South Wales Aboriginal Land Council for noting.

Other improvements to efficiency will include exempting local Aboriginal land councils from the proactive mandatory disclosure requirements under the Government Information (Public Access) Act 2009 [GIPA], in recognition that local Aboriginal land councils do not have the resources of government departments to meet these requirements. All other disclosure requirements under the GIPA Act will remain the same and the New South Wales Aboriginal Land Council will still have to comply with all aspects of the Act. The bill removes the requirement in the Aboriginal Land Rights Act for the New South Wales Aboriginal Land Council to specifically supervise Aboriginal land council community benefits schemes, in recognition that this requirement is uncertain and an unrealistic resource burden on the New South Wales Aboriginal Land Council. However, the New South Wales Aboriginal Land Council will still maintain an oversight role over community benefit schemes through the approvals provision within the Act.

I turn now to capacity. In relation to improving the capacity of the network, the bill will better enable Aboriginal land councils to take advantage of economic development opportunities while also ensuring protection for their member assets. Currently, it is unclear whether the function of Aboriginal land councils in



the Act to "facilitate business enterprises" includes the ability for an Aboriginal land council to carry out and operate business ventures. The bill will provide certainty for Aboriginal land council operations by specifying that the current function of Aboriginal land councils to facilitate business enterprises includes forming, acquiring, operating or managing business enterprises.

Secondly, there is uncertainty around the extent to which Aboriginal land councils can operate through separate entities. Undertaking business ventures through separate entities assists the Aboriginal land council in limiting its losses but also creates tensions within the regulatory regime of the Act, which emphasises community control and oversight of the activities of Aboriginal land councils. The bill provides a regulatory framework around Aboriginal land councils establishing or entering into arrangements involving separate entities, which permits Aboriginal land councils to use such arrangements to assist them in the exercise of their functions but also ensures an element of community control of their activities and assets.

The bill provides that where Aboriginal land councils enter into an arrangement that includes the formation, acquisition, operation or management of an entity, such as corporations or trusts, they must comply with certain requirements. These requirements include an obligation to report on the operations carried out under such an arrangement in the accounts and records of Aboriginal land councils currently required to be kept under the Aboriginal Land Rights Act and the regulations. The amendments also impose an obligation on the council to take reasonable steps to ensure that the council will not be prevented from complying with such reporting obligations in connection with such an arrangement. This ensures that members and the regulators under the Act are informed about activities conducted through separate entities after assets have been transferred.

In certain instances Aboriginal land councils will be required to conduct risk assessments before the transfer of land council assets in connection with an arrangement involving separate entities. In other cases they will be required additionally to obtain the approval of the members of the Aboriginal Land Council for those transfers. Details relating to the content of risk assessments and when risk assessments and member approval are required will be prescribed in the policies of the New South Wales Aboriginal Land Council, allowing flexibility to adjust the obligations to the practical realities of business development. These proposed amendments aim to maintain a balance between keeping competitive the business environment for Aboriginal land councils and protecting member interests and land council assets.

Finally, it will be clarified that if local Aboriginal land councils wish to establish, acquire or operate a corporation they will be required to do so under the Corporations (Aboriginal and Torres Strait Islander) Act 2006—the CATSI Act—rather than the Corporations Act 2001, unless authorised by an applicable policy of the New South Wales Aboriginal Land Council or, in the absence of such a policy, in the regulations. The CATSI Act regime is specifically designed for Aboriginal organisations and provides support and protections for members of those corporations not necessarily available under the Corporations Act, making it more appropriate as a vehicle for a community-based organisation such as a local Aboriginal land council.

The kind of support provided by the Office of the Registrar for Indigenous Corporations—the regulator for Indigenous corporations registered under the CATSI Act—include pro bono legal assistance and governance training. The ability of a policy of the New South Wales Aboriginal Land Council or, in the absence of such a policy, in the regulations to authorise local Aboriginal land councils to establish, acquire or operate a corporation under the Corporations Act regime, will mean that there will be flexibility to allow local Aboriginal land councils to do so in appropriate circumstances.

I turn now to accountability. The protection of Aboriginal Land Council assets and the accountability of a local Aboriginal land council to its members are absolutely key. In recognition that Aboriginal land councils are moving into a new era of economic and social development, which brings with it a potentially high level of risk and responsibility, the bill will provide also for strengthened enforcement mechanisms. The first of these mechanisms will address the difficulties currently faced by regulators of the Aboriginal Land Rights Act in enforcing the requirements to provide information in the Act. Consistently with other regulatory regimes, the Registrar will have the power to apply for a search warrant to obtain information if he or she has reasonable grounds to believe that there is a contravention of the Act or the regulations, or documents sought by administrators or investigators appointed to local Aboriginal land councils have not been provided.

The bill also inserts additional grounds for the appointment of administrators to local Aboriginal land councils, specifically the failure to comply with a compliance direction given by the Registrar. This improves the deterrence effect of a compliance notice and makes clear the progression from substantial failures to comply

with the Act to being placed in administration. The bill will also increase the maximum penalties for offences in the Aboriginal Land Rights Act in line with penalties in similar legislative regimes. A new offence will be created by the bill for an individual who knowingly breaches or causes a local Aboriginal land council to breach a term of a notice by the registrar prohibiting the local Aboriginal land council from exercising certain specified functions pending the appointment of an administrator.

The registrar will also be given an express power to seek an injunction preventing a person or an Aboriginal land council from contravening the Aboriginal Land Rights Act. This will assist the registrar to act quickly to stop assets leaving the control of members when there has been a breach of the Act. The power to appoint administrators and investigators to local Aboriginal land councils will be transferred to the Registrar of the Aboriginal Land Rights Act, in line with the other compliance mechanisms in the Act, and to ensure that it is independently exercised. To protect against the abuse of these new enforcement powers, procedural fairness requirements will be mandatory with respect to the appointment of administrators, and the registrar will be required to report annually to the Minister on the exercise of his or her powers under the Act.

As well as improving enforcement powers for the Registrar of the Aboriginal Land Rights Act, the bill introduces reforms to provide a clearer framework for managing misconduct of councillors, board members and staff of Aboriginal land councils. Part 10 of the Act currently sets out a disciplinary regime for councillors, board members and staff of Aboriginal land councils that engage in misbehaviour or breach the duty to disclose conflicts of interest. The existing system was adapted from the then disciplinary provisions of the New South Wales Local Government Act 1993, which has since undergone change. Public consultations and consultations with the network indicated that the current regime set out in part 10 is too complicated, making it easy for complaints to be made against the undeserving, and difficult to bring to account individuals whose behaviour justifies sanction.

The bill updates this regime to replace the framework of "misbehaviour" with one of "misconduct", consistent with recent changes to the Local Government Act 1993, provides clearer definitions of what constitutes "misconduct" and streamlines the procedures for dealing with complaints. In order to strengthen the disciplinary framework, both the registrar and the NSW Civil and Administrative Tribunal will also be able to impose harsher penalties once misconduct has been established. In addition to strengthening the accountability mechanism, the bill also provides for the ability of the registrar to appoint advisers to local Aboriginal land councils if he or she is of the opinion that the council or the board of the council requires assistance in the exercise of its functions. This will help local Aboriginal land councils build their capacity by calling on the expertise of external advisers.

Finally, the bill makes a number of improvements to the governance arrangements of local Aboriginal land councils and their operational procedures. For example, the notice and procedural requirements for member meetings considering significant decisions, such as member approval of land dealings and community land and business plans, currently differ depending on the nature of the business to be decided at the meeting. These requirements are confusing, making compliance unnecessarily difficult for local Aboriginal land councils. The bill makes these requirements uniform. The bill will also address difficulties the boards of local Aboriginal land councils have had in meeting quorum requirements for meetings and the lack of participation by members by allowing chief executive officers of local Aboriginal land councils to declare a member inactive if that member has not attended a prescribed number of meetings.

Inactive members are not considered as voting members for the purposes of determining a quorum, but the amendment does not remove the voting rights of those members. Inactive members will cease to be an inactive member merely by attending a meeting of the council or by making a request in writing to the registrar for their status as an inactive member to be removed. Board member terms will be extended from two years to four years in order to allow board continuity, long-term capacity building, and sufficient time to implement longer-term strategic goals. Finally, a members code of conduct will be introduced to clarify the grounds on which members can be suspended from attending meetings for unacceptable behaviour. A model code of conduct, which is adaptable to the circumstances of each local Aboriginal land council, will be developed by the registrar in consultation with the Aboriginal Land Council network.

In conclusion, the measures provided for in this bill will significantly benefit the land rights network and Aboriginal communities throughout New South Wales by enabling more efficient and strategic delivery of land rights to Aboriginal land councils in New South Wales, giving greater capacity to Aboriginal land councils to generate economic outcomes from their land while at the same time providing for increased accountability and more effective enforcement of the Aboriginal Land Rights Act. The process undertaken to get where we are

today with this bill has been an incredible one. I thank the following in particular: the Aboriginal Land Rights Act team within the Aboriginal Affairs agency, Kristy Masella, Ross Pearson, Daniel Lutton and especially Alice Lam, without whom this bill would not be as comprehensive or robust; and the NSW Aboriginal Land Council, in particular, Chairman Craig Cromelin, Deputy Chair Roy Ah-See, the councillors, Chief Executive Officer Les Turner, Senior Policy Adviser Stephen Hynd, and Legal Officers Anna Harding and Paul Bertram.

I also thank the Registrar of the Aboriginal Land Rights Act, Mr Stephen Wright, and his team, Adam Black, Megan Mebberson and Kathy Ridge; I thank Parliamentary Counsel Don Colagiuri, SC, and members of his office, specifically Nigel Hill and the principal drafter for this bill, Daniel Gray, who is himself a Wiradjuri person. I thank Verity Lomax, my chief of staff, and Caity McLoughlin, my policy adviser for Aboriginal Affairs, and my parliamentary liaison officer Tom Green for all their work in getting the bill to where it is today. Finally, and most importantly, I thank all the Aboriginal people who participated in the review of the Aboriginal Land Rights Act. This bill that we have created together will allow the Aboriginal leaders of today to deliver enduring, generational change for the Aboriginal communities of tomorrow. I proudly commend the bill to the House.

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

## **MULTICULTURAL NSW LEGISLATION AMENDMENT BILL 2014**

### **Second Reading**

**Debate resumed from 14 October 2014.**

**Mr GUY ZANGARI** (Fairfield) [5.17 p.m.]: On behalf of the New South Wales Labor Opposition I will discuss the proposed Multicultural NSW Legislation Amendment Bill 2014. The object of the bill is primarily to change the name of the Community Relations Commission [CRC] to Multicultural NSW by amending the Community Relations Commission and Principles of Multiculturalism Act 2000 in a number of ways. We can all acknowledge there has been some confusion within a number of New South Wales communities regarding the name "Community Relations Commission". Many people in the community have mistakenly likened the CRC to a body like a royal commission while holding no firm understanding as to what role the CRC plays in our State.

On many occasions I have heard feedback that members within our multicultural communities simply did not understand the role the CRC played, nor the value it held for the many multicultural communities throughout New South Wales. As such, we come to the first proposed change to the legislation. Schedule 1 item [12] renames the Community Relations Commission of New South Wales to Multicultural NSW. That is a make-sense change which we can all agree sets a clearer tone to ensure that everyone will understand what it is and have an idea of its purpose just by hearing the name. It is hoped that this will ensure that any confusion regarding the body's role or scope within the community will no longer be ambiguous.

Additionally, this name change will align our key multicultural body in New South Wales with those in other States. Further, following the introduction of the proposed amendments, Multicultural NSW will operate as an advisory board, rather than being a commission. While a vast majority of the proposed amendments in this legislation are largely consequential changes as a result of the structural change from its former state as a commission to an advisory board, there are a number of additions to the bill which I believe are worth noting. For starters, two new objectives have been added to new section 12 (a) and (b) wherein Multicultural NSW will promote the equal rights and responsibilities of citizenship and promote the unity, and strong commitment to Australia, of all people in a cohesive and harmonious multicultural society.

These new objectives are clear cut and aim to promote the Australian way of life, citizenship and what it means to Australians, and aims to promote harmony in our communities. The new objectives are worthwhile additions to the legislation to promote and reinforce the ideals that play an essential part in ensuring that any migrants who arrive in New South Wales will be given the opportunity to learn, understand and respect the Australian way of life, our values and our culture. Although none of the existing functions of Multicultural NSW have been changed, two new functions have been added which aim to provide further assistance to women and girls and to allow Multicultural NSW to render additional assistance and feedback regarding the delivery of services to the community by government. The proposed additions are found in new section 13 (1) (g) and state:

To assist and develop programs for, and assess the effectiveness of, public authorities in observing the multicultural principles in the conduct of their affairs, particularly in connection with the delivery of government services, so as to facilitate consistency across authorities on issues associated with cultural diversity.

The primary change in this section ensures that the development of programs will now be set out as one of the key functions of Multicultural NSW. By enabling this function, Multicultural NSW will have the capacity to provide a greater level of input and the ability to provide government with useful tools and additional information to enhance its delivery of services to the communities throughout New South Wales. New section 13 (1) (j) states:

To support community initiatives that promote the objectives of Multicultural NSW (including initiatives that support women and girls and other groups of diverse backgrounds) and to promote community engagement for the purposes of promoting those objectives.

The main change within new section 13 (1) (j) is the inclusion of initiatives which support women and girls and other groups of diverse backgrounds. While it is important to acknowledge the requirement of additional support services to be provided to women and young girls, we cannot overlook the fact that many young boys and men who migrate to Australia have also suffered a great deal of trauma and prejudice and are also in dire need of government outreach to ensure they get the assistance they require.

It is proposed that the definition of "cultural diversity" be amended by removing the reference to "racial and ethnic backgrounds" and replacing it with "ancestral background". This change updates the reference with a more acceptable term for this day and age, given the negative connotation it now reflects. Given our stance on combating racism and promoting harmony and social cohesion within our communities, it is very important that we do not overlook such details and keep our references and definitions current and up to date.

Following the structural changes to Multicultural NSW by transforming it into an advisory board, a number of consequential amendments have been made concerning the newly appointed positions and their responsibility, given Multicultural NSW is no longer a commission. Some of the key changes include: the introduction of the three appointed positions within Multicultural NSW, being the chief executive officer, chairperson and members of the board; the duration of a member's term when serving on the Advisory Board of Multicultural NSW; criteria for reappointment to the board; and changes to when its reports must be submitted to government.

The Advisory Board of Multicultural NSW will consist of one chief executive officer and no more than 15 part-time members who have been appointed by the Governor. Out of the 15 board members on the board, one is to be selected and appointed as a chairperson for the advisory board. Of these 15 appointed part-time members, there still stands the requirement for two of the members to be between the ages of 18 and 24 years at the time of their appointment. Limitations will be placed on the duration for which any member of the advisory board may serve. Unlike the Community Relations Commission, when members of the advisory board have been appointed their term will be for a period of up to three years, with the possibility of reappointment. However, the maximum time any member of the advisory board may serve is nine years, no more. Should any member reach this milestone, he or she will no longer be eligible for reappointment to the Advisory Board of Multicultural NSW.

Additionally, stringent new rules have been implemented concerning attendance. This will mean that should a member of the advisory board fail to attend three meetings without suitable reasons for their absence they will be removed from the board. There have also been changes concerning the body's reporting cycle. Reports on the state of Multicultural NSW must now be prepared and submitted by February for each financial year, rather than running off each calendar year, which is how the report structure presently works under the CRC. Additionally, it is worth noting that just like within the CRC, Multicultural NSW will have broad selection criteria that each member must fall within.

Let us just hope that this time those opposite do not simply appoint their mates to positions. We will give the Government the benefit of the doubt that this new procedure will be open, honest and fair and the selection rules and guidelines will be followed. We do not want it to be a repeat of the ministerial consultative committees. We would like to see the right people in these jobs, people who deserve their space on the advisory board and who are not appointed just because they are a donor or an "acquaintance" of the party, being the current Coalition Government. We have seen the dysfunction of committees in the past where they have been closed and secretive and nothing is disclosed. I am sure this will sound familiar to those opposite. It was not until a Standing Order 52 call for papers on the ministerial consultative committees that we had concrete evidence that these committees were not working, and in some cases did not even convene as they were supposed to.

There is a track record of being secretive and not disclosing this kind of information. Shrouding committees in cloak and dagger tactics certainly does not help bolster public confidence in an open, honest and

transparent system. I have asked the Minister on several occasions about these secretive committees and the Community Relations Commission in such questions as Nos 4021, 4028, 4465, 3421 and 3419. What kind of information did the Minister disclose? Nothing, because it was all a secret. The Minister himself could not articulate what the ministerial consultative committees had achieved in the past. As a result, we all know what happened there. They were dissolved. We need to make sure that board members and those who are volunteering for any public board are accountable for their actions and decisions. People need to be aware of what they are doing and the recommendations they are making.

There has been a strong focus from the Minister on the ethos of the Australian way of life and the need for our multicultural communities to embrace this. I wholeheartedly agree. As a part of the Australian way, we openly embrace and accept the way of life and culture of a diverse range of communities. There is no reason we should not be promoting the Australian way of life to multicultural communities throughout the State. However, need I remind members that very little has been done over the past 3½ years by this Minister to introduce any new plans, strategy or any kind of game changing policy to get stuck in and make positive changes throughout our multiculturally diverse communities in New South Wales? It is a very poor effort. Given this legislation essentially makes minor amendments to the existing CRC, I am perplexed that this is the best the Minister could come up with. It makes me wonder whether the Government is listening to the concerns from multicultural communities throughout this State, given that 3½ years after its election the best it could do was introduce one piece of legislation which makes minor amendments to existing legislation.

This legislation aims to enact further measures which are set out in "Harmony in Action—Multicultural NSW's 2014-17 Strategic Plan". To date, however, we are still waiting to see the goals in the 2012-15 Multicultural Advantage Action Plan implemented. We appreciate the plans and goals the Minister is setting for New South Wales but he needs to see them through. Does he recall the Voices in Harmony concert and the discussion about introducing multicultural hubs? We do. We would also like a 100 per cent commitment on his new plans for 2014-17. He simply cannot just talk the talk; he has to walk the walk. I am sure the Minister has had a change of heart on this and we will not see a repeat of years gone by.

This legislation makes some minor improvements to the Community Relations Commission and Principles of Multiculturalism Act 2000. Most of the changes are purely consequential amendments as a result of a change of name. However, much still needs to be done. This bill is essentially a new coat of paint and a new light fixture or two. We really need to finish the renovations and make sure we listen to our communities by implementing the services they need. A coat of paint will not fix the problem. We need to ensure that our government services cater to the needs of the community, provide the much-needed assistance people require and embrace the magnificent contributions they make to society. The New South Wales Opposition does not oppose the bill.

**Mr JONATHAN O'DEA** (Davidson) [5.30 p.m.]: I am delighted to speak to the Multicultural NSW Legislation Amendment Bill 2014. I thought the shadow Minister did a reasonably good job early in his speech but then he went off track and became more political. He failed to recognise that this legislation applies a whole range of paint colours. His problem is that he paints everything red. The Minister and the Government are bringing diversity, vibrancy and colour to this State. The bill follows the retirement earlier this year of the longstanding chairperson of the Community Relations Commission and also the chief executive officer [CEO] of the agency, Stepan Kerkyasharian, who did a wonderful job—and his replacements are doing a great job too. The new governance arrangements introduced by administrative order in January 2014 involve the former role being split into two positions, a full-time CEO of the agency and a part-time chairman of the commission.

To give legislative force to those arrangements, which reflect modern governance practices, amendment to the Act is required, and we are seeing that today. This bill importantly also amends the current legislation to allow greater emphasis to be placed on the need for commitment to our shared democratic values, laws and institutions as Australians, while also recognising and valuing the different linguistic, religious and ancestral backgrounds of all people in New South Wales. In particular, the bill will assist in promoting social cohesion through a strong focus on citizenship, mutual obligation and respect. The bill includes a definition of "commitment to Australia". That is defined as a commitment to the common values and things that bind Australians together, such as a volunteering ethos, participation in Australian national days and events and a recognition of our Indigenous heritage.

The bill removes the ideological aspect through use of the term "multicultural" rather than "multiculturalism". It amends the definition of "cultural diversity" by removing the reference to "racial and ethnic backgrounds" and replacing it with the more neutral and appropriate term "ancestral background". The

bill changes the name of the Community Relations Commission to Multicultural NSW, and I am glad that is welcomed by the Opposition. It includes specific areas important to the maintenance of social cohesion and community harmony in the objectives and functions of Multicultural NSW. For example, it combats racism and supports community initiatives to address issues affecting women and girls. Those sorts of issues may be downplayed by the Opposition but they are important and should be acknowledged as such.

The bill clearly delineates the functions and objectives of the agency from that of the advisory board. It reflects the new governance structure with a full-time CEO as head of the agency and a part-time chairperson of the advisory body. It introduces broad selection criteria for those seeking appointment to the advisory board, including three-year terms for all members of a skills-based advisory board, with possible reappointment up to a maximum of nine years. Importantly, the bill makes attendance by advisory board members more stringent. Certainly the sort of attendance rates we saw from a previous Minister, now Leader of the Opposition—

**The ASSISTANT-SPEAKER (Mr Andrew Fraser):** Order! I remind the member for Keira that he is on one call to order. Members are entitled to be heard in silence.

**Mr JONATHAN O'DEA:** I recall that when Mr John Robertson, as he then was, was a member of the WorkCover Board his attendance rate over a couple of years was absolutely appalling.

**Mr Ryan Park:** Point of order: My point of order is relevance.

**The ASSISTANT-SPEAKER (Mr Andrew Fraser):** Order! The member for Davidson is being relevant. I question why the member for Keira did not take the same point of order on the member for Fairfield. The member for Davidson has the call.

**Mr JONATHAN O'DEA:** The member for Fairfield raised the importance of appointing the right people to the boards, making sure they are not political appointments and that they perform the job they are appointed to do, so it is directly relevant.

**Mr Ryan Park:** Hear, hear!

**Mr JONATHAN O'DEA:** "Hear, hear!" says the member opposite, yet his own leader set an appalling example and demonstrated how things should not be done. A political party should not have appointed an absolute hack, as he was at the time, who did not take his responsibility seriously. The Government has put protections in the bill to make sure that that appalling example is not followed again. Finally, the bill makes specific reference to the Government's multicultural policies and services program—again, something that was not adequately acknowledged by the shadow Minister—and it enables the report on the state of community relations in New South Wales to be made on a financial year basis. Australia is a diverse nation of people who identify with around 250 ancestries and speak almost as many languages; 45 per cent of Australians were born overseas or have at least one parent who is born overseas, and that includes me. My mother comes from a non-English speaking background.

**Mr Matt Kean:** Where was she born?

**Mr JONATHAN O'DEA:** She was born in The Netherlands and came to Australia as a child not speaking any English. My father is of Irish heritage; my mother came here and spoke no English but learnt very quickly. In those days people were largely pressured to give up their background and culture, and she essentially did this, other than to maintain the Dutch language to speak to my grandparents. However, we have come a long way since then.

**Mr Matt Kean:** He speaks double-dutch.

**Mr JONATHAN O'DEA:** I cannot speak any Dutch; I struggle with English. But we are constantly evolving as a nation and our laws need to change, along with our colourful and diverse heritage. The New South Wales Government is progressively updating multicultural laws to reflect the rapid pace of immigration and the need for shared values within our democratic legal framework. Rather than seeing ourselves as many groups of different cultures, we should be viewed as one group of many cultures. We are not seeking to retain a state of multiculturalism but to enjoy a multicultural society, which is supported by 87 per cent of Australians.

