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Legislative Assembly

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

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Authorised by the Parliament of New South Wales

TABLE OF CONTENTS

Bills	1
Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016	1
First Reading.....	1
Norfolk Island Administration Bill 2016	1
Second Reading	1
Third Reading	7
Statute Law (Miscellaneous Provisions) Bill 2016.....	7
Second Reading	7
Third Reading	13
Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016	13
First Reading.....	13
Second Reading	13
Third Reading	29
Community Recognition Statements	29
Philip Nickl Queen's Scout Award	29
CENTRAL NEWCASTLE SWIMMING CLUB awards	30
ROTARY PENRITH POLICE OFFICER OF THE YEAR AWARDS	30
rUVAL JAMES ESTACIO NATIONAL BASKETBALL REPRESENTATIVE	30
LIONS CLUBs INTERNATIONAL	30
Campbelltown Seniors Week Activities	30
master jun hong Lu, Chinese Community Leader	31
save the Powerhouse Museum	31
Tradies Gynea	31
Katie Ebzery, Opals olympic squad.....	31
Macquarie Towns Arts Society.....	31
do Time to Stop youth Crime.....	32
Joe Wamsley, Scone and Upper Hunter Horse Festival Young Achiever.....	32
The Entrance ParkRun	32
100% hoPE ugandan children's choir	32
Bass High School reach 100 initiative	33
Tribute to Geoff Coleman	33
Blue Mountains Reconciliation Week Events	33
Tribute to Bennett Powell	33
Campbelltown City Council Jubilee Awards.....	34
Penrith Netball	34
Lakes Surf Life Saving Club.....	34
Visitors	34
Visitors	34
Announcements.....	35
Heart Foundation	35

TABLE OF CONTENTS—*continuing*

Question Time.....	35
local government Amalgamations	35
State Economy	36
local government AMALGAMATIONS.....	37
opal card.....	39
Local Government and property developers.....	40
Coastal Management and planning.....	41
SYDENHAM TO BANKSTOWN urban renewal CORRIDOR.....	42
Medical Research.....	42
HIV STRATEGY.....	43
Business Growth incentives.....	44
Committees	45
Staysafe (Joint Standing Committee on Road Safety)	45
Response	45
Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission.....	45
Reference	45
Petitions.....	45
Petitions.....	45
Business of the House	46
World Environment Day and World Oceans Day	46
Precedence	46
TAFE NSW.....	47
Precedence	47
Motions Accorded Priority	48
Westconnex.....	48
Consideration	48
Local Government Amalgamations	49
Consideration	49
Westconnex.....	50
Priority	50
Condolences.....	54
Death of Dr John Kaye, a Member of the Legislative Council	54
Bills	69
Crimes (High Risk Offenders) Amendment Bill 2016	69
Returned.....	69
Taxation Administration Amendment (Collection and Disclosure of Information to Commonwealth)	
Bill 2016.....	69
First Reading.....	69
Private Members' Statements.....	70
ST MARYS COMMUTER CAR PARK.....	70
YASS AND GOULBURN JOBS	71
Inverell Business Awards	72

TABLE OF CONTENTS—*continuing*

FIRST CLOVELLY SCOUT GROUP AWARD RECIPIENTS	73
Tribute to John James "Jack" Bedford, OAM.....	73
Manning Base Hospital Ambulance Protocol.....	74
Miranda RSL Women's AUXILIARY Eightieth Anniversary	75
Alzheimer's Australia Hunter Branch Fundraising	76
Matter of Public Importance	76
National Reconciliation Week	76

LEGISLATIVE ASSEMBLY

Wednesday, 1 June 2016

The SPEAKER (The Hon. Shelley Elizabeth Hancock) took the chair at 10:00.

The SPEAKER read the prayer and acknowledgement of country.

Bills

COURTS LEGISLATION AMENDMENT (DISRESPECTFUL BEHAVIOUR) BILL 2016

First Reading

Bill received from the Legislative Council, introduced and read a first time.

The SPEAKER: I set down the second reading as an order of the day for a later hour.

NORFOLK ISLAND ADMINISTRATION BILL 2016

Second Reading

Mr RAY WILLIAMS (Castle Hill) (10:12): On behalf of Mr Mike Baird: I move:

That this bill be now read a second time.

It gives me great pleasure to deliver this second reading speech on behalf of our Premier, the Hon. Mike Baird, in the capacity of his Parliamentary Secretary. The purpose of this bill is to authorise the New South Wales Government to enter into arrangements with the Commonwealth Government for the provision of services and exercise of functions by New South Wales in Norfolk Island. The bill authorises New South Wales authorities or employees to exercise powers conferred on or vested in those New South Wales authorities or employees pursuant to such an arrangement with the Commonwealth. In May 2015 the Commonwealth Parliament passed legislation that reformed the legal and governance framework for Norfolk Island. Under that legislation, the Commonwealth assumes responsibility for funding and delivering services to Norfolk Island and is to establish an elected Norfolk Island Regional Council from 1 July 2016.

The Commonwealth Government has requested the assistance of the New South Wales Government in providing State-type services to Norfolk Island. In March 2016 this Government committed to providing service delivery support in school education, local government and health for the people of Norfolk Island, commencing 1 July 2016. The involvement of the New South Wales Government in Norfolk Island is contingent on responsibility for Norfolk Island and its citizens remaining with the Commonwealth Government and any activity undertaken by the New South Wales Government being completely funded by the Commonwealth and resulting in no net cost for New South Wales. New South Wales is in a unique position to leverage our expertise and deliver school education and State-type health services and provide support to the newly elected Norfolk Island Regional Council.

The staged application of some New South Wales laws applying as Commonwealth law will provide a practical and established body of State law for the island. New South Wales has a strong track record of high-quality service delivery in health and education. We welcome the opportunity to continue to work with the community on Norfolk Island and to provide stability as they transition to a new period in the island's history. Since 1991 New South Wales has provided teaching staff to the Norfolk Island Central School through an arrangement with the Norfolk Island Administration. The school has been, and will continue to be, at the centre of the Norfolk community.

With a renewed commitment, experienced New South Wales teachers could continue delivering high-quality education to Norfolk Island students. New South Wales has also provided some limited support to the Norfolk Island hospital since 2013. New South Wales is determining the scope of health services it could provide which will help the Commonwealth achieve high-quality, affordable and safe health services for the island's residents. Norfolk Island has a rich history and culture. However, in recent times, the island administration has struggled to provide the economic security, infrastructure development or day-to-day services required for its people. New South Wales is committed to working with Norfolk Island and the Commonwealth Government to provide the necessary support for its prosperous future. I commend the bill to the House.

Mr MICHAEL DALEY (Maroubra) (10:15): I lead for the Opposition in debate on the Norfolk Island Administration Bill 2016. The Parliamentary Secretary concluded his contribution with these words:

Norfolk Island has a rich history and culture. However, in recent times, the island administration has struggled to provide the economic security, infrastructure development or day-to-day services required for its people. New South Wales is committed to working with Norfolk Island and the Commonwealth Government to provide the necessary support for its prosperous future.

We do not disagree with that. But the Parliamentary Secretary also said—and this was said in the second reading speech in the other place by the Hon. Sarah Mitchell:

The Commonwealth Government has requested the assistance of the New South Wales Government in providing State-type services to Norfolk Island.

We already do that. The Hon. Sarah Mitchell continued:

In March 2016 this Government committed to providing service delivery support in school education, local government and health for the people of Norfolk Island commencing 1 July 2016.

The Hon. Sarah Mitchell then went on to say—and these are the salient facts:

The involvement of the New South Wales in Norfolk Island is contingent on responsibility for Norfolk Island and its citizens remaining with the Commonwealth Government—

I think she probably meant "within the Commonwealth Government"—

and any activity taken by the New South Wales Government being completely funded by the Commonwealth and resulting in no net cost for New South Wales.

This is the crux: those two caveats, those conditions precedent, are not met in the terms of the bill. We have seen that this Federal Government, whether under Prime Minister Tony Abbott or under Malcolm Turnbull, does not have too much regard for agreements with the State of New South Wales or any State, in fact. One has only to look at the funding of health and education agreements in the future to know that it does not do that and that we have—may I say it as gently as I can—scant faith that this Government will stand up to the Commonwealth Government of the day with its current flavour. We would have supported the bill had the bill contained those two safeguards. The bill provides for potentially a very considerable extension of New South Wales laws into the affairs of Norfolk Island and its people.

History will demonstrate that Norfolk Island has been governed by a mixture of Commonwealth laws and laws made by the island's Legislative Assembly. But our understanding is that the local laws of Norfolk Island will be replaced through a regulatory power deriving from Commonwealth power and that this regulatory fiat will extend the content of at least some New South Wales laws to Norfolk Island and displace local laws. That will happen without consultation with the people of Norfolk Island and without them having any right of representation in or consultation with the New South Wales Government or this Parliament. We know that in 2015 the Federal Government passed legislation to change the way in which Norfolk Island was administered. The Legislative Assembly of Norfolk Island was abolished from 1 July 2015. The State of New South Wales had previous arrangements with Norfolk Island for the provision of health and education services, but the ambit of this bill is open-ended. The bill states:

- (1) New South Wales may enter into arrangements with the Commonwealth for the effective application and administration of the laws in force in Norfolk Island.

And:

... such an arrangement may provide for the exercise of powers by:

- (a) an authority of New South Wales, or
(b) an employee of New South Wales,

in or in relation to Norfolk Island.

We know that education and health services are already supplied to the island's residents by New South Wales under an arrangement with the Commonwealth, and presumably without the need for legislation. As was indicated and ventilated quite well by the Hon. Adam Searle, leading for the Opposition in the other place, this legislation simply provides for a blank cheque between the Commonwealth and the State of New South Wales. Apart from a bald assertion by the Government that services will be funded by the Commonwealth and will result in no net cost to New South Wales, the Government has not provided this Parliament or the community with any indication of the financial arrangements or their impacts. We have a blank cheque. The Government has not even outlined the scope of services, although we accept they will be limited to health and education. It is our understanding that the majority of residents in Norfolk Island are not happy about this arrangement, notwithstanding that they have had financial difficulties in the past funding their own recurrent services, which we accept.

However, it does not mean that the Commonwealth Government under Malcolm Turnbull, and the State Government under Premier Baird, should treat the citizens of Norfolk Island as they treat the citizens of New South Wales and keep everything a secret. The legislation that was passed by the Commonwealth subject to orders made

by the Governor-General extended all New South Wales laws to Norfolk Island. It is my understanding that the Governor-General has made an order holding back the rollout of New South Wales laws and that only seven laws dealing with health and education matters are intended to take effect from 1 July 2016. This legislation is so open-ended that now it not only allows the State to enter into any arrangement with the Commonwealth, but also envisages that authorities and employees in New South Wales will be exercising their authority and functions in Norfolk Island. However, according to the Parliamentary Secretaries who made second reading speeches in the other place and here, they do that without legislative support. One might ask: If these services are already being provided why is this legislation necessary?

The problem is that the Commonwealth Government now has all the levers to extend the content of New South Wales laws to Norfolk Island and it does not need the concurrence of the New South Wales Government to do so. When one looks at the continuing disagreement between the States and Commonwealth governments about funding for health and education on mainland Australia, one may find there may be a dispute about the value of the services provided and one could envisage a situation where the Commonwealth Government extends to Norfolk Island by its legislative levers more New South Wales laws and engages the roles and responsibilities of New South Wales agencies to extend their operations into Norfolk Island.

It may be that the remuneration offered by the Commonwealth Government is, in its view, adequate to undertake those tasks, but not so in the view of the New South Wales Government. That is our fundamental and primary concern as law makers in New South Wales. Because we do not have financial details and other details about the machinery of this bill and all that it envisages at this time, we are not inclined to support the bill. I note that in the other place we moved for the matter to be adjourned and to be referred to General Purpose Standing Committee No. 1 so that this Parliament could avail itself of all the facts before it passes this legislation. That request was denied. Therefore, the Opposition will not support this bill.

Mr KEVIN CONOLLY (Riverstone) (10:24): I make a contribution on the Norfolk Island Administration Bill 2016. I take on board the comments of the member for Maroubra. As I was listening to him I was looking at the bill to see what in the bill might give rise to his concerns and frankly there is nothing. Far from being the open-ended, very large blank cheque kind of bill that he was presenting, it is actually a very small, very limited step indeed. The legislation gives the New South Wales Government authority to enter into an agreement, which then extends various rights or permissions to its agents to operate in Norfolk Island. It does not oblige the New South Wales Government to do so. It does not provide the terms of any agreement; it does not require any agreement or any action at all. It just provides the capacity to enter into an agreement. It is an enabling bill and an enabling bill only.

It is a very limited step and I imagine that whether this side of the House or the other side of the House were in government at the time when such an agreement was being discussed, the conditions that the Parliamentary Secretary outlined in the other place would form the basis of the negotiation around the agreement and the New South Wales Government would not feel obliged to enter into any agreement if those conditions were not part of that agreement. In fact, we are not obliging or limiting the New South Wales Government in any respect by carrying this legislation today. We are simply enabling; we are simply giving the capacity to go to the table and of course in the basic sense of on-the-ground services to ensure that the services we have provided in the past—and perhaps more—can be provided to the people of Norfolk Island in the future.

Norfolk Island is a beautiful place. It is a real gem in the Pacific and it does have a unique history. It has been an external territory and has its own character as a result of that. The status was always a bit confusing for me. My wife and I went to Norfolk Island for our honeymoon 32 years ago. While I do not remember the details, in one direction of the flight we had to go through customs and in the other we did not. It was kind of another country but it was not. That was a unique little quirk about the place. It is a very homely place; it is a small-scale, friendly place—and a beautiful place to travel to because of that.

I was also fascinated by its history as I was a history teacher in schools. It was lovely to wander around the buildings in that beautiful site. I say beautiful but of course the history was not; the history of Norfolk Island was quite ugly. It was a place of punishment. Those who could not be punished at Botany Bay were sent to Norfolk Island. It was a harsh place in its early days but it is a beautiful place now. The people of Norfolk Island are not all Australian citizens: 80 per cent are Australian, 13 per cent are New Zealanders and there are a few others. Slightly more than one-third of the total population are descendants of the Pitcairn Islanders, who in turn are descendants of the marriages between the mutineers on the *Bounty* and the Tahitian women they took to Pitcairn. That is a whole different story again. The culture is wonderful; it is fascinating. It is a very small community but it has a rich and precious history.

The people of Norfolk Island have a huge commitment to the monarchy because it was Queen Victoria who gave them the right to live there and they are attached to that. The monarchy looked after them and they in turn want to look out for the monarchy. Since 1979 Norfolk Island has been a self-governing territory that has

struggled to deliver services and, as the Opposition has acknowledged, that is the crux of this issue: how to deliver services to the people of Norfolk Island when the financial capacity is very limited. As a result, in May 2015 the Commonwealth Parliament passed legislation reforming the legal and governance framework for Norfolk Island and we are not here to revisit that. I understand that there is some disquiet among the residents of Norfolk Island about that. That is a matter for them and for the Commonwealth.

The role that New South Wales has played in the past, and hopes to play in the future, is simply that of a service deliverer to ensure the standard of living and the health and welfare of the people on the island is maintained and that the kids have decent education opportunities. As we know, the New South Wales Government has been providing schoolteachers and some health and hospital services through agreements with the Norfolk Island administration. Since that administration is coming to an end, this bill is necessary to allow those arrangements to be continued into the future under the new governance arrangements. The Commonwealth has requested that New South Wales deliver some State-type services to Norfolk Island from 1 July 2016 on the basis that the services are funded by the Commonwealth and result in no net cost for New South Wales. That is the principle on which the two governments will negotiate any such agreement. This bill simply gives New South Wales the capacity to enter into that agreement.

On 30 March 2016 the Premier announced that the New South Wales Government will assist the Australian Government to provide such services. New South Wales has agreed to continue assisting with health and school education services for Norfolk Island, following the Commonwealth Government's decision to extend Australian social security, immigration and taxation arrangements, and government services to the island. From 1 July 2016, Australian citizens residing on Norfolk Island will also have the rights and responsibilities of mainland Australians, including access to Medicare and the Pharmaceutical Benefits Scheme. That is of great significance to people on the island, who have not had access to some of those things in the past.