A multicultural society shares many ancestries, languages and religions but unifies for the common welfare of our country or community. Its differences will always be recognised but instead of them being

identified as racial or ethnic differences, they will now be referred to as ancestral differences. It is awkward to continue referring to, for example, Chinese people whose ancestors migrated to Australia during the gold rush as Chinese when many of the current generations have never been to China, do not speak any Mandarin or Cantonese or any Chinese dialects, and have enjoyed the benefits of Australian heritage for well over 100 years. They may have Chinese ancestry or even appearance, but they strongly identify as Australian.

The shadow Minister spoke specifically of support for women and girls pursuant to this bill but did not acknowledge adequately the significant focus placed on that area by the Minister. It is important to recognise that women from diverse ancestral backgrounds have specific issues around empowerment and autonomy relating to their ancestry that need special attention. By recognising that this is pertinent to their ancestry we can better and more explicitly address such issues. I can identify my constituents as Jewish, Armenian, Chinese, Indian, Korean and a number of other groupings. They all enjoy specific cultural experiences and are all part of the greater community. With this amending legislation the New South Wales Government is combating racism in these and other groups by promoting greater respect and understanding of different cultures. [*Extension of time granted.*]

It is this understanding together with strong relationships within the community that form the basis of people-to-people links that is the foundation for economic activity and growth, particularly with Asian countries. I previously mentioned the Chinese as an important group and I note the New South Wales Government's international engagement strategy, which aims to build closer international economic trade and investment relationships. It focuses on the Asia-Pacific region. On 2 September the China engagement strategy was the first of the 10 country-based strategies to be launched. New South Wales has the strongest cultural, historical and social ties to China of any jurisdiction in Australia, and I am pleased to play a personal part in that engagement. The amendments in this bill promote the rights and responsibilities of citizenship, and the need for everyone in New South Wales to commit to a harmonious and cohesive multicultural society. It is emphasising that becoming Australian brings with it responsibilities, which include loyalty to Australia, obeying its laws and becoming self-reliant citizens who contribute to the social and economic life of the nation.

I will respond to the shadow Minister's inadequate praise of the Minister. The shadow Minister belittled himself by attempting to politicise the matter towards the end of his speech. The bill gives legislative support to the policy direction of the New South Wales Government contained in the three-year strategic plan for New South Wales called Harmony in Action, which was launched on 20 August this year. The plan outlines how a multicultural New South Wales will enhance its capacity for community engagement, research and policy development to ensure we build and maintain a cohesive and harmonious society. I commend the Minister for his work in that area. He has consulted extensively regarding the New South Wales multicultural grants program, which has been revitalised to better meet the culturally diverse community needs, and promote intercultural and interfaith understanding.

There has been enhanced funding to combat racism, empower women and girls, encourage engagement between young people through sport, and build relationships between Aboriginal and multicultural communities. I will not go into all the details, but I note there are celebration grants, unity grants, support grants and partnership grants. Clearly the Government is adapting to the needs of a strongly multicultural New South Wales. It is amending the legislation to reflect our vibrant and varied heritage, and reinforce our cohesion for the future. I strongly support these amendments and commend both the Government and the Minister for an insightful and proactive bill.

**Mr RYAN PARK** (Keira) [5.43 p.m.]: I make a contribution to debate on the Multicultural NSW Legislation Amendment Bill 2014 and in so doing I praise the great work of the shadow Minister, who I know has worked very hard to build relations with various ethnic communities across New South Wales. The member for Davidson spoke of the importance of maintaining languages. I was proud to announce at the community languages conference recently an important election commitment that has been very well received by those opposite—on the quiet—to make community language schools in New South Wales the best funded in Australia. It is the result of work that I and the shadow Minister, the member for Fairfield, have been doing.

I know the Government is very supportive of it and would have liked to think of it before the Opposition did. It just needs to move a little more quickly to turn the Cabinet minutes around. We have made the commitment—and we will provide the funding—that our community language schools will be the best in Australia. I agree with the member for Davidson that it is very important that languages are maintained and enhanced. The fact that we are debating this bill at this time is important because today we lost a true champion of multiculturalism in this country, Gough Whitlam. The member for Davidson spoke of relations with China.

We know that reforms led by that great Labor leader Gough Whitlam ensured that for the first time we had strong democratic relations with China. But he did more than that: He abolished a policy that was a blight on Australia at the time, the White Australia policy.

**Mr Jonathan O'Dea:** Point of order: The member is, perhaps inadvertently, misleading the House. That occurred under a Liberal government.

**The ASSISTANT-SPEAKER (Mr Andrew Fraser):** Order! There is no point of order.

**Mr RYAN PARK:** Gough Whitlam was a champion of multiculturalism in this country and it is important that we are debating this bill on the day of his passing. As the member for Davidson stated in his contribution to the debate, it is important to reflect on the reforms that people across the political spectrum have achieved. I hope this bill will deliver on improving multiculturalism across New South Wales and the way we treat people from different backgrounds. This is an important bill. The Labor Party understands the wonderful contribution that the migrant community makes to communities throughout New South Wales.

The member for Davidson spoke of the ethnic groups in his electorate. My electorate is dominated by Italians. I am fortunate to have the largest Italian population outside of Sydney residing in my electorate, according to the latest census. I am proud of that. I am proud of the work they do to continue to advance cultural groups, regardless of where they have come from, across the electorate of Keira and New South Wales. I hope this bill is debated in the spirit in which it is presented today. We must continue to reflect on the legacy of leaders who have gone before us, such as Gough Whitlam, and encourage leaders of the future to consider how to improve multiculturalism for people from various backgrounds. They contribute to our community and as current leaders—and perhaps one day when the member for Hornsby is the Premier—

**Mr Geoff Provost:** You will not be the Leader of the Opposition.

**Mr RYAN PARK:** I have one number and I am working on my mum. This place—the oldest Parliament in this country—should continue to champion the cause of multiculturalism. We must all be cognisant of the need to continue to welcome those who have come from distant lands, and to ensure that they can integrate into our society and continue to make a wonderful contribution.

**Mr MATT KEAN** (Hornsby-Parliamentary Secretary) [5.50 p.m.]: I am delighted to speak in support of the Multicultural NSW Legislation Amendment Bill 2014, which promotes the beliefs and values that unite all of us as Australians, and the social and economic benefits of our cultural diversity. I am delighted to join the member for Keira in putting on the public record my full support for the efforts by people on both sides of politics over many years to promote a diverse, multicultural and tolerant society. It is one of Australia's greatest achievements. Every month members attend citizenship ceremonies at their local council chambers and welcome people from throughout the world who have chosen to call Australia home. They bring with them the promise and the hope that they will make this country even better. Regardless of our politics, we should all support that goal.

The member for Keira rightly pointed out the enormous contribution that Gough Whitlam made to promoting multiculturalism in Australia. However, contrary to what he said, the Holt Liberal Government abolished the White Australia policy, which was introduced by a Labor government. I am glad that all members, regardless of their politics, have come together to repudiate the bad old days of the Labor Party when it introduced that policy. We are standing together, regardless of our background or skin colour, to build this strong, great country that is Australia. All members of this House should be committed to that goal.

This legislation seeks to strengthen the diverse multicultural nation that we have built. It highlights the importance of social cohesion by placing a strong focus on citizenship, mutual obligation and respect. That respect is gained through meeting, living and working with each other, and taking part in community events, festivals and days of commemoration such as Anzac Day and Australia Day. The Government also recognises that our diverse and multicultural community is one of the State's most important and valuable economic resources. It has established the NSW Multicultural Business Advisory Panel to ensure that we harness our cultural diversity, language skills and overseas links as part of our pitch for new business.

The recent election of the Modi Government in India presents great opportunities for Australia. The Indian diaspora in this country is critical in developing inter-country ties, strengthening those bonds and ensuring that our country can make the most of the opportunities that this change in government offers. Strong



relationships in the community on the basis of people-to-people links are the foundation of economic activity and growth, particularly with our Asian neighbours. The Indian story hopefully will continue to driving Australia's economic prosperity. These factors underpin the Government's international engagement strategy, which aims to build closer international trade and investment relationships, particularly with countries in our region.

The China strategy—the first of 10 such country-based strategies—was launched on 2 September 2014. New South Wales has the strongest cultural, historical and social ties with China of any Australian State or Territory. The number of residents with Chinese ancestry continues to grow—the Chinese now comprise 8 per cent of this State's population. The Chinese also represent 8 per cent of my local community and they make an enormous contribution to our way of life. Chinese languages are the most commonly spoken non-English languages in this State. The 2011 census reveals that 136,000 people in this State speak Cantonese and 139,000 people speak Mandarin.

Multicultural NSW supports diverse communities through its grants program, which recently has been revitalised to better meet the needs of culturally diverse communities, to support initiatives, and to promote cultural harmony and social cohesion. I commend the Minister for reforming the grants program so that it lends itself to better supporting our multicultural communities. Several different types of grants are available, including the celebration grant, which offers up to \$5,000 to events and festivals that celebrate cultural diversity, and the unity grants program, which offers up to \$30,000 to projects that promote our shared beliefs and values by bringing diverse communities together.

Support grants of up to \$10,000 are also available to assist individuals and communities to build community capacity and to participate more fully in society, and partnership grants of up to \$150,000 will be awarded to significant projects that have a long-term impact on the people of New South Wales. One of the many functions of Multicultural NSW provided for in this bill is to support community initiatives, including those involving women and girls. That is the wonderful thing about the amendments proposed by the Minister. Over the past 30 years this State has welcomed more than one million migrants. The Government recognises that our diversity is one of our greatest assets. It has established a number of initiatives through Multicultural NSW that celebrate and promote this asset. I could cite many examples.

I know that the member for Drummoyne is interested in Armani ties, but he is also particularly interested in the Multicultural March. This initiative, which was established in 2012, is a month-long celebration of this State's cultural diversity. Many members have attended the Premier's Harmony Dinner, which is now in its third year. Former Premier Barry O'Farrell established the event, which is another great example of his legacy as Premier of this State. The dinner brings together people from different cultures, faiths and linguistic backgrounds. This year 1,000 people attended the dinner, which has now won its place on the Destination NSW calendar of significant events.

The Premier's Multicultural Media Awards, which bestows awards in 13 categories, recognises the important role played by the ethnic media in our community. The Australian Multicultural Marketing Awards recognise the achievements of government agencies, businesses and community groups that successfully implement marketing strategies tailored for culturally diverse communities. These initiatives demonstrate that the Government is committed to celebrating and promoting our diversity, and that is a great thing. The name change from the Community Relations Commission to Multicultural NSW is in line with the changes made in other States, such as Multicultural SA and the Victorian Multicultural Commission. This change does not affect the organisation's statutory independence or its role as the lead agency for New South Wales in ensuring that the objectives of this legislation are met.

Multicultural NSW is for everyone in this State. It exists to build and maintain a cohesive and harmonious multicultural society. It does this by engaging with all sections of our society to break down barriers to participation and by enabling access to services and programs. It will continue to promote and to encourage interfaith dialogue by bringing together followers of various religions in the interest of community harmony. This bill enhances the functions of Multicultural NSW by including in its objectives a focus on initiatives designed to combat racism, to empower women and girls, and to provide support to other groups from diverse backgrounds. It makes specific reference to multicultural policies and service programs that promote better performance and service delivery for culturally and linguistically diverse communities.

This program makes government agencies accountable for their actions. The bill also provides for a new governance structure with a full-time chief executive officer as the head of Multicultural NSW and a

part-time chairperson serving the new skills-based advisory panel. I note that the shadow Minister for Citizenship and Communities said that this legislation was simply applying a coat of paint. Anything that we do to combat racism, bigotry and intolerance is more than that; it is strengthening what we all believe in—that is, our multicultural society.

Whilst the member for Fairfield thinks it is just a coat of paint, I am more likely to take the opinions of community organisations that are on the front line of dealing with multiculturalism in our society. The Ethnic Communities' Council, Eastwood Chinese Senior Citizens Club, New South Wales Jewish Board of Deputies, Vietnamese Australian Welfare Association, Indian Australian Arts and Film Association, Liverpool Migrant Resource Centre, Alliance of Philippine Community Organisations, Vishva Hindu Parishad—I know it is a favourite of the member for Baulkham Hills—

**Mr David Elliott:** Good people.

**Mr MATT KEAN:** Good people, as the member said. The Arab Council Australia, Lebanese Muslim Association—I note the outstanding work of my friend Samier Dandan, who does remarkable things not just in the multicultural space but also to enhance our State and our country—School of Vedic Sciences (Australia) and the Federation of Community Language Schools do not think this legislation is a coat of paint. They think this is an important policy to strengthen our country and multiculturalism in New South Wales. I will not be lectured by the member for Fairfield about multiculturalism. [*Extension of time agreed to.*]

**The ASSISTANT-SPEAKER (Mr Andrew Fraser):** Order! I welcome to the gallery of the oldest Parliament in Australia Alex McKenzie and Harriet Raleigh from the Northern Inland Academy of Sport and the Acting Executive Officer, Di Gray, guests of the member for Northern Tablelands. I know there is a reception tonight for all academies of sport around the State.

**Mr MATT KEAN:** I know these guests of the member for Northern Tablelands are delighted to lend their support to building and strengthening our country. We should not be lectured about multiculturalism by the member for Fairfield when on the front line of multiculturalism there are so many organisations that support this initiative. We will certainly not be lectured by the member for Fairfield about board appointments. If he wants to talk about board appointments, let us talk about some of Labor's clanger board appointments: Michael Williamson, the corrupt union official, was appointed to a board, and John Robertson was appointed to several boards under the Labor administration. We will not be lectured about people on boards when Labor's record was so appalling.

This Government is committed to utilising multicultural communities to help build this country into the greatest country it can be. We, on this side of the House, are working towards this goal and that is why we are committed to supporting this bill. I congratulate the Minister for Citizenship and Communities, and the Minister for Aboriginal Affairs; it is a long time since the State has had such a hardworking, dedicated and committed advocate for multiculturalism. The Minister does an outstanding job on behalf of the New South Wales Government. He has done much to promote multiculturalism in this State. I note that Tom Green and Verity Lomax from the Minister's staff are in the Chamber. I congratulate them on working so hard to bring this policy to fruition. I commend the bill to the House.

**Mr DAVID ELLIOTT** (Baulkham Hills—Parliamentary Secretary) [6.03 p.m.]: I support the Multicultural NSW Legislation Amendment Bill 2014. There has been conjecture about which side of the House has the best multicultural credentials. I know the Labor Party introduced the White Australia policy and opposed Liberal Party attempts to get rid of it. This side of the Chamber has John Barilaro, an Italian Australian; Gladys Berejiklian, an Armenian Australian; Charles Casuscelli and Victor Dominello, also Italian Australians; Thomas George, a Christian Lebanese Australian; Chris Gulaptis, a Macedonian Australian; Tony Issa, a Christian Lebanese Australian; Geoff Lee, a Chinese Australian; Dominic Perrottet, a Swiss Australian; Adrian Piccoli, another Italian Australian; Andy Rohan, an Iraqi Australian; and John Sidoti, the newly appointed Parliamentary Secretary for Planning. We have so many people from diverse backgrounds and that is why this legislation is very important to this side of the Chamber.

**ACTING-SPEAKER (Mr Mark Coure):** Order! Members will come to order. I cannot hear the member for Baulkham Hills.

**Mr DAVID ELLIOTT:** While I am very proud of my Celtic-Scottish Protestant roots, both my grandmothers were Polish and I am very proud of my multicultural credentials. We on this side of the House

support Australia's unique cultural diversity, but we also recognise the importance of the binding values of hard work, mateship, and a fair go. These values became the guiding principles of our society under a framework of the Westminster system and the associated principles of parliamentary democracy, rule of law, independent judiciary, free speech and a free people. Multicultural NSW is about giving people with different ancestries the opportunity to have a fair go. It is not about letting groups separate off into their own separate community, but to enable every individual to contribute to and enrich Australian life in New South Wales.

This bill sensibly removes the word "multiculturalism" from the legislation and replaces it with the more neutral "multicultural". The word "multiculturalism" has become tied up with a political ideology of permissiveness, an ideology of the left and those who introduced the White Australia policy. Where those of different cultural origins are permitted to remain separate from the Australian mainstream, this is unacceptable in modern Australia. All should participate fully in Australian life, and it is equally important that all are given the opportunity to participate fully. The word "multicultural" is more suitable as it recognises those of different origins in New South Wales and the unique contribution that every individual makes to the State; however, it removes the political ideology.

John Howard said that we were "able to absorb people from all around the world, because we have essentially been a group of people who have tried to deal with people on the basis of their merits and their individual qualities". On this side of the House, we have always been focused on the individuals, not minorities, even though Ayn Rand said that the smallest minority is the individual. We must always judge people on their individual qualities and merits. A person's ancestral heritage should not make a difference to our perception of them as a person; however, that is not to say that we should be intolerant. Australians have no tolerance for those who bring past cultural conflicts to Australia with them. Our love of freedom and peace binds Australians together.

The bill assists in promoting social cohesion through a strong focus on citizenship and an obligation to work together to improve the State. Tony Abbott used the language of "Team Australia" and was inappropriately criticised. It is more than necessary that we all work as a unified team supporting the fundamental values of Australia. I am sure that we all recognise the unique evil of the Islamic State and its presence in Australia. To fight insidious organisations such as Islamic State, we must work together as a community to defend the most important Australian values, which are alien to organisations such as Islamic State.

The bill specifies multicultural principles, the first of which is "all individuals in New South Wales, irrespective of their linguistic, religious and ancestral backgrounds, should demonstrate a unified commitment to Australia". The second is "all individuals in New South Wales should recognise the importance of shared values governed by the rule of law within a democratic framework". It is these multicultural principles that we must never forget, as these are the principles that will ensure that individuals and groups remain committed to defending our values, and remain committed to being a part of the Australian mainstream, not branching off into the violent and un-Australian benches of organisations such as Islamic State.

In my role as Parliamentary Secretary to the Premier for the Centenary of ANZAC, I have attended many services commemorating the contribution that many countries have made fighting alongside Australia throughout our history. People with many different ancestral origins have served alongside the Australian Defence Force and continue to serve within the Australian Defence Force. This is an excellent example of multicultural principles in action, recognising each individual's contribution to protecting and defending Australian values and the Australian way of life, focusing on what unites us, not what divides us.

This bill also brings the governance of the Community Relations Commission in line with modern practice. Amendment to the Act will give legislative force to these arrangements. When the former Chair of the Community Relations Commission, who was also the Chief Executive Officer, resigned in January, the role was split into two positions, a full-time chief executive officer and a part-time chairperson. The bill will bring legislative force to this arrangement. However, the bill makes much broader changes: it renames the Community Relations Commission as Multicultural NSW. The chief executive officer will act as the head of Multicultural NSW and the chairperson will act as the chair of the advisory body.

The bill introduces broad selection criteria for those seeking appointment to the advisory board. The selection criteria include two people who are under the age of 24, which I certainly recommend, to represent youth from New South Wales, in addition to people from diverse backgrounds. Members of the advisory board will serve a three-year term and up to a maximum of nine years. There will also be more stringent requirements

for advisory board members to attend meetings than previously was the case. The amendments will also enable the report on the state of community relations in New South Wales to be made on a financial year basis. This bill demonstrates the New South Wales Government's commitment to ensuring a diverse New South Wales which celebrates the contributions of those of different ancestral heritage. It recognises that people from different cultures should work as a part of Australia and demonstrate a commitment to Australia. I commend the bill to the House.

**Ms NOREEN HAY** (Wollongong) [6.10 p.m.]: I make a contribution to debate on the Multicultural NSW Legislation Amendment Bill 2014. The member for Hornsby and the member for Keira are obviously in furious agreement in relation to multiculturalism and its principles. I felt a bit saddened that Government members did not give any recognition to Gough Whitlam's commitment to multiculturalism, especially today. Government members can criticise all they like but it is a shame that they could not be generous of spirit and give recognition to the great commitment made by Gough Whitlam to multiculturalism in Australia. It would have been the respectful and decent thing to do.

I represent the electorate of Wollongong, which is the most multicultural electorate on the South Coast. I will not claim that it has the largest Italian population or the largest Macedonian population because in the 1950s BlueScope Steel, formerly BHP, brought people from many countries on working contracts, and many of those people established themselves and raised their families in the Wollongong electorate. I am very close to just about all of the multicultural groups. I am very proud of them all and the way that they conduct themselves and go about their business. I am very proud also of the English language classes that are provided in my electorate. I recently attended a women's Muslim class where not only are the women taught English but their children, who are growing up in Australia, are taught their native language.

It is wonderful to see how the multicultural groups come together. As a migrant to Australia, way back in my early days here, the friends I made from non-English speaking backgrounds thought I had it easier than they did because I was speaking English, but at that time Australians did not believe I was speaking English. I did not speak then as I do now with an ocker Aussie accent; at that time I had a cockney accent, having been raised in London by Irish parents in an Irish community within four minutes' walk of the Chelsea football ground. Very little of the standard English language was spoken where I grew up, and what was said about football could not be repeated.

**Mr Geoff Provest:** You're a Chelsea girl.

**Ms NOREEN HAY:** Chelsea is my team, but I follow most sports, as most members in this House would know. There has been some confusion within a number of New South Wales communities regarding the name Community Relations Commission. The Illawarra Multicultural Communities Council is in my electorate and it does an absolutely fabulous job. Schedule 1 of the bill changes the name of the Community Relations Commission of New South Wales to Multicultural NSW, which I support; that term has been used in the Illawarra for some time. The name change hopefully will ensure that any confusion regarding the body's role or scope within the community will no longer be ambiguous. Additionally, the name change will align our key multicultural body in New South Wales with similar bodies in other States.

I support the comments of the member for Fairfield in relation to colourful language. As members know, it is not like me to use colourful language, but when he spoke about a coat of paint I would have used the term "a cat's lick". It is just terminology, it is nothing to get upset about; it is just the way we speak, and it means "superficial". I concur with the member for Fairfield when he said that the two new objectives of Multicultural NSW in proposed new section 12 (a) and (b) will promote the equal rights and responsibilities of citizenship and the unity and strong commitment to Australia of all people in a cohesive and harmonious multicultural society, which is obviously what members on both sides of the House strive for. These new objectives aim to promote the Australian way of life and what citizenship means to Australians and to promote harmony in our communities.

Although none of the former Community Relations Commission's existing functions has been changed, two new functions have been added which aim to provide further assistance to women and girls and to allow Multicultural NSW to render additional assistance and feedback regarding the delivery of services by government to the community. All members would agree that it can only be a good thing to provide opportunities and assistance to women and girls and to improve the delivery of services to the community. I come from a multicultural community and I faced difficulties finding out about services and practices in a new country. I have been in Australia for more than 30 years but when I first came to this country I brought four

young children with me and, even though I spoke English, I found it difficult. If I had difficulty finding out to access services and how things worked, those poor people from non-English speaking backgrounds, struggling with the language and isolation, would have had enormous problems. Any measures that will alleviate those types of difficulties are beneficial.

While it is important to acknowledge the need for additional support services for women and young girls, we cannot overlook the fact that many young boys and men who migrate to Australia also suffer a great deal of trauma and prejudice. We have seen recent examples of people escaping war-torn countries. Many of those are young men who were being persecuted and had violent acts inflicted upon them. Such people are in dire need of government outreach to ensure they get the assistance they require.