The Australian and New South Wales governments are working closely together to determine the final scope of services involving New South Wales, but these will include school education; the management, delivery and regulation of State-type health services; and advice about financial support for the newly established Norfolk Island Regional Council. Norfolk Island will benefit from the expertise New South Wales agencies have in commissioning services for rural areas and island communities such as Lord Howe Island. The Australian Government is committed to reforms that will result in a sustainable, stronger and more prosperous Norfolk Island. New South Wales is pleased to help the Australian Government achieve its objectives to improve social and economic outcomes for Norfolk Islanders.

The bill authorises New South Wales to enter into arrangements with the Commonwealth for the provision of services and the exercise of functions on Norfolk Island. It authorises New South Wales Government authorities and employees to exercise functions on Norfolk Island pursuant to such an arrangement. The amendments to the Commonwealth Norfolk Island Act 1979, which commence on 1 July 2016, contemplate that the Commonwealth may enter into arrangements with New South Wales to provide for the exercise of powers or the performance of functions or duties on Norfolk Island by New South Wales authorities or employees. The Commonwealth Act provides that, where New South Wales laws are applied as laws in force in Norfolk Island, powers under those laws can be vested, by the Commonwealth Minister, in New South Wales authorities and employees under an arrangement entered into between the Commonwealth and New South Wales governments. The legislation that we are debating is necessary to provide the underpinning of such an arrangement.

The bill authorises New South Wales to enter into such arrangements with the Commonwealth. It allows New South Wales authorities or employees to exercise powers conferred on, or vested in, New South Wales authorities or employees pursuant to such an arrangement with the Commonwealth. New South Wales will sign an agreement with the Commonwealth in advance of the 1 July 2016 start date, outlining the full range of services to be provided on Norfolk Island. This is a limited but necessary bill. It provides for the continuation of the provision of services to people on Norfolk Island who need them and who would certainly be worse off without them. I commend the bill to the House.

Ms KATRINA HODGKINSON (Cootamundra) (10:33): I contribute to the second reading debate on the Norfolk Island Administration Bill 2016, which was introduced by the Premier. In doing so I recognise that the object of the bill is to authorise the State of New South Wales to enter into arrangements with the Commonwealth for the provision of services and for the exercise of functions on Norfolk Island by New South Wales. The Commonwealth Government is bringing Norfolk Island into line with mainland Australia. Since the 1970s, a royal commission, 12 parliamentary enquiries and 20 commissioned expert reports have investigated the governance arrangements of Norfolk Island and the need to reform those arrangements. Since 1979, Norfolk Island has been a self-governing territory that has struggled to deliver sufficient services to its people. The Norfolk Island Legislative Assembly was granted all local, State and some Federal responsibilities under the Norfolk

Island Act 1979. Since that time, Norfolk Island has struggled to generate enough revenue and provide sufficient services, infrastructure and government functions to its people. This has been well reported.

Tourism has long been the primary industry of Norfolk Island, but the global financial crisis caused an economic depression, high unemployment rates and a declining quality of life. According to the 2012 "Norfolk Island Economic Development Report", between 2004 and 2012 the Australian Government provided soft loans and direct transfers totalling \$31.1 million to the Norfolk Island Government. There are concerns for the wellbeing of some residents of Norfolk Island who receive services of a significantly lower standard than those available to comparable communities elsewhere in Australia, such as inadequate social support, infrastructure, aged care and health services.

In October 2014 the Commonwealth Joint Standing Committee on the National Capital and External Territories handed down its "Same country: different world" report. The report outlined recommendations for the future of Norfolk Island that included amending the Norfolk Island Act 1979. On 19 March 2015 the Australian Government announced that it would bring Norfolk Island into line with mainland Australia. The Australian Government removed self-government from Norfolk Island and will take full responsibility for the island from 1 July 2016. Both Houses of the Australian Parliament passed the Norfolk Island Legislation Amendment Bill 2015, part of a package of eight bills to amend the Norfolk Island Act 1979. The Norfolk Island Legislative Assembly and Executive Council have been abolished and will be replaced with a regional council, administered by the Commonwealth Department of Infrastructure and Regional Development.

Commonwealth laws that apply New South Wales law, subject to changes made through orders, will be phased in from 1 July this year. At the same time, Commonwealth income taxes, transfer payments, Medicare and the Pharmaceutical Benefits Scheme will apply, along with the phased introduction of the superannuation guarantee. The Commonwealth is moving ahead with these legislative changes to improve service levels, delivery and cost-effectiveness. The Commonwealth Government has requested that New South Wales deliver State-type services to Norfolk Island as it will be unable to perform several of the key State-type functions required for the safety and wellbeing of the Norfolk Island community.

The Commonwealth has requested the assistance of New South Wales to manage, deliver and regulate health services for Norfolk Island; to provide teachers and manage the administration of the Norfolk Island Central School; and to assist with the calculation of an annualised Financial Assistance Grant assessment for the Norfolk Island Regional Council. All activity undertaken by New South Wales in relation to Norfolk Island will be entirely funded by the Commonwealth Government and will be at no net cost to the New South Wales Government. That includes any incurred or accrued administrative and overhead costs.

The Premier will sign an overarching heads of agreement between the New South Wales Government and the Commonwealth Government. It will set out the terms for the State's involvement in service delivery and regulatory functions on Norfolk Island. It will also include provisions that enable New South Wales to take on additional services or functions on Norfolk Island in future, where the Premier and the relevant Ministers and departments have considered the implications of such an undertaking. I commend the bill to the House.

Mr ADAM CROUCH (Terrigal) (10:37): I speak on behalf of the Government in support of the Norfolk Island Administration Bill 2016. I acknowledge the contributions made by the Parliamentary Secretary, the member for Castle Hill; my colleagues the member for Riverstone and the member for Cootamundra; and the member for Maroubra. The purpose of this bill is to authorise the New South Wales Government to enter into arrangements with the Commonwealth Government in relation to Norfolk Island. As outlined by the member for Riverstone, this is an enabling Act. The bill is not complicated. It consists of six clauses.

The member for Riverstone gave a detailed history of Norfolk Island, which I greatly appreciated. It is a tiny atoll comprising 34 square kilometres, with a population of just over 2,000. It is important that this bill be enacted to enable the New South Wales Government to move forward on the provision of services to Norfolk Island. New South Wales is well placed to provide assistance to the Norfolk Island community due to its strong track record of service delivery on the island.

The key principles for New South Wales' involvement on Norfolk Island include, first, that there will be no financial detriment to New South Wales, which means in practice that all services will be provided on a full cost-recovery basis. Secondly, the Commonwealth Government will indemnify the New South Wales Government and all New South Wales government bodies and employees. All New South Wales employees will continue to be employed under the New South Wales industrial relations system. In addition, New South Wales is in a unique position to leverage our expertise and deliver school education and State-type health services, and provide support to the newly elected Norfolk Island Regional Council. As the member for Riverstone mentioned, currently those who live on Norfolk Island do not benefit from Medicare. Obviously, the changes to Norfolk Island's administration will be of benefit to them, especially given the health system that New South Wales can provide.

The staged application of some New South Wales laws applying as Commonwealth law will provide a practical and established body of State law for the island. New South Wales has a strong track record of high-quality service delivery in health and education, which is what we see across the great State of New South Wales—including the beautiful Central Coast to which I have referred on numerous occasions. The State Government welcomes the opportunity to continue to work with the community on Norfolk Island and provide stability as the island transitions to a new period in its history.

Since 1991, New South Wales has provided teaching staff to the Norfolk Island Central School through a memorandum of understanding between the New South Wales Department of Education and the Norfolk Island Administration. New South Wales has also delivered some limited health services through a memorandum of understanding between the Norfolk Island Administration, the South Eastern Sydney Local Health District and the Sydney Children's Hospital Network. The memorandum of understanding allowed Norfolk Island residents access to hospitals in the South Eastern Sydney Local Health District and provided capacity building, governance and technical assistance as and when it was required. Expanding the New South Wales commitment in relation to health will improve residents' access to health services and ensure that more effective regulation is provided.

While the New South Wales Government has not formally reached agreement with the Commonwealth, it is the intention of New South Wales to transition the current Norfolk Island hospital to a multipurpose service—or MPS, as it is more commonly known. The Commonwealth will be unable to perform several of the key State-type functions required for the safety and wellbeing of the Norfolk Island community. As such, the Commonwealth has requested the assistance of New South Wales, first, to manage, deliver and regulate health services for Norfolk Island; secondly, to provide teachers and manage the administration of the Norfolk Island Central School; and, thirdly, to assist with the calculation of an annualised financial assistance grant assessment for the Norfolk Island Regional Council, to which reference was made earlier.

Improvements to infrastructure to which the Commonwealth has committed will facilitate high-quality, effective services that promote, protect and maintain the health of the Norfolk Island community. Renegotiating service delivery arrangements with the Commonwealth will also benefit the community in having school education services continue under New South Wales guidance and expertise. As outlined by my colleagues the member for Riverstone and the member for Cootamundra, Norfolk Island has a very rich history and culture. In recent times the island's administration has struggled to provide the economic security, infrastructure development or day-to-day services as required by the residents of Norfolk Island. This enabling bill will give New South Wales the ability to provide assistance, in conjunction with the Commonwealth Government, moving forward. It is clear that New South Wales is committed to working with Norfolk Island—as it has in the past—and the Commonwealth Government to honour the community's history and very strong culture while providing the necessary support for its prosperous future. I commend the bill to the House.

Mr RAY WILLIAMS (Castle Hill) (10:44): On behalf of Mr Mike Baird, in reply: I thank members representing the electorates of Maroubra, Riverstone, Cootamundra and Terrigal for their contributions to debate on the Norfolk Island Administration Bill 2016. I know that the electorate of Terrigal is adorned with some wonderful Norfolk Island pines—I saw them the last time I was there. I am sure the member for Terrigal is preserving those trees because this Government values our natural environment. The Norfolk Island Administration Bill 2016 is designed to authorise New South Wales to enter into arrangements with the Commonwealth for the provision of services and the exercise of functions by New South Wales authorities and employees on Norfolk Island. The bill further allows New South Wales authorities or employees to exercise powers conferred on, or vested in, New South Wales authorities or employees pursuant to an arrangement with the Commonwealth under the amendments to the Commonwealth Norfolk Island Act 1979, which commence on 1 July 2016.

On 30 March 2016 the Premier announced that the New South Wales Government will assist the Australian Government to provide some services on Norfolk Island from 1 July 2016. New South Wales has agreed to continue assisting with health and school education services for Norfolk Island. The Commonwealth Government will extend Australian social security, immigration, taxation arrangements and government services to the island. New South Wales is in a unique position to leverage its expertise and deliver school education, State-type health services and provide support to the newly elected Norfolk Island Regional Council. New South Wales is committed to working with Norfolk Island and the Commonwealth Government to honour the community's history and culture while also providing the necessary support for its prosperous future.

In responding to some of the matters raised in debate on this bill I turn now to the comments made by the member for Maroubra in relation to the scope of services to be provided by this Government. New South Wales will agree to deliver services and perform regulatory functions only after the Premier, the Treasurer and relevant New South Wales Ministers have thoroughly considered all the implications. The Government is yet to enter into an arrangement with the Commonwealth in relation to the provision of services required by Norfolk

Island. It is intended that any services to be delivered by New South Wales agencies pursuant to an arrangement entered into with the Commonwealth will be reviewed regularly to ensure that the involvement of New South Wales remains appropriate. Activity undertaken by New South Wales on Norfolk Island will be done on a cost-recovery basis.

The member for Maroubra further queried why the legislation is needed. The need for this bill arises in the particular context of legislation passed by the Commonwealth with respect to Norfolk Island—that being amendments to the Norfolk Island Act 1979 that apply from 1 July 2016. The Commonwealth legislation specifically provides for the circumstances in which New South Wales authorities and employees are authorised, under Commonwealth law, to exercise functions on Norfolk Island. However, irrespective of any authorisation under Commonwealth law, State legislation is needed to confer on New South Wales authorities and employees the particular function of delivering services on Norfolk Island by or under the Commonwealth Norfolk Island Act. This is particularly important for New South Wales statutory authorities that rely on State legislation to define the extent of their functions and powers. The bill therefore complements the Commonwealth legislation and ensures that the delivery of services by New South Wales authorities and employees on Norfolk Island is authorised for the purposes of State law. I commend the bill to the House.

TEMPORARY SPEAKER (Mr Adam Marshall): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

Mr RAY WILLIAMS (Castle Hill) (10:48): On behalf of Mr Mike Baird: I move:

That this bill be now read a third time.

Motion agreed to.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2016

Second Reading

Mr RAY WILLIAMS (Castle Hill) (10:49): On behalf of Ms Gabrielle Upton: I move:

That this bill be now read a second time.

As the Statute Law (Miscellaneous Provisions) Bill 2016 was introduced in the other place on 11 May 2016 and is in the same form, the second reading speech appears at pages 7 to 8 in the proof *Hansard* for that day. I commend the bill to the House.

Mr PAUL LYNCH (Liverpool) (10:49): I lead for the Opposition in debate on the Statute Law (Miscellaneous Provisions) Bill 2016. The Opposition does not oppose the bill. This bill is of a type and nature that has been pursued by governments of all persuasions over the past several decades. It is an efficient and effective way of making a multiplicity of amendments to a wide range of Acts, regulations and statutory instruments. Schedule 1 contains a large number of allegedly non-controversial and minor policy changes. Schedule 2 traditionally deals with matters of pure statute law revision. These are minor issues involving terminology and typographical corrections.

Schedule 3 deals with amendments flowing from the renaming of the University of Western Sydney. Schedule 4 is said to deal with the repealing of Acts and instruments that are of no practical utility or are redundant. Schedule 5 contains amendments flowing from the repeal of the Home Care Service Act. Schedule 6 has transitional, savings and other measures. I have drawn the contents of this bill to the attention of members of the shadow ministry, and they will raise any issues they have with the relevant Minister. The Opposition does not oppose the bill.

Ms KATRINA HODGKINSON (Cootamundra) (10:50): I speak in debate on the Statute Law (Miscellaneous Provisions) Bill 2016. I note that the objects of the bill are to make minor amendments to various Acts and regulations in schedule 1, to amend certain other Acts and instruments for the purpose of effective statute law revision in schedule 2, to repeal various Acts, instruments and provisions of Acts and instruments in schedule 4, to make amendments to various Acts and instruments consequent to the proposed repeal of the Home Care Service Act 1988 in schedule 5, and to make other provisions of a consequential or ancillary nature in schedules 3 and 6. All Statute Law (Miscellaneous Provisions) Bills are designed to rectify drafting errors and to implement minor policy changes in order to neaten existing Acts across the gamut of New South Wales government agencies.

This bill seeks to make minor policy amendments in relation to the Aboriginal Land Rights Act 1983, Biological Control Act 1985, Biosecurity Act 2015, Children and Young Persons (Care and Protection) Act 1998, Community Services (Complaints, Reviews and Monitoring) Act 1993, Conveyancers Licensing Act 2003, Conveyancers Licensing Regulation 2015, Conveyancing Act 1919, Co-operative Housing and Starr-Bowkett Societies Act 1998, Co-operative Housing and Starr-Bowkett Societies Regulation 2015, Fisheries Management Amendment Act 2015, Geographical Names Act 1966, Home Building Act 1989, Marine Estate Management Act 2014, Mental Health Act 2007, Mining Act 1992, and the Mining and Petroleum Legislation Amendment (Land Access Arbitration) Act 2015.

The bill also seeks to make minor policy amendments to the Motor Dealers and Repairers Act 2013, Motor Dealers and Repairers Regulation 2014, National Disability Insurance Scheme (NSW Enabling) Act 2013, Pawnbrokers and Second-hand Dealers Act 1996, Pawnbrokers and Second-hand Dealers Regulation 2015, Professional Standards Act 1994, Security Industry Act 1997, Sporting Venues (Invasions) Act 2003, Sporting Venues (Invasions) Regulation 2011, State Emergency and Rescue Management Act 1989, Subordinate Legislation Act 1989, Surveying and Spatial Information Act 2002, University of Technology Sydney Act 1989, University of Technology Sydney By-law 2005, University of Western Sydney Act 1997 and Water Management Act 2000.

The proposed amendments to the Aboriginal Land Rights Act 1983 will make minor changes to the operation of local Aboriginal land councils. A prohibition on nominating a person for election when the person has not attended meetings within a 12 month period will apply where an administrator has been appointed during that period. Further amendments will provide that the chairperson and deputy chairperson of the board of a local Aboriginal land council will have terms of two years, update terminology and cure an inconsistency in the Act regarding administrators dealing with land to obtain approval for a housing scheme.