I have at all times promoted support for women and gender balance. As a mother of two daughters and two sons I understand the need for equality for all, regardless of background and gender. To some degree, I support positive discrimination for women and young girls in order to redress imbalances in many areas. That does not mean that we do not want the best for all Australians; we do. But occasionally positive discrimination will ensure that everybody has the same opportunities which we, as active members of our communities, take for granted.

The key changes to Multicultural NSW include the introduction of three appointed positions: chief executive officer, chairperson and members of the board. The changes also include the duration of a member's term when serving on the advisory board for Multicultural NSW, the criteria for re-appointment to the board—I do not think it hurts anyone to have another look at criteria requirements for any position; that is healthy—and when their reports must be submitted to government. As I said, while they are important and have an effect, there are commitments to be had— [*Extension of time agreed to.*]

I make the point that we as a society have a responsibility to people from non-English-speaking backgrounds and English-speaking backgrounds. It is incumbent on us all to provide a fair and just multicultural society and community. I am strongly in favour of and support the pursuit of equality and fairness, regardless of race or gender. Indeed, I am an activist because I pursue those principles every day of my life. In conclusion, I support any move to improve the lot of the multicultural communities we represent. I thank members for the opportunity to contribute to this debate.

**Ms MELANIE GIBBONS** (Menai) [6.20 p.m.]: Mr Acting-Speaker Coure, it is good to see you in the Speaker's chair. Welcome to the Speakers' panel.

**Mr Andrew Gee:** Lay it on thick.

**Ms MELANIE GIBBONS:** I have to—he is in the chair. I support the Multicultural NSW Legislation Amendment Bill 2014. I represent many people in the Liverpool community. Liverpool is already an incredibly multicultural community, and this can only strengthen our goals and assist in our achieving them. Liverpool has 150 nationalities and 140 languages are spoken in the area. I think we are the guiding light in how multiculturalism can work. Our mayor, Ned Mannoun, likes to progress Liverpool's reputation as a multicultural city, and I support him in that. The bill amends the current legislation. It is about allowing greater emphasis to be placed on the need for commitment. We have shared values in democracy, our laws and our institutions, but it is important that we value the different linguistic, religious and ancestral backgrounds of all people in New South Wales.

One thing I like to say at citizenship ceremonies is that I have a Chinese and German background, as well as a First Fleet background. I know why people on the First Fleet came to Australia, but I often wonder why my Chinese and German ancestors chose Australia. It would have been great to have that written down somewhere or passed down in my family. When I talk at citizenship ceremonies I say that we must keep our histories alive. Immigrants should tell people why they chose Australia so that generations to come know why they thought Australia was such a special place. Hopefully, that will help the stories to continue. It is also important to keep our languages alive because some languages are at risk of disappearing. That is where our Saturday schools, particularly, come into play, as well as our Higher School Certificate.

Recently we were at the launch of a new newspaper for our Indian community. One of the goals of that community is to keep the Hindu language alive. I am thrilled that as part of the 3,000 new jobs moving to Western Sydney the Community Relations Commission, or Multicultural NSW as it will now be known, will be moving to Liverpool. First, it is jobs for Liverpool, which is incredibly important, but it is a key place for this

organisation to be located. Liverpool is where it is happening; it is the hub of multiculturalism and it is a perfect place for Multicultural NSW to be located. On most weekends I am out attending different multicultural events. This past weekend I was attending Eid and Diwali. I am looking forward to turning the Opera House gold tonight as part of the Diwali celebrations.

I acknowledge the support that Liverpool City Council gives to community events, such as Starry Sari Night, where we were joined by the Minister for Citizenship and Communities recently. It was great to have him there, speaking not only to the Indian community but also to the hundreds of people who came along to enjoy the Indian food and stalls. This fabulous night included a Bollywood movie at the end. It was a great community event. The Minister has also joined us at the Liverpool Migrant Resource Centre to talk about different things happening for our multicultural community, as has the Attorney General, who talked about how to apply to become a justice of the peace in different languages so that our multicultural community gets the assistance it needs.

The multicultural community constantly helps out with different events. Recently we had an African night, with 800 African people joining us for dinner at the Liverpool Catholic Club. Our Medan community also provides a great deal of support. The bill promotes social cohesion and focuses on citizenship, mutual obligation and respect, and it looks at how to maintain those things as part of Multicultural NSW. I love the fact that the bill refers to combatting racism and supporting community initiatives, particularly for women and girls. I am thrilled to commend the bill to the House. I thank the Minister and his staff for all they do and for their many visits to the Liverpool community.

**Mr CHRIS PATTERSON** (Camden) [6.26 p.m.]: I support the Multicultural NSW Legislation Amendment Bill 2014. Following the retirement of the former long-time Chairperson of the Community Relations Commission, who was also the Chief Executive Officer of the agency, new governance arrangements were introduced by administrative order in January 2014. The former role was split into two positions: a full-time chief executive officer of the agency and a part-time chairperson of the commission. The bill will give legislative force to these arrangements, which reflect modern governance practices. Amendment to the Act is required. The bill will also amend the current legislation to allow greater emphasis to be placed on the need for commitment to our shared democratic values, laws and institutions as Australians while still recognising and valuing the different linguistic, religious and ancestral backgrounds of all people in New South Wales.

This bill assists in promoting social cohesion through a strong focus on citizenship, mutual obligation and respect; and includes in the definition of "commitment to Australia" a commitment to the common values and things that bind Australians together, such as a volunteering ethos, participation in Australian national days and events, and recognition of our Indigenous heritage; removes the ideological aspect through use of the term "multicultural" rather than "multiculturalism"; amends the definition of "cultural diversity" by removing the reference to "racial and ethnic backgrounds" and replacing it with the more neutral term "ancestral background"; changes the name of the Community Relations Commission to Multicultural NSW; and includes specific areas important to the maintenance of social cohesion and community harmony in the objectives and functions of Multicultural NSW.

This bill clearly delineates the functions and objectives of the agency from that of the advisory board, or former commission. It also offers a number of guidelines in relation to the advisory board. I mention briefly the 2014 Narellan Rhythms Festival that I attended over the weekend with the Deputy Mayor of Camden Councillor Theresa Fideli, who opened the event with a moving welcome to all assembled.

Our wonderful Minister for Citizenship and Communities, who has just entered the Chamber, also attended this event. Two years ago he opened the event. I thank the Minister for his friendship of Camden and for the work he has done within my electorate. Whilst at the Narellan Rhythms Festival, Glenda Chalker gave a warm and heartfelt welcome and acknowledgment of country. The festival is in its sixth year and is an annual event that celebrates Camden's cultural diversity and all that is great about multicultural and cultural fusion within our community. I commend Camden Council together with the festival's sponsors whose contributions help to make every year's festival a great success.

The gold sponsor of the festival is the Rotary Club of Narellan. It was great to be there on Saturday with Rotary Club members, President Phil Dowd and Rotarian Dennis Cummins, and with Men's Shed stalwart Peter "Robbo" Robinson. The silver sponsors are: Narellan Chamber of Commerce, Plus Fitness, Western Suburbs Leagues Club and IMB. The media sponsors are Channel Nine and C91.3FM. I congratulate the following individuals and organisations who supported and contributed to the festival's success: the NSW State

Emergency Service, Camden Youth Council, Disability Macarthur, the NSW Police Force, Sideline Medical, the Macarthur Disability Services Initiative, Camden Hire, Camden Community Connections, the Lions Club of Camden, festival stallholders James Cassar and Brad Ward, Macarthur Chinese Services Inc., Creative Resolutions, Chris Fullham, Mini Melts, Macarthur Textile Network, and the Rotary Club of Narellan.

It was wonderful to hear the inspirational guest speaker and local cultural ambassador Khoa Do, who told an inspiring story and kept the audience engaged. We were kept entertained throughout the event with performances from the Camden Community Band, African drumming by Mawarra Public School students, the Campbelltown-Camden District Band, and Brian Lorenz who sang songs in English and Filipino. Team 9Lives performed parkour and martial arts, the Reef Thunder Group performed Pacific Islander and Maori dance and drumming, the Indonesian Australian Families Association of NSW performed traditional music from West Java, and Armandito and the Trovason trio played traditional Cuban music.

Throughout the day we were entertained also by Japanese and Aboriginal culture. I thank the Camden International Friendship Association, Mygunyah Aboriginal residents and Sista Girl Yarnz Aboriginal Women's Group for their efforts. We were also entertained by the Writers and Scribblers group with readings of poems and short stories inspired by cultural diversity. An Irish dance performance was presented by the Carey Academy and a Middle Eastern dance was performed by Ali's Angels. Also on the day Camden Community Connections and Disability Macarthur provided face painting and balloon twisting with Happy Ever Laughter, storytelling and puppetry of African tales and Chinese paper cutting and musical performance. I commend Camden Council, especially Cheryle Yin-Lo, the 2014 Narellan Rhythms Festival coordinator, and her team for organising this great event celebrating cultural fusion throughout the Camden and wider communities. We all had a wonderful day on Saturday and I look forward to next year's event.

In conclusion, in all sincerity I commend the Minister for Citizenship and Communities for his outstanding work on this bill and thank him for his visits to Camden and support of my electorate. I do not throw the word "great" around lightly, but the great Minister Victor Dominello would want me to commend his hardworking staff, because that is the type of guy he is. They are: Verity Lomax, chief of staff; Jane Standish, multicultural affairs adviser; Matt Dawson, media adviser; Tom Green, parliamentary liaison officer; Hakan Harman, Chief Executive Officer, Multicultural NSW; and Marie Swain, Multicultural NSW. Like the Minister, they do an outstanding job and I thank them for their efforts. I commend the bill to the House.

**Mr VICTOR DOMINELLO** (Ryde—Minister for Citizenship and Communities, Minister for Aboriginal Affairs, Minister for Veterans Affairs, and Assistant Minister for Education) [6.35 p.m.], in reply: I thank all members who have contributed to debate on the Multicultural NSW Legislation Amendment Bill 2014. I thank my good friend, and someone I respect immensely, the member for Camden and Government Whip. He is an outstanding member of Parliament, full of vision, insight and truth. I thank him in particular for his commendations of my staff. Third party endorsements make it all worthwhile. I appreciate and thank the member for Camden for recognising the staff both of my office and of Multicultural NSW and commending them for their great work. I also thank the member for Davidson, the Parliamentary Secretary for Communities and member for Hornsby, the Parliamentary Secretary and member for Baulkham Hills; the member for Menai, the member for Fairfield, the member for Keira, and the member for Wollongong for their contributions to this debate.

The purpose of the amendments contained in this bill is two-fold. Firstly, the bill brings about administrative changes to the governance structure by creating a full-time chief executive officer position as head of Multicultural NSW and a part-time chairperson of the Advisory Board. In delineating the role of the agency from that of the Advisory Board it is important to note that the independence of the expert Advisory Board has not been diminished; in my view, it has been enhanced. Its role continues to be one of providing advice that it considers appropriate on any issue relating to the objectives or the strategic directions of Multicultural NSW to either the agency or the Minister. Secondly, the bill makes clear that while we continue to recognise and value the different linguistic, religious and ancestral backgrounds of all the people of New South Wales, this exists alongside the recognition that we are Australians first and foremost.

The bill includes a definition of what is meant by "a commitment to Australia". Namely, it is a commitment to the common values and things that bind Australians together, such as a volunteering ethos, participation in Australian national days and events and recognition of our Aboriginal and Torres Strait Islander heritage. The bill enhances the objectives and functions of Multicultural NSW by including specific reference to implementing initiatives to combat racism, empower multicultural women and girls—something I am particularly proud of in this legislation—and increase volunteering. In this way citizenship, mutual obligation and respect are strengthened.

Members have asked for concrete examples of what this Government has enacted in the past 3½ years in relation to multicultural practice in New South Wales. The Harmony in Action Strategic Plan 2014-17 provides a blueprint for multicultural practice in New South Wales. I will refer to some of the initiatives implemented by this Government in the past 3½ years through the prism of the grants program. The grants program is known as CUSP: celebratory, unity, support and partnership. How do we celebrate multicultural practice in New South Wales? It is important that we focus on what unites us and the wonderful heritage that the people of New South Wales bring to this State. This Government has put in place a number of events that did not exist 3½ years ago.

The Premier's Harmony Dinner started 3½ years ago with a group of about 500 people from various communities. Each year it has grown in number and in stature. Last year, more than 1,000 people attended and next year we are expecting more. The dinner is an example of how we celebrate our multicultural practice in New South Wales. At the dinner we recognise individuals in the multicultural space who have made a valuable contribution to our way of life. That is one initiative that this Government has implemented to celebrate our wonderful diversity. Another initiative the Government has implemented is the multicultural media awards. Each year we celebrate and recognise the contribution of those people in our community who have worked very hard in the multicultural media. We have a number of winners of the Premier's Multicultural Media Awards. Anwar Harb was the most recent winner and we congratulate him on all his work, and also Simon Ko from Sing Tao. They have made enormous contributions and there has been recognition and celebration of their contributions.

The Government has also celebrated multicultural practice in this State through the award known as the NSW Human Rights Award, a very prestigious award. The first award recipient was Andrew Penfold, whose work for our community generally but specifically the Indigenous community is nothing short of miraculous. He is a worthy inaugural recipient. Another worthy recipient is Maha Abdo of the Muslim Women's Association, a very strong leader in her community, and we thank her for her leadership. These things, which were not done previously, were undertaken by the New South Wales Coalition Government to celebrate multicultural practice in our great State. That is under the rubric of celebration.

I want to look at the next prism through the lens of unity and what we as a Government have done to promote unity in our State. I refer to the unity grants that focus on celebrating or bringing communities together on key issues of core Australian values—and they are reflected in the legislation—such as volunteering. We are a land of drought and flooding rains. Surf lifesavers are required to man our beaches; our land requires a lot of volunteers because of our rugged terrain. Australia very much has at its core a volunteering ethos. No greater symbolism of that could be seen than at the Sydney Olympics where we all came together. However, it is important that that is recognised as an Australian value.

I go to communities day in, day out, and I see communities come together. Whether it is Clean Up Australia Day, Anzac Day or other national days, communities come together in unity. Shared Australian values are a very powerful symbol of who we are and, more importantly, who we want to be and that is reflected in the Act, as is our commitment to our Indigenous brothers and sisters and their extraordinary vibrant, wonderful and rich heritage. I always say at citizenship ceremonies that people can travel anywhere around the world and they will not see Aboriginal culture other than on this land. In Central America they will see the Mayans and the Incas; they will see the Indians in North America and the Inuit in Canada. Right around the world there are different Indigenous communities but only in Australia will one see the didgeridoo and the boomerang. I guarantee that even non-Indigenous Australian citizens travelling overseas who see a boomerang, hear a didgeridoo or see Aboriginal artwork will think of Australia because it is intrinsic to who we are. It is something that we can all unite to celebrate, and again it is reflected in the Act.

The Act is not just for a segment of our community; it is for our entire community and it is something that we are proud of. Whether one came to these shores a day ago, hundreds of years ago or tens of thousands of years ago in the case of our First Australians, the contribution of the Anzacs to ensure our way of life today is incomparable, despite the different heritages, and it is critical that this is reflected in the Act. These things were not previously in the Act but as a Government we are proud that we are setting a strong policy directive to bring communities together under that unity badge. Another way of demonstrating the unity shown by this Government's multicultural practice is the advisory board.

In the past the advisory board would reflect certain segments of the community, predominantly European, and then another wave of migrants came through increasingly from the subcontinent and Asia. Multicultural practice in New South Wales is for everyone because increasingly we come from different



backgrounds unless one is a First Australian. It is important that the advisory board reflect that diversity. For the first time we have on the advisory board a proud Aboriginal, Steve Widders, an extraordinary man and a role model for many people. We also have a Celtic woman, Margaret Piper. This reflects the diversity. We have Australians of Indian, Italian, Chinese and Korean backgrounds but importantly we have the Celtic and Aboriginal people there too because they are as much a part of our community as anybody else. They have a right to celebrate our multicultural practice here in New South Wales and make a contribution to it. That is why they are there and it is something that this Liberal-Nationals Government has done to show unity.

I turn now to the "s" for support. It is critical to provide assistance and support to communities, particularly emerging communities, to make sure they have structures in place so they can communicate within their own communities and with government. Without appropriate structures in place it is very difficult to make advances within a community. We support communities, particularly emerging communities, through support grants. These grants are worth \$10,000 each. They are designed to ensure that emerging communities, particularly those coming through the Horn of Africa at the moment, have in place governance structures so that events can be managed efficiently and effectively and we can engage with them as a community. That is important.

A big tick for this Government is that on the advisory board is somebody by the name of Margaret Piper from the Refugees Council of Australia. She brings enormous expertise when it comes to emerging communities. The Government is proud to have appointed experts rather than mates as members of the advisory board. The Government wants the best outcome for communities and that will be achieved through having the best people on the advisory board, and on any view we have an outstanding advisory board. I come to the last aspect of the prism of grants I am taking us through, and that is partnership. Without a doubt the Government's best work is done when it is in partnership with community, and multicultural practice is no exception to that.

We have a partnership grants initiative where we partner with strong community organisations such as the Ethnic Communities Council or the Girl Guides. The Government has given that organisation a grant of about \$75,000 to encourage the great civic work of Girl Guides in multicultural communities and the broader community. The Government also gave \$80,000 to White Ribbon to ensure that the message about preventing domestic violence against women permeates throughout the community, particularly multicultural communities because these people often do not have a voice in the same way as those with English as a primary language.

These are concrete examples of real partnerships the Government has implemented that did not exist four years ago. In the last 10 minutes or so I have given concrete examples of what the Government has done differently; concrete examples of how the Government is improving our multicultural practice in this State. If one reads *Harmony in Action*, which I encourage all members to read, one will realise after reading the first few pages that now there will be a deliberate focus on policy development and community engagement. That is important. Merely because something has worked in the past does not mean it will work in the future. We need to be leaders in multicultural practice not only in New South Wales but also in Australia and the world.

Today we heard about the reports that show that New South Wales is number one again, which is a reflection of the hard work of this Government over the past 3½ years. It has been hard work—pure and simple. The Baird Government is proud that New South Wales is developing multicultural practices and will continue to promote them. We want also to promote community engagement. I encourage people to look at page 33 of *Harmony in Action*. It shows the structure that is in place to ensure that we engage with all aspects of the community, including business, sport, youth and the Consular Corps, which is often overlooked. This Government works closely with the Consular Corps because it has community contacts and the interaction results in a win-win situation for both sides.

There is also arts and culture, educational language and religious leaders. All of the key elements of our community will be targeted and regularly consulted to ensure we have the best information to service their needs. All of that is reflected in *Harmony in Action*. New South Wales has one of the most culturally diverse societies in the world. People from more than 250 countries have made our State home and it is important that it is done in a spirit of harmony and cohesion. There has been extensive community consultation regarding this reform and the response has been positive. I share an excerpt from a letter of support from the Ethnic Communities Council of NSW:

The new Act acknowledges our State's cultural diversity as an economic and social asset. It also places a strong focus on the commitment we all share to Australia and the things that unite us.

NSW is one of the most multicultural societies in the world and these reforms will ensure that our State continues to be a leader in multicultural practice and policies.

Some of the other organisations that have provided support include the Federation of Community Language Schools, whose leader, Albert Vella, is doing outstanding work; the Arab Council of Australia is represented by Randa Kattan; the NSW Jewish Board of Deputies is represented by Mr Jeremy Spinak; the Vietnamese-Australian Welfare Association of New South Wales is represented by Mr Ambrose Dinh; the Indian-Australian Arts and Film Association is represented by Mr Siddique Panwala; the Liverpool Migrant Resource Centre is represented by Mr Jimmy Mtashar; the Alliance of Philippine Community Organisations is represented by Dr Cen Amores; the Eastwood Chinese Senior Citizens Club is represented by Mr Hugh Lee; the Lebanese Muslim Association is represented by Mr Samier Dandan; and the School of Vedic Sciences Australia is represented by Dr Lakshmi Satyanarayana.

These are samples of the various communities that are supportive of the bill and the things that this Government has implemented to support multicultural practice in this great State so that we show our leadership in this field. The amendments in the bill will enhance the ability of Multicultural NSW to engage in a meaningful way with the community and to carry out significant research and policy development so that New South Wales continues to be a leader in multicultural practice today and in the future.

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

**Motion agreed to.**

**Bill read a second time.**

### **Third Reading**

**Motion by Mr Victor Dominello agreed to:**

That this bill be now read a third time.

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

## **EDUCATION AMENDMENT (NOT-FOR-PROFIT NON-GOVERNMENT SCHOOL FUNDING) BILL 2014**

### **Second Reading**

**Debate resumed from 15 October 2014.**

**Mr RYAN PARK** (Keira) [6.54 p.m.]: I lead on behalf of the Opposition on the Education Amendment (Not-for-profit Non-Government School Funding) Bill 2014. This bill has been amended to strengthen not-for-profit requirements in relation to non-government schools in receipt of government funding. The Opposition supports the bill. I thank the Minister and his office for the detailed briefing. I have also sought independent advice from the Independent Education Union, the Association of Independent Schools of NSW and the Catholic Education Commission NSW, as would be expected of the shadow Minister for Education and Training. Those organisations support the important changes in the bill.

In 2006 the Labor Government introduced legislation to prevent for-profit schools receiving State Government funding following ABC Learning expressing an intention to establish for-profit schools. We sought to address the issue and I acknowledge the work of the Labor Government in introducing the legislation. Whilst for-profit schools are still able to operate in New South Wales, now they cannot receive government funding. As is the case with much legislation in this place, gaps develop over a period of time or holes are exposed and changes need to be made. The Act which this bill amends is such an example. Some concerns have arisen about the way in which one particular school used government and taxpayers' money. There were some issues about a lack of clarity surrounding the Minister's powers, including a lack of power to make guidelines and the lack of a graduated response. I spoke to the Minister's office about this important issue and I will say more about it. There was also a concern that there was no express power to recover debts arising from past non-compliance.

We need to put these changes into context. Currently approximately \$1 billion per annum is provided to non-government schools. It is important to acknowledge that today we mourn the passing of the great Gough Whitlam. Although there were some challenges within the Labor Party, Gough Whitlam was instrumental in supporting funding of independent schools and, therefore, supporting choice by parents, to which I remain

committed. Choice is important to me. It is important that families across New South Wales have a choice when it comes to education. I am proud of the public school system. It served me well and served my family well, but I also know about the great work that the independent schools and Catholic schools carry out. This afternoon I was having detailed discussions with representatives of Aspect, the peak autism body, which does wonderful things in our electorates.

I am fortunate to have an Aspect school in my electorate. It is a wonderful organisation that is part of the independent sector. All of us in this place—perhaps more so Labor Party members whose roots may be more embedded in public schools—need to acknowledge the work of the independent and Catholic sectors. The amendments in the bill will address the issues that have emerged with administering the current legislation and strengthen the requirement that non-government schools operate on a not-for-profit basis when they receive funds. It allows a graduated response. During discussions with the Minister's office, it was acknowledged that we previously had a system whereby if a school was non-compliant its funding would be cut off, but if it was compliant funding would continue.

There were no shades of grey or a graduated response for minor noncompliance issues. This bill addresses that issue and includes a noncompliant declaration that allows for a more graduated response. This is important. We know that mistakes are not always deliberate and that schools may have erred. Those matters need to be addressed sensibly without a big stick approach. One important amendment in this bill is that payment to members of school governing bodies will be prohibited. Anyone who has spent a great deal of time in the education system as I have would know that fundraising runs largely on the work of wonderful volunteers in the parents and citizens associations, parents and friends associations, and school council bodies. They do this work because they value the school and the contribution it is making to young people.