Proposed amendments to the Biological Control Act 1985 will make it clear that the definition of "organism" for the purposes of the Act includes viruses and sub-viral agents, consistent with Commonwealth legislation. The amendments are consistent with recent amendments made to the Commonwealth Biological Control Act 1984. In relation to the Biosecurity Act, the bill makes it clear that a stock food remains a stock food for the purpose of the Act even when mixed or treated with a stock medicine. It also corrects the description of stock medicines by removing redundant references to the registration of those medicines under the Stock Medicines Act 1989.

Changes to the Children and Young Persons (Care and Protection) Act 1998 clarify the effect of the registration by the Children's Court of child protection orders and other orders that have been transferred to New South Wales from other jurisdictions in line with a provision of a model bill approved by the Community Services Ministers Council in 1999 and adopted by other jurisdictions. Proposed amendments to the Community Services (Complaints, Reviews and Monitoring) Act 1993 insert provisions equivalent to the remaining operative provisions of the Community Services (Complaints Reviews and Monitoring) Regulation 2004, which prescribe functions of official community visitors and decisions that are subject to administrative review or for which reasons must be given. It provides for the repeal of that particular regulation.

Proposed changes to the Conveyancers Licensing Act 2003 will provide that a licence under that Act remains in force for one year from the date it is granted rather than only until the following 30 June, as is currently the case. Changes to the Conveyancing Act 1919 will allow the Registrar General to refuse to register in the General Register of Deeds an instrument that purports to create a prescribed power of attorney for the purposes of the Power of Attorney Act 2003 if the registrar is not satisfied that the instrument meets the formal requirements for creation of the power of attorney.

The amendments to the Co-operative Housing and Starr-Bowkett Societies Act 1998 will abolish the Standards Committee while providing for the continued operation of standards made by that committee. Changes to the Fisheries Management Amendment Act 2015 will repeal a provision that was not commenced that inserts into the Fisheries Management Act 1994 a provision that is no longer required. Proposed amendments to the Geographical Names Act 1966 will update terminology regarding the functions of the Geographical Names Board. Proposed amendments to the Home Building Act 1989 correct a transitional provision made by the Home Building Amendment Act 2014. Proposed amendments to the Marine Estate Management Act 2014 will make it clear that a marine park or an aquatic reserve notification takes effect on its publication in the gazette rather than on publication on the internet or a later date specified in the notification.

Proposed amendments to the Mental Health Act 2007 will clarify that any certification or notification of an opinion as to the mental state of a person is to be in the form prescribed by the regulations regardless of whether the examination is conducted in person or by audiovisual link. Changes to the Mining Act 1992 will allow a prohibition notice directing a person to cease unauthorised mining to be given without notice to affected persons. Further amendments clarify provisions relating to the suspension of mining operations in mining leases. The

amendments to the Mining and Petroleum Legislation Amendment (Land Access Arbitration) Act 2015 will remove a provision that was not commenced and clarify an amendment to the provision of the Petroleum Onshore Act 1991 that will allow the secretary to appoint an arbitrator without consulting the heads of certain departments.

The proposed amendments to the National Disability Insurance Scheme Act 2013 will dissolve the inoperative Homecare Service of New South Wales. Proposed amendments to the Pawn Brokers and Second-hand Dealers Act 1996 and regulation will confer on the Commissioner for Fair Trading functions that are currently conferred on the secretary of the Department of Finance, Service and Innovation. Changes to the Professional Standards Act 1994 will give the standards council the power to delegate its functions, clarify that the council may have a chief executive officer, and make it an offence to disclose information obtained in connection with the administration or execution of the Act, which is punishable by a fine of 20 penalty units, except under certain circumstances.

Changes to the Security Industry Act 1997 will remove a limitation requiring the holder of a master licence only entering into visitor permits with corporations and further provide that a person who has been granted a renewed licence, but has not yet received the renewed licence, satisfies a requirement to produce or wear the licence if the person produces or wears the most recent licence issued to the person. Changes to the Sporting Venues (Invasions) Act 2003 will update the names of the three stadiums in the Act that have changed name and replace those names in the Sporting Venues (Invasions) Regulation. Changes to the State Emergency and Rescue Management Act 1989 will provide that the Deputy State Emergency Recovery Controller has the functions of the State Emergency Recovery Controller when the State Emergency Recovery Controller is unavailable. Changes to the Subordinate Legislation Act 1989 will keep various regulations in force for a further year.

Proposed amendments to the Surveying and Spatial Information Act 2002 will allow the appointment of persons employed in the public service to the Board of Surveying and Spatial Information. Currently the appointee is required to be a person employed by the Department of Finance, Services and Innovation. Changes to the University of Technology Sydney Act and its by-law will change the terminology of "non-academic" to "professional staff". Changes to the University of Western Sydney Act 1997 will change the terminology from "University of Western Sydney" to "Western Sydney University".

Finally, the proposed amendments the Water Management Act 2000 will change the terminology from "Indigenous" to "Aboriginal", enable the provision of a written statement instead of a statutory declaration and seek an extension of the expired approval. They will also enable the Minister to confer on public authorities certain functions of assisting the Minister that can be conferred only on the Local Land Service. As members can see, these are minor amendments to a variety of Acts across the broad gamut of agencies comprising the New South Wales public service. They are all sensible amendments, albeit minor, and it is appropriate that they are contained in this omnibus bill. I commend the bill to the House.

Ms MELANIE GIBBONS (Holsworthy) (11:00): The Statute Law (Miscellaneous Provisions) Bill 2016 continues the cost-effective and efficient statute law revision program that was established in 1984 as a mechanism for making amendments. The object of this bill is to enact minor policy and other amendments to various Acts, regulations and by-laws; to enable minor amendments identified by the Parliamentary Counsel as part of the usual statute law revision program; to replace references to "University of Western Sydney" with "Western Sydney University" across various Acts and instruments; to repeal, in whole or part, various redundant Acts and instruments; and to amend various Acts and instruments consequent on the repeal of the Home Care Service Act 1988. As the Chair of the Committee for Children and Young People, I am often interested in legislation that aims to assist with the protection of young people in New South Wales, and I note that this bill helps to achieve that.

Under schedule 1 to this bill, the proposed amendment to the Children and Young Persons (Care and Protection) Act 1998 will clarify the effect of the registration by the Children's Court of transferred child protection orders from other jurisdictions. This amendment will ensure that these orders can be dealt with in the same way as other orders that are made through the Children's Court in New South Wales and it provides a more streamlined approach. Schedule 1 makes some amendments relating to biosecurity and biocontrol within New South Wales. An amendment to the Biological Control Act 1985 will clarify that the definition of "organism" includes viruses and sub-viral agents, consistent with Commonwealth legislation. Additionally, proposed amendments to the Biosecurity Act 2015 will clarify that a stock food remains a stock food even when mixed with a stock medicine and will correct the description of stock medicines.

Schedules 1 and 3 deal with amendments relating to education. Education is obviously important in New South Wales, and it is something that this Government understands and takes seriously. The proposed amendments to the University of Technology Sydney Act 1989 and the University of Technology Sydney By-law 2005 will change the term "non-academic" to "professional staff". Also, the proposed amendments to the University of Western Sydney Act 1997 will change the term "University of Western Sydney" to "Western Sydney

University". I am pleased that Western Sydney University announced last year that it will be making a strong investment in south-west Sydney by constructing its newest campus in Liverpool. This benefit to the local residents will be amazing. It will assist in giving residents of the south west an additional option when looking at their post-high school plan, and it will attract jobs into the region. I am most excited about this announcement.

This bill also amends the Aboriginal Land Rights Act 1983 to make minor changes to the operation of local Aboriginal land councils [LALC]. This amendment provides that a person must attend a minimum of two LALC meetings within a 12 month period before being eligible to nominate another person for election as a board member. This will not apply in cases where an administrator has been appointed to exercise the functions of the LALC. Further amendments will provide that the chairperson and deputy chairperson of the board of a LALC will have terms of two years. It will also update terminology and cure an inconsistency in the Act regarding administrators dealing with land to obtain approval for a housing scheme.

Having a strong emergency services sector in our community is of utmost importance to this Government and to the people of New South Wales. This bill contains a proposed amendment to the State Emergency and Rescue Management Act 1989 which provides that the Deputy State Emergency Recovery Controller has the functions of the State Emergency Recovery Controller when the State Emergency Recovery Controller is unavailable. I am sure that the amazing volunteers and staff at the Liverpool State Emergency Service in my electorate would be very proud of this amendment and would understand that having a clear operational structure in times of emergency is very important. The officers at the Liverpool State Emergency Service are a hardworking and dedicated group of people who do their best to make sure that our local community is safe. We experience many floods and these emergency service workers are amazing in times of need. I was pleased to visit them last week, together with the Minister for Emergency Services, the Hon. David Elliot, and to present them with \$5,000 to upgrade their training facilities. That upgrade will also make the premises more attractive to new volunteers.

In essence, this bill is about cutting red tape and allowing small amendments to be made to other bills—a process that would take far too long if they were dealt with separately. One such example is the proposed amendment to the Motor Dealers and Repairers Act 2013 and the Motor Dealers and Repairers Regulation 2014, which will confer on the Commissioner for Fair Trading functions currently conferred on the Secretary of the Department of Finance, Services and Innovation. This will further exempt second-hand trailers and towable recreation vehicles from the requirement to have a dealer's notice while they are being offered or displayed for sale. It will still require the dealer to make that information available to the purchaser.

Similarly, the proposed amendments to the Pawnbrokers and Second-hand Dealers Act 1996 and Pawnbrokers and Second-hand Dealers Regulation 2015 will also confer on the Commissioner for Fair Trading functions that are currently conferred on the Secretary of the Department of Finance, Services and Innovation. Another example is the proposed amendment to the Professional Standards Act 1994, which will grant the NSW Professional Standards Council a power to delegate its functions, clarify that the NSW Professional Standards Council may have a chief executive officer, and make it an offence to disclose information obtained in connection with the administration or execution of the Act, punishable by a fine of 20 penalty units, except in certain circumstances. This bill also amends the Surveying and Spatial Information Act 2002 to allow the appointment of persons employed in the public service to the Board of Surveying and Spatial Information.

Currently appointees are required to be a person employed in the Department of Finance, Services and Innovation. This amendment will allow for a broader range of candidates to be appointed with differing experience and background, which will allow for a much stronger operation of the board. Additionally, a proposed amendment to the Security Industry Act 1997 will remove a limitation requiring the holder of a master licence entering into visitor permits to be only a corporation, and further provides that a person who has been granted a renewed licence but who has not yet received the renewed licence satisfies the requirement to produce or wear a licence if the person produces the most recent licence issued to them. As I said, this bill is about cutting red tape by providing cost-effective and efficient statute law revision through enacting minor policy and other amendments to various Acts, regulations and by-laws. I believe this bill accomplishes that. I thank all Ministers, their staff and additional contributors who have assisted with the creation of this bill. I commend the bill to the House.

Mr ADAM CROUCH (Terrigal) (11:08): I support the Statute Law (Miscellaneous Provisions) Bill 2016. As a new member of the place I found miscellaneous provisions bills interesting. This legislative vehicle demonstrates that the Government is determined to—

Mr Gareth Ward: Foster.

Mr ADAM CROUCH: I appreciate the member for Kiama's positive feedback. The passage of legislation like this ensures more efficient government. The bill makes a number of minor, albeit inconsequential, amendments to various pieces of legislation, but it is still important. It amends 33 Acts. This type of legislation

has been used since 1984 to ensure efficiency and to avoid the need to introduce separate bills. Schedule 2 to the bill is part of the statute law revision program conducted by the Parliamentary Counsel. The proposed amendments make minor corrections and update terminology for a range of Acts and regulations.

Schedule 3 of the bill amends a number of Acts, regulations and by-laws consequent on the renaming of the "University of Western Sydney" as the "Western Sydney University". Schedule 4 of the bill repeals various pieces of legislation, including the Home Care Service Act 1988, which is required following the dissolution of the Home Care Service. Schedule 5 of the bill will make amendments consequent on the repeal of the Home Care Service Act 1988 in schedule 4. Schedule 6 of the bill deals with savings, transitional and other matters.

I turn to the details of schedule 1 to the Statute Law (Miscellaneous Provisions) Bill 2016. The proposed amendments to the Aboriginal Land Rights Act 1983 will make minor changes to the operation of local Aboriginal land councils. A prohibition on nominating a person for election when the person has not attended two meetings within a 12 month period will not apply where an administrator has been appointed during that period. Further amendments will provide that the chairperson and deputy chairperson of the board of a local Aboriginal land council will have terms of two years, update terminology, and cure an inconsistency in the Act regarding administrators dealing with land to obtain approval for a housing scheme.

Proposed amendments to the Biological Control Act 1985 will clarify that the definition of "organism" includes viruses and sub-viral agents consistent with Commonwealth legislation. Proposed amendments to the Biosecurity Act 2015 will clarify that a stock food remains a stock food even when mixed with a stock medicine and will correct the description of stock medicines. Proposed amendments to the Children and Young Persons (Care and Protection) Act 1998 will clarify the effect of the registration by the Children's Court of transferred child protection orders from other jurisdictions.

Proposed amendments to the Community Services (Complaints, Reviews and Monitoring) Act 1993 will insert provisions equivalent to the remaining operative provisions of the Community Services (Complaints, Reviews and Monitoring) Regulation 2004, which prescribe the functions of official community visitors. The proposed amendment to the Conveyancers Licensing Act 2003 and the Conveyancers Licensing Regulation 2015 will provide that a licence remains in force for one year from the date the licence is granted instead of until the following 30 June. I note the member for Kiama is—

Mr Gareth Ward: Enthusiastic.

Mr ADAM CROUCH: —enthusiastically interested in this amendment, which is very efficient. Proposed amendments to the Conveyancing Act 1919 will allow the Registrar General to refuse to register in the General Register of Deeds an instrument that purports to create a power of attorney where the document is deficient. Proposed amendments to the Co-operative Housing and Starr-Bowkett Societies Act 1998 and regulation will abolish an inactive standards committee whilst providing for the continued operation of standards made by that committee. Proposed amendments to the Fisheries Management Amendment Act 2015 will repeal an uncommenced provision that inserts into the Fisheries Management Act 1994 a provision that is no longer required. Proposed amendments to the Geographical Names Act 1966 will update terminology regarding the functions of the Geographical Names Board.

Mr Gareth Ward: Well overdue.

Mr ADAM CROUCH: It is absolutely well overdue. Proposed amendments to the Home Building Act 1989 correct a transitional provision made by the Home Building Amendment Act 2014. Proposed amendments to the Marine Estate Management Act 2014 will make it clear that a marine park or aquatic reserve notification takes effect on its publication in the *Government Gazette* rather than on its publication on the internet or at a later date specified in the notification. Proposed amendments to the Mental Health Act 2007 will clarify that any certification or notification of an opinion as to the mental state of a person is to be in the form prescribed by the regulations, regardless of whether the examination is conducted in person or by audiovisual link.

Proposed amendments to the Mining Act 1992 will allow a prohibition notice directing a person to cease unauthorised mining to be given without notice to affected persons. Further amendments clarify provisions relating to the suspension of mining operations in mining leases. The proposed amendments to the Mining and Petroleum Legislation Amendment (Land Access Arbitration) Act 2015 will remove an unnecessary uncommenced provision and clarify an uncommenced amendment to a provision of the Petroleum (Onshore) Act 1991 which will allow the secretary to appoint an arbitrator without consulting the heads of certain departments.

The proposed amendments to the Motor Dealers and Repairers Act 2013 and the Motor Dealers and Repairers Regulation 2014 will confer on the Commissioner for Fair Trading functions currently conferred on the Secretary of the Department of Finance, Services and Innovation and further exempt second-hand trailers and towable recreation vehicles from the requirement to attach a dealer's notice while they are being offered or

displayed for sale, but still requiring the dealer to make that information available to the purchaser. The proposed amendments to the National Disability Insurance Scheme (NSW Enabling) Act 2013 will dissolve the inoperative Home Care Service of New South Wales.

The proposed amendments to the Pawnbrokers and Second-hand Dealers Act 1996 and Pawnbrokers and Second-hand Dealers Regulation 2015 will confer on the Commissioner for Fair Trading functions that are currently conferred on the Secretary of the Department of Finance, Services and Innovation. The proposed amendments to the Professional Standards Act 1994 will give the New South Wales Professional Standards Council a power to delegate its functions, clarify that the New South Wales Professional Standards Council may have a chief executive officer, and make it an offence to disclose information obtained in connection with the administration or execution of the Act, punishable by a fine of 20 penalty units, except in certain circumstances, as outlined previously by the member for Holsworthy.

The proposed amendments to the Security Industry Act 1997 will remove a limitation requiring the holder of a master licence to only enter into visitor permits with corporations, and further provide that a person who has been granted a renewed licence but has not yet received the renewed licence satisfies a requirement to produce or wear the licence if the person produces the most recent licence issued to them. These amendments are vital. The proposed amendments to the Sporting Venues (Invasions) Act 2003 will update the names of three stadiums in the Act that have changed name and will place those names in the Sporting Venues (Invasions) Regulation 2011.

The proposed amendments to the State Emergency and Rescue Management Act 1989 will provide that the Deputy State Emergency Recovery Controller has the functions of the State Emergency Recovery Controller when the State Emergency Recovery Controller is unavailable. The proposed amendments to the Subordinate Legislation Act 1989 will keep various regulations in force for a further year. The proposed amendments to the University of Technology Sydney Act 1989 and University of Technology Sydney By-law 2005 will change the terminology of "non-academic" to "professional staff". The proposed amendments to the University of Western Sydney Act 1997 will change the terminology "University of Western Sydney" to "Western Sydney University". I commend the bill to the House.

Mr GARETH WARD (Kiama) (11:18): On behalf of the Hon. Gabrielle Upton, in reply: I thank the member for Cootamundra, the member for Terrigal and the member for Holsworthy for their contributions to the bill. In particular I thank the member for Cootamundra, who, I noticed, was in the gallery with Heidi Stratford, regional coordinator of the Department of Premier and Cabinet for the southern district. I also thank the shadow Attorney General for his unusual compliance and acquiescence with the legislation.

Mr Paul Lynch: That is entirely unfair.

Mr GARETH WARD: I note the interjection. For *Hansard's* benefit, I think the interjection was, "I resemble that." I thank him for his contribution.

Mr Paul Lynch: I suggest the Parliamentary Secretary be very careful about starting divisions that otherwise would not be needed.

Mr GARETH WARD: Thank you, shadow Attorney General. As the shadow Attorney General rightly pointed out, these statute law bills are not unfamiliar to governments of both sides. I turn to the Statute Law (Miscellaneous Provisions) Bill 2016. Schedule 1 to this bill contains miscellaneous minor amendments to 27 Acts, five regulations and one by-law. Schedule 2 contains minor amendments identified by Parliamentary Counsel as part of its usual statute law revision program. Schedule 3 contains amendments consequent on the renaming of the University of Western Sydney. I acknowledge the member for Holsworthy for her eloquent speech about the University of Western Sydney. I know her passion for tertiary education, so much so that I note the University of Wollongong has recently opened a campus in her region, which in no small part was due to the strident advocacy of the outstanding member for Holsworthy.

Schedule 4 repeals in part or in whole various redundant Acts and instruments. Schedule 5 contains amendments consequent on the repeal of the Home Care Service Act 1988. I note the erudite speech of the member for Terrigal who reflected on those matters. Schedule 6 contains general savings and transitional and other provisions. The bill deals with matters of pure statute law revision, repeals various Acts and provisions that no longer have any operation and includes savings and transitional provisions as well as other technical amendments. The amendments contained in the bill are of a minor and non-contentious nature, as pointed out by the shadow Attorney General. As part of the ongoing statute law revision program, this bill enables minor policy changes to be made and for redundant legislation to be repealed. Overall, it ensures that New South Wales legislation remains as up to date and effective as possible.

I acknowledge in the gallery the staff of the Attorney General, Mary Klein and Nick Maxwell. I also take the opportunity to thank Parliamentary Counsel for the work they do in drafting these bills. There has been a little

bit of tongue in cheek commentary throughout the debate. But as members may be aware, most statutory interpretation does not happen in courts; it happens through the bureaucracy. I refer to legal theorists such as Alexander Aleinikoff, who pointed out the importance of statute review. It is essential that members familiarise themselves with the text of the legislation. H. L. A. Hart, a great legal positivist, emphasised the need for a system of rules. He referred to them as the primary and secondary rules of recognition. Other legal theorists such as Ronald Dworkin, Waldron and others, outlined the importance of the legislature underpinning rights-based approaches to legislation.

Whilst we may take a cursory glance at these pieces of legislation that come into the House, it is important to understand the role of the amendments, the role of Parliamentary Counsel and the role of bureaucracy. I acknowledge all of the Parliamentary Counsel staff who do an outstanding job as well as the first law officer of the State, the Attorney General. I acknowledge also the work that they have invested into providing this legislation for the workings of bureaucracy which, in turn, works for the people of New South Wales. I commend the bill to the House.

TEMPORARY SPEAKER (Mr Adam Marshall): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

Mr GARETH WARD (Kiama) (11:22): On behalf of Ms Gabrielle Upton: I move:

That this bill be now read a third time.

Motion agreed to.

COURTS LEGISLATION AMENDMENT (DISRESPECTFUL BEHAVIOUR) BILL 2016

First Reading

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

Second Reading

Ms GABRIELLE UPTON (Vaucluse—Attorney General) (11:2): I move:

That this bill be now read a second time.

The Government is pleased to introduce the Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016. As Attorney General, I am proud to continue to enshrine respect for our courts, our judges and our magistrates. Our civil society is based on the rule of law and community respect for our institutions and their practices. Regrettably, there are people who fail to appreciate the freedoms won and the important independent role our courts play in allowing our society to prosper, to continue and to be peaceable. Courts are a fundamental part of our democracy in applying our laws of the land. The courts of New South Wales deal with thousands of cases each year in situations that are often stressful and difficult. Following and respecting the practice and convention of the court is integral to the smooth flow of proceedings and to affording all of those involved in proceedings their fundamental right to procedural fairness. Civility, respect and consideration must be demonstrated in our courtrooms across the State.

Judges and magistrates of New South Wales have several tools at their disposal to ensure the smooth running of their courts, including the law of contempt, which deals with serious behaviour intended to disrupt and undermine the operation of the court. However, in November of last year a New South Wales District Court trial highlighted that other types of disrespectful behaviour, such as failure to stand for a judge unaccompanied by any other overt intentions or actions, may not amount to contempt. The strong public reaction to this case revealed a widely held community view that there is indeed a minimum standard of respectful behaviour that should take place in court. Refusing to stand for a judge fell short of that community standard.

As the first law officer of the State, I was personally concerned to hear of disrespect shown in our courts and to our judicial officers who do their job without fear or favour every day. However, the behaviour in that instance did not meet the threshold for contempt. I shared the community's concerns that this conduct could not be addressed with the proper penalty and that individuals who show such blatant disrespect for our judiciary could do so with no consequences. It became clear to me that the current law of contempt does not adequately address widespread community concern about the level of respect that the community expects should be shown to the courts, judiciary, court officers and the broader justice system.

In December 2015, I announced that the New South Wales Government would introduce a bill into Parliament in 2016 to bridge this gap between contempt and the community expectations of respectful behaviour

in our courts. The common law of criminal contempt already addresses behaviour that is disruptive to the court. In contrast, the new offence will address disrespectful behaviour that is contrary to established court practices and convention. This new offence adds to the range of tools available to judges and magistrates to enable them to effectively manage their courtrooms. It does not detract from any measure available to those judicial officers that is currently available.

The new offence introduced by this bill is a summary offence against deliberate behaviour in court, which is disrespectful. The elements of the offence require an intentional physical act rather than an involuntary act. But since the offence is clearly seeking to reflect established court practice and convention, it will not require a person to intend to be disrespectful to the court; for example, deliberately failing to stand when requested may be disrespectful, even if the person did not cause or intend to cause disrespect by remaining seated.

The benefits of the bill are twofold. First, judges and magistrates will be provided with an additional tool to regulate proceedings and manage their courtrooms. However, the courts will still have all existing tools at their disposal to do just that. Secondly, the bill sends a clear message that adherence to established practice and conventions of the justice system is a fundamental expectation of all who appear before our courts. Following my announcement in December 2015 of the new offence being brought before this House and now in this bill, the Department of Justice consulted with key stakeholders, including the courts, the NSW Police Force, the Law Society of New South Wales, the New South Wales Bar Association, Legal Aid, the Office of the Public Defender and other government agencies about the new offence.

The feedback received from stakeholders has been considered and, where possible, taken into account in drafting the new offence. The Government is firmly of the view that this bill is an appropriate response to a gap in the law as it currently stands. I welcome the support that the bill received in the upper House last night. I will now turn to the details of the bill. The bill creates an offence of disrespect in court in court-specific legislation—the Supreme Court Act 1979, the District Court Act 1973, the Land and Environment Court Act 1979, the Local Court Act 2007 and the Coroners Act 2009. This approach will allow slight jurisdictional differences to be taken into account in each court.

The offence will apply in all courts in New South Wales other than the Children's Court. The Children's Court adopts a less formal procedure tailored to the needs of children and young people. It is, in part, a therapeutic jurisdiction. The offence will not apply in tribunals. Tribunal hearings involve civil matters presided over by members or commissioners—rather than judges or magistrates. Tribunals have a more informal approach to the rules of evidence and procedure, and there is a high proportion of self-represented parties. Similarly, in the Land and Environment Court, the offence has been made applicable only to judicial proceedings before a judge, not administrative matters that are presided over by a commissioner.

The new offence will apply to behaviour within the courtroom by people "appearing before a court" and will include the accused, defendants, parties and witnesses. These are people whose presence in court is necessary for the court's proceedings. The offence will not apply to people in the public gallery, who can simply be ejected from the court room; legal practitioners, as they have their own set of professional standards and responsibilities enforced by the professional bodies such as the Solicitors' Rules and Barristers' Rules; or police prosecutors in the Local Court, as these officers are subject to separate standards set out in the Police Act 1990.

The offence will apply to behaviour that is disrespectful to the court or the judge according to established court practice and convention. In this way the offence will reflect community expectations as to how people should conduct themselves when appearing in court. It is not uncommon for courts to apply objective tests that reflect current community standards such as this, including when determining other summary offences such as offensive conduct or offensive language.

The offence requires intentional or deliberate behaviour, which will include a physical or verbal act, or failure to act. This means an offence would not be committed where, for example, a failure to stand was a result of a linguistic miscommunication or where the physical act was the result of an involuntary impulse that the person cannot control. Importantly, it will not be necessary to show a person has an intention to be disrespectful to the court in order for the offence to be made out. In other words, the physical or verbal act must be a voluntary action, but the offender need not have been motivated by disrespect for the court in doing that action for it to be captured by this section.

The judicial bench book will be updated to provide guidance to judges, magistrates and the community about the procedure relating to this new offence, including issues of procedural fairness that are currently afforded to persons in relation to possible contempt matters and will likewise apply in relation to the new offence. This includes recommending that the judge or magistrate provide the person concerned with a warning that their conduct may amount to a breach of the section and allowing that person an opportunity to correct their behaviour or apologise before deciding to refer the matter to the Attorney General.

The decision to refer a person to be charged with the new offence would be at the discretion of the presiding judge or magistrate, or on the initiative of the Attorney General. Proceedings may be brought only with the consent of the Attorney General, or the Attorney General's delegates, being the Solicitor General or Crown Advocate. This is a significant safeguard as judges and magistrates have several tools to deal with unacceptable behaviour in court and, as with contempt referrals, this new offence should be used only where appropriate.

The process for prosecuting the new offence will be similar to when a possible contempt of court matter is referred to the Attorney General for consideration. In keeping with the procedure for contempt, the matter would be referred by the Attorney General—either on his or her own initiative or following a referral by the presiding judge or magistrate—to the Crown Solicitor's Office. The Crown Solicitor's Office would then prepare an advice for either the Solicitor General or Crown Advocate, who, as the delegate of the Attorney General, will then make a determination as to whether a prosecution should proceed.

The bill provides that the offence can only be prosecuted by a person or class of persons authorised to do so by the Secretary of the Department of Justice. The prosecution of the offence will be conducted by the Crown Solicitor's Office, as instructed by the Department of Justice. The Crown Solicitor's Office already handles prosecutions for contempt in the Supreme Court and therefore has expertise in the area. Police will not be able to lay charges for disrespect of court. The Crown Solicitor's Office will have regard to the prosecution guidelines issued by the Office of the Director of Public Prosecutions.

In accordance with the prosecution guidelines, the Crown Solicitor's Office will consider discretionary factors in balancing whether prosecuting the matter is in the public interest. Even where there is a prima facie case and reasonable prospects of securing a conviction, the Prosecution Guidelines require regard to public interest and policy considerations, including vulnerabilities of the accused, such as the youth, age, maturity, intelligence, physical health, mental health or special disability or infirmity of the accused; the accused's antecedents and background, including culture and language ability; the seriousness or triviality of the alleged offence; and the extent to which the alleged offence is of considerable general public concern.

These safeguards, which already exist, will militate against the risk the new offence could have a disproportionate impact on children, Aboriginal and Torres Strait Islander people and other vulnerable people. Prosecutions for the new offence will generally occur in the Local Court after the relevant court appearance that gives rise to the charge. This means the court proceeding where the alleged disrespectful behaviour occurs would not be interrupted to deal with the behaviour. It is also possible to prosecute these matters in the Children's Court if the accused is a juvenile or in the summary jurisdiction of the Supreme Court if the alleged offence occurred in that jurisdiction.

The Crown Solicitor's Office, acting on instructions from the Department of Justice, will have 12 months to commence a prosecution before the matter becomes statute barred. This will allow time for the substantive legal proceeding to be finalised and for the appropriate level of consideration to be given to possible prosecutions. The penalty for the new offence will be half the maximum penalty for contempt when dealt with summarily by the Local Court or District Court. The maximum penalty will be 14 days imprisonment—as opposed to 28 days for contempt—and/or 10 penalty units, which is currently \$1,100—as opposed to \$2,200 for contempt. A lower penalty is appropriate as the offence is intended to capture behaviour that does not meet the higher threshold for contempt.

The bill provides that judges and magistrates cannot be called as witnesses in these matters. This is the same as the position in proceedings for contempt, where judges and magistrates are generally not called as witnesses to give evidence. The bill also provides that certain types of evidence will be admissible in proceedings for the charge of disrespect in court. Official transcripts and recordings will often provide the best evidence of what occurred in court but other forms of evidence, such as eyewitness accounts, may be necessary. This evidentiary provision of course does not alter the burden of proof in criminal matters, where the prosecution must prove all elements of the offence beyond reasonable doubt.

This new offence is not intended to affect the inherent jurisdiction or any powers the court has to regulate its proceedings. This includes the other practical tools that judges and magistrates use to preside over their courts, such as the power to eject a person from the courtroom, issue a warning or seek an apology. Often the best response to disrespectful behaviour is a practical one, and the community must not lose sight of the fact that the primary purpose of our courts is to finalise the cases before them in a just, fair and expeditious manner.

Importantly, the new offence will not curtail or limit the power and authority of judges and magistrates to find a person in contempt of court, or to refer matters of possible contempt to the Solicitor General or Crown Advocate—as the delegate of the Attorney General—or the Supreme Court to consider whether contempt proceedings should be commenced. However, the bill also makes clear that a person cannot suffer double jeopardy for behaviour that may be viewed as both disrespectful and contemptuous. The bill will commence on

proclamation once the appropriate education and training has been released by the Judicial Commission and provided to the legal profession. This bill makes sure our laws are in line with community expectations. Showing disrespect to our justice system is unacceptable and must have consequences.

The courts deserve our respect, as do the laws of the land, and so do the people who preside over the courts—the people who work in the courts and who go there every day to ensure that justice is done. This is where we draw the line as a community. I am proud to enforce that boundary. The Government believes that the creation of this new offence reinforces the community's expectation that the courts and the law must be respected, and that a certain standard of behaviour in court is required of all citizens in New South Wales. I commend the bill to the House.

TEMPORARY SPEAKER (Mr Adam Marshall): I acknowledge the visitors in the gallery, who are high school leaders from secondary public schools right across New South Wales. I give you a very warm welcome to the Legislative Assembly. Currently we are debating a bill to amend the law in respect of showing disrespect in courts—Local Court, District Court or any other court. I particularly welcome students from schools in the Northern Tablelands, who are very warmly welcomed in this Chamber.