I come from a family that was heavily involved in the parents and citizens association at my sister's school. My wife is also involved in the parents and citizens association, or its equivalent, at our son's preschool. This bill addresses, and I am happy to support, a policy of no payments to members of school governing bodies. When payments occur it becomes murky, dangerous and problematic. I have said for many years that education is a difficult thing to commercialise. I see that as a challenge with Smart and Skilled. It is not something that is easy to commercialise, nor is it something that should be fundamentally driven by profit. I say that because having worked in both the education sector and infrastructure spaces I know how different the two are in relation to policy and what they are trying to achieve.

Education is a fundamental human right. Regardless of one's parents, bank balance or socio-economic status one can access a good education; it may be in the independent Catholic sector or in the public sector. When a system is driven by profit and individuals are profiting in some way from the school grey areas can create a slippery slope of behaviours that are not conducive to the delivery of quality education. I do not want to see that. I have stated clearly that education is not something that should make money. It does not matter whether red or blue, or heaven forbid green, is in control—I will say red and blue for safety's sake—education is not something that will ever make money. It is a little like public transport—it will never make money.

I am happy to make sure that schools operate efficiently and dollars are spent on the frontline but we must not go down a path of commercialising education as a way to contribute to the bottom line. It does not matter what those in Treasury say, the Parliament has a responsibility in a First World country to be in the business of providing good quality front-line social services. Many years ago I had this argument internally and externally. People have said, "I don't know about that; everything has to be able to stand on its own two feet." That sounds fantastic but it is not going to operate like that and it will never operate like that. I am pleased that this bill curtails the ability of members of school governing bodies to receive payments. That is the first thing I am happy with.

The second matter I wish to acknowledge is the detailed briefing supplied by the Minister's office and the other discussions I had with a range of stakeholders. This bill takes into consideration that sensitive areas such as all payments, including payments to related parties, are to be at reasonable market value and required for the running of the school, and payments must be reasonable, given that financial assistance is being paid. What does that mean? It means we cannot get into a situation where certain schools—not to be named—are using services or covering invoices as a way of directing funds to individuals or groups that should be going to the front-line provision of education. These are not comfortable or nice issues to deal with but they are important.

Unfortunately, in recent times there have been examples where school governing bodies have not behaved in a way that is conducive to good education. I acknowledge that one of the reforms is that school

income and assets are not to be used for a purpose other than the operation of the school. That is important. I am supportive of opening up schools and I ask the Parliamentary Secretary to clarify that issue in reply. I believe that we must be careful that schools do not become lazy assets. In an infrastructure space a lazy asset is one that is not used to its full capacity. I have clearly stated internally, externally and publicly that I believe schools need to be more efficiently utilised.

The infrastructure in school communities is owned by the community. It is for the primary purpose of education but I do not, and never will—I have had my detractors—support the theory that such large-scale pieces of infrastructure are at the beck and call of a principal. The principal is there to manage the assets to the best of his or her ability for the main purpose of education. But each and every member has community groups that are screaming for additional infrastructure while millions of dollars' worth of existing infrastructure sits idle in our communities. I am not saying that the previous Government got this right and I am not saying that the current Government got this right. I am saying that all of us have to be fair dinkum about the fact that we cannot duplicate existing resources that are largely embedded in schools, both in the independent sector and in the public sector.

I note the member for Davidson, and chair of the Public Accounts Committee, is present in the Chamber. This issue concerns the efficient management of money and its accounting. I believe we must do better. Having spoken to principals and to community groups I know that there are challenges. People are concerned about the red tape. I understand that Government has to play a part in that. Every member has within his or her community millions of dollars' worth of school infrastructure that, not always but much of the time, sits idle after 3 o'clock and for a large portion of time during the year. I am confident that the bill does not do this, but I want some assurance about the component of the reforms that talk about school income and assets not being used for a purpose other than for the operation of the school. I do not want there to be any more impediments to a principal to try to involve the community in the use of those public assets. I feel strongly about that. Governments of all persuasions need to do better in the utilisation of school assets.

The Opposition will be supporting the bill. It will address some of the issues that have arisen in recent times. It should continue to be monitored. Indeed, the debate should continue not in the spirit of public versus independent versus Catholic, but in the spirit of what is good for education in New South Wales. As a teacher and as someone who has worked in the education department and as a policymaker, I am passionate about this. It is great to have choice but choice comes with responsibility for those who are delivering education using taxpayers' money. This bill will go a long way towards addressing some of those issues. I acknowledge the hard work of the Minister, his department and his office staff in their briefing on this bill. I also acknowledge the work of the Labor Government in introducing this legislation in 2006 when these issues were brought forward.

**Mr KEVIN CONOLLY** (Riverstone) [7.11 p.m.]: I support the Education Amendment (Not-for-profit Non-Government School Funding) Bill 2014. In New South Wales and Australian history there has been political consensus on some things for a long time, but on other things there has been no political consensus. One of the things agreed upon across the party divide is that schooling of the best quality level possible should be universally available to all young people in our community. It follows from that position of principle that schooling cannot be for profit. If it were for profit, it would not necessarily be universally available and it would be dependent on price. That is one of the cornerstones of this consensus position that has emerged over many years. Clearly, there have been other things relating to education about which there has been great division over the years but in more recent times the government sector and the non-government sector have reached a position of broader consensus.

For many decades prior to the 1960s there was strong passion and division in how education was to be provided. It continues to be a source of amazement to me that I am probably standing where Sir Henry Parkes stood in 1891 when introducing the legislation that brought about compulsory education for all schoolchildren in New South Wales. Across the Australian colonies at the time that was a momentous development; it was not the norm across the rest of the world. Australia was the leader in ensuring that education was available to all. However, as I said, it was the cause of some division as to how that was to be done because of the Government's insistence that it be compulsory, secular and free.

Being secular caused a problem for many in the Catholic community in particular. For many decades after that the Catholic community maintained its own school system without government funding. That was at huge cost to the Catholic community and, sadly in some respects, to the cost of the standard of education it could provide. It is to the credit of all sides of politics that we no longer have that scenario. Australia has reached a position where we all agree that education should be compulsory and not-for-profit. It can also be

provided according to the choice of parents as to how they wish to raise their children. We have reached a model that works remarkably well and, as a result, we are still a world leader in education. We have developed a very strong system through those travails along the way.

This bill builds an accountability mechanism on the basis of earlier legislation to ensure that we retain the sense of why education should be not-for-profit and to ensure that we continue to provide the kind of model we have. The bill makes two fundamental changes in particular. These are positive and sensible changes. One change is to tighten the definition of what not-for-profit means so that it can be applied more effectively. We have become aware of circumstances where the existing definition was probably not adequate enough to catch certain behaviours. The accountability mechanisms are being tweaked or recalibrated to provide a graduated mechanism of response to situations of noncompliance rather than a blunt instrument of simply cutting off funding that governments would be reluctant to use in minor and trivial circumstances because of the effect of doing so but which left no other response available. I turn now to the strengthened definition of "not-for-profit". Proposed section 83C (2) states:

A school operates for profit ... if the Minister is satisfied that:

- (a) any part of its proprietor's assets ... or its proprietor's income ... is used for any purpose other than for the operation of the school, or—

I note the comments of the member for Keira about the need to balance the use of facilities in out-of-school hours with the essential requirement of keeping schools for educational purposes—

- (b) any payment is made by the school to a related entity or other person or body:
  - (i) for property, goods or services at more than reasonable market value, or
  - (ii) for property, goods or services that are not required for the operation of the school, or
  - (iii) for property, goods or services that are in any other way unreasonable in the circumstances having regard to the fact that financial assistance is provided to or for the benefit of the school by the Minister, or
- (c) any payment is made by the school to a person in connection with the person's activities as a member of the governing body of the school unless it is in reimbursement for a payment made by the person in connection with the operation of the school.

Essentially those three criteria look at how funds are disbursed—namely, they have to be disbursed for the school's operation only, not for things the school does not need, and they are not to go to individuals other than paid employment in the school. They are to be used for the purposes of education of children at the school. That is a sensible definition. I raised a matter of concern with the Minister's staff about subparagraph (iii) because I wanted to be convinced that any regulation made under the bill is consistent with the Act and cannot be overridden. I am sure the Minister will address that concern.

The mechanisms for accountability that follow will now enable the Minister to make a declaration that something is noncompliant without saying that the school itself is a for-profit school. This will allow the graduated response to which I referred. The Minister will have more flexibility to correct a minor anomaly, to direct that changes are made to impose a condition on the funding or to temporarily reduce the funding to ensure that the school is brought back to proper adherence with the legislation. In the case of a school that is blatantly operating as a for-profit entity, the capacity remains to completely withdraw funding under a for-profit declaration. That, too, is a sensible amendment. It gives the Minister more capacity to implement the objectives of the bill.

This Government has done a number of things in education across all sectors to ensure that children in New South Wales have the best education possible. Great Teaching, Inspired Learning is focused on actions designed to raise the status of the teaching profession so that New South Wales continues to lead educational performance in Australia. Everyone who works in the field of education knows that the most critical element in learning is the quality of the teacher. That person's capacity to lead in learning is vital. We must do all that we can as a Government to ensure that our teachers are properly prepared to undertake that task, and that they are given all the necessary training and leadership skills they need to ensure that they are the best teachers they can be.

The Schools Advisory Council serves as a cooperative partnership between the Department of Education and Communities, the Catholic Education Commission NSW, the Association of Independent Schools of NSW and the Board of Studies, Teaching and Educational Standards. The Government established

the council because it believed that good education outcomes require a coordinated approach on the part of both the government and non-government school sectors. The collective expertise, experience and leadership skills of the council's members are invaluable in fostering the highest possible quality of schooling for all students in the State. The Government has committed to investing \$261 million over five years in the Literacy and Numeracy Action Plan to support students who are most at risk of not reaching minimum standards in literacy and numeracy.

This is about ensuring that no child in New South Wales is left behind when it comes to the fundamental skills that they need to participate in and to contribute to this great State. This Government is working with both the government and non-government sectors to ensure that our kids get the best start possible in life. The non-government school sector is our partner in education and the amendments proposed in this bill underscore the reputation and integrity of that sector in New South Wales. Parents and taxpayers in this State expect that government money given to schools will be spent on educating our next generation. These amendments support the non-government school sector to ensure that those expectations are met in all schools. This bill is about ensuring that today's students are prepared for tomorrow's world, whether they go to a government school, an independent school or a Catholic school anywhere in New South Wales.

**Mr JAMIE PARKER** (Balmain) [7.21 p.m.]: The Greens support the Education Amendment (Not-for-profit Non-Government School Funding) Bill 2014. I will address the history of the legislation and The Greens' reasons for supporting it. As members know, the Education Act 1990 bans non-government schools from using private funding for profit. That provision was introduced by the Labor Government in an amending bill in 2006. The Greens played an important role in lobbying and encouraging the former Government to introduce amendments when it emerged that ABC Learning, a private company, planned to set up a private school in the Hunter Valley in 2006. At the time, we argued that the \$730 million annual funding of non-government schools meant this was high stakes. A few years later, that figure is now \$1 billion. The legislation introduced by the Labor Government was not comprehensive and left two gaping loopholes that The Greens identified and sought to close. Dr John Kaye—who was not then a member of the other place but who was the party's education spokesperson—is quoted in the 24 June 2006 edition of the *Sydney Morning Herald* as follows:

The proposed legislation allows unrestricted payments to members of the governing body without affecting the school's ability to receive public funding...

All ABC Learning needs to do is put themselves or a shelf company on the school's governing body and pay themselves a massive fee. Public money will inevitably end up as corporate profits unless the New South Wales Government has the courage to change their legislation.

The proposed legislation allows unrestricted payments to members of the governing body without affecting the school's ability to receive public funding.

Unsurprisingly, the Government voted against amendments designed to close that loophole. Now, some years later, the Coalition Government is trying to close them and The Greens supports it in doing so. Members and the community clearly expect that public dollars given to non-government schools will be used only for the purpose of enhancing student outcomes. Of course, that does not mean that a school cannot make a surplus; that is inevitable in a budgetary situation. It simply means that any surplus must be used only for the school's operations. Under this legislation, the definition of "for profit" will be tightened, and that is welcomed.

The Greens' policy states that The Greens will work towards ensuring that future funding and regulation of private schools does not disadvantage the public school system, exacerbate social and economic inequality, create ethnic and religious divisions, disadvantage students with special needs, permit discriminatory behaviour, or—and this important in the context of this bill—contribute to the profits of any corporation or other organisation. This bill helps to address that issue. The Education Act 1990 provides that schools can make payments at or above market value to a related not-for-profit party. However, that exception has led to some uncertainty in the implementation of the regulations. New section 83C (2) (b) removes any doubt by requiring all financial transactions entered into by a school to be at market value. That is a common-sense approach.

New section 83C (2) (c) ensures that no payments are made to directors in connection with their activities as members of the governing body of a school beyond reasonable reimbursement for out-of-pocket expenses. The not-for-profit guidelines will require the school's proprietor to identify the governing body that has delegated authority for the school. New section 83C (3) also allows the regulations to provide further detail of uses of school assets or income that may or may not be considered a profit. This will ensure that we can take steps to prevent any financial practices from occurring that seek to circumvent the legislation. The regulations may also

enable prohibitions on particular types of entities or legal structures that may be established for the purpose of evading the not-for-profit requirements. That is useful and sensible, and goes to the heart of the problems created by the Labor Government. The Greens support all the amendments that strengthen the original provisions.

The Greens have concerns about the Minister being able to choose from a graduated suite of options—at the moment the options are severe—in response to any infraction by non-government schools. The Minister can seek advice from a new not-for-profit advisory committee about whether a school is operating for profit. The Minister can also suspend, reduce or impose conditions on financial assistance to a non-government school that has been found to be non-compliant. Appeal rights are also available to the NSW Civil and Administrative Tribunal for schools that want to challenge the Minister's determination. That may result in a vastly less costly exercise for both the Government and schools than that provided for under the current system, which is now being challenged in the Supreme Court.

I will not detail the reasons for these amendments designed to close the Labor Government's loopholes. We know of at least one non-government school that is involved in Supreme Court action against the Government, and, of course, other schools may be allegedly rorting the legislation. This bill addresses a problem that was created many years ago. While The Greens will move amendments to address some other issues, the heart of the legislation is sound.

**Mr JONATHAN O'DEA** (Davidson) [7.27 p.m.]: I support the Education Amendment (Not-for-profit Non-Government School Funding) Bill 2014. As indicated, the objects of the bill are to make further provision for preventing financial assistance being provided to or for the benefit of non-government schools that operate for profit and to provide for the recovery of any amounts paid to a non-government school that operates for profit. I will reply briefly to comments made by the member for Keira in relation to utilisation of school assets and new section 83C. The intention of new section 83C is to provide that non-government schools can continue to receive revenue, for example, for leasing out a school hall, or running a canteen or uniform shop on site.

There is nothing wrong with those schools requiring payment in return for providing services as long as that revenue is used for educational purposes or for the school's operation. It cannot be used for anything other than educational purposes and expenses. That is an important point. I spoke to the member for Keira after his contribution and clarified his comments about school resources being made available to the community. Those comments were eminently sensible in the context of government schools; that is, they were directed at government rather than non-government schools.

That is not to say that non-government schools should not have a community spirit or make available their grounds when they are not being used to the broader community. It is not the role of government to require that in a prescriptive sense. Indeed, I clarified with the member for Keira that his comments in the main were in relation to government schools. I commend him for taking that stance, potentially against opposition from certain union interests or activists in the education sphere. Certainly there are people who take a more restrictive or less community-minded approach. I am aware of two instances in my area of public schools that do a fantastic job of cooperating with other groups in the community.

Indeed, I have a Community Building Partnership application in front of me at present in which one school wants to share its resources with some 13 sporting groups. That is a great demonstration of community spirit and cooperation. Likewise I point to the University of Technology site at Lindfield where there will be a new school happily established. That is certainly a demonstration of flexible and innovative thinking about the potential use of school assets, including the potential for adult education. We are seeing currently within the education department the encouragement of the sharing of school resources. I am pleased to hear the member for Keira demonstrate his willingness to stand up to those union and/or other activists who might stand in the way of sensible community sharing of resources in a way that is positive for us all.

**Mr MARK SPEAKMAN** (Cronulla—Parliamentary Secretary) [7.30 p.m.]: I support the Education Amendment (Not-for-profit Non-Government School Funding) Bill 2014. The bill is a measured, responsible approach to the regulation of non-government schools in New South Wales. The bill aims to give the community more confidence that the significant financial investment in non-government schools by parents and by government is not being directed to schools that operate for a profit. The amendments to the Education Act build on the existing requirement that non-government schools in receipt of public funding do not operate for a profit. The amendments are measured, responsible, proportionate and fair. They will strengthen the rules around the funding condition of not-for-profit and will make it harder for operators to run a school as a profit-making business or divert school funds to other individuals or entities.

The bill will do all of this in a number of ways. First, it restates the prohibition on financial assistance being provided by the Minister for Education to or for the benefit of non-government schools that operate for profit. The bill sets out when a non-government school operates for profit. The bill provides for the appointment, composition and functions of a Non-Government Schools Not-for-profit Advisory Committee. The bill empowers the Minister to conduct an investigation of, or to give directions to, non-government schools and proprietors of those schools in connection with financial assistance. The bill authorises the Minister to suspend, reduce or impose conditions on financial assistance to a non-government school that is a non-compliant school because it has not assisted in any such investigation, complied with any such direction or operated for profit.

The bill allows the Minister, on the recommendation of the advisory committee, to make a conclusive declaration that a non-government school is operating or has operated for profit or is a non-compliant school. The bill provides for the NSW Civil and Administrative Tribunal [NCAT] to conduct an administrative review of any such recommendation of the advisory committee. The bill enables the Minister to recover financial assistance provided to a non-government school that operates for profit or to a non-compliant school, and the bill authorises the Minister to publish guidelines in relation to those matters. In his second reading speech the Minister set out in detail how each of those aspects of the bill will operate. I do not propose to repeat the detail of that now.

This bill reinforces the New South Wales Government's commitment to non-government schooling in this State. These schools are a symbol of our society's diversity. In a diverse society, parents should be free to choose the type of education that suits their children. At the same time, they need to be confident that the Government is doing everything necessary to ensure that schools are operated with integrity. The amendments in this bill provide parents with that confidence. Our society demonstrates a cultural, religious and ethnic diversity that is based on our belief in freedom of religion and racial equality. The New South Wales Government has a strong tradition of supporting that diversity, especially in relation to schooling.

The Government supports the right of communities to profess, practise and maintain their own linguistic, religious, racial and ethnic heritage. This includes the right to establish schools that reflect a community's values. That right is fundamental in a pluralistic society such as ours, and the vibrant range of non-government schools in New South Wales reflects this. They foster the common values of our society while being sensitive to the beliefs of the specific community to which they belong. They integrate school and community life to provide a rich educational environment where students can learn with the full support and involvement of their parents and community. A lot of research shows how productive relationships between schools, parents and the community have a positive impact on students' outcomes.

For example, it is well understood that parents are the first and most important educators of their children. They provide the intellectual and social foundations for children's learning and development. They model the values that help children to achieve the wider goals that education provides. It is understandable that many parents want their children to attend a school that is built on the character and value system they support. Parents need to be reassured, though, that choosing such a school will not lead to disadvantage for their children. The bill introduces changes to the Education Act designed to give parents that reassurance.

The overwhelming majority of non-government schools are established and operated with the best motives. Indeed, a decision to open a school is not taken lightly. They are expensive to establish and have large overheads. They have to comply with an extensive range of quality, welfare, teaching and curriculum standards. Operating a school is a very significant responsibility. It requires an unwavering, long-term commitment and the input of very substantial resources as well as time and energy by those involved. The owners undertake this activity in order to ensure that their students receive a high-quality education that meets the needs and expectations of their community. And the New South Wales Government contributes significantly to maintaining this choice by providing the sector with significant financial assistance.

The freedom of non-government schools to chart their own course will be upheld with the amendments being proposed by the Government. The independence of non-government schools is unaffected, as is their capacity to provide a faith-based education. These amendments are not about telling schools how to operate. Non-government schools can choose to spend funding to support their particular ethos. This could include buying a bible or a crucifix, or employing a teacher of Islamic studies, should they so wish. This rightly reflects the diversity and choice so valued by parents. In fact, this bill will provide parents and the wider school community with greater assurance that school funds are being used to further the school's particular mission and ethos. For those reasons, I support the bill.



**Mr KEVIN ANDERSON** (Tamworth) [7.37 p.m.]: I support the Education Amendment (Not-for-profit Non-Government School Funding) Bill 2014. This bill contains positive proposals in the best interests of the people of New South Wales. The proposals concern the New South Wales Government's funding of non-government schools. To be eligible for that funding the schools must not operate for profit. This is specified in the Education Act. The Government is now moving to strengthen these requirements to further protect its investment in the future of our children. Any possible weaknesses in funding rules put at risk the Government's goal of ensuring that all New South Wales students receive a world-class education. No-one can be in any doubt about the importance of that goal—not only for the benefit of the individuals involved but also for the future of this State.

The economic and social wellbeing of New South Wales is substantially dependent upon the strength of its education system. The Government's overarching vision is to make New South Wales number one again. We saw a report from Commonwealth Securities this week that put New South Wales at number one as the economic powerhouse of Australia—way above where we were when those opposite were in government; at that time we were ranked last. This turnaround is due to the tight fiscal policy of this Government and because we are now living within our means, and on the back of a strong domestic housing sector. We are now back where we should be. In 2011 then Premier O'Farrell and Treasurer Baird along with Deputy Premier Stoner pledged to make New South Wales the number one State, and 3½ years on that is exactly what we have achieved—with much work still to be done. I congratulate the Premier, Mike Baird, and the Treasurer, Andrew Constance, on achieving that goal.

**ACTING-SPEAKER (Ms Noreen Hay):** Order! Members who wish to have private conversations should do so outside the Chamber.

**Mr KEVIN ANDERSON:** To become the number one State again, New South Wales needs the contribution of educated, productive citizens. The critical links between education, productivity growth and the long-term prosperity of our State are well recognised, so providing New South Wales with a world-class education system is arguably our most important investment for the future. That investment involves large sums of money, including assistance to non-government schools. In 2014-15 the Government will provide more than \$1 billion to those schools. The Government is determined to ensure that this investment goes directly to supporting students. We will act to ensure that individuals do not redirect school funds to themselves, which takes away from the educational resources available to the school and to students and jeopardises the future wellbeing and prosperity of our students and our society. The Government has an obligation to do everything possible to prevent this so as to further protect its investment in education.

The changes introduced in this bill are aimed at removing possible loopholes and ambiguities. They strengthen the Minister's powers to act and they make it easier for schools to understand the legislative requirements. For example, under the current legislation the Minister does not have the explicit power to investigate a school that is suspected of misusing funds. The bill provides that power. It also gives the Minister the power to order an audit of a school where there is a suspicion of misuse of funds. This will make it easier and less costly to follow up allegations made against a school. The bill also introduces the requirement that a non-government school be able to demonstrate that all its purchases were at market value and required for the running of the school. This will prevent the possibility of "skimming" school funds by dealing with a related party that inflates its prices for goods or services.