Mr PAUL LYNCH (Liverpool) (11:40): Granted that the Attorney has introduced a bill under Standing Order 188, I have no option but to move:

That this debate be now adjourned.

TEMPORARY SPEAKER (Mr Adam Marshall): The question is that the debate be now adjourned.

Motion negatived.

TEMPORARY SPEAKER (Mr Adam Marshall): The question is that the bill be now read a second time. I call the member for Liverpool and shadow Attorney General.

Mr PAUL LYNCH (Liverpool) (11:41): Now that the Government has finally worked out what it is actually doing this morning and that we are dealing with a bill that has been received from the upper House rather than a bill that has been introduced in this House, which is what the Attorney General did a couple of minutes ago, I indicate that I lead for the Labor Opposition on the Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016. The Labor Opposition will not oppose the bill, but regards this bill as a stunt that will have no real impact other than to take up space in the statute books. I note that the bill was introduced, if I might say so, somewhat shamefacedly by a Parliamentary Secretary in the other place. The object of the bill is said to be to make it a summary offence to engage in behaviour that is disrespectful, according to practice and convention in a number of jurisdictions. Specifically, those jurisdictions are the Supreme Court, the Land and Environment Court, the District Court, the Local Court and coronial proceedings. This new summary offence will have a maximum penalty of 14 days imprisonment or 10 penalty units, or both.

To breach the proposed section a person must be an accused or defendant or party to proceedings in the court or someone who has been called to give evidence in relation to coronial proceedings. It extends to someone appearing in or being represented in coronial proceedings or who has been called to give evidence. However, it does not seem to extend to members of the public in the body of the court: In other words, if they refuse to stand up when a judge or a magistrate enters, this bill will have no impact upon them at all. The offending behaviour must be intentional and must have occurred during the proceedings. The behaviour that is criminalised is behaviour that is disrespectful to the proceedings or presiding official, according to established practice and convention. As indicated, the maximum penalty is 14 days imprisonment or 10 penalty units. The limitation period applying to the period within which proceedings may be commenced is 12 months.

There are a number of provisions in the bill that normally would be intended as restrictive and as a means to limit the too-frequent prosecution of the offence. Proceedings must be brought only by a person or a member of a class of persons who is authorised in writing by the Secretary of the Department of Justice. Additionally, proceedings can be commenced only with the authorisation of the Attorney General. There are also evidentiary provisions about transcript or audio or video recordings of the proceedings concerned. Judicial officers cannot be required to give evidence in prosecutions. There is an attempt to deal with the double jeopardy point. The bill states that it does not affect any power with respect to contempt. It also provides that a person cannot be prosecuted for this offence and contempt for the same behaviour.

In analysing this nonsense, it is hard to know where to start. The term "disrespectful behaviour", according to established court practice and convention, is extraordinarily wide. It should be a reasonably basic principle of the criminal law that legislative provisions are clear. This bill is not. That point also has been made by the Legislation Review Committee. The term is so broad that vast instances of contempt would be brought within the offence stated in this bill. Frankly, if the Government wants to criminalise defendants for not standing

up in court, it should simply do so. Instead, the Government has introduced a wide criminal offence that covers a whole range of other instances that already are covered by the criminal law.

The maximum penalty for the offence is absurd. It is quite obvious that this offence is aimed at people who have been charged with terrorism offences, which, by definition, are very serious offences with very serious penalties. An extra 14 days for those types of offenders with those types of sentences will have no real impact. The bill is meaningless. The provision requiring the Attorney's consent to prosecute is also just bizarre. There was a time when that would have been seen as a method whereby calm, cool assessment would be independently made by the State's chief law officer to prevent unnecessary prosecutions—for example, withstanding a media campaign demanding particular prosecutions or particular court action. There is not a scintilla of evidence that this Attorney will adopt that role. That role for the Attorney may well not have survived Daryl Williams' failure to defend the High Court in the light of Conservative attacks on the High Court following Mabo's case. Perhaps some respect for the courts might help some politicians as well.

Indeed, in circumstances in which the need for the Attorney's consent currently exists, the exercise of the discretion has been delegated at a rate of knots to other officials. For example, I refer to prosecutions for serious racial vilification under the Anti-Discrimination Act and offences under section 316 of the Crimes Act. Indeed, the unanimous recommendation of an upper House committee inquiring into racial vilification was to remove the requirement for the Attorney's consent to a prosecution. That was supported by all the stakeholders. The overwhelming view is that it ran the risk of politicising the prosecution process.

I suspect that the age in which the State's chief law officer was somewhat above the political fray, and was a sensible and balanced force in the criminal justice system may well be long gone. I personally regret that, but there seems to me to be little point in denying the reality of it. Indeed, it is quite clear in relation to this legislation that there is absolutely no intention of the Attorney General exercising any independent discretion as to whether or not there is a prosecution. That will only ever be a decision based upon the advice given by other officials. If it is not intended that the Attorney General exercise independent discretion, it should not be in the bill. It is absurd to retain that provision.

There are lots of current provisions to deal with situations that this bill is claimed to be dealing with. It is not just an issue of currently having the law of contempt. Courts have an inherent power to regulate their own courtrooms. Defendants behaving inappropriately, apart from being dealt with for contempt, can be removed from the courtroom. In appropriate cases, they can be held in the cells. Clearly, the attitude of defendants can be considered by courts in the context of credit, contrition or sentencing. It takes not a lot of research to realise that. To use the vernacular, defendants who do not pay respect to the courts are people that the courts do not miss.

There is a plethora of examples of common law tradition throughout several centuries. Among other examples, Irish Republican Army volunteers who were dealt with in English courts and who refused to recognise the jurisdiction of those courts always received significantly longer sentences than those for other similarly charged defendants who did behave as courts required. That example is replicated in century after century in common law traditions. It does not matter whether we start with Charles I, Kevin Barry or Bobby Seale; a whole range of people who behaved in particular ways in courts are dealt with under common law traditional rules in very adverse ways. In that context, it is quite extraordinary for the House to be presented with a bill like this one. As I have stated, it seems to me that the bill will have no actual real impact. The Opposition does not oppose the bill.

Mr GEOFF PROVEST (Tweed) (11:47): It is with pleasure that I contribute to debate on the Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016 because I believe this amending bill is important. However, Mr Temporary Speaker, I could not let your remark about the Northern Tablelands pass without commenting. While your electorate of the Northern Tablelands is very good, I believe the number one electorate is Tweed.

TEMPORARY SPEAKER (Mr Adam Marshall): Order! The member for Tweed will confine his remarks to the leave of the bill.

Mr GEOFF PROVEST: Once again, I am in trouble. The bill deals with an important concept. I fully acknowledge and support the separation of powers between our judicial and parliamentary systems and always will, but I also think that the courts and the people's Parliament should reflect wider views in the community. In the Tweed Heads community in my electorate, enormous concern has been expressed about certain individuals appearing before our courts and showing disrespect. When people show disrespect to our court system, that is a sad reflection on our society. I applaud the Attorney General for introducing the Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016.

Once again this side of the House is reflecting the views of our wider community. This bill is all about respect. We have a number of schoolchildren in our public gallery, and I note that if there were no respect in the school system there would be anarchy and chaos. We must show respect not only to the system but also to our fellow human beings. The law of contempt deals with serious behaviour intended to disrupt and undermine the operation of a court. This bill intends to bridge the gap between the existing law of contempt and the type of respectful behaviour the community expects in the courtroom. Under common law, an interference with the administration of justice constitutes an offence of criminal contempt. There is no statutory definition of contempt in New South Wales. Examples of behaviour held by courts to constitute contempt include filming a witness to try to intimidate them, refusing to take the oath or give evidence, or disobeying court orders.

The new offence will reflect objective community standards and expectations as to how people should conduct themselves when appearing in court, such as complying with court etiquette and reasonable requests of the judge or magistrate. A single act or omission, or a series of acts or omissions, could be considered disrespectful behaviour. Currently, judges and magistrates have options for dealing with disruptive behaviour in their courtroom, including ejecting a person from the courtroom, summarily charging the person with contempt on the spot, or referring a matter to the Attorney General to consider possible contempt charges.

The proposed new offence of disrespect in court seeks to provide another option for dealing with lower level disrespectful behaviour in court by allowing judges, magistrates and the Attorney General to refer that behaviour for prosecution. The offence will not otherwise limit a judge or magistrate's ability to deal practically with incidents in court through the existing options available to them. An offence of disrespect in court will be committed where an accused person, defendant, party or witness in court proceedings intentionally engages in behaviour, either an act or omission, in the court during those proceedings and that conduct is disrespectful to the court, judge or magistrate. I could go one step further and say such an act is disrespectful to the great State of New South Wales and the great country of Australia.

Whereas the offence of contempt can be committed both inside and outside the courtroom, the new offence will apply only to behaviour in courts, other than the Children's Court, which has its own unique procedures designed for children and young people. The offence also will not apply to tribunals where parties are often self-represented and proceedings are less formal. The offence will apply only to those appearing before the court who are necessary for the court's proceedings. The offence will not apply to the public gallery, legal counsel or police prosecutors. By contrast, the offence of contempt can be committed by anyone.

Unlike contempt, there will not be scope for a person to be charged with disrespectful behaviour in court and dealt with on the spot. Judges and magistrates will be able to refer matters to the Attorney General if they believe an offence has been committed. This strongly supports the separation of powers in respect of our current judicial system. In keeping with the procedure for contempt, the matter would be referred by the Attorney General, either on his or her own initiative or following a referral by the presiding judge or magistrate, to the Crown Solicitor's Office. The Crown Solicitor's Office would then prepare an advice for either the Solicitor General or Crown Advocate, who, as the delegate of the Attorney General, will make a determination as to whether a prosecution should proceed.

The penalty for the new offence is half the maximum penalty for contempt when dealt with summarily by the Local Court or District Court, which is 28 days imprisonment and/or a fine of \$2,200. The maximum penalty for the new offence will be 14 days imprisonment and/or a fine of \$1,100. This legislation is a reflection of government members being out in the community listening to community members. This Parliament is called the "people's Parliament" and its members represent the good people of New South Wales. As I said, I support the separation of powers and that a level of respect be shown both in this place, which sadly does not conform to that standard from time to time, and in the court system that reflects the laws governing us all. I commend the bill to the House.

Mr Ron Hoenig: Point of order: The Attorney General introduced the Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016 and then gave a second reading speech. Following that, as required under Standing Order 188, the member for Liverpool moved that the debate be now adjourned. That motion was put to the House and lost. That the second reading debate has proceeded is contrary to Standing Order 188. The Attorney General introduced the bill, rather than proceeding in the manner required for a bill that has come from the other place; therefore Standing Order 188 must be applied. It is my view that in accordance with Standing Order 188 the House cannot continue with a second reading debate of this bill. Because of the way in which this bill was introduced, once it is read a third time in this place it will have to be returned to the other place.

TEMPORARY SPEAKER (Mr Adam Marshall): I thank the member for Heffron for making his point well. However, I refer the House to Standing Order 229 (5). The bill we are considering emanated from the Legislative Council and as such is considered by the House in accordance with Standing Order 229. Standing Order 229 (5) says:

Immediately following the mover's second reading speech—

which in this case was the Attorney General—

the debate may be adjourned or proceeded with forthwith.

The House clearly, by resolution, has determined to proceed with the debate forthwith. I thank the member for Heffron for his point of order, but in accordance with Standing Order 229 (5) I now call the member for Bankstown.

Ms TANIA MIHAILUK (Bankstown) (11:57): I speak in debate on the Court Legislation Amendment (Disrespectful Behaviour) Bill 2016. I also appreciate the separation of powers, but I welcome this amendment because I am concerned that any attempt to undermine the authority of the courts in this State must be met with a resolute defence by this House. The object of this bill is to make it a summary offence for a person to engage in behaviour that is disrespectful, according to practice and convention, in the Supreme Court, Land and Environment Court, District Court or Local Court or in coronial proceedings.

We are aware of the significant community concern arising from an incident in November 2015, where a party to court proceedings failed to pay proper respect to a judge in New South Wales. It is fair to say that this incident gave rise to considerable angst within the community. I place on the parliamentary record the fact that I share those concerns. I am satisfied that this bill makes appropriate provisions for the concerns raised by the Legislation Review Committee. I note the concerns of the committee—namely, the offence trespasses unduly on personal rights and liberties under section 8A (1) (b) (i) of the Legislation Review Act.

The Committee notes that the new offence created by this Bill is ill defined in that the Bill does not provide any guidance on what behaviour could be considered disrespectful according to established court practice and convention. This may lead to varying interpretations and inconsistency in the application of the provision.

The committee went on to say:

However, the Committee notes the intention to provide procedural guidance to judges, magistrates and the community. As such, the Committee makes no further comment.

I am satisfied that the bill makes provision for these concerns. It is of the utmost importance that the rule of law and the authority of the courts, its procedures and its precedents are respected. I note that the behaviour must be intentional and take place in the court, and it must be during proceedings. It must be disrespectful to the court or presiding judge according to established practice and convention.

I further note that it applies to those specific courts: the Supreme Court, Land and Environment Court, District Court, Local Court and coronial proceedings, although not to all Land and Environment Court proceedings. The limitation period for prosecution is 12 months and the prosecution is only, as with all contempt actions, with the consent of the Attorney General. Only people authorised by the Secretary of the Department of Justice may bring a prosecution and double jeopardy for contempt is prohibited. The maximum penalty is 14 days in jail and/or a fine. I reiterate my support for this bill, upholding centuries of tradition and practice within the legal system in this country, the rule of law and its just application.

TEMPORARY SPEAKER (Mr Adam Marshall): I welcome to the gallery another group of secondary school leaders from public schools across New South Wales. Welcome to the Legislative Assembly.

Mr ADAM CROUCH (Terrigal) (12:00): I acknowledge the presence in the gallery of schoolchildren from across New South Wales and I hope they find today informative. I congratulate the Attorney General on introducing the Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016. Those who reside in my electorate of Terrigal have voiced their concerns about this issue for many years. I had thought refusing to stand in court would be a contemptible offence and I was surprised to find that was not the case. I commend the Attorney General and her staff for their efforts to bridge the gap and ensure that if people do not show due respect to the court they will be treated accordingly.

I acknowledge the earlier contribution to the debate by the member for Tweed, who is a strong advocate for his community and represents public opinion in the Tweed. This bill creates a new offence of disrespectful behaviour in court. It bridges the gap between serious and disruptive behaviour, which is contempt of court, and disrespectful behaviour that does not meet community expectations. The background to this bill was outlined by the Attorney General in her second reading speech. In November 2014 a repeat offender appearing in court on charges of breaking and entering failed to stand for a District Court judge, claiming he was not subject to any authority other than his religion. One year later in November 2015, when appearing in court for car theft and attempted murder, he again refused to stand. The offender's refusal to stand in court continued for more than a year during multiple court appearances in front of several judges.

In New South Wales an accused person must stand to hear the charges against them and respond with a "guilty" or "not guilty" plea. It is protocol to stand when a judge enters or leaves the courtroom. Unsurprisingly, the offender's refusal to stand in court was widely reported in the media and received significant community attention, including in the electorate of Terrigal. There was a public outcry about the level of disrespect shown to the court by the offender. Given that the offender's decision not to stand was not accompanied by any conduct intended to interfere with the due administration of justice, the incident fell below the threshold required for establishing the criminal offence of contempt of court.

The incident confirmed that our current law does not adequately reflect community standards for the level of respect that should be shown to the court and our judicial officers in New South Wales or, as the member for Tweed said, across the great country that is Australia. The Attorney General announced in December last year that the New South Wales Government would introduce a bill to Parliament in 2016 creating a new offence addressing this category of disrespectful behaviour in court. The key content of the bill is that the offence will apply to all New South Wales courts, except the Children's Court, which has unique procedures tailored to children. The offence will not apply to tribunals such as the NSW Civil and Administrative Tribunal, where the parties are often self-represented and proceedings are of a less formal nature. Proposed section 131 (1) states:

- (a) the person is an accused person or defendant in, or a party to, proceedings before the Court or has been called to give evidence in proceedings before the Court, and
- (b) the person intentionally engages in behaviour in the Court during the proceedings, and
- (c) that behaviour is disrespectful to the Court or the Judge presiding over the proceedings (according to established court practice and convention).