The Government is also moving to assist the vast majority of non-government schools that are dedicated to providing their students with a world-class education. The right to receive a world-class education underpins the fundamental rights of any child who attends school. It is our social obligation to ensure that every child receives the best possible education. The Government does not want to make life harder for schools—in fact, it wants to do everything it can to make life easier for them—so the amendments in this bill give the Minister the power to issue guidelines that will help to explain the legislative requirements they must meet. The New South Wales Government is implementing the most extensive reforms to education in this State in more than a century. It is no exaggeration to say that the aim is to ensure the future prosperity of our State.

A number of common-sense reforms have been introduced by the Minister for Education, the Hon. Adrian Piccoli, to empower schools to make decisions and get on with running their schools with the support of the community. These reforms do this by ensuring that our investment in non-government schools is wholly committed to the education of their students. We need to prepare today's students for tomorrow's world to enable them to contribute to the effort needed for New South Wales to compete with the rest of the world.

Schools need every available dollar to do this. We cannot allow any of those dollars to be misappropriated by an unscrupulous operator and these amendments will ensure that does not happen. I am proud to support the amendments and to commend the bill to the House.

**Mr MARK SPEAKMAN** (Cronulla—Parliamentary Secretary) [7.45 p.m.], on behalf of Mr Adrian Piccoli, in reply: I thank members representing the electorates of Keira, Riverstone, Balmain, Davidson and Tamworth for their contributions to debate on the Education Amendment (Not-for-profit Non-Government School Funding) Bill 2014. As the Minister for Education has said, almost all non-government schools are doing the right thing. These amendments are designed to ensure that the people operating non-government schools know exactly what is expected of them and are held accountable for their actions.

On behalf of the Minister, I thank the hardworking staff at the Department of Education and Communities for their assistance with this bill, including Leslie Loble, Martin Graham, Anne McClellan and their staff. I acknowledge the extensive and lengthy consultations with the Association of Independent Schools NSW and the Catholic Education Commission. I thank them for their broad support for the scope of the reforms and for their agreement to work cooperatively with the department in drafting this legislation. I also acknowledge the consultation that was undertaken with the Board of Studies, Teaching and Educational Standards, the Crown solicitors and the Parliamentary Counsel. I think the difficulty and technicality of the design and drafting of this amending bill has not been acknowledged properly. The Minister wishes to record his deep gratitude for the efforts of the department and our key stakeholders to ensure that this bill strikes the right balance. I commend the bill to the House.

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

**Motion agreed to.**

**Bill read a second time.**

### **Third Reading**

**Motion by Mr Mark Speakman, on behalf of Mr Adrian Piccoli, 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.**

## **ELECTRICITY SUPPLY AMENDMENT (BUSH FIRE HAZARD REDUCTION) BILL 2014**

### **Second Reading**

**Debate resumed from 14 October 2014.**

**Mr MICHAEL DALEY** (Maroubra) [7.46 p.m.]: I lead for the Opposition in debate on the Electricity Supply Amendment (Bush Fire Hazard Reduction) Bill 2014. This bill contains sensible measures that strengthen and clarify the existing law, in particular section 48 of the Electricity Supply Act 1995, and are designed to lead to the quicker removal of vegetation that interferes with electricity infrastructure and to address faults or defects in certain electricity infrastructure that pose a risk of bushfire. The new provisions will apply only to land recorded as being "bushfire prone land on a bushfire prone land map for the area certified by the Commissioner of the Rural Fire Service".

The bill goes beyond the issue of trees alone—as is the case in existing section 48—and extends to vegetation generally and also to faults or defects in aerial consumer mains, being overhead conductors and support structures between the main switchboard and a support structure that is the connection point with the distribution system. In practical terms, this will mean the private power poles on people's property for which they are already legally responsible. The bill will give electricity network operators additional powers to direct owners of premises—that is, private land that is also designated as being "bushfire prone land" under the Environmental Planning and Assessment Act 1979.

Existing section 48 will continue to apply to any premises on which a tree is situated. The directions must relate to bushfire risk mitigation work, removing vegetation or rectifying defective private electricity assets

that, without that work being performed, could "become a potential cause of bushfire" on the land. The scope, nature and content of the directions that may be given are set out in new section 53E and may be supplemented by regulation. The legislation makes clear that the owner, not the occupier, of the premises is responsible for the cost of bushfire risk mitigation in a direction other than in the exception set out in new section 53D (2).

That exception provides that the electricity network operator is responsible for the cost of work on vegetation that the network operator determines could make the network operator's electricity works a potential cause of bushfire or relates to any failure to meet standards relating to clearances between vegetation and the network operator's electricity works. The exception does not apply where the owner plants or allows vegetation to grow after electricity works are laid or where the network operator has an easement in its favour when the vegetation is planted. These matters are consistent with the existing law.

There is, or will be, some controversy over whether the bill creates new financial obligations on affected landowners to meet these costs, as has been claimed in representations to the Opposition by some local residents and mayors, or whether it merely clarifies the situation that presently exists, as the Minister stated in his second reading speech. At present the landowner is legally responsible for the maintenance of any privately owned electricity infrastructure and liable for any damage caused by defects or interference by vegetation. Where required to perform work under existing section 48, a landowner can be charged for the work when the owner has planted or allowed vegetation to grow after the electricity works are laid or where the network operator had an easement in its favour when the vegetation was planted. However, existing section 48 applies only to situations where the assets of the network operator are involved, not to the private electricity assets of landowners.

The provisions of existing section 59 arguably already extend to cover the payment by landowners of the cost of work performed in connection with private electricity assets. The two uncertainties are whether work in connection with private electricity assets can be required under section 59 and whether any directions to perform work come within the meaning of "an inspection". As a matter of public policy it should be spelt out, but it is not clear in our view. Under this bill, upon receiving a direction the owner has 30 days to notify the network operator that the work will be performed within 60 days after the notice is given or to request disconnection. If the owner does not comply, the electricity network operator may do the work and recover as a debt from the owner the "reasonable costs of doing the work in an efficient and competent manner". At present the network operator must give a landowner "reasonable time" to carry out work. The debt recovery provisions are essentially the same as those in existing section 48 (6).

A new provision requires a network operator to have in place a hardship policy that is approved by the Australian Electricity Regulator in connection with the cost of these works. Any work necessary to comply with this legislation cannot be affected, or even regulated, by any environmental planning instrument or other law including those about native vegetation, threatened species conservation and national parks. While similar to existing section 48 (7), this new provision goes much further in setting aside all environmental protection. That is of concern. Equally, given that the cost recovery from landowners of work required to be performed is limited to only "reasonable costs of doing the work in an efficient and competent manner", it is almost inevitable that there will be disputes about the quantum of these costs.

Whilst new section 53E (2) (c) requires a direction to indicate that a "dispute or complaint about a direction can be referred to the Energy and Water Ombudsman NSW", the bill is silent regarding disputes about the amount a landowner is asked to pay for work performed by a network operator. In our view, the Energy and Water Ombudsman NSW should be able to resolve this matter. Although we will not move an amendment to that effect in this place, we may do so in the other place. In every other respect the Opposition supports the bill.

**Mrs ROZA SAGE** (Blue Mountains) [7.54 p.m.]: It gives me great pleasure to support the Electricity Supply Amendment (Bush Fire Hazard Reduction) Bill 2014. Last summer we saw in graphic detail how devastating bushfires can be. The fires began early. In October approximately 100 fires burnt across eastern New South Wales—at Port Stephens, on the Central Coast and in the Hawkesbury, the Hunter, the Southern Highlands and, of course, my electorate of the Blue Mountains. By November, when the last of the fires was extinguished, a total of approximately 118,000 hectares had been burnt across the State. We all saw the devastating impact it had on our communities physically, financially, emotionally and psychologically.

The bushfires imposed terrible costs. The fires destroyed more than 200 properties and significantly damaged around 100 others, changing lives forever. Not only were property, pets and livestock lost; tragically, two lives were lost also. It is a miracle that no lives were lost in the fires that hit the Blue Mountains from three

fronts—the Mount York fire at Mount Victoria, the State Mine fire from Lithgow into the Mount Wilson and Mount Irvine townships, and the Linksvie Road fire at Springwood and Winmalee. Local businesses and primary producers also bore the brunt of lost productivity and income. The fires disrupted many people's ability to earn a living. Indeed, in the Blue Mountains electorate even though the fires were contained to the Mount Victoria, Mount Wilson, Mount Irvine and Winmalee areas, media reporting indicated that the whole of the Blue Mountains was on fire. Nothing could have been further from the truth. As a result the region lost more than \$100 million from its economy.

The Insurance Council of Australia estimated the damage from the October fires at \$183.4 million. In addition to the considerable financial and social burdens is the untold environmental impact on our bushland and native wildlife. Last October nearly 46,000 hectares were burnt in the Blue Mountains between Lithgow and Mount Tomah. I visited the area just after the fire, and its ferocity must have been unbelievable. We do not know when the next heatwave will come or whether this summer will bring extreme bushfire weather, although the Rural Fire Service [RFS] has told us that that will be the case. However, we know from years of bitter experience that the threat of bushfire is ever present and requires vigilance and swift preventative action. The police, emergency services and the Commissioner of the NSW Rural Fire Service have urged residents in bushfire-prone areas to prepare themselves and their homes for bushfire. They urge residents to have a bushfire plan, which can be downloaded from the RFS website.

The outlook for the bushfire season indicates drier than average conditions across eastern and northern New South Wales and warmer than normal temperatures for the entire State. The Government is committed to doing everything necessary to protect New South Wales from the impacts of bushfires into the future, and since the last bushfire season this Government has looked for further opportunities to help communities protect their homes from bushfires. Bushfire hazard reduction work is a high priority for this Government. As members know, the Government recently made changes to the Rural Fires Act to enable people living in and near bushfire-prone land to better protect themselves and their property.

The 10/50 bushfire vegetation clearing laws mean that residents will be allowed to clear trees within 10 metres of their homes and clear shrubs and other vegetation within 50 metres of their homes. The relevant areas are determined by the NSW Rural Fire Service commissioner. These changes will make it easier for people to safeguard their properties before the bushfire season commences, provided they comply with the NSW Rural Fire Service Code of Practice. Electricity is an extremely powerful form of energy that needs to be treated with the greatest of care. The poles and wires that cross the State can be extremely vulnerable to fire. In the wrong conditions they can spark a catastrophe that leads to loss of life and damage to property, crops and livestock.

All of us remember the Victorian Black Saturday fires in 2009, one of this country's worst natural disasters. Electricity assets were attributed as being the cause of a number of the fires that occurred on Black Saturday during extreme weather conditions. On Black Saturday up to 400 fires were recorded across Victoria, including 15 major fires affecting 78 communities, during extreme weather conditions of high temperatures, dry air and strong winds—very much like the conditions experienced last October in New South Wales. The most serious consequence of the fires was the death of 173 people. The families, friends and communities left behind are facing immeasurable loss. The destruction of property and infrastructure supporting those Victorian communities was another devastating consequence. It is estimated that the financial cost is more than \$1 billion. Some five years on, communities are rebuilding their houses, businesses and infrastructure, yet there are lasting economic, social and psychological impacts.

Along with the changes to the Rural Fires Act, this bill is part of the Government's strategy to protect the community from the devastating consequences of bushfires. This bill brings a common-sense approach to improving the system for reducing the risk of bushfire caused by trees and faults on privately owned powerlines. Local residents have alleged that the Linksvie Road fire at Springwood was started by a tree branch falling on powerlines on a private property. Residents also allege that a notice had been given by the electricity company to the owner of the rental property some time prior to the fire but the owner had not taken action. Questions were asked as to why the utility company had not followed through. The truth of this matter will no doubt come to light.

As the member for Maroubra said, it is very important that we look after private properties. What happened in Springwood demonstrates that a small amount of money to mitigate fire hazards around powerlines is essential to ensure that this sort of thing does not happen again. This bill gives certainty on the rights of home owners and network providers in relation to the right of the company to enter private property to trim trees that

are potential fire hazards, as well as in relation to the obligations of home owners to act on notices given. The Government is firmly of the view that when it comes to bushfires, action to remove potential threats must be given high priority.

This bill introduces measures to reduce the danger of bushfires arising from electricity assets on private property in bushfire-prone areas of New South Wales. The bill clarifies the responsibilities of property owners with regard to private electricity assets. Currently, network businesses are responsible for removing fire hazards around powerlines on public property and trees are trimmed to a three-metre distance from lines. On the other hand, private infrastructure is the responsibility of the landowner; this includes the first low-voltage pole, all wires, poles, fittings and attachments. Private landowners also have an obligation to maintain their infrastructure.

The bill enables network businesses to use their expertise in identifying dangers and problems relating to private electricity infrastructure and to notify property owners of work required to ensure that their electricity hazards do not pose a bushfire risk. The measures contained in this bill recognise the need for a more effective system of hazard removal. The bill proposes a range of exemptions for landowners and for network businesses to allow them to undertake bushfire hazard reduction work without first having to obtain approvals under other legislative frameworks. Action needs to be undertaken swiftly and efficiently. Any delay is capable of costing lives and causing catastrophic damage to property.

The Government has worked closely with network operators to develop the new system. We have consulted also with NSW Farmers, Local Government NSW, and the Energy and Water Ombudsman NSW. The bill is an important component of the framework this Government has put in place to manage the risk of bushfires in this State. This practical solution is long overdue and the Government is delighted to introduce it for the people of New South Wales. It gives certainty and peace of mind to residents in bushfire areas, such as the Blue Mountains, that another potential cause of bushfires is being addressed. I urge the Opposition to embrace this bill and to support it wholeheartedly. I commend the bill to the House.

**Mr CLAYTON BARR** (Cessnock) [8.04 p.m.]: I make a brief contribution to debate on the Electricity Supply Amendment (Bush Fire Hazard Reduction) Bill 2014. As noted by the member for Maroubra, this side of the House considers this legislation to be largely sensible. I appreciate concerns about sensitive environmental species that may be impacted by the legislation. I suggest that if a powerline has been established in an area there probably will be regrowth. I refer to Victoria's Black Saturday, as did the member for Blue Mountains. Part of the findings of the inquiry into those fires related to vegetation that sits in and underneath powerlines.

I certainly hope that this piece of legislation ultimately will go both ways in that if electricity providers can identify growth that should be attended to then the community be given the same opportunity and the matter be given the immediate and expedient attention it deserves. One of the great debates that will occur in the lead-up to the next election will be about power privatisation. If, by some stroke of fortune, the Coalition is returned to power in 2015, I hope that, as a consequence of power privatisation, we do not see a reduced or relaxed approach to the clearing of vegetation.

**Mr David Elliott:** How can it when it is law?

**Mr CLAYTON BARR:** It goes only one way; that is my point. Currently, the law is a one-directional piece of legislation. I also draw the attention of the community and the people who regularly read *Hansard* to section 53I of the bill relating to hardship. For people in the Hunter, in particular, and in border areas of the State, earning an income from the land has not been easy over the past decade or so; they are experiencing hardship. I appreciate and applaud the Government for inserting section 53I into the bill and for providing that reasonable costs can be recovered and also contested through section 53E (1).

**Mr DAVID ELLIOTT** (Baulkham Hills—Parliamentary Secretary) [8.06 p.m.]: I speak in support of the Electricity Supply Amendment (Bushfire Hazard Reduction) Bill 2014. Last year a number of tragic bushfires occurred across the State. On 20 October 2013 the Government declared a state of emergency. In the month of October 2013 more than 1,100 fires destroyed more than 200 homes. The extent of the fires and concern in the community can be illustrated by the following statistics between 13 and 26 October 2013. The Rural Fire Service website received 5.7 million visits and 14.1 million page views; the Facebook page made 108.4 million impressions and received 147,700 new "likes"; the Twitter account made 24.2 million impressions and received 18,300 re-tweets; the Bush Fire Information Line received 46,499 calls; the Fires

Near Me app was downloaded 189,000 times; and the My Fire Plan app was downloaded 8,600 times. Further, during that fortnight 72 telephone or SMS emergency alerts were issued and 418,247 emergency alert messages were sent.

Investigations found that the fires at Springwood and Mount Victoria in the Blue Mountains last year started as a result of damage to powerlines on private property during strong winds or vegetation falling on the powerlines. The fire at Springwood destroyed 193 homes and damaged a further 109 homes. The new provisions in this legislation will address concerns that there are inadequate controls in the current Act for the threat of a bushfire caused by trees falling on electricity assets or by poorly maintained electricity infrastructure on private property in bushfire-prone areas.

The proposed amendments will establish an improved system for the management of bushfire hazards arising from private electricity assets in bushfire-prone areas of the State. The amendments in the bill will give network businesses the power to issue notices to landowners to remove bushfire threats to private electricity assets on their property. This will include hazards such as branches overhanging powerlines. The owner will then have 30 days to respond to the notice and 60 days to undertake the required bushfire mitigation work. If the property owner fails to undertake the work, the network business will have the power to enter the property and undertake the work. In that case the business will be able to recover the cost of undertaking that work from the owner.

The bill provides exemptions from other legislation for landowners and network business undertaking this work. The exemptions provided under the legislation are similar to those provided to landowners under the Rural Fires Amendment (Vegetation Clearing) Act 2014. This is to ensure that bushfire hazards can be removed rapidly. This is particularly important during bushfire season. Not having exemptions would mean that property owners and network owners would have to go through a bureaucratic rigmarole to get the bushfire hazards removed. It is important to note that exemptions are not only afforded to property owners upon the issue of a notice to them by a network operator, which specifies the work to be done and the standards to be applied.

There has been broad consultation with all the stakeholders: the network operators, Local Government NSW, the NSW Farmers Association and the Energy and Water Ombudsman NSW. All these organisations have indicated support for the objectives. I also support the objectives of this bill. I have said that we should be trying to make the work of the Rural Fire Service easier, not harder. This bill makes the work of the Rural Fire Service easier by ensuring that the area around electricity assets is free from hazards that may lead to bushfires. However, individuals also need to make the work of the Rural Fire Service easier. The best way individuals can do this is through preparation. Planning to plan is not the same as making a plan. A plan must be made. Should we go or stay and fight? When we leave what should we take? What will happen to our pets? All these questions need answers. No-one can answer these questions for you. However, it is important for people to know what to do well in advance.

Preparation is not just about building a plan; it is also about preparing the home: trimming overhead branches, removing dead leaves, cleaning gutters, clearing land near the home of hazards and checking smoke alarms. Last weekend was the Rural Fire Service Get Ready Weekend, which is all about getting prepared for bushfires. I encourage everyone who is not already prepared for the bushfire season to get prepared sooner rather than later. People should not keep putting it off, otherwise it may be too late. The bill is all about ensuring that network operators are prepared for bushfires and helping them to reduce the risk of bushfires. I commend the bill to the House.

**Mr JAMIE PARKER** (Balmain) [8.11 p.m.]: On behalf of The Greens I address the Electricity Supply Amendment (Bushfire Hazard Reduction) Bill 2014. It is interesting that members have referred to the 10/50 vegetation clearing code. It is the most ridiculously incompetent legislation and is actually an urban land clearing policy.

**Mr David Elliott:** That's a disgraceful allegation.

**Mr JAMIE PARKER:** The member for Baulkham Hills knows it was a dud.

**Mr David Elliott:** I am in favour of it.

**Mr JAMIE PARKER:** The member is in favour of the objectives, but the policy was a dud in terms of implementation. Members have raised the 10/50 vegetation clearing policy. My concern is that this legislation

may well add to the problem in the future. The bill extends the power of network operators to intervene to remove fire hazards on privately owned land. We have heard that the legislation was introduced in response to a \$200 million class action against Endeavour bought by 400 Blue Mountains residents who claim the network operator failed to remove a dangerous tree.

Electricity assets can be owned by both network operators and private operators. The network operators own the street-based poles and wires infrastructure; privately owned electricity assets generally start at and include the first low-voltage pole on a landowner's property. Legal responsibility for maintaining electricity infrastructure, including addressing potential bushfire risks, lies with the respective owner. The Government is claiming that some private operators are failing to address potential risks on their property in an appropriate and timely manner, including the local bushfire risk.

**Mr Gareth Ward:** There's only a sickly sweet haze over your area.

**Mr JAMIE PARKER:** How many bushfires are in Sydney areas where people are chopping down trees?

**ACTING-SPEAKER (Mr Lee Evans):** Order! The member for Kiama will come to order. The member for Balmain will address his comments through the Chair.

**Mr JAMIE PARKER:** In terms of vegetation removal where the powerlines and poles are privately owned, the electricity network operators can direct owners to prune or remove trees that pose a risk to the electricity assets or are a bushfire risk. This is required to be done in a "reasonable" time frame. Only in an emergency situation is the network operator able to intervene and trim or remove trees. The operator must pay for this work unless it can be proven that the private owners planted the trees knowing that they could pose a risk to electricity assets. Similar powers are given to operators to remove any "structure or thing" that may pose a similar risk. That is in part 5 of the Electricity Supply Act.

The regulation provides that the electricity supply can be disconnected in order to avert the threat of fire or other danger to people and property. The bill would give network operators new powers, and I want to address these matters clearly. First, it will impose a legal time frame of 60 days for the required work to be done. This must be done in writing and requires that the owners notify the network within 30 days as to whether they intend to comply. If the owner does not respond within 30 days, the network operator can enter private land to undertake the work. Second, in the case where a network provider enters private land without permission, the bill enables them to charge private owners for the work undertaken, regardless of whether they provide consent. Third, a network operator can direct private owners to undertake works not only on vegetation and structures but also on aerial consumer mains. Fourth, and importantly, a network operator can disregard environmental protections.

So the work undertaken as a result of this bill can be done despite any restrictions outlined in any other laws when it comes to native vegetation—for example, threatened species conservation and national parks; all those issues are irrelevant. Currently, the power to remove vegetation under the Electricity Supply Act does not apply to a tree within a protected area or any tree that falls under heritage, national parks and wildlife and environment planning laws. One can understand our concern about this matter, and that is why I have raised it today. I will address our concerns specifically in the bill. First, we feel that the bill may be unnecessary. Network operators already have far-reaching powers to remove vegetation and structures on private property that pose a bushfire risk. This legislation will strip away any consumer or environmental protections to allow network operators to remove vegetation more quickly and with less oversight.

We are concerned that while section 53A of the bill allows for private owners to lodge with the Energy and Water Ombudsman a dispute or complaint about the direction from the network operator, it fails to make clear whether such a dispute will put a freeze on the 60-day time limit for the work to be done. It may be the case that if the matter is not resolved with the ombudsman within 60 days then the network operator will enter the property regardless and remove the alleged bushfire risk. I ask the Minister this question in order to clarify the situation: Can the Minister outline any dispute or review mechanisms available to private landholders who want to challenge the network operator's notification that work must be undertaken? How does that fit with the 60-day time limit? I want to be clear on what that means.

By giving the network operators the ability to force households to remove bushfire risks and then charging them for the work if they refuse to comply, private network operators could significantly outsource

their maintenance costs. We would not like to see that. That could have an adverse impact on households that are already struggling with high power bills. The bill includes a hardship provision; however, the parameters of this requirement have not been made clear. We are concerned that it may encourage network operators to force private owners to remove vegetation that may not pose a real risk, as the financial incentive to look at least-cost options would be removed. We look forward to hearing the Government's response to any concerns.

Finally, the bill removes all requirements for the network operators to take into account existing environmental laws. This could have a significant impact on natural bushland in New South Wales, which is already being pushed to the brink by deforestation and development. While removing specific trees that pose a particular risk can help avoid catastrophic fires that ravage New South Wales native forests, stripping all environmental protections may result in unnecessary environmental damage, with little benefit for at-risk communities and ecosystems. The lack of oversight or regulatory control over the network operators means there will be no way to assess the ecological damage caused by giving the network operator free rein to ignore environmental laws. Of course we are all concerned about bushfires. All of us have been sympathetic and shared the feelings of devastation and loss by those who have suffered the impact of bushfires. We have already seen the Government's botched implementation of the 10/50 laws, which we know have had consequences far outside—

**Mr David Elliott:** Who is "we"? You're the only Greens in the House.

**Mr JAMIE PARKER:** Read the newspaper. Have a look at what has been happening. We want to protect people and property from bushfires. The work of the Bushfire Cooperative Research Centre [CRC] has been fantastic in terms of looking at causes, ways to abate fires, to minimise impact and so on. Our concern is, first, to get clarity around the interaction between the 60 days and dispute resolution. We are concerned that environmental standards that currently apply will be stripped away. We are concerned about the potential imposition on private households or private owners and cost-shifting, in effect, by network operators. We are concerned about the bill. Obviously we are committed to ensuring bushfire mitigation, but it is important to balance that with environmental protection, species protection—

**Mr David Elliott:** Humans are a species.

**Mr JAMIE PARKER:** That is correct. It is important to balance that with environmental protection and species protection and the protection of consumers and those who are subject to these significant powers.

**Mr ANTHONY ROBERTS** (Lane Cove—Minister for Resources and Energy, and Special Minister of State) [8.20 p.m.], in reply: I thank members for their contribution to this important debate on the Electricity Supply Amendment (Bush Fire Hazard Reduction) Bill 2014. This bill allows for an improved bushfire hazard reduction system in bushfire-prone areas of New South Wales. The bill will allow action to be taken quickly and efficiently to remove bushfire threats associated with electricity assets on private property, irrespective of who owns the asset. The new system will impose, for the first time, expressed time frames for the owner to respond to a notice and to undertake the required work.

Upon receipt of a notice issued by a network operator, a property owner has 30 days to advise the operator that he or she is willing or unwilling to undertake the work. The owner can arrange for the work to be done privately or engage the network operator to do the work for them. If the owner undertakes to do the work, a further 30 days is allowed for completion of the work, allowing a total of 60 days from the date of the notice to the removal of the hazard. However, if the owner is unwilling to undertake the work or does not respond to the notice within 30 days then the network operator is authorised to enter the premises to carry out the required work without providing further notice. The amendments allow for a network operator to recover the reasonable cost of the work from the owner if it undertakes work on the owner's behalf.

The allocation of costs arising from bushfire hazard reduction work under the new system is consistent with the current arrangements, under which landowners are responsible for the costs of maintaining their own electricity assets. To protect those suffering financial hardship, the amendments require all network operators to have in place a hardship policy to assist owners who are experiencing difficulties in paying the cost of the work. The concerns of landowners in regards to notices can be referred to the Energy and Water Ombudsman NSW. To support this, the amendments direct that every notice issued includes a clear reference to the Energy and Water Ombudsman NSW.

The bill also includes exemptions from relevant approvals requirements under other legislative frameworks to free both landowners and network operators from the duty to obtain approvals which otherwise



may be required before the necessary bushfire mitigation work could be undertaken. Broad consultation with stakeholders has been undertaken on the bill. Network operators, Local Government NSW, NSW Farmers and the Energy and Water Ombudsman NSW have been consulted on the proposals and have indicated support for the objectives. I turn now to the issue of reasonable costs, as raised by the member for Maroubra. The amendments create a mechanism to ensure that bushfire hazards are removed in a timely manner to ensure the safety of human life and property.

These works are already required of property owners, but the timing in which this work is required to be undertaken is unclear. As such, the cost of undertaking this work already rests with the landowner, and this bill does not change that. I advise the House that in New South Wales we have a contestable market for these works whereby landowners can compare quotes from different authorised companies and choose the offer that suits them best. The networks will only enter a property if landowners fail to conduct the work required of them. I stress in response to the member for Maroubra that this bill does not seek to alter the existing provisions for the recovery of costs by the networks for undertaking these works.

I thank the members representing the electorates of Maroubra, Blue Mountains, Cessnock, Baulkham Hills and Balmain for their contributions to this debate. A number of the issues raised by the member for Balmain will be addressed in the Legislative Council. I extend my sincere thanks to my officers within the Division of Resources and Energy who worked so tirelessly to bring this necessary reform to fruition. I draw special attention to the contributions made by Principal Policy Officer Robert Smith, Senior Policy Officer Georgina McArthur, Senior Policy Officer Jaimie Wishart, Senior Legal Officer Jacyleen Ong, Legal Officer Camellia Chan and Manager of Operations and Programs Adrian Amey.

The amendments in this bill create a more efficient and effective system for bushfire hazard reduction around electricity infrastructure in bushfire-prone areas of New South Wales. The measures in the bill give the highest priority to bushfire mitigation activity and the interests of the broader community over those of landowners who have, for whatever reason, failed to undertake the necessary action. I commend the bill to the House.

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

**Motion agreed to.**

**Bill read a second time.**

### **Third Reading**

**Motion by Mr 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: Bills**

**Motion by Mr ANTHONY ROBERTS agreed to:**

That standing and sessional orders be suspended to permit the resumption of the adjourned debate and passage through all stages at this or any subsequent sitting of the Regional Relocation Grants Amendment Bill 2014.

## **WORK HEALTH AND SAFETY (MINES) AMENDMENT BILL 2014**

### **Second Reading**

**Debate resumed from 14 October 2014.**

**Mr PAUL LYNCH** (Liverpool) [8.25 p.m.]: I lead for the Opposition on the Work Health and Safety (Mines) Amendment Bill 2014. The shadow Minister with carriage of the matter is the Hon. Steve Whan in the Legislative Council, who no doubt will speak at greater length than I will when it is introduced in the upper

House. I indicate that the Opposition does not oppose the bill. The object of the bill is to make minor amendments to the Work Health and Safety (Mines) Act in a number of respects. Those include clarifying the relationship between the principal Act and the Work Health and Safety Act and the regulations made under those respective Acts, and specifying that in the case of a tourist mine the mine holder is the person who is conducting the business of or undertaking the tourist mine.

This bill clarifies that the term "mining operations" includes injecting minerals into the ground only where the primary purpose is the injection or return of a mineral to the ground. The bill provides for the regulations to prescribe how the mine operator of a mine is to be appointed, including by providing for the appointment of one or more mine operators for a mine or the appointment of one person as the mine operator for more than one mine. The bill also clarifies the activities to which the principal Act does not apply. The bill provides for the WorkCover Authority to exercise or perform powers and functions under the principal Act in relation to mining workplaces. The bill validates certain regulatory action taken in relation to coalmining lease areas that were not included in the register of colliery holdings.

As indicated, the Government has fairly presented these minor amendments clarifying definitions and closing loopholes. The amendments can be categorised into four major areas. The first merely redefines the relationship of the Work Health and Safety (Mines) Act with the Work Health and Safety Act 2011 and the Work Health and Safety Regulation. It clarifies references in the Act to be consistent in both Acts and the regulation. One term being redefined is "mining operations". This includes injecting minerals into the ground only where the primary purpose is the injection or return of a mineral to the ground.

The second set of amendments redefines the term "mine holder" for the purposes of operators of tourist mines. New South Wales has 10 tourist mines. Because of the hazards involved, it is important for public safety that they have a mine operator and a safety management system. The bill refines the Act so that tourist mines meet the safety requirements. The third set of amendments reinforces the requirement for safety regulations. The fourth amendment looks to redefine the concept of "injection of minerals". The current term relates to activity that is not associated with mining and is therefore not intended to be regulated. The current definition may lead to misinterpretation.

As the Minister said in his second reading speech, sand and brine are considered to be minerals under the legislation and so the return of salty water to the ground by farmers could be unintentionally caught by the current definition. In addition to those four categories of amendments, other amendments look at: possible savings or transitional arrangements that might be required; whether a workplace is a valid mining workplace; allowing for the clarification of WorkCover as an authority in all workplaces under the Act; and the requirement that all coalmining leases are taken to be under a colliery holding. As I indicated, the Opposition does not oppose the bill.

**Mr KEVIN ANDERSON** (Tamworth) [8.29 p.m.]: I support the Work Health and Safety (Mines) Amendment Bill 2014. The Work Health and Safety (Mines) Act 2013, which was proclaimed to commence a little while ago, will provide for the regulation of health and safety in the New South Wales mining industry. The Act implements the policy developed under the National Mine Safety Framework and progresses the national harmonisation of work health and safety laws. The bill amends the Work Health and Safety (Mines) Act 2013 and Work Health and Safety Act 2011 to ensure that the Government's policy intent for mine safety is fully implemented. The amendments do not make any policy changes.

Under the Coal Mine Health and Safety Act, NSW Trade and Investment's health and safety jurisdiction at coal workplaces applies to registered colliery holdings. Colliery holdings do not necessarily cover all of a colliery lease area. This can mean that Trade and Investment's safety jurisdiction for coal workplaces could be open to technical challenge. The amendment will make it clear that all coalmining leases are taken to be in a colliery holding. The amendment will ensure that the investigation and prosecution of fatalities, serious injuries or other breaches at coal workplaces are not open to technical challenge over jurisdiction.

WorkCover issues authorisations for such things as high-risk work licences or registration of plant and the authorisations should be valid on any worksite. The operator should not have to obtain two licences for the same work. To make sure they are valid at mining workplaces the Act will be amended to retrospectively clarify that existing and future WorkCover authorisations are valid. Without this amendment there could be a need for WorkCover and NSW Trade and Investment to maintain parallel, duplicated authorisation schemes. The amendment makes clear that both the Work Health and Safety Act 2011 and the Work Health and Safety (Mines) Act 2013 and their regulations apply to mining workplaces and are to be read as one legislative framework.

Operators of tourist mines have been included in the definition of "mine holder" as these former mines need to have a responsible mine operator and a safety management system to address their ongoing mining-related hazards. Some mining operations need more than one operator due to the complexity of the operation while two or more distinct mines may need only one mine operator. This will ensure that appropriate safety management systems are in place. The amendment enables the regulator to make a direction on who should be the mine operator. To ensure that activity not associated with mining is not captured by the Act, the amendment make sure that "mining operations" only includes injection of minerals where the primary purpose is to return minerals to the ground.

Some activities are excluded from the Act because they are subject to other safety laws. To avoid unintended interpretations, particular activities to which the Act does not apply are clearly set out. The end date for savings and transitional provisions will be removed to extend the period in which savings and transitional regulations can be made. We need to ensure that mining operations are subject to the highest level of safety. There are many throughout New South Wales and one accident is one too many. I commend the Work Health and Safety (Mines) Amendment Bill 2014 to the House.

**Mr CLAYTON BARR** (Cessnock) [8.32 p.m.]: I speak briefly on the Work Health and Safety (Mines) Amendment Bill 2014. As indicated by the member for Liverpool, the Opposition will not oppose the bill. This is the second piece of legislation that a sceptic like me might see as paving the way for the privatisation of electricity assets. I refer specifically to new section 11 (1) (f), which refers to the Electricity Supply Act and activity that this Act will not apply to because it is construction, commissioning, operation or decommissioning of the distribution system. It also refers to asbestos regulation, the authority to do works with regard to asbestos, removal licences and so on. These things jointly make future privatisation significantly easier for any future owner of poles and wires, should the Government be re-elected in 2015, and paves the way for things we have seen from the Government over the past 3½ years such as leasing of our ports. I highlight my scepticism and concern that unconventionally rather late on a Tuesday night we are ramming through a couple of pieces legislation when people's attention might be elsewhere.

Finally, I draw attention to the fact that there will need to be mine operators for tourist mines. Recently I visited one of the tourist mines in Lightning Ridge with my family. I wonder whether those mines will be caught by this legislation. It is not clear from a reading of the bill. The geology of the Lightning Ridge area suggests that the area is incredibly safe as opposed to coalmining areas, which have considerable geological movement. I suggest that some of the mines in Lightning Ridge have never had a mine operator or a safety management system. My family and I enjoyed our visit and did not feel unsafe at any time. I would hate to think this legislation would impose unnecessary and future costly regulation on the operation of that tourist facility, which we thought was fantastic. Labor will not oppose the bill.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [8.35 p.m.]: I speak in support of the Work Health and Safety (Mines) Amendment Bill 2014. The bill was introduced to clarify the meaning of the Work Health and Safety (Mines) Act 2013 by clarifying roles and responsibilities, removing ambiguities and rectifying wording. It also seeks to close possible loopholes in the work health and safety framework. The Work Health and Safety (Mines) Act 2013 will provide for the ongoing regulation of health and safety issues in the New South Wales mining industry. It is scheduled to commence this month. The Act implements the policy developed under the National Mine Safety Framework and progresses the national harmonisation of work health and safety laws. The object of the bill is to make minor amendments to the Work Health and Safety (Mines) Act 2013 as follows:

- (a) by clarifying the relationship between the WHS (Mines) Act and the *Work Health and Safety Act 2011* ... and the regulations made under those Acts,
- (b) by specifying that, in the case of a tourist mine, the **mine holder** is the person who is conducting the business or undertaking of the tourist mine,
- (c) by clarifying that the term **mining operations** includes injecting minerals into the ground only where the primary purpose is the injection or return of a mineral to the ground,
- (d) by providing for the regulations to prescribe how the mine operator of a mine is to be appointed, including by providing for the appointment of one or more mine operators for a mine or the appointment of one person as the mine operator for more than one mine,
- (e) by clarifying the activities to which the WHS (Mines) Act does not apply, including civil aviation, and providing for the regulations to modify those exclusions,
- (f) by providing for the WorkCover Authority, rather than the mines regulator, to exercise or perform powers and functions under the WHS Act in relation to mining workplaces,

- (g) by providing for the regulations to make savings and transitional provisions that amend the savings and transitional provisions in the WHS (Mines) Act,
- (h) by validating certain regulatory action taken in relation to coal mining lease areas that were not included in the register of colliery holdings.

Last year the House acknowledged the importance of the role of coalmining inspectors and their wide range of responsibilities. It was noted that among those responsibilities they investigate contraventions of mine safety and assist in the prosecution of offences. There is another specialised unit that investigates serious incidents and accidents in the industry. This separate, autonomous unit, the New South Wales Mine Safety Investigation Unit, was established to improve the safety performance of mine operations. It reports to the Secretary of NSW Trade and Investment. The unit was formed following a review of mine safety in 1997 and began its work on 30 July 1999.

As well as its investigation work, the investigation unit provides training to the department's safety officers and mechanical and electrical engineering groups. This training enhances the knowledge and skills of officers who investigate incidents and accidents, enforce legislation and may be required to give evidence in court. In its work the unit investigates the nature, cause and circumstances of major accidents and incidents in the New South Wales mining and extractive industries. Its role is to carry out a deep analysis of incidents to ensure the improved safety of workers at mines. This role includes giving effect to NSW Trade and Investment's enforcement policy.

I emphasise that the unit is strongly focused on ensuring that the lessons learned from safety incidents are applied across the industry. Since it began its work the unit has published its analysis of and the lessons to be learned from 24 very serious incidents and accidents. As well as publishing its findings, at the preliminary stages of an investigation the investigation unit issues information on incidents such as recent fatalities or serious bodily injuries. There are currently 11 information releases on the website. I can tell members that the events described make for difficult reading. Introduced in 2013 these innovative publications set new industry standards for communicating safety information to industry. Publishing information at an early stage of the investigation is designed to draw attention to the occurrence of a serious incident. I commend the bill to the House.

**Mr ANTHONY ROBERTS** (Lane Cove—Minister for Resources and Energy, and Special Minister of State) [8.39 p.m.], in reply: I thank those members who contributed to this important debate. The bill amends the Work Health and Safety (Mines) Act and the Work Health and Safety Act 2011 to ensure that they operate as intended. It does this by clarifying provisions and roles and responsibilities in the Work Health and Safety (Mines) Act and by closing possible loopholes in the safety legislation framework. The bill clarifies the relationship between the Work Health and Safety (Mines) Act and the Work Health and Safety Act 2011 and their regulations. It ensures that both the Acts and their regulations clearly apply to mining workplaces.

The bill also ensures that the safety Acts apply to tourist mines. Further, it provides the safety regulator with the ability to direct the appropriate number of operators needed at a mining workplace. The bill clarifies that "mining operations" only includes injection of minerals where the primary purpose is to return minerals to the ground. It defines the activities that do not come under the jurisdiction of the Work Health and Safety (Mines) Act. Two provisions that will apply retrospectively remove uncertainty about the application of the bill. The first ensures the validity of WorkCover authorisations on mine sites. The second amends the Work Health and Safety (Mines) Act to make clear the jurisdiction of NSW Trade and Investment for health and safety at coal workplaces. These changes will ensure that the Acts will work as intended.

I sincerely thank the members for Liverpool, Tamworth, Cessnock and Myall Lakes for their contributions to the debate and interest in this matter. I extend my thanks to my officers within the Division of Resources and Energy who worked tirelessly to bring this important and necessary reform to fruition. I take this opportunity to draw special attention to the contributions made by Frances De Biasi, Tony Linnane, Jennifer Windsor and Virginia Newell. I thank them for their great work, and continuing work, for this department to ensure that we have the very best regulations and legislation so that when men and women roll up their sleeves and go to work in often hazardous situations they have the best chance and opportunity to return home safely to their family and friends. Without these amendments it is possible that current provisions could have been exploited with unintended consequences for mine safety. With these amendments the policy intention of the Work Health and Safety (Mines) Act can now be fully achieved. The Act can be implemented and will work as it was intended. I commend the bill to the House.

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

**Motion agreed to.**

**Bill read a second time.**

### Third Reading

#### Motion by Mr 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.**

### REGIONAL RELOCATION GRANTS AMENDMENT BILL 2014

#### Second Reading

#### Debate resumed from 16 October 2014.

**Ms SONIA HORNER** (Wallsend) [8.43 p.m.]: I contribute to the debate concerning the Regional Relocation Grants Amendment Bill 2014. The purpose of the bill is to amend the Regional Relocation Grants Act 2011 to confirm the closure of the Regional Relocation Home Buyers Grant scheme on 30 September 2014 by the Regional Relocations Grants (Closure of Scheme) Order made in accordance with section 57 of the principal Act. The bill proposes amendments to the Regional Relocation Grants Act that was enacted by the Liberal Government in 2011. The purpose of the Act was to encourage people to move from the city to the country. Decentralisation is fundamentally a good philosophy but it has not worked as well as we would like. Some members of the Opposition have said this is a failed bill because the relocation grants scheme and the home buyers grant scheme did not achieve what the Government wanted them to achieve. While the Opposition is not opposing the bill—

**Mr Stephen Bromhead:** More than 50,000 housing starts this year; pretty good; number one in Australia.

**Ms SONIA HORNER:** The member for Myall Lakes need not interject because the Opposition does not oppose the bill. It is important that we make a few comments about the achievements of the bill in the long run and perhaps learn how we can do better in the future. As someone who spent many years of her life in the country towns of Walgett and Kempsey I support any government quest to decentralise. We live in isolated areas of Australia and when people grow up in the country there should be similar opportunities for them to live, work and play in those areas as there are for people in the cities of Newcastle, Sydney and Wollongong.

Having lived much of my life in the country I support the Government's quest to move people from the city to the country. There is no doubt about the need for that. However, we need to look at the reason why the Regional Relocation Grant scheme is going to close at the end of the year. It did not work and we need to learn from that. The notion of a skilled regional relocation incentive is an important one. We need to get skilled people into country areas and provide them with jobs. The members for Cessnock and Shellharbour, who are present in the Chamber, will understand that to relocate jobs from Sydney to Newcastle or the Hunter when the manufacturing sector is closing down is a real problem. There are no jobs in the Hunter.

The blokes that I grew up with, such as the boilermakers and skilled tradesmen in the manufacturing industry, are now moving to Sydney or Western Australia. As the member for Cessnock will know, the blokes around my age in his electorate are moving to Queensland or wherever they can find jobs. While the Opposition will not oppose the Regional Relocation Grant scheme, we suggest that in future the Government—or when we are in Government—in the next term look at the philosophy of the relocation grant scheme and do it better. We need to move people from the city to the country and decentralise.

Along with that we need to provide and create jobs for people. If they decide to move to the wonderful area of Cessnock or the beautiful area of Shellharbour they must be able to use their skills in those beautiful areas. In summary, decentralisation is a great philosophy but it did not work in this instance because it was not thought out carefully enough. In some areas there were some rorts where people moved from Newcastle to another town and received a grant they should not have received. As someone who has lived in the country I support the whole notion of decentralisation. I suggest the Government look at it again with fresh eyes and do it better in the future.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [8.49 p.m.]: I support the Regional Relocation Grants Amendment Bill 2014 and commend the Hon. Andrew Stoner for introducing it and for his passionate advocacy

on behalf of regional New South Wales. The Regional Relocation Grants Scheme was an election campaign promise that the Government has delivered. The scheme was introduced in July 2011 and in 2013 was reviewed by the New South Wales Decentralisation Taskforce, which recommended better targeting.

As of January this year, my electorate of Myall Lakes had more than 250 families that have taken advantage of the scheme. Members opposite can scoff, but I assure them that having 250 families coming into the area and buying or building a home is a huge bonus. Members opposite are not the best when it comes to understanding economics, but we know that real estate sales are an important driver of any economy. The member for Wallsend referred to the decline in manufacturing and the lack of skilled jobs in the Hunter. Which Government signed a contract with the Chinese to provide 680 new rail carriages? It was the Labor Government. Which Government killed the manufacturing sector in New South Wales? The Labor Government killed it during its 16 years in government.

The Regional Relocation Grants (Home Buyers Grant) Amendment Bill 2013 introduced a new \$10,000 skilled relocation incentive scheme to encourage people to relocate to the regions for employment. The amendments were primarily aimed at better targeting the scheme at a younger and more economically active demographic. The program has been successful because we are now the number one State in Australia. The Coalition promised to make New South Wales number one again and it has delivered because housing is a pillar of our economy and it has been driving new home starts.

Whether or not members opposite like it, the Regional Relocation Grants Scheme has been successful. Like any scheme, we are constantly reviewing and improving it. The scheme aims to encourage population and economic growth in regional New South Wales. It includes two categories of grant: the Regional Relocation Home Buyers Grant and the Skilled Regional Relocation Incentive. The skills incentive has been successful in meeting its target audience of a younger and economically active demographic and in helping to attract skills and businesses to the regions. However, the homebuyers grant scheme has been less successful in meeting the Government's objective of driving economic growth in regional New South Wales. The scheme's budget for 2014-15 reached its capacity in August 2014 and the Act does not provide for its partial closure.

Both the homebuyers grant and skills incentives schemes closed by legislative order effective from 30 September 2014. The Government has agreed to deliver additional funding to continue the successful part of the scheme—the skills incentive component—so this bill retrospectively allows the Skilled Regional Relocation Incentive Scheme to operate from 30 September 2014 until 31 March 2015 and confirms the closure of the Regional Relocation Home Buyers Grant Scheme as of 30 September 2014.

The object of the bill is to amend the Regional Relocation (Home Buyers Grant) Act 2011 to confirm the closure of the Regional Relocation Home Buyers Grant Scheme from 30 September 2014 following the closure of the scheme on that date by the Regional Relocation Grants (Closure of Scheme) Order 2014 made in accordance with section 57 of the principal Act and to ensure a period of continued operation of the Skilled Regional Relocation Incentive from 30 September 2014 following the closure of the scheme on that date by that order. I commend the bill to the House.