The maximum penalty is 14 days imprisonment and/or a \$1,100 fine, which is half the current penalty imposed for an act of contempt of court. In addition, the offence will be dealt with summarily in the Local Court, Children's Court or Supreme Court after the matter where the offence occurred has been dealt with. Proceedings must commence within a period of 12 months. I commend the time frame imposed by the Attorney General as these matters must be dealt with swiftly and efficiently. As with the offence of contempt, judges and magistrates will be able to refer possible offences to the Attorney General and/or a prosecution may be commenced on the Attorney General's own initiative. Police will not lay these particular charges. The Crown Solicitor's Office will instruct on prosecutions under this bill. A judge or a magistrate will not be called as a witness in any such prosecution.

Mr Jamie Parker: Why not?

Mr ADAM CROUCH: Any official transcript, video or audio recording of the alleged incident will be admissible as evidence. The offence will not apply to legal practitioners or police prosecutors as they are subject to their own professional standards such as solicitors rules, barristers rules and standards set out in the Police Act 1900. I hope that answers the question from the member opposite. In summary, the bill reflects the principle and adherence to the laws and procedures of the judicial system. It is a fundamental expectation of all who come before the courts. I commend the bill to the House.

Mr RON HOENIG (Heffron) (12:06): The Opposition does not oppose the Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016, and the member for Liverpool articulated the Opposition's position. I endorse his view and the Opposition's position, as I am bound to do. I take a similar view to that expressed by the member for Liverpool but I will express myself somewhat differently and say that this is a stupid bill. It is an overreaction to a newspaper headline. I have sat in the Chamber today and listened to members say that courts should be treated with dignity. Yet over the past three years I have heard contemptible criticisms levelled at the judiciary by members of this House, including Premiers and Attorneys General. The hypocrisy is extraordinary.

The Government boasts in its ranks two eminent senior counsels—silks. The member for Cronulla and the member for Ku-ring-gai are both highly regarded senior legal practitioners who know more than I about contempt laws yet they allowed the Attorney General's nonsense to slip through the Government party room and the Cabinet. I cannot understand it. The Attorney General's only experience of appearing in court is when she reads a speech at a judge's swearing in. Why did she not consult the legal practitioners on the Government side? Hearing Government members talk about the need for this law to ensure dignity and respect is bizarre. Can you imagine a terrorist, a murderer or someone else charged with a significant offence being punished with 14 days imprisonment for not standing in court? That sounds stupid and it is stupid.

Mr Jonathan O'Dea: Would you rather do nothing?

Mr RON HOENIG: The Parliamentary Secretary demonstrates through his interjection that he does not understand the law of contempt. I will explain it in a way that the member for Davidson can understand. These

are not my words; they are the words of Justice McHugh in the matter of *Witham v Holloway* (1995) 183 CLR 525. He stated:

Contempt in the face of the court is an act which has the tendency to interfere with or undermine the authority, performance or dignity of the courts or those who participate in their proceedings.

That is the law. The dignity of the courts is preserved by the law of contempt. It is for the judge or magistrate to decide whether a person's refusal to stand impacts on the dignity of the court. The power exists; the courts gave it to themselves in 1215 on the signing of the Magna Carta by King John. That is why I say that the bill is stupid. It is for the courts to regulate their own proceedings in terms of maintaining dignity and respect, and they have done so successfully since 1215. The common law handed down by the Law Lords of England to Australian judges specifies how they can maintain dignity and respect. When the legislature tries to intrude, as it does with this bill, we end up with a stupid situation where it is expected that someone charged with rape or sexual assault will stand up only because of a threat of prosecution and 14 days in jail.

Members opposite seem to think people are getting off scot-free. Do they really think an accused in a defended matter does himself any good when he is disrespectful to a court, a judge or a jury? The credibility of any evidence he gives will be judged by that court. Alternatively, do members really think if he is convicted and faces sentence he will stupidly choose not to stand? That certainly would not be a demonstration of contrition. Members opposite are mistaken if they think people get off scot-free and that the courts do not know how to protect themselves. Members opposite should also understand how contempt operates and not simply accept a brief from the Attorney General's Department.

Courts have been told that they must act with restraint in response to contempt. They are also told by the law that all options other than a summary charge of contempt should be considered first. Summary proceedings should be instituted only where it is imperative that the punishment be immediate. Summary proceedings are a last option; they should be exercised with restraint, and they should be used only in exceptional circumstances in accordance with the decision of the High Court in *Keeley v Brooking*. The determination in *European Asian Bank AG v Wentworth* (1986) 5 NSWLR 445, Kirby P, states:

It is preferable that the court explore all options other than charging and hearing the matter summarily as the magistrate may be a victim, a witness, a prosecutor and the judge of the facts and ultimately of penalty.

Courts have been told to use their power sparingly, and that other options should be considered to include a warning, a reprimand, an exclusion from court, an opportunity for the alleged contemtor to seek legal advice, and a cooling-off period followed by an opportunity to make an apology. As I said, it is for the court to decide whether a refusal to stand undermines its dignity. In the examples of that not happening cited by members opposite the courts have acted correctly, with restraint. As I also said, the accused's conduct is ultimately reflected in the court's determination with regard to their demeanour as a witness or their contrition at sentencing. As the shadow Attorney General said, this bill does no more than add volume to the statute books, and it will be neither used nor applied. It is about time the New South Wales Parliament stopped overreacting to every headline it sees in a newspaper.

Mr CHRIS PATTERSON (Camden) (12:14): The member for Heffron is an outstanding man of the law. He has been a lawyer probably for twice as long as the students in the gallery have been alive, and he certainly knows what he is talking about when he addresses legal issues. We are both members of the Committee on the Independent Commission Against Corruption and he offers a tremendous legal perspective to our inquiries. I know that it is unparliamentary to address my comments to people in the gallery, but if I could I would ask them whether any of them are debaters. The member for Heffron—for whom I have the utmost respect—spent six of the eight minutes of his contribution telling the House that the Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016 is a stupid, terrible piece of legislation. In fact, he said that it is the worst bill the Attorney General has introduced in the House, and that the sky will fall in if we support it.

Mr Greg Piper: He didn't say it was the worst; it's not the worst.

Mr CHRIS PATTERSON: He included it in the top 10 worst pieces of legislation. He said that it was stupid, stupid, stupid, but that he would still support it. Obviously he will not vote against it because, if we take out the theatrics, it is actually not a stupid bill. If I were to talk to the debaters in the gallery, I would advise them not to spend 80 per cent of their time saying how bad something is when they intend to support it. The bill has attracted bipartisan support. Why? It is because it represents good law. I am not a lawyer—and I thank God for that when I listen to them. That said, we have many learned members of the legal fraternity in this place. We have some remarkable minds in this place—but I will not name them. I asked for a briefing from my learned legal colleagues during which they asked what we were trying to achieve with this legislation. Put simply, it is contempt if someone's behaviour disrupts a court or undermines its operation. This bill fills the gap when the judge or magistrate does not believe the offence is serious enough to constitute contempt of court.

It is about respect. Whether it be in school, in this House, in the street, or at the local council, we have a code of behaviour to which we adhere. Too often in society people behave outside that norm in exercising their right to free speech and other rights. That is garbage. We have expected a certain standard of behaviour in our courts for hundreds of years, and that includes paying respect to the presiding officer, judge, magistrate and so on. Those people who choose to disobey laws that have been on the statute books for hundreds of years should pay a penalty. The member for Heffron asked whether we think a rapist or terrorist would be put off by the threat of serving an extra 14 days in jail if they disrespect the court? They might or they might not.

The point is that not every person who appears before the court is a rapist or a terrorist. I have not looked at the statistics and I am happy to be corrected—as I often am—but I guess and hope that they are in the minority of those people who enter our court system. I hope that the majority of people will not receive a jail term; they might be smug so-and-sos who need a boot up the proverbial. This legislation allows a magistrate to lay a lesser charge of contempt. But I guess that for the majority of people who come before a court 14 days in jail may well be a deterrent. This legislation is about upholding respect and the norms expected by society. It is up to us, and it is certainly up to judges and magistrates, to ensure that that expectation is met. This is just another means of giving them the ability to do that.

I do not believe it is a stupid law. I do not believe the Attorney General has taken this step with no knowledge. She has a brilliant working mind. She is doing an outstanding job and has my total support and my utmost respect. I believe a lot of thought has gone into the bill. The Attorney General should be commended for taking the time and not saying, "This is a stupid law; the Parliament, in essence, is too big for this." We do not believe that. The bill will receive bipartisan support. I ask members opposite, even for novelty value, to support it. We know that they will.

Mr Jamie Parker: Are you trying to run down the clock?

Mr CHRIS PATTERSON: No. We have to finish this debate. This is not about using up time; it is about asking those opposite to say, "Good on you; this has bipartisan support. Well done, we are a team in this." I want them to say that to the Attorney General, not to me; it is not about me. It is about saying that the Government has done a good thing. I think members opposite have got the message. I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) (12:22): The member for Camden was brought to you by Selleys—he was filling in the gaps. I love his work. I make a brief contribution to debate on the Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016. The object of the bill is to make it a summary offence for a person to engage in disrespectful conduct in court proceedings. That has been put forward. As the member for Liverpool has stated and previous Labor Opposition members have put on the record, Labor does not oppose the bill. Our courts play a crucial role in society as they are expected to enforce our laws and deliver justice. However, when individuals have no respect for our laws, our courts or our judicial system, we must ensure that their actions do not interfere with judicial proceedings or impede our ability to deliver justice under our rule of law.

It is believed this legislation has been inspired by events that transpired in November 2015, when an individual decided he would not stand for a court judge and advice received at the time concluded that he could not be held in contempt of court for such actions. This legislation will ensure that such a situation does not occur again. It is worth noting that there was much community backlash as a result of those actions. Today we are debating legislation that would make such actions an offence under the Act. The bill criminalises disrespectful behaviour in court and applies to a defendant, an accused, a party to the proceedings or someone called in to provide evidence in a proceeding. It does not apply to lawyers. The behaviour must be intentional, it must be in a court and it must occur during the proceedings.

For a person's behaviour to be an offence, it must be disrespectful to the court or judge presiding over the proceedings according to established court practice and convention. This legislation will create an offence of disrespect in court to court-specific legislation, including the Supreme Court Act 1979, the Land and Environment Court Act 1979, the District Court Act 1973, the Local Court Act 2007 and the Coroners Act 2009. As a result, it will be a criminal offence to intentionally behave in a disrespectful manner in all courts throughout New South Wales, with the exception of the Children's Court or tribunals. The maximum penalty for committing such an offence is 14 days imprisonment, a fine, or both. I note that the member for Heffron made very clear his intentions, ideas and thoughts regarding this. However, it is worth noting that prosecution may be carried out only with the consent of the Attorney General.

Once an offence has been committed, the limit for prosecution is 12 months and only individuals who are authorised by the Secretary of the Department of Justice may bring forth a prosecution. No changes have been made to affect any power concerning contempt and double jeopardy. This legislation takes appropriate steps to clarify that New South Wales will not stand for disrespectful behaviour in our courts and during judicial proceedings. I hope that these new powers will bestow upon our judges the appropriate powers to deal with

disrespectful individuals during a court proceeding as the current legislation has unfortunately tied their hands. As stated by the member for Liverpool and my colleagues who spoke before me, the New South Wales Labor Opposition does not oppose this bill.

Mr JAMIE PARKER (Balmain) (12:26): I appreciate this opportunity to contribute to debate on the Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016. Of course it is important for people to respect the courts and to acknowledge the authority that is vested in the courts so they can take action to ensure our community is safe and people can be judged in a fair and equitable manner. I have listened intently to the debate. It is clear that there are some significant problems with the bill. In fact, it is quite remarkable. Members have referred to the separation of powers and the need for that distinction. Members have said, "We need to support the dignity of the courts." But Parliament has undermined the separation of powers and the agency of judges and the courts. We have introduced minimum mandatory terms; we do not let the courts decide. We do not give respect and dignity to the court by allowing it to make the decisions. We say, "This is what it has to be." The politicians are telling the judges what they should be doing in terms of minimum mandatory sentencing.

Mr Greg Piper: Not in this bill.

Mr JAMIE PARKER: No. I am talking about Parliament historically; I am talking about what has happened in this place in the past. The bill also chips away at the independence of the judiciary. New section 131 (8) states:

Proceedings for an offence against this section may be commenced only with the authorisation of the Attorney General.

So the Attorney General is the one who makes the decision. It continues:

Authorisation may be given by the Attorney General whether or not the disrespectful behaviour is referred to the Attorney General by a Judge under this section.

So it is now the Attorney General, a politician, who decides whether the dignity of the court has been infringed upon. It is not the judges or the court. Parliament and politicians are stepping into the judicial process and saying, "We are going to decide whether that is an issue. Even if you decide that it is not disrespectful, we are going to decide whether it is." That is most worrying. New section 131 (7) states:

A Judge may refer any disrespectful behaviour in proceedings over which the Judge is presiding to the Attorney General.

Under the current arrangements judges can take a range of different actions against disrespectful behaviour—which of course must be acted upon. But in this situation the Attorney General decides, not the judges or the courts. That is an absurd proposition. It should be up to the courts—bodies that are independent of Parliament—to make those decisions. We have heard that these offences will not be applied in the Children's Court. But what if a young person or child is appearing in the Local Court or the Supreme Court in its summary jurisdiction? There is the potential that children will be put in jail for 14 days because they have been disrespectful to courts.

As my colleague Mr David Shoebridge distinctly pointed out in his speech in the Legislative Council, the bill has been introduced as a result of reports in the *Daily Telegraph* and comments by shock jocks. Wassim Fayad and his co-accused Milad Bin Ahmad-Shah Al-Ahmadzai failed to stand during their arraignments before Judge Andrew Colefax. The matter was referred to the Attorney General and the Government felt it should respond. The Solicitor-General found that the accused could not be charged with contempt because there was no clear intention in their actions. It could not be proved that they intended to be disrespectful. In response, the Government removed "intent". People can now be unintentionally disrespectful and find themselves in jail for 14 days. It is a remarkable situation that has been called stupid and nonsense.

I take this opportunity to put to the Attorney General the concerns about this bill. The complaint did not come from the courts. The court judiciary did not clamour to be given new powers to sentence people to 14 days jail. As we understand, the Supreme Court, the Land and Environment Court, the District Court, the Local Court, the Children's Court, the Coroner's Court, and the Drug Court were consulted on the proposal. What were their responses? Concern has been expressed by individuals, but did the heads of jurisdictions support the bill? My sense is that if the heads of jurisdictions supported the bill the Government would release their comments.

I think they did not support the bill because if they did the Government would be waving the flag of support from those bodies. There is no definitive statement or information to show that the court judiciary thinks the bill is a good idea. Again, this undermines the dignity and independence of the courts. This bill, in our view, does not take legislation in the proper direction. I refer to the Local Court Bench Book, as referred to by my colleague Mr David Shoebridge, which provides guidance on the application of the law. People say that judges are out of touch but the Local Court Bench Book highlights the good sense of judges. It states:

Contempt in the face of the court is an act which has the tendency to interfere with or undermine the authority, performance or dignity of the courts or those who participate in their proceedings ...

That is well established High Court authority. The Local Court Bench Book goes on to make a statement that is missing from the Government's discussion on this legislation. It states:

Generally, rudeness and even extreme discourtesy by legal practitioners will not be considered to be contempt ... Further, like police, judges and magistrates are, by their training and temperament, able to resist the sting of insults directed to them.

The Local Court Bench Book then refers to a string of cases, including *Coleman v Power* and *Ferguson v Walkley*, which support that proposition. Politicians must recognise that judges are practical people and they deal with these matters in a practical way. The Government is saying that the Attorney General must decide if there has been disrespect. If the judge does not think there has been disrespect, a politician will make that decision. The next time there is a similar report in the *Daily Telegraph* or a complaint from a shock jock, the Attorney General will interfere. That is allowed by this legislation. Is that the way we want to run our legal system?

Mr Michael Johnsen: Judge's discretion.

Mr JAMIE PARKER: It is not the judge's discretion. A judge can say, "No, I do not think it was disrespectful", but the Attorney General can take action. Is that the way we want to run our legal system? Of course it is not. We want judges to have discretion. That is why we oppose minimum mandatory sentencing, which has been adopted by both major parties. The legislation does not give judges discretion. The Government wants judges to do what politicians want, not what the independent judiciary determines to be the right way forward. It is clear that the next time the *Daily Telegraph* or the shock jocks are upset about this issue the Government will be forced to act.