**Mr CLAYTON BARR** (Cessnock) [8.53 p.m.]: The Opposition does not oppose the Regional Relocation Grants Amendment Bill 2014 because in our party room we refer to it as the "Mick Veitch amendment bill". It took the Hon. Mick Veitch some years to convince the former Deputy Premier that the figures speak for themselves. The legislation was originally introduced by the now Premier and then Treasurer, Mr Mike Baird. That legislation allocated \$280 million for the expected 40,000 families who would apply for a grant. Unfortunately, three or four years down the track only 10 per cent of that funding has been used for about 4,400 homes costing about \$28 million.

As a member representing a regional community I want to know what happened to the other \$252 million. I invite the member for Monaro to tell me what happened to that money. During the 2013-14 budget estimates hearings the then Deputy Premier was asked about a missing \$8.5 million in unspent funds allocated to the program. The Deputy Premier was forced to admit that that money had been allocated for a goods and services tax allowance for Star Casino in Sydney. That \$8.5 million certainly was not spent in regional New South Wales. Of course, someone may be able to make a strong link with the regional use of the casino.

The second version of the bill, which we are now amending for a third time, was the Regional Relocation (Home Buyers Grant) Amendment Bill 2013. By that stage the then Treasurer was distancing

himself from the legislation and he left it to the then Deputy Premier to introduce it. During his second reading speech the Deputy Premier referred to the fact that the principal Act and the proposed amendment were designed to address "skill shortages in regional New South Wales". It is interesting that he used that phrase because the member for Monaro used the same phrase when making the second reading speech on this amending legislation. Skill shortages in regional New South Wales are best addressed by creating jobs.

As I have said previously, the unfortunate reality is that this Government has done anything but create jobs in regional New South Wales. In past contributions I have referred to things such as the closure of Kirkconnell, Berrima and Grafton jails, the sacking of agronomists, the withdrawal of biosecurity funding and the sacking of biosecurity officers, the closure of Crown Lands offices and so on. If we are to address skill shortages and if we want to attract people to regional New South Wales we must provide jobs. Hopefully the member for Monaro will talk about that \$252 million being used to generate jobs in regional areas.

I appreciate that the Government is making a third effort with this legislation. As I said, our party room refers to the Regional Relocation (Home Buyers Grant) Amendment Bill as the "Mick Veitch amendment bill". It must come at some expense to The Nationals. I am disappointed that the member for Myall Lakes is not in the Chamber to hear me say that members opposite were in opposition for 16 years yet they have come up with a dud like this. In the first second reading speech the then Deputy Premier said:

The bill provides for a new Act to implement a key element of the Government's action plans: to make Sydney liveable again and to provide a regional kick-start ... We understand that what is good for city areas is also good for country areas, and vice versa.

After 16 years in opposition The Nationals have come up with this bill based on the fact that "we understand", but it is a complete dud. There is \$252 million floating around and I would like to know where it is. The overview of this bill is to:

- (a) confirm the closure of the regional relocation home buyers grant on 30 September 2014 following the closure of the scheme on that date by the Regional Relocation Grants (Closure of Scheme) Order 2014 made in accordance with section 57 of the Principal Act, and
- (b) ensure a period of continued operation of the skilled regional relocation incentive from 30 September 2014 following the closure of the scheme on that date by that Order.

Some of those opposite heading into the 2015 election, which is coming up in a few months, will be sadly disappointed. I suggest to them that they should come up with something better now that they have access to all the resources of government. After 16 years in opposition, the Regional Relocation Grant—which was to be one of their key pieces of legislation in a "decade of decentralisation", as I think it was termed, even though they have not yet managed a month of decentralisation—has received an allocation of \$280 million from Treasury, but it has been a complete failure. I hope they can come up with something better leading up to the 2015 election. The people of regional New South Wales need a bit more.

**Mr John Barilaro:** What have you got?

**Mr CLAYTON BARR:** I suggest to the member for Monaro that some of the \$252 million might be spent on actually creating jobs. If we need allowances to bring back manufacturing to regional New South Wales then that would not be a bad way to spend it. If it means spending some of that money on making TAFEs accessible, so that—

**ACTING-SPEAKER (Mr Christopher Gulaptis):** Order!

[Interruption]

**ACTING-SPEAKER (Mr Christopher Gulaptis):** Order! The member for Shellharbour will cease interjecting.

**Ms Anna Watson:** Why shouldn't I?

**ACTING-SPEAKER (Mr Christopher Gulaptis):** Order! I have instructed the member for Shellharbour not to interject. She should stop being so ignorant and rude. She might behave like that at home, but she will not behave like that in this Chamber.

**Ms Anna Watson:** I do not do it at home; I am not the only person doing it here.

**ACTING-SPEAKER (Mr Christopher Gulaptis):** Order! If the member for Shellharbour continues with that type of behaviour she will have an early night. I know she is looking for it.

**Mr CLAYTON BARR:** While I appreciate this money being spent, we could have spent some of it on saving the Electrolux jobs in Orange or making sure that agronomists were funded. We could have spent some of it on keeping the resources at the local end.

**Mr Gareth Ward:** Point of order: My point of order relates to relevance. We could have spent on other projects the \$500 million those opposite spent on the metro project, or the \$127 million it spent on the Pilliga dam or the \$100 million it spent on the botched power privatisation.

**ACTING-SPEAKER (Mr Christopher Gulaptis):** Order! There is no point of order. The member for Kiama will resume his seat.

**Ms Anna Watson:** To the point of order: What is his point of order?

**ACTING-SPEAKER (Mr Christopher Gulaptis):** Order! I have ruled there is no point of order. The member for Shellharbour will resume her seat or leave the Chamber.

**Ms Anna Watson:** Further to the point of order: There is no point of order—good.

**ACTING-SPEAKER (Mr Christopher Gulaptis):** Order! I direct the member for Shellharbour to remove herself from the Chamber for a period of two hours under Standing Order 294A.

**Ms Anna Watson:** My pleasure!

*[Pursuant to sessional order the member for Shellharbour left the Chamber at 9.02 p.m.]*

**ACTING-SPEAKER (Mr Christopher Gulaptis):** Order! The member for Cessnock has the call.

**Mr CLAYTON BARR:** Thank you, Mr Acting-Speaker. I seek an extension of time. *[Extension of time agreed to.]*

I agree with the sentiment of this legislation. The Regional Relocation Grants Amendment Bill 2014 is trying to achieve decentralisation and encourage people into regional areas. It is important to stop the drain of youth from our regional communities because when the youth leave these communities there is an economic loss, which has an impact on the future of these communities. If we do not have young people settling in regional New South Wales we will find it increasingly difficult to justify maintaining schools, hospitals and other resources. I say to the Government that, for the remaining few months of its term, the Opposition is dedicated to finding a way to support regional relocation or decentralisation along with the growth of our regional areas.

Last week I heard a sad story about the School of the Air in Lightning Ridge. It was closed quite some time ago because families had moved away from the area. Once you take away some resources the population disappears at an increasing rate, and reinstating those resources becomes increasingly difficult because of a lack of population to support them. In his reply, I urge the member for Monaro to list for the people of New South Wales exactly where the remaining \$252 million has gone. I would love to think that money has been quarantined for the growth of regional New South Wales. However, I fear the reality is that, as with everything else being sold in this State, the Sydney metropolitan area will quickly suck in and consume that money, and the regions will never see it.

**Mr JOHN BARILARO** (Monaro—Minister for Small Business, and Minister for Regional Tourism) *[9.03 p.m.]*, on behalf of Mr Andrew Stoner, in reply: I thank members for their contributions to debate on the Regional Relocation Grants Amendment Bill 2014. I make no apology for this side of the House making an effort to attract back to the regions people who have relocated from the regions. The Government wants regions to grow so that communities become sustainable in the long term. That is part of the Regional Relocation Grants policy. However, the member for Cessnock has failed to realise that this is only one tool in a suite of policies that this Government has put in place to encourage growth in the regions. I remind the member for Cessnock that this Government's policies have resulted in the creation of a number of jobs in regional New South Wales. Treasury reports that up to 25,000 regional jobs have been created since April 2011, which is a far greater number than the member quoted.



These additional jobs include around 2,200 nurses, teachers and police officers on the front line in regional New South Wales. This Government is delivering on its 2011 election commitments. Also, 466 public sector positions have been moved or are planned to be relocated to regional New South Wales. The Government has a target of 1,500 jobs to move by 2021, and the Government is on target to achieve that. The Government does not believe all the jobs being created in regional New South Wales should be government jobs. We want the private sector to create jobs, so we are creating an environment for the private sector to do that. When you look at the number of jobs that have been created since this Government was elected in 2011—

**Mr Clayton Barr:** Name one.

**ACTING-SPEAKER (Mr Christopher Gulaptis):** Order! The member for Cessnock had a chance to speak on the bill without interjections. I will not argue with the member for Cessnock, but will direct him to remove himself from the Chamber if he continues to argue.

**Mr JOHN BARILARO:** Since 2011 in excess of 130,000 new jobs have been created in this State, not by Government but thanks to the policy settings of Government that have allowed the private sector to employ the mums and dads who open small businesses that create employment opportunities in their communities, be they in the cities or in regional communities. We are proud of the policy settings. This is only one part of the policy setting in relation to creating jobs. When we create jobs across the State we know that regional New South Wales is a part of that. We went to an election with a policy, we have come into government and we have implemented that policy. We have kept our election promises, which those on the other side of the House never do, and at times we must revisit those policies. We re-evaluate our policies: we look at how they are working and if they are achieving their targets. If they are not achieving their targets we revisit the policies to ensure that we achieve our targets in creating jobs.

That is why the key objectives of the bill are to allow the Skilled Regional Relocation Incentive to operate retrospectively from 30 September 2014 through to 31 March 2015; to confirm closure of the Regional Relocation Home Buyers Grant as at 30 September 2014 by specifying that this grant is applicable only to relocations that commenced on or before 30 September 2014; and to provide for a few consequential amendments and general provisions to clarify the operation of the amended Act. After 16 years of Labor running down the regional economy, the New South Wales Liberals and Nationals are back at the heart of government. We are restoring confidence in the State's economy and providing greater investment in our regional communities.

The proposal to continue the skills incentive demonstrates this Government's commitment to delivering real and effective measures to help regional economies prosper. The incentive has already helped more than 300 people—young professionals, city-based workers, business owners and their families to discover the benefits of moving to the bush. Those of us who live in regional New South Wales know those benefits and we are proud of our lifestyle. If this program allows that to happen it is a winner. The member for Cessnock does not want any jobs. We know what the plan of the member for Cessnock is for jobs: He is going to destroy the coal industry and lose all those jobs. I would like to hear what the member for Cessnock has to say when his boss canes the coal industry and all the jobs associated with it. By continuing the skills incentive we can deliver an estimated 85 new professionals, entrepreneurs or successful job seekers each month to regional New South Wales.

**ACTING-SPEAKER (Mr Christopher Gulaptis):** Order! The member for Cessnock will cease interjecting.

**Mr JOHN BARILARO:** We will exclude Cessnock because the member for Cessnock does not want any jobs. That is fine; that may mean other communities will benefit. This bill will enable the Government to continue to provide the successful Skilled Regional Relocation Incentive, in keeping with our commitment to making additional funds available for this incentive until March 2015; it will target the scheme at a younger, more economically active demographic; and it will attract much-needed skills and business opportunities to the regions. The skills incentive will contribute to the Government's objective to drive economic growth and employment in regional New South Wales. Legislation for the skills incentive is intended to apply retrospectively from 30 September 2014 through to 31 March 2015. Eligibility requirements will remain unchanged.

The New South Wales Government has a range of initiatives to stimulate growth in regional areas and bring new investment and jobs to regional New South Wales, such as the Regional Industries and Investment

Fund, Small Biz Connect and the Supply Chain Accelerator program. The skills incentive would help support our existing efforts to stimulate regional economic development. The country lifestyle, less traffic and pollution, a welcoming community and family-friendly environment as well as job and business opportunities are among the major benefits for those who move to regional New South Wales. There is no doubt that the reintroduction of the skills incentive will help tip the scales for many people weighing up their decision to make a move to a regional area. Any initiative that aims to drive economic growth and employment in regional communities should be supported. I commend the bill to the House.

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

**Motion agreed to.**

**Bill read a second time.**

### **Third Reading**

**Motion by Mr John Barilaro, on behalf of Mr Andrew Stoner, agreed to:**

That this bill be now read a third time.

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

**Pursuant to resolution private members' statements proceeded with.**

### **PRIVATE MEMBERS' STATEMENTS**

#### **HEAVY VEHICLE LICENSING**

**Mr CLAYTON BARR** (Cessnock) [9.16 p.m.]: Tonight I inform the House about the current change in regulations relating to heavy vehicle licensing. At the beginning of 2013 a new regulation was introduced, which suggested that those who were in a position to train and assess drivers for a heavy vehicle licence should change the way they were operating. Of course, the good operators in the electorate of Cessnock went about doing that but, unfortunately, at the time the Government and Roads and Maritime Services were not prepared for it. The crux of the matter is that the telecommunications network was not connected properly and in his wisdom the wizard who was employed somewhere from the motherland created a program that operated on a redundant, old Windows system.

The computers of modern practitioners in New South Wales and in the electorate of Cessnock could not talk to the old system. Roads and Maritime Services refused to implant a new system, such as Windows 8, which meant that the registration of courses that were to be used for training and development of the skill set had to be mapped out and considered carefully. Other new provisions included that a person could not be trained, taught, coached or practice on the course or the route on which they would be later assessed. There is an enormous problem with that in relation to heavy vehicles because they have to go around corners at lights where there are double turning lanes and they have to go through roundabouts where there are double lanes.

Outside metropolitan Sydney, and even in cities like Newcastle or Wollongong, there are only a few opportunities to perform those skills. In somewhere like Dubbo, Parkes or Broken Hill there may be only one opportunity and sometimes none. Therefore, a person living in regional New South Wales cannot qualify or satisfy the required training criteria, but if a person lives in a place like Parkes, where they can satisfy the training criteria, the new regulations provide that a person cannot be tested on that same course. It is an absurd situation. On 1 December new regulations will be introduced that provide there will no longer be a random audit from a Roads and Maritime Services officer to do the heavy vehicle assessment with the driver. The driver will have to introduce two cameras into the cabin of the truck and then will have to send that assessment via email to Roads and Maritime Services.

The problem is that the cameras to be used inside the cabin of the truck have not yet been defined or identified. What has been identified is that they have to be able to be played on a Windows media player. Every camera operation—a GoPro system or whatever it is—operates under a different system and none of them can be guaranteed to be compatible with Windows 8. The second problem is that the memory card used to record the

assessment must be sent to the Roads and Maritime Services central office—wherever that will be—and kept there. The regulation specifically says that the memory card must not be tampered with or edited, but under Federal law the memory card has to be the original one, which means that every time operators take a driver out in their truck or heavy vehicle for an assessment the operator will have to buy a new memory card.

It is not just an \$8 memory card from Big W; this is a memory card that runs the program of that particular camera, and the cards cost approximately \$90 to \$100. That means that every time an operator assesses a driver the operator will be forced to buy a new memory card, which will have to be sent off to some central Roads and Maritime Services office. Who is going to assess it at that end? All the experts, with decades of experience in the field, have been leaving Roads and Maritime Services because they can see that this is a train wreck about to happen. Further, the idea that the information would be emailed, as suggested by Roads and Maritime Services, is completely impractical: The files are six gigabytes and they cannot be handled by either the outgoing or the incoming inboxes of any of these operators. Heavy vehicle licensing and assessing in New South Wales is becoming a real problem, which has been brought about by this Government and, unfortunately, by a member of The Nationals who should know better. The problem must be addressed and fixed.

**Mr Thomas George:** Have you talked to him about it?

**Mr CLAYTON BARR:** Yes, I have, on a number of occasions. No-one is listening.

### **BYRON CENTRAL HOSPITAL**

**Mr DONALD PAGE** (Ballina) [9.21 p.m.]: I raise an issue that is important to the people in the northern half of my electorate—namely, the construction of a new Byron Central Hospital, to be located at Ewingsdale. I commend the Minister for Health in particular for her commitment to this project and the benefits it will bring to my constituents, especially those in the Byron shire area. After more than a decade of planning and consultation, our Liberal-Nationals Government has allocated \$80 million for the construction of the new Byron Central Hospital. This is a publicly funded hospital, contrary to the misleading comments of the member for Canterbury, the shadow Minister Walt Secord, and the local Labor candidate for Ballina, Paul Spooner, who in my electorate last week falsely claimed that our Government plans to privatise Byron Central Hospital.

This is a publicly funded hospital, and it is a disgrace that Labor will say anything to get a headline, and in the process create anxiety and confusion in people's minds. For 16 years the former Sydney-centric Labor Government allocated no capital funding to enable the construction of this new Byron Central Hospital. It took the Liberal-Nationals Government to deliver funding to enable commencement of work on the new hospital, which we have done in our first term. Labor has absolutely no credibility on this issue. The only connection to health members opposite could possibly claim is to be spin doctors. Labor members and the local Labor candidate are completely ill-informed on the issue and desperate to say anything to turn our new hospital into a negative story.

No Labor member has seen the local community's commitment to this project and they certainly have not been with the community, as I have, on the long road to bring the new hospital to fruition. I have been advised by the Department of Health that the proposed scope of services at the new hospital includes 24-hour accident and emergency services, 43 overnight inpatient beds, 20 non-acute mental health inpatient beds, low-risk maternity services, X-ray and medical imaging services, some chemotherapy services, community health, mental health, and drug and alcohol services. I will clarify the situation in relation to day surgery. Currently there is no surgery carried out at either Byron Bay or Mullumbimby hospitals. However, the Government is keen to see a good day surgery service at the new hospital.

Importantly, public patient demand for day surgery based on catchment figures is estimated by the Department of Health to be one or two days per week maximum. This Government is therefore seeing whether a private operator would be interested in providing day surgery for five days a week for both public and private patients. If a private provider were able to operate five days a week and expand the range of surgeries beyond what would be offered in the public ownership model of only two days a week, that is a much better outcome for local residents. It is important to realise that, with a private provider for day surgery, public patients would be treated at public expense and they would potentially have access to surgery five days a week instead of a maximum of two days. Add to that a broader range of surgical options and all the patients are better off in terms of both access to and the range of services provided.

Potential day surgical services could include ophthalmology, gastroenterology, plastic surgery for skin cancer patients and orthopaedics. In an area of high growth and a large ageing population, local patients will welcome local services being provided without having to go to Lismore, Ballina, Tweed or the Gold Coast as they do at the moment. This is a model for surgical and other services that has been very successful in other parts of Australia. In addition, it is clearly not very smart to have a multimillion dollar facility, estimated to cost about \$12 million, lying idle for three to four days a week. However, that is exactly the kind of waste and under-utilisation of public resources that Labor governments are famous for and what they are now espousing. I am pleased to advise that work on the new hospital will commence in coming weeks, the bulk of the construction will occur next year, and the hospital should be opened the following year.

I stress that the hospital will be a public hospital but private sector interest is being sought for day surgery only. This is on the basis that the Government will pay for public patients to be treated at the hospital. Both public and private patients will be treated in a day surgery facility that would likely operate five days a week instead of a maximum of two days, thereby improving flexible access for local residents, with the probability of an expanded range of services. I ask those who are being misled by Labor, first, to disregard their lies; and, secondly, to let the Government's process of sounding out private operator interest in day surgery to conclude before criticising what is likely to deliver an excellent outcome for local residents. I am proud to be part of the Government that has delivered \$80 million in funding for this project in my final term as the member for Ballina.

**Mr JOHN SIDOTI** (Drummoyne—Parliamentary Secretary) [9.26 p.m.]: I congratulate the member for Ballina on his great advocacy for this project. It is a wonderful achievement; \$80 million is a lot of money. We all understand the importance of hospitals and infrastructure, particularly in regional and rural New South Wales. The member for Ballina has been a sparkling, sterling member. Congratulations and well done. You are a credit to your community.

#### **KIAMA ELECTORATE PUBLIC TRANSPORT**

**Mr GARETH WARD** (Kiama) [9.27 p.m.]: I take this opportunity to congratulate my friend the member for Drummoyne on his elevation to Parliamentary Secretary. My electorate of Kiama is the most beautiful in the State. As a lifelong resident, the reason I stood for Parliament was to do something for the community I grew up in. Whilst I may be a member of a political party, my first and foremost commitment will always be to my electorate and my home. It is for this reason that I bring to the House the case for improved public transport. The 4.24 p.m. Central to Kiama service makes a sardine can look spacious. While I appreciate that there will be fluctuations in demand for various services, I have never had such a consistent stream of complaints as I have with this service.

In dutifully representing my constituents, I have faithfully referred all complaints to Transport for NSW and the Minister. The response I have received from the department is simply inadequate. In language that would make Sir Humphrey Appleby blush, I am told that Transport for NSW is "monitoring" the situation. Is it really? Has the department monitored people having to stand for uncomfortable distances on a daily basis? Is it monitoring customer frustrations as calls for change are made without any reply? Is it sympathetic to the cause of commuters or is the talk of delivering a timetable with commuters in mind rich on rhetoric and thin on substance?

Lynne Strong is a woman from my electorate who rarely needs introduction, but for the benefit of the House Lynne is a cutting-edge dairy farmer from Jamberoo. Lynne frequently has business in Sydney and likes to utilise our train system to avoid driving to Sydney. In Twitter exchanges with Lynne earlier in the year I saw photos of crowded trains with passengers jammed in, with many standing the entire distance from Sydney to Wollongong. Having caught this train myself, as late as Friday, I am also aware of the problems associated with this service. After meeting with Lynne and other frustrated commuters, I decided to petition the Government in order to make it clear that this is a situation I will no longer tolerate. In order to make my point I have been tabling a page a day in the House in order to continually remind Transport for NSW of this problem.

I place the House and the Government on notice: This petition will continue to be run until this problem is fixed. I will not accept obfuscation and bureaucratic fob-jobs as acceptable responses to my constituents' concerns. What is clear is that there will be no shortage of signatures to fill the pages I will present to the House. And if I have to fight the Government, of which I am a part, that is exactly what I will do. Make no mistake: These words are strong but also deliberate. They are strong because I came to this Parliament to be my community's voice on issues of importance to us; and they are deliberate because I have also experienced the problems so many of my constituents have experienced.

I am grateful that so many public transport fights have yielded success in the past. Since becoming the local member of Parliament, the South Coast line now has 125 new express services. The timetable has been changed to speed up Labor's slowed services to ensure that commuters save more than an hour a week because of changes to the timetable. The Government is presently constructing a brand-new station at Shellharbour Junction. We have secured station upgrades at Albion Park and Gerrington, and new commuter car parks at Kiama and Oak Flats. We now have an electronic ticketing system—a system that Labor spent \$127 million on attempting to introduce without a single ticket sold. We now have quiet carriages and more police on the line. I trust the House does not think that these changes have not come without my gratitude. But the most basic fact remains: If you purchase a ticket you should expect a seat, and the 4.24 p.m. Central to Kiama service is over-subscribed.

I call on the Government and my friend the Minister to listen to these concerns and make the necessary changes our community demands. In the past I have brought many petitions to this place. One petition related to positron emission tomography [PET] scanners at Wollongong Hospital. All members in the Illawarra, both Liberal and Labor, got together to petition the Government for that change—and we fought and won. Another petition related to aeromedical services. When there was a proposal from Ernst and Young based on a submission requested from the Government we faced the possibility of losing this important aeromedical service for our community. Again, we fought and won that valuable fight. As someone who is passionate about the community I grew up in and who wants to make it a better place, one of the best things I can do is to ensure that this House is a vehicle to facilitate the concerns and express the views of my local community.