The new offence is different from contempt proceedings in that the bar set for the offence is much lower. It takes away from judges the ability to make a decision. A person does not need to be disrespectful to be found to have committed an offence. Under this bill, an act of disrespect, if proved objectively, will result in someone going to jail. That is unbelievable. Even if there is no intent to be disrespectful, a person can go to jail if it is determined that their action was disrespectful. The judge can consider that the action was not disrespectful, but the Attorney General can activate proceedings. It is interesting when members talk about disrespectful behaviour. As my colleague in the other place said:

Where was the outrage when five senior barristers in the Victorian Supreme Court showed, in the words of Justice Kevin Bell, disrespect to the Chief Justice and the court when they decided to flout the court's authority by wearing their silly wigs after the Chief Justice had told them not to? The Victorian Chief Justice had told barristers that they were not allowed to wear wigs any more because they were a sort of nineteenth century throwback and Victoria wanted a more modern court.

The senior barristers wore their wigs anyway. Where was the outrage reflected on the front page of the tabloid papers? There was none. The two people who refused to stand in court were Muslim and not white, and that is why there was outrage about their disrespectful behaviour. I will finish on the point I started with. I thoroughly respect the courts and believe in the independence of the judiciary. The judicial system has evolved over many hundreds of years, to the great benefit of this State. The view of The Greens is that the judiciary should be independent and make independent decisions based on the framework provided by the legislature, not based on interference and minimum mandatory sentences. Proposed new section 131 (8) states:

Proceedings for an offence against this section may be commenced only with the authorisation of the Attorney General.

The Attorney General now makes the decision whether to commence proceedings, which is an obtrusive intrusion into the independence of the courts. The bill should be resisted by members of this Parliament.

Mr GREG PIPER (Lake Macquarie) (12:36): I contribute to debate on the Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016. I appreciate the contribution of my crossbench colleague the member for Balmain. He has made some valid points, although I do not entirely agree with his final conclusion. I find it ironic and hypocritical that we are debating this bill. The Government is fighting hard to protect the dignity and respect of the judicial system, yet it did not give the same regard to the judiciary in 2010 when mandatory minimum sentences relating to alcohol-fuelled violence were introduced. The Government often attacked members of the judiciary for being weak in this area and fundamentally attacked one of the most important pillars of our societal system that separates the legislature and the judiciary.

Most people in New South Wales will agree with the intention of the bill. If I was to put it to the people of Lake Macquarie, they would agree as well. It is a shame that the Courts Legislation Amendment (Disrespectful Behaviour) Bill is required at all. Our judicial system should be beyond the disrespectful behaviour that we have seen in recent months. We are all aware of the recent examples of people before the court wilfully showing disrespect to the court by failing to stand for a magistrate or judge, or intentionally disrupting a longstanding procedure by yelling abuse at those who are entrusted with upholding our laws. Standing for a judge or a magistrate is a courtesy and a show of respect, not only for the judge or magistrate but also for the court and society.

Following this due process without yelling abuse is an act of common courtesy and respect that has been upheld by the system for many hundreds of years. It has nothing to do with religion or cultural differences or honouring some higher alternative. It is simply about showing respect for our institutions, which, ironically, support a system that provides these people with significant rights not commonly available in many other countries. It is important to note that this bill does not replace the more serious charge of contempt of court; it adds to it. I accept the explanation of the Attorney General that it bridges the gap between contempt and what is merely disrespectful behaviour.

I also accept that the new legislation is unlikely to be used against people who are unaware of or unfamiliar with court proceedings—for example, a person who may be representing themselves in court for the first time. Nor will it be extended to those who are merely observers in a courtroom—although I would be supportive of a bill that sought to include all those present. I accept that this bill applies to behaviour by those who intentionally disrupt court proceedings. I have no doubt that this bill will be overwhelmingly supported by residents of New South Wales, and I have taken that into consideration when giving my support to the bill. As was mentioned by the member for Heffron and, I think, the member for Liverpool, when they indicated the support of the Opposition for the bill, it is unlikely that this legislation will be used very frequently.

I return to the point made by the member for Balmain. I, too, have grave concerns about proposed new sections 131 (7) and (8). While we are talking about respect for the courts and the ability of courts to determine whether disrespect has been shown to the courts, this legislation does not give the courts that immediate power. Indeed, the legislation says that a judge may refer the issue of disrespectful behaviour in proceedings to the Attorney General. I think that is extraordinary. That would not happen in relation to contempt of court. Proposed new section 131 (8) states:

Proceedings for an offence against this section may be commenced only with the authorisation of the Attorney General.

That is an extraordinary interference in the process. If we want to ensure that respect is shown to the judicial system, this matter should not be referred to a person who holds a political office. Other than that, I believe that the general intention of the bill is right. On that basis, I support the bill.

Mr MARK COURE (Oatley) (12:41): I support the Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016, and I acknowledge the great work of the Attorney General. I will talk about some of the things that have led to the introduction of this bill. In November 2014, a repeat offender appearing in court on charges for breaking and entering failed to stand for a District Court judge, claiming he was not subject to any authority other than to his religion. A year later, in November 2015, the same person, this time appearing for offences of car theft and attempted murder, again refused to stand. The offender's protest against standing in court went on for over a year in multiple court appearances in front of several judges.

In New South Wales an accused person must stand to hear the charge and respond with a guilty or not guilty plea, and it is protocol to stand when a judge enters or leaves the courtroom. Unsurprisingly and unfortunately, the offender's refusals to stand in court were widely reported in the media and received significant community attention. Given that the offender's decision not to stand was not accompanied by any conduct intended to interfere with the due administration of justice, the incident fell below the threshold required for establishing the criminal offence of contempt of court. That is the reason for the introduction of this bill. The incident confirmed that the law, as it currently stands, does not adequately reflect community standards in relation to the level of respect to be shown to a court and our judicial officers.

The Attorney General, the Hon. Gabrielle Upton, announced in December last year that the New South Wales Government would introduce a bill into Parliament in 2016 to create a new offence that addresses this category of disrespectful behaviour in court. This bill reflects the principle that adherence to our laws and judicial procedures is a fundamental expectation of all who come before the courts. It is extraordinary how times have changed to bring about the need for this bill. Similarly, all who come before our courts have a right and expectation to be treated equally and fairly under the law.

How does this offence differ from the offence of contempt? As I mentioned a moment ago, the law of contempt deals with serious behaviour intended to disrupt and undermine the operation of a court. This bill intends to bridge the gap between the existing law of contempt and the type of respectful behaviour the community, including the media, expect in the courtroom. It is important to note that under common law an interference with the administration of justice constitutes an offence of criminal contempt. There is no statutory definition of "contempt" in New South Wales. Examples of behaviour held by courts to constitute contempt include filming witnesses to try to intimidate them, refusing to take the oath or give evidence, or disobeying court orders.

The new offence will reflect objective community standards and expectations as to how people should conduct themselves when appearing in court, such as complying with court etiquette and reasonable requests of the judge or magistrate. If people do not respect our judicial system and our police and emergency services

officers, who do they respect and look up to? A single act or omission, or a series of acts or omissions, could be considered disrespectful behaviour. Currently, judges and magistrates have options for dealing with disruptive behaviour in their courtroom, including ejecting a person from the courtroom, summarily charging the person with contempt on the spot, or referring the matter to the Attorney General to consider possible contempt charges.

The proposed new offence of disrespect in court seeks to provide another option for dealing with lower level disrespectful behaviour in court by allowing judges, magistrates and the Attorney General to refer the offence of disrespectful behaviour for prosecution. The offence will not otherwise limit the ability of judges or magistrates to deal practically with incidents in court through the existing options available to them. An offence of disrespect in court will be committed where an accused person, defendant, party or witness in court proceedings intentionally engages in behaviour in the court during those proceedings, and that conduct is disrespectful to the court, judge or magistrate. Whereas the offence of contempt can be committed both inside and outside the courtroom, the new offence will apply only to behaviour in courts, other than the Children's Court which has its own unique procedures designed for children and young people. The offence will also not apply to tribunals, where parties often represent themselves and proceedings are less formal. Maybe the offence should apply to tribunals. Perhaps the Attorney General could look at that down the track.

The offence will only apply to those appearing before the court who are necessary for the court's proceedings. The offence will not apply to people in the public gallery, legal counsel or police prosecutors. Maybe the Attorney General could also look at that down the track. By contrast, the offence of contempt can be committed by anyone. Unlike contempt, there will not be scope for disrespectful behaviour in court to be charged and dealt with on the spot. Judges and magistrates will be able to refer matters to the Attorney General when they believe an offence has been committed.

In keeping with the procedure for contempt, the matter would be referred by the Attorney General, either on his or her own initiative or following a referral by a judge or magistrate, to the Crown Solicitor's Office, and the Crown Solicitor's Office would prepare an advice for the Solicitor General or the Crown Advocate who, as a delegate of the Attorney General, would make a determination on his or her own behalf of whether a prosecution should proceed or not. The penalty for the new offence is half the maximum penalty for contempt when dealt with by the Local Court or District Court, which is 28 days imprisonment and/or a fine of \$2,200. The maximum penalty for the new offence will be 14 days imprisonment and/or a fine of \$1,100.

In the limited time that remains for my speech, I congratulate the Attorney General for this important legislation. The Attorney has done an outstanding job of introducing the bill to the House. As members of Parliament, we cannot sit back and allow this type of behaviour to continue under our watch in the courts throughout New South Wales. I thank the Attorney General and of course the community who, rightly so, raised concerns about this type of behaviour. Many of those concerns have been expressed in my electorate office and in the electorate offices of many members of this House. This is a commonsense bill. It is a shame that some members of this Parliament oppose it. I will not mention The Greens—but it is The Greens. I believe this legislation is overdue. It sends a clear message to those who do not want to show respect for presiding officials in our courts and our judicial system that enough is enough.

Mr JOHN SIDOTI (Drummoyne) (12:59): It gives me great pleasure to contribute to debate on the Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016, which is such an important bill. The purpose of the bill is to create a new offence of disrespectful behaviour in court. Judging by what we have seen over the past few months, this is important legislation. This legislation will bridge the gap between serious disruptive behaviour, which is contempt of court, and disrespectful behaviour in New South Wales courts that does not meet community expectations. The background to this legislation is that the existing law of contempt deals with serious behaviour that is intended to disrupt or undermine a court.

A media report in November 2015 of a New South Wales District Court trial highlighted some of the types of disrespectful behaviour sought to be addressed by the bill, such as failure to stand for a judge, which may not amount to contempt. Community sentiment suggests that all people who appear before a court should be respectful. In December 2015 the Attorney General announced that the Government would create a new offence to deal with disrespectful behaviour in court. The key legal stakeholders, which include the courts, the Law Society of New South Wales and the New South Wales Bar Association, have been consulted in relation to this bill.

The offence is constituted by a deliberate act or omission. Therefore, a failure to stand because of an injury or disability or failure to answer a judge as a result of cultural miscommunication would not amount to an offence of disrespect in court. However, it will not be necessary to show that a person intended to interfere with justice or the operation of the court to demonstrate that the offence occurred. For example, when a person deliberately fails to stand when requested by a judge may be disrespectful, even if the person did not intend to cause disrespect by remaining seated. The decision to prefer a charge against a person citing the new offence

would be at the discretion of the highest law officers in the State: the presiding judge or magistrate or the Attorney General.

When the Crown Solicitor's Office is determining whether or not to prosecute a person for the offence of disrespect in court, it will be required to have regard to the existing prosecution guidelines issued by the Office of the Director of Public Prosecutions. Under those guidelines, the Crown Solicitor's Office is required to consider discretionary factors in balancing whether prosecuting the matter is in the public interest. Those factors include any vulnerabilities of the accused, such as youth, age, maturity, intelligence, physical or mental health, or special disability. Other factors may include the accused's culture and language ability and the seriousness or triviality of the alleged offence.

The use of prosecution guidelines mitigates the risk that the new offence will have a disproportionate or unduly harsh or oppressive impact on vulnerable people. The offence will apply only to the accused person, defendant, party or witness in court proceedings. It would not apply to people in the public gallery, who could simply be directed from the courtroom. Nor would it apply to legal practitioners, who already are subject to professional standards under the Solicitors Rules and Barristers Rules, or to police prosecutors in the Local Court, who are subject to standards set out in the Police Act 1990. Prosecution of the offence will occur after and separately from the relevant court appearance that gives rise to the charge. Therefore, court proceedings in which the disrespectful behaviour occurs would not be interrupted.

As a summary offence, any prosecutions will be filed within 12 months. Importantly, judges and magistrates cannot be called as witnesses in these matters, which is the same position as in proceedings for contempt. Evidence such as court transcripts or video or audio recordings of the hearing will be able to be used. Among key provisions of the bill is that the offence will apply to all New South Wales courts except the Children's Court, which has unique procedures tailored to children. The offence will not apply to tribunals such as the NSW Civil and Administrative Tribunal [NCAT] where parties often are self-represented and proceedings are less formal than courts. An offence will be committed when an accused person, a defendant, party or witness in court proceedings engages in intentional behaviour—I emphasise "intentional"—such as failure to stand for a judge when requested or comply with a reasonable direction of a judge and that behaviour is disrespectful to the court or judge, according to established good practice and convention.

This legislation is perfectly reasonable. We live in a law-abiding society. Some behaviours are acceptable and some are not. This legislation lies perfectly within the guidelines and gives jurisdiction to courts to act on disrespectful behaviour. The maximum penalty for the offence will be 14 days imprisonment and/or a \$1,100 fine, which is half the maximum penalty for contempt. The offence will be dealt with summarily in the Local Court, the District Court, or the Supreme Court after the matter in which the offence occurred has been dealt with. Proceedings for an offence must commence within a 12-month period. As occurs in relation to contempt offences, judges and magistrates will be able to refer possible offences to the Attorney General or a prosecution may be commenced on the Attorney General's own initiative. Police will not lay the charges. Unlike cases of contempt, the Crown Solicitor's Office will instruct on prosecutions.

A judge or a magistrate will not be called as a witness in any prosecution, but any official transcript or video or audio recordings of the alleged incident will be admissible as evidence. The offence will not apply to legal practitioners or police prosecutors, who are subject to their own professional standards. Safeguards have been discussed and they are always important in this type of legislation. Some of the safeguards include that an offence requires an intentional physical act rather than an involuntary act, but as the offence is seeking to reflect established court practice and convention, it would not require the person to intend to be disrespectful to the court.

For example, deliberately failing to stand when requested may be disrespectful even if the person did not intend to cause disrespect by remaining seated. Proceedings may be brought only with the Attorney General's consent, as with the existing process for dealing with contempt matters. This legislation has been dealt with in a reasonable time frame. Attorney General Gabrielle Upton has done an outstanding job, and I commend her and her staff for dealing with contempt in this bill. Amendments in this bill reflect community expectations, which is very important. Everything in our society is based on law and order, and the community expects our laws to be upheld. This bill is further evidence of this Government's commitment to passing good legislation that reflects what everyday Australians expect. I thank the Attorney General for introducing this effective legislation. I commend the bill to the House.

Ms GABRIELLE UPTON (Vaucluse—Attorney General) (13:01): In reply: I thank members for their contributions to the second reading debate on the Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016. I particularly thank the member for Tweed, the member for Terrigal, the member for Camden, the member for Oatley and the member for Drummoyne for their contributions. I also acknowledge the contributions of Opposition members who spoke to the bill: the shadow Attorney General, the member for Liverpool; the member for Bankstown; the member for Heffron; and the member for Fairfield. The member for Balmain, a

member of The Greens, also spoke in debate on the bill as did the Independent member, the member for Lake Macquarie. I take this opportunity to address matters raised by members during debate.

First, the shadow Attorney General, the member from Balmain and the member for Lake Macquarie expressed concern about the role of the Attorney in exercising independent discretion and providing his or her consent for the offence to be prosecuted. To clarify—and I made this point in my second reading speech—the way this offence will be prosecuted will mirror the existing procedure for contempt charges; that is, the matter will be referred by the Attorney General, either on his or her initiative or following a referral by the presiding judge or magistrate, to the Crown Solicitor's Office. The Crown Solicitor's office will then prepare an advice for the Attorney General to consider. In practice, as with contempt, I intend to delegate that decision to the Solicitor General or Crown Advocate under the Solicitor General Act 1969 and the Crown Advocate Act 1979. The Solicitor General or Crown Advocate will then make a determination as to whether a prosecution should proceed. I emphasise that this will not be a political decision. The decision to prosecute will rest in the hands of statutory officers, either the Solicitor General or the Crown Advocate.