At village visits and community meetings and in my electorate office, I have spoken to concerned commuters who just want to have the service that they deserve. I am at my wit's end. For that reason, I use this opportunity in the House today to do what any good local member should do, regardless of who is in government and any loyalties or allegiances involved. My first and foremost allegiance and loyalty will be to the people who put me in Parliament—that is, my constituents. Today I send this Parliament a message that better commuter and transport services are required. The 4.24 p.m. service is inadequate. I call on the Government to make the necessary changes so that commuters do not have to stand on trains from Wollongong and Central and people have a comfortable journey on longer distances. I thank the Government for the changes it has made but I make it very clear that this change is important to me and my community and I expect this change to be delivered.

**Mr JAI ROWELL** (Wollondilly—Minister for Mental Health, and Assistant Minister for Health) [9.32 p.m.]: I thank the member for Kiama for his strong advocacy and hard work in relation to his local commuters. He is a great local member who puts his constituents first. The Government is committed to delivering services, including local train services, across New South Wales. I thank the Minister for Transport for her great work, which has led to the introduction of many thousands of services across the network. The Government continues to focus on these issues. It will not rest on its laurels but will continue to work for commuters across the State. I once again commend the member for Kiama for his hard work and advocacy on behalf of his constituents.

### **SUTHERLAND SHIRE DRAFT LOCAL ENVIRONMENTAL PLAN NO. 3**

**Mr BARRY COLLIER** (Miranda) [9.33 p.m.]: The date 19 October marked the first anniversary of the Miranda by-election. The result was largely attributable to community concerns about overdevelopment under the Liberal-controlled Sutherland Shire Council. That much was acknowledged by Premier Barry O'Farrell when he linked voter anger to the "activities on council", including the "allegations referred to ICAC and the LEP". What has happened over the past 12 months? We have had a public inquiry into the local environmental plan [LEP] version two, including an examination of Councillor Johns' now infamous mayoral minute making more than 70 changes to the LEP. This mayoral minute was blindly given the nod by his 10 Liberal councillors, including Councillor Simpson, on less than one hour's notice.

The 113 page inquiry report contains 92 recommendations. The council's latest LEP, version three, has just come off public exhibition. Councillor Johns has been returned as mayor, after the Liberals dumped Councillor Simpson. What have Liberal mayors Simpson and Johns and all the other Liberal councillors done to alleviate community concerns about overdevelopment across the shire? The answer is: Absolutely nothing! Respondents to my September survey clearly saw overdevelopment as the number one issue, with 90 per cent noting it was "very important" and only 2 per cent noting it was not important at all. This is hardly surprising, given the contents of the council's draft LEP3 and the fact that this LEP will affect every block of land across the shire for generations to come.

The third draft LEP makes large and significant increases in heights and densities, producing dwelling numbers well in excess of those required to meet the State Government's targets for the shire by 2031. I am advised that with the exception of 2,700 dwellings, the present zonings can accommodate most of the increase required to meet the extra 10,000 in the 2031 target. By setting targets which will result in an extra 2,300 to 3,300 dwellings over and above the strategy, our Liberal council is not only asking shire residents to accommodate more than their fair share of Sydney's population growth but, in the absence of new infrastructure, is also actively promoting overdevelopment across the shire.

If approved by the Government, this council's latest LEP will mean a fundamental change in the nature and character of our shire. We will see 16-storey building heights, the removal of minimum lot sizes for medium and high density, fewer single dwellings, no minimum lot sizes for townhouses and villas, and waterfronts with private marinas and mooring pens. These are just some of the many changes, which will bring about increased traffic congestion and fewer open spaces and will negatively impact on our quality of life for generations to come. I am advised that many of these changes in the council's LEP have been put forward without any demand for them by shire residents. But, of course, these changes suit the loud chorus of developers. The public inquiry into LEP2 noted, "this panel is the outcome of ... community alarm at the council's failure to follow the normal processes of community consultation" arising from Mayor Johns' impatience.

The report recommended that "council will need to develop a new, open and transparent approach if it is to be rebuild public confidence" in its planning processes and went on to say that it required "a commitment to a genuine community engagement strategy" on council's part. Has council done that? The answer is no. Council only gave shire residents the absolute legal minimum of 28 days within which to comment on the third version of the LEP. Liberal Mayor Steve Simpson refused calls for a longer period for exhibition and public submissions saying he wanted to finalise LEP3 as soon as possible. That is funny; that is exactly what all the developers who turned up at the public inquiry wanted. No wonder residents say this Liberal council favours developers over the people of the shire. What makes Councillor Simpson's reasoning so ridiculous is the LEP has clearly been delayed for more than a year, thanks to Mayor Kent Johns' controversial unilateral changes to LEP2 after it came off a lengthy period of public exhibition.

If our Liberal councillors learnt anything from the inquiry and cared about what shire residents thought, they would have put LEP3 out for a period of public exhibition well beyond the statutory minimum. If they really cared about transparency they would have written to every household explaining how the third draft LEP affects their property and the shire. They would have made the LEP version three as easily understandable as possible rather than leaving residents floundering and trying to make sense of it on a hopelessly confusing council website with unwieldy maps requiring a magnifying glass for even those with 20:20 vision. The best our Liberal mayor could do was an advertisement in the local *St George and Sutherland Shire Leader* newspaper halfway through the 28 day exhibition period, with only two weeks to go.

As for the Liberal council's attitude to public consultation, we need look no further than the one- and two-storey houses on University Road, Miranda. The council's LEP proposes that they be replaced with eight-storey high-density flats, which will back onto and overlook the therapy play area and classroom for the vulnerable special needs children, the infants' toilets and playground of Miranda Public School. The Liberal councillors do not see a problem with that. But, of course, council had not bothered to consult the many concerned parents, the parents and citizens group or the principal. Indeed, as the *St George and Sutherland Shire Leader* newspaper suggests, contrary to a key recommendation of the inquiry it appears to be a done deal. I have grave concerns about this council's LEP and the behaviour of Mayor Kent Johns.

**Mr JAI ROWELL** (Wollondilly—Minister for Mental Health, and Assistant Minister for Health) [9.38 p.m.]: I will not go into the issues raised by the member for Miranda. One of the main tasks of State representatives on both sides of the House is to have a strong relationship with our local and Federal counterparts. I know I do. We put politics aside to get the best outcomes for our communities. I know that the member for Menai has a strong relationship with her community, and I encourage the member for Miranda to seek a meeting with his local council to gain that relationship. I wish the member for Miranda all the best in his retirement. I know he will be replaced by an excellent member in Eleni Petinos, who has the welfare of constituents at heart. She has certainly been a strong advocate for her community, as has the member for Menai. I look forward to her contributions when she is elected to this place.

#### **ARMIDALE FUEL PRICES**

**Mr ADAM MARSHALL** (Northern Tablelands) [9.39 p.m.]: Last week I brought to the attention of the House the hugely and ongoing anti-competitive fuel pricing tactics that are being imposed by six retailers on

the residents of the city of Armidale in the Northern Tablelands electorate. I told the House at that time that unleaded fuel in Armidale over the past 40 weeks has consistently been more than 8¢ a litre more expensive than at any other location in my electorate, and more than 14¢ a litre more expensive than in Dubbo. Indeed, diesel, which is being increasingly used in my electorate, a rural area, has a price difference between Armidale and any other centre that can be greater than 13¢ a litre on any one day.

Last weekend I was travelling up to Emmaville and passed the Black Mountain Roadhouse, which is only 25 kilometres to the north of Armidale on the New England Highway. The difference between the price per litre for diesel at Black Mountain and Armidale was more than 18¢ a litre. I do not think that can be justified by any measure. Last week I called on the Australian Competition and Consumer Commission [ACCC] to urgently investigate this matter. It is my very strong belief, and it has been reaffirmed in the past week, that the retailers in Armidale are engaging in grossly anti-competitive activity. There is absolutely no other logical and reasonable explanation for it.

Earlier this week I received a letter from the Chief Operating Officer of the Australian Competition and Consumer Commission [ACCC], Rayne de Gruchy. I was very surprised that I received a response so quickly. I opened the envelope with eager anticipation as to the outcome of its extensive investigation of these anti-competitive practices but, shock-horror, the letter did not say, "We are going to conduct an investigation." The letter essentially was a giant brush-off regarding the concerns of the people of Armidale, concerns expressed by me and many others. The ACCC has all the competitive spirit of an oil baron. In fact, it is an anti-competition eunuch. Either it does not have the power or it is unwilling to exercise its powers to investigate what is a huge travesty on the people of Armidale and it has to stop. I am happy to lay upon the table the letter from Mr de Gruchy, who stated:

While different retail fuel prices between locations in the same region are not of themselves evidence of anti-competitive behaviour, where evidence is available to the ACCC indicating that a breach of the [competition laws] may have occurred we can take action.

I do not know how much more evidence the ACCC needs. We have been through the statistics; the NRMA collects those in more than 80 locations in regional New South Wales. Over the past 40 weeks Armidale consistently has been the most expensive or second most expensive by a large margin across rural and regional New South Wales. Even a local service station manager in Armidale this week had cause to state in the media that he had raised the matter of high fuel prices a number of times with his petrol provider. He said:

But they told me there had not been enough complaints from motorists in town, so the prices would remain.

If that is not enough evidence for the ACCC to investigate I do not know what is. But it gets worse. In his letter Mr de Gruchy further stated:

We encourage motorists in ... regional locations to shop around where possible for the lowest available price. In regional locations motorists may still be able to make savings over the course of a year by buying fuel from a retail outlet offering the lowest prices locally, or—

and this is the clanger—

from a price-competitive retailer in another regional location.

The ACCC does not understand the distance and geographic challenges in rural areas. The people in Armidale who get hurt the most are the people who can least afford it, those on low incomes and pensioners, who cannot afford to drive 130 kilometres to Inverell just to get fuel at 8¢ a litre cheaper.

**Mr Thomas George:** Students.

**Mr ADAM MARSHALL:** And students at the university. They, too, are crunched by this price squeeze. I urge all people in Armidale to get on to the ACCC website, lodge a consumer complaint and show the ACCC there is concern and that it must investigate. I urge people to ring the toll-free number 1300 302502 and make a complaint. As the Armidale community's local member, I will not rest until these allegations are properly investigated.

**Mr JAI ROWELL** (Wollondilly—Minister for Mental Health, and Assistant Minister for Health) [9.44 p.m.]: I thank the member for Northern Tablelands, who works so hard for his local community. Whether it is petrol prices, bull bars or mental health issues, the member for Northern Tablelands is in touch with his community and is a fierce advocate for it. Without fear or favour he comes into this place, week in, week out,

and puts Northern Tablelands issues before the Chamber. Recently I had the privilege of going to his electorate and visiting local men's sheds, which do a fantastic job in the area, and also front-line mental health services. I could not be more proud of a local member, who represents his community strongly and is also committed to reducing the stigma around mental health. Day in, day out he supports those on the front line who protect our most vulnerable. I commend the member for Northern Tablelands for his excellent work.

**Private members' statements concluded.**

**Pursuant to resolution matter of public importance proceeded with.**

## **GRANDPARENTS DAY**

### **Matter of Public Importance**

**Mr THOMAS GEORGE** (Lismore—The Deputy-Speaker) [9.45 p.m.]: I bring to the House this matter of public importance relating to Grandparents Day. I feel very humbled and proud that I can stand here and speak in support of Grandparents Day, which will be celebrated on 26 October 2014. Grandparents Day acknowledges the vital role that grandparents play in our society, both as custodians of individual and cultural memories and as providers of care, love and guidance to their children and grandchildren. Grandparents Day recognises the irreplaceable role grandparents have in their families and in the wider community.

Grandparents play a vital role in our communities. Not only do they provide love, protection and guidance, they also are great mentors, and the custodians of our family and cultural histories. Intergenerational understanding underlies the meaning of Grandparents Day. It is about younger generations realising that grandparents and elders within the community are custodians of our society and deserve to be celebrated for this. Grandparents play an important part in our lives and this special day gives us all the chance to stop and say thank you and to remember the special moments we have shared with our older loved ones; in my case, with my grandchildren.

Grandparents Day was formally recognised by the New South Wales Government in 2011. It is celebrated on the last Sunday in October each year. For years many people in the community had lobbied for official recognition of the special contributions that grandparents make. I am pleased and honoured that this Government listened to those calls and put Grandparents Day on the calendar. Over the past three years Grandparents Day has grown into a truly statewide community-based event. Many fantastic events unfold throughout New South Wales, demonstrating that people have a real desire to show grandparents that they are valued. Around 17,000 children in New South Wales currently live with their grandparents full time so this is a wonderful opportunity to show our appreciation to older Australians for the great contribution they make in raising our children.

Grandparent carers are major providers of child care in New South Wales. In 2012 the Council on the Ageing NSW survey found that 10 per cent of people aged over 65 years provide unpaid child care for their grandchildren, while in some areas of the State this figure reaches almost 20 per cent. This means that even on a conservative estimate 200,000 grandparents across New South Wales provide 12.7 hours unpaid informal care for children each week, representing a massive amount of donated care. We also know that thousands of grandchildren in New South Wales are living in the permanent care of their grandparents. While it is acknowledged that grandparents are one of the main sources of kin care for children who cannot be raised by their parents, exact numbers are difficult to determine. This is because many grandparents who raise their grandchildren do so informally, which means they have not acquired legal recognition of their status as their grandchildren's primary carers.

Grandparents Day is an important day for the community to recognise grandparents. I am very proud to be the grandparent of three lovely grandchildren, Imogen George, who lives here in Sydney, and Molly George and her brother, Charles Thomas George, who live in Casino. One of the proudest days I have experienced since the grandchildren started school was attending and enjoying Grandparents Day at school. I felt so proud to go back to my old school in the case of two of my grandchildren, go into the classrooms, which brought back memories, and celebrate Grandparents Day with my grandchildren. It is a privilege and an honour. In country schools grandparents who are retired and do not have children at the school come into the school to help with reading. It gives grandparents the opportunity to teach young children at school. Their grandchildren may not live close by, and it provides them with an excellent opportunity to be part of the school community while at the same time provide a service to the school. We in this State should all be very proud of Grandparents Day on Sunday 26 October.



**Mr BARRY COLLIER** (Miranda) [9.50 p.m.]: My wife, Jeanette, and I are blessed to have three beautiful grandchildren: Taylah, aged 9, Lucia, aged 5, and 3½-month-old Joseph. We are delighted to have the joy of playing an active role in their lives. Grandparents these days in many ways are expected to be there for their grandchildren and they do so willingly, assisting their sons and daughters—their grandchildren's parents—in all sorts of ways so they can get on with their own very busy lives. There is always, of course, the phone call, "Mum, can you pick up some eggs while you are at the shops?" or "Bring in the washing for me?", or "Dad, can you pick up the kids after school?" or "Can you post this letter?" Grandparents are ever present in the good times and when times are not so good, always willing to help out when they can and more often than not at a moment's notice. How often do grandparents get a call from their sons and daughters when they are least expecting it, a call out of left field asking for assistance? Typically, grandparents will drop everything to help out.

Whether they are called grandma, nan, nanna, pop, grandpa, grandpop or something else, grandparents are said to be the great unpaid carers. It is estimated that every year they save \$88 million in child care in New South Wales alone. They provide that care willingly and without complaint. Grandparents take great pride in their grandchildren. If members do not believe me, they should go to Kareela Public School on Grandparents Day. Grandparents of all ages line up to get into their grandkids' classrooms well before the programs begin. We see grandparents with their cameras out and they do not stop filming, the library is filled with grandparents buying books for the school library and their grandkids and you are lucky to get a seat in the playground to have lunch with your grandkids or to watch other school activities.

Grandparents take pride in their grandchildren's activities. How many grandmas or nannas do not carry a picture of their grandchildren in their wallet or handbag? In January this year in Queensland we watched my granddaughter Taylah win the 2014 Showcase National Dancer of the Year title in her age group and also be crowned National Petite Champion for her solo performances. These entitled her to a trip to the United States of America [USA] to dance in national competitions in both Las Vegas and Disneyland. The competitions attracted dancers from the United Kingdom, New Zealand and the United States. My wife and I were there to watch her in Queensland and we went to the USA to see her win three of the four competitions she entered.

We also saw Taylah's younger sister, Lucia, dance in Queensland and in the USA, winning both of her solo competitions. Needless to say, we were proud of them both, not just because they won but for the hard work they did to achieve those wonderful results. I am sure young 3½-month-old Joseph will be a star in his own right. But it is not just a one-way street. I believe grandchildren receive great personal benefit from regular contact and interaction with their loving, caring grandparents. Grandparents always seem to have a little more time to play, to read with them and to shop than do mums and dads. Grandparents also do not seem to have the pressures that mum and dad experience and appear to be a little more relaxed.

As a young boy I spent many happy hours at my grandparents Violet and Bartholomew Donnelly's house at 42 Cleveland Street, Chippendale. We lived across the road at 43 Cleveland Street, Redfern. When I went to university I spent one night a week with them during semesters. I enjoyed those nights as well. I also loved those stinking hot Christmas days in the 1950s and 1960s at nan and pop's house with my aunts, uncles and cousins. I also loved pop's Christmas puddings with the threepences and sixpences hidden inside, opening your presents under the tree in the living room and sitting up on the long stool with my cousins for lunch. They are memories I shall treasure always. It is the personal time I spent with them by myself as the eldest grandson that I particularly remember and perhaps hold most dear.

Grandparents have so much to give and grandchildren have so much to gain from the loving, caring and nurturing relationship between them. Grandparents Day this year will be celebrated on Sunday 26 October—next Sunday. The theme is: "At nan and pop's place". The day celebrates the irreplaceable role grandparents play in families and communities and I encourage all families to get involved and go to nan and pop's place. I wish everyone, all the grandparents in this House and across the State a happy Grandparents Day next Sunday. I join the member for Lismore and the member for Oatley in their recognition of Grandparents Day. Happy Grandparents Day across the State. I thank the House for the opportunity to speak on this matter of public importance.

**Mr MARK COURE** (Oatley) [9.55 p.m.]: Sunday 26 October is Grandparents Day, where we recognise the formative and nurturing role that our grandparents have played in our upbringing and continue to play throughout our lives. It is important that we recognise the contribution that grandparents make to the upbringing of future generations. The theme of this year's grandparent's day is: At nan and pop's place. We all have fond memories of growing up and the time we spent at home with our grandparents and the love and warmth they shared with us. Launched in 2011 by the State Government, Grandparents Day is celebrated

annually on the last Sunday of October. I pay tribute to the Council on the Ageing NSW, an independent, non-partisan, consumer-based non-government organisation and the peak organisation for people over the age of 50 in our State, which facilitates Grandparents Day.

Grandparents play a vital role in our communities. Not only do they provide love, protection and guidance, they also are our mentors and the custodians of our family and cultural histories. Days such as Grandparents Day give us all a chance to stop and reflect on the role that grandparents play in our society and thank them for their contribution. In New South Wales there are currently 17,000 children living with their grandparents full time. This demonstrates the critical role that grandparents play in the upbringing of future generations. Further, grandparents are often major providers of child care in New South Wales. Surveys highlight that 10 per cent of people aged over 65 years provide unpaid child care for their grandchildren, while in some areas of the State this figure reaches almost 25 per cent.

By conservative estimates, this means that 200,000 grandparents across New South Wales provide 12.7 hours of unpaid informal care for children each week, representing a massive amount of donated care. Beyond just the care provided by grandparents for their grandchildren, we must also recognise the instrumental role that grandparents play in teaching life skills. I am sure that all of us in this House have vivid memories of the life lessons taught to us by our grandparents all those years ago.

I pay special tribute to my grandparents on both sides of my family who came to Australia after World War II. They often worked two or three jobs to create a better life for my parents and their children: me, my brothers and my cousins. As the father of James Coure, who turns seven months tomorrow, and as the uncle of my nephew Maverick Coure, who turns one year old next month, I look now and see how my dad and his wife, my wife's parents and my sister-in-law's parents play such a huge part in the growth and care of their grandchildren—my child and my nephew. They play a huge part as role models. On behalf of all members present, I pay tribute to the role that grandparents play and continue to play in our lives.

**Mr JAI ROWELL** (Wollondilly—Minister for Mental Health, and Assistant Minister for Health) [9.58 p.m.], by leave: I support the matter of public importance regarding Grandparents Day and thank the member for Lismore for introducing it to the House this evening. My biggest asset is my family. I have had the fortunate experience to be supported and loved by my grandparents. By the time I was born I had only one living grandparent, my Nan Rowell. Nan helped mum and dad by looking after me in the afternoon after primary school. She did that for a couple of hours in order to allow my parents to keep their jobs, which meant that we had a roof over our head.

My father's dad and my mum's parents had both passed away when I was born. My mum was raised in her teenage years by the most loving people I have ever met. They became her grandparents and they were my nan and pop as well. They looked after the entire family and taught me many lessons that have lasted me a lifetime. Pop died when I was nine and my nan when I was 16 years old. I have fond memories of staying at their place during the school holidays. They ensured that I was looked after and made my sister and me feel that we were the most important people in the world. My Pop worked for the railways for 44 years and upon his retirement received the then traditional gold watch. He kept that watch with him but would not wear it or open the box. He said that he would give it to me on my twenty-first birthday. Unfortunately he passed away well and truly before I turned 21 and it was given to me when I was 16 and my Nan passed away. It is my most treasured possession because it reminds me of the link between us.

I know how important grandparents are in our lives. I have two fantastic sons, Will and Menzies, and they have great grandparents. My parents—their Nan and Pop—love and idolise them. They look after them, always call them whenever they can and see them on weekends. They also have my wife's parents—their Nonni and Granddad—who also dote on them. Grandparents are most important and we should visit them as often as possible. I pay tribute to the work they have done in raising their families, not only their children but also their grandchildren. I again thank my grandparents.

**Mr THOMAS GEORGE** (Lismore—The Deputy-Speaker) [10.01 p.m.], in reply: I thank the members for Miranda, Oatley and Wollondilly for joining me in speaking about Grandparents Day, which is celebrated on the last Sunday in October. Sadly, my siblings and I, being the children of Lebanese-Christian migrants, never had the privilege or pleasure of a relationship with our grandparents as they lived in Lebanon. However, our children appreciated my late mother and my father and their mother's parents. We always ensured that they appreciated the time they spent with their grandparents. Like the other members who have contributed to this discussion, I encourage everyone to celebrate Grandparents Day by making a phone call to distant grandparents to let them know that they are special or by visiting those who live nearby.

As I said earlier, many grandparents are now permanently parenting their grandchildren. They have had to take responsibility for rearing their grandchildren and they have accepted the challenge. I thank those grandparents on behalf of all members. We often hear grandparents say that grandchildren are great because they can enjoy them but they are always pleased to hand them back. Grandparents who have custody of their grandchildren must find it very difficult, but I have never heard a complaint from a grandparent in that situation. They definitely need more assistance, but they consider it a privilege to play that role in their grandchildren's lives.

Grandparents probably take a different approach to rearing their grandchildren from the approach they took when rearing their own children. As the member for Miranda said, they have a lot more patience, as we all do as grandparents when dealing with our grandchildren. On behalf of every member, I thank grandparents throughout this wonderful State for their contribution to our communities and for continuing to draw our attention to the importance of families. Children and grandchildren should appreciate what families are all about and cherish them.

**Discussion concluded.**

**The House adjourned, pursuant to resolution, at 10.04 p.m. until  
Wednesday 22 October 2014 at 10.00 a.m.**

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