Another point raised by the shadow Attorney General and the member for Bankstown queried the definition of the new offence. This offence will apply to behaviour that is disrespectful to the court or the judge according to established court practice and convention. In this way the offence will reflect community expectations as to how people should conduct themselves when appearing before the courts. Contrary to concerns raised by the Opposition that the terms of the bill are ill-defined, it is not uncommon for courts to apply these kinds of objective tests that reflect current community standards, including when determining other summary offences such as offensive conduct or offensive language.

In response to suggestions by members opposite that the offence is targeted at any particular proceeding or any particular offender, let me be absolutely clear: This new offence is an offence of general application for all people who come before the courts. I would also like to assure the shadow Attorney General, member for Heffron and member for Balmain that this new offence adds to the range of tools available to judges and magistrates to enable them to manage their courtroom effectively. It does not detract from any measure currently available. Rather, it bridges a gap in the existing law of contempt.

During the development of the proposed offence the Department of Justice undertook extensive consultation with legal stakeholders, including the courts and the leadership of the courts. The department also consulted heads of the Bar Association, the Law Society and others who are constructive and measured in making regular welcome contributions to reforms in the justice system. The Supreme Court, Land and Environment Court, District Court, Local Court, Children's Court, Coroner's Court and Drug Court were all consulted on the initial proposal and the drafting of the bill. The feedback received from stakeholders has been considered thoroughly and taken into account in drafting the new offence where possible.

I turn to some of the debate points raised today. Some members have suggested that this new offence criminalises relatively trivial matters. It is the Government's view that disrespectful behaviour in our State courts is not a trivial matter. Respect for the law and our legal processes, and the people who take part in that process—our judicial officers, support workers, legal professionals and witnesses—is a very serious matter. Our courts are responsible for resolving disputes and enforcing laws in a fair, peaceful and rational manner. Some types of behaviour, which are not trivial, seek to jeopardise the operation of the courts and the provisions in the bill address this behaviour. The level of the maximum penalty has been set to reflect the fact that the target of the new offence is behaviour that falls below the current level of contemptuous conduct. The maximum penalty is a fine of \$1,100 and/or imprisonment for 14 days—that is, half the maximum penalty for contempt of court when dealt with summarily before the courts.

Another point raised was that the offence will have little deterrent effect. Like all criminal offences, this enactment is not only about deterrence but also about making a clear statement about what the community expects of people participating in the justice system. The bill, and the policy behind it, sends a clear message that adherence to our laws and procedures of the judicial system is a fundamental expectation of all who appear before the courts. The judicial bench book will be updated to provide guidance to judges, magistrates and the community about the procedure relating to this new offence, including issues of procedural fairness that are currently afforded to persons in relation to possible contempt matters, and will likewise apply in relation to this new offence. This includes recommending that the judge or magistrate provide the person concerned with a warning that their conduct may amount to a breach of this section and allowing that person an opportunity to correct their behaviour or apologise before deciding to refer the matter to the Attorney General.

Another concern raised was that the new offence will add to the number of prosecutions in already busy courts. It is not envisaged that the offence will be widely used, as it will be just one of a number of tools that could be used to deal with unacceptable behaviour in courts. Judges and magistrates use the power to refer matters for possible contempt proceedings sparingly. For example, in the Local Court, between October 2011 and

September 2015 there were two summary convictions for contempt of court—only two. In the District Court, between July 2008 and June 2015 there were four summary convictions for contempt of court—that is, over a period of seven years there were four summary convictions for contempt of court. In the Supreme Court between 2013 and 2015 there were 38 prosecutions for contempt of court.

The Government expects this new power will similarly be used in appropriate circumstances. Judges and magistrates have a range of tools available to them to control conduct in their courtrooms. It is expected that prosecutions for the new offence can be conducted within existing resources of the justice cluster. The member for Balmain raised a matter in relation to children. The proposed offence does not apply in the Children's Court of New South Wales, which is a therapeutic and protected jurisdiction that has unique procedures tailored to meet the needs of children and young people when they come before it. As most juvenile offenders are dealt with in the Children's Court, the number of offenders and juveniles to which this offence will apply will be small.

It will include juveniles accused of traffic offences who are dealt with in the Local Court, juveniles appearing in higher courts because they have been charged with serious offences and, at the election of the Department of Public Prosecutions, will be dealt with as adults in the criminal justice system, and juveniles who are appearing as witnesses in court where this offence applies. The prosecution guidelines issued by the Office of the Director of Public Prosecutions mandate that vulnerable factors such as youth, age, maturity and disability of the alleged offender must be considered in balancing whether a prosecution will be made and is in the public interest. If a juvenile is charged with this offence they will be dealt with in the Children's Court as well.

This bill implements a commitment that I made in December last year that this Government would introduce a bill into Parliament this year to create a new offence to deal with disrespectful behaviour in court. The Government considers this bill is measured. It is an appropriate response to an important issue that came to our attention in November last year. Following and respecting the established practices and conventions of our court is fundamental to the operation of our justice system in New South Wales. As Attorney General I am committed to ensuring there is nothing stopping our courts from fulfilling their role to deliver justice and uphold the rule of law.

That vital function of the courts in our community, in our society, should never be impacted or impeded by the disrespectful behaviour of certain individuals. The passage of this bill through this House—it has been through the upper House—will send a clear and unambiguous message that the community expects certain levels of behaviour from people appearing before the courts. Behaviour that flouts court convention and practice is unacceptable and should be discouraged. It is not too much to ask that civility, respect and consideration of our justice processes be demonstrated by people in the courtroom. That expectation has formed the basis of the law of contempt, which is something for which we do have prosecutions and penalties.

The contempt law applies to more serious disruptive behaviour. What we do not have, but this bill seeks to address, is an area of behaviour that is disrespectful to the court, the law, our judges, magistrates and the justice that underpins our day-to-day comings and goings in the community, the justice system and the courts. It is not too much to ask that we as a Government come together to reflect community expectation that respect and consideration will be demonstrated in our courtrooms. That is what our community expects, that is what this bill delivers into this Parliament. I, and the Government, firmly believe that this bill reflects strong community sentiment that that be so. I commend the bill to the House.

TEMPORARY SPEAKER (Mr Bruce Notley-Smith): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

Ms GABRIELLE UPTON (Vaucluse—Attorney General) (13:14): I move:

That this bill be read a third time.

Motion agreed to.

TEMPORARY SPEAKER (Mr Bruce Notley-Smith): Government business having concluded community recognition statements will now be proceeded with.

Community Recognition Statements

PHILIP NICKL QUEEN'S SCOUT AWARD

Ms LESLIE WILLIAMS (Port Macquarie—Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (13:15): I take this opportunity to extend my congratulations to Philip Nickl of Port Macquarie Sea Scouts for successfully gaining The Queen's Scout Award.

The Queen's Scout Award is the highest award that a scouting youth member can achieve and to make Philip's award even more special, Philip is the third generation in his family to receive this award. Philip has grown up in the scouting movement and has been based in the 1st Port Macquarie Sea Scouts since the age of six. Philip has in the past received the Grey Wolf Award, the highest award in Cub Scouts, and the Scout Medallion, the highest award in the Scout troop. Once again, congratulations to Philip and the Port Macquarie Sea Scouts for this wonderful achievement.

CENTRAL NEWCASTLE SWIMMING CLUB AWARDS

Ms SONIA HORNER (Wallsend) (13:15): It was my pleasure to attend the Central Newcastle Swimming Club's presentation evening on 22 May. Discipline in the pool has reaped dividends for many local rising stars. Outstanding swimmers were rewarded for their dedication to training. Noteworthy was the performance of Reilly Quinn, who was awarded the title of continuously striving to achieve swimming success. Swimmers of the year Breanna James and Reilly were also recognised for their talent. The club has a reputation for success and always acknowledges its faithful volunteers, who are the cornerstone of the club. I take this opportunity to make special mention of Kylie and Dale Robinson, for their award of volunteer family of the year.

ROTARY PENRITH POLICE OFFICER OF THE YEAR AWARDS

Ms TANYA DAVIES (Mulgoa) (13:16): I had the pleasure of attending the 2015 Rotary Penrith Police Officer of the Year awards last week at Penrith Panthers. The Police Officer of the Year for 2015 was deservedly awarded to Constable Kym Hilly for her courageous response in a difficult and dangerous situation. After only eight months on the job, she and her colleagues were confronted with a rampaging bull at Berkshire Park. During the long-running efforts to bring the situation under control Constable Hilly jumped a fence to distract the out-of-control bull, but her fellow officers called her back to safety. Her maturity, professionalism and calmness led to her receiving this high honour. If ever there were an example of bravery, beauty and brains, and someone who our region's young women should look up to, it is Constable Hilly. Congratulations to Donna Carmody, who received the Vocational Excellence Award 2015. Congratulations to all finalists: Constables Guy Hollard, Shannon Graham, Danielle Munt and Phillip Colburn and to all our hardworking and dedicated men and women in blue.

RUVAL JAMES ESTACIO NATIONAL BASKETBALL REPRESENTATIVE

Mr EDMOND ATALLA (Mount Druitt) (13:17): I congratulate 14-year-old Ruval James Estacio from Glendenning, who has been selected to represent New South Wales in the under-16 national championships in basketball. Ruval, or RJ as he is known to his friends, plays point guard for the Penrith Panthers under-16s. It is the second time that Ruval has been chosen to represent New South Wales at these championships. A talented young player, Ruval is either playing or training four times a week. The tournament will be held in Melbourne in July. I wish Ruval and the New South Wales under-16 team all the very best in the competition.

LIONS CLUBS INTERNATIONAL

Mr MATT KEAN (Hornsby) (13:18): In 2017 Lions Clubs International will celebrate 100 years of serving the global community. Since its humble beginnings in 1917 Lions Clubs International has grown to include 1.4 million men and women in 46,000 clubs. It is not difficult to imagine what kind of people the members of the Berowra Lions, which carries the Lions Clubs International motto of "We serve", are. The Berowra Lions truly define this motto: They exist only to help to serve the community without promise or want of reward. Berowra Lions have contributed 1,530.50 hours of community service in the 2015-16 financial year, ranging from keeping and managing their Berowra Heights Op Shop, to running community sausage sizzles, to collecting goods for Christmas hampers with St Vincent de Paul.

The Berowra Lions have raised \$553,568.50 since July 2006—that is more than half a million dollars—supporting more than 124 organisations, including the Asthma Foundation NSW, 1st Berowra Scout Group, beyondblue, Hornsby-Berowra Men's Shed, PAWS for Diabetics and Studio ARTES. Under the current leadership of Mrs Sue Booth, the Berowra Lions serve as the silent heroes of our community, and yet they have made some of the biggest impacts in our community. I thank Brian Engert, Chris and Colin Hunter, Anne and Graham Cosier, Jen Bell, Roy Stokes, Russell Pinch, Jamie Roberts and Derek Catchpole.

CAMPBELLTOWN SENIORS WEEK ACTIVITIES

Mr GREG WARREN (Campbelltown) (13:19): I acknowledge the generosity of the Campbelltown community, in conjunction with Campbelltown City Council, in organising events for the 2016 NSW Seniors Week. Themed "Grow Young", the festivities for those aged 60 years and older ran from 1 April to 10 April. Grow Young encompasses seniors' unique ability to know who they are, to continue learning irrespective of age, and to be free and inspired. I particularly thank the Campbelltown Seniors Dance Club, which ran social ballroom

dancing classes; Macarthur Legal Centre, which provided free legal advice; and the Campbelltown Seniors Cyber Seekers, which provided discounted computer literacy courses. Further, I acknowledge the efforts of the Benevolent Society, Campbelltown Mall, Macarthur Diversity Services Initiative, and Campbelltown Senior Citizens and Pensioners Welfare Club, amongst many others, for their contributions. The support for these festivities stands as a testament to the diversity of our community in helping to shape a memorable week for our valued senior constituents.

MASTER JUN HONG LU, CHINESE COMMUNITY LEADER

Dr GEOFF LEE (Parramatta) (13:20): I acknowledge the achievements and notable contribution of Master Jun Hong Lu, a renowned leader of the Chinese community and media personality in Australia. He currently serves as chairman of 2OR Australia Oriental Radio, chairman of the Australia Oriental Media Buddhist Charity Association, and president of the Australian Chinese Buddhist Research Centre. He has been appointed as the vice chairman of the Australian Council for the Promotion of Peaceful Reunification of China, and the vice president of the Australian Council of Chinese Organisations for 17 years consecutively. Master Lu has also been serving as honorary president and adviser to more than 10 societies and organisations in the Chinese community in Australia. He has been appointed as a justice of the peace in Australia, honoured with the royal title of Dato in Malaysia, and is an honorary visiting professor with the University of Siena in Italy.

SAVE THE POWERHOUSE MUSEUM

Mr JAMIE PARKER (Balmain) (13:21): I congratulate the Save the Powerhouse Museum community group on its fight to keep the museum on its current site and to support a museum in Western Sydney that reflects the true spirit of that part of the world. I note in particular the successful rally held on Saturday 28 May 2016. I acknowledge museum and arts specialists Kylie Winkworth, Grace Cochrane, Lindie Ward, Debbie Rudder, and Len Amadio; Lawrence Gibbons of the Business Chamber; Suzette Meade of North Parramatta Residents Action Group; Carolyn Corrigan of Save Our Councils Coalition; Peter Hehir of Rozelle Against WestConnex; and Gavin Gatendby of NoWestConnex Public Transport, who all spoke in strong support of this campaign. I particularly acknowledge the enormous effort made by Ultimo residents Patricia Johnson and John Pierre Alexandre, who are working tirelessly to try to stop this government decision, which will have an incredibly negative impact for the community, and to ensure that a museum of State significance is constructed in Western Sydney.

TRADIES GYMEA

Ms ELENI PETINOS (Miranda) (13:22): I congratulate Tradies GyMEA, which was recognised at the Clubs and Community Awards dinner on Friday 5 May for its outstanding contribution to our local community in the environment category. The group was also highly commended in the arts and culture category at the prestigious ClubsNSW awards night. The Environment Award recognised a remarkable and attainable campaign that Tradies GyMEA implemented to raise environmental awareness within our community. The "I Promise To Be More Sustainable" campaign is based on the principle that making a small change individually can make a big difference to the environment. Tradies GyMEA managed to get more than 100 local community groups to commit to its campaign and has also donated more than \$20,000 in iPromise Grants to support sustainability projects in our local area. I congratulate Tradies Chief Executive Officer Tim McAleer and the board of directors Dennis McHugh, Phillip Bowering, Mike Batty, Ron Crawley, Marilyn Jervis, Mark Noble, Bob Rogers, Bob Sharkey and Brian Thompson. I again congratulate the group on creating this fabulous project, which has had a huge impact on the environmental conscience of our community.

KATIE EBZERY, OPALS OLYMPIC SQUAD

Mr TIM CRAKANTHROP (Newcastle) (12:23): With only 65 days to go until the 2016 Summer Olympic Games, Newcastle basketballer Katie Ebzery has secured her place at Rio. Katie, who made her Opals debut representing Australia in the 2015 FIBA Oceania Women's Championships, has taken home a gold medal and a secure place in the Opals at the Olympic Games. Although Katie has been playing in the Women's National Basketball League since 2010, she began her career path many years ago in the Newcastle competition. It appears that basketball runs in the family, with her sister, Alison, emerging as a force of her own with some strong performances for the Newcastle Hunters in the Waratah Basketball League. I was lucky enough to see both Katie and Alison play on 15 May when they whipped the Sydney Comets. Katie is one of two Novocastrians in Australia's squad, alongside three-time Olympian Suzy Batkovic, who lives in the electorate of my colleague Sonia Hornery. Suzy is another Novocastrian of whom we can be proud. I wish Katie and Suzy the best of luck in the upcoming Olympics. May the Opals succeed at the Olympic Games.

MACQUARIE TOWNS ARTS SOCIETY

Mr DOMINIC PERROTTET (Hawkesbury—Minister for Finance, Services and Property) (13:24): I recognise the great work of the Macquarie Towns Arts Society, which held its Autumn Exhibition at

the Richmond School of Arts centre last Friday. The society's aim is to promote and encourage the advancement of the arts and crafts in the Hawkesbury region, and to nurture and encourage an open mind to all forms of artistic expression. As part of its activities, the society frequently hosts demonstrations, workshops, field painting days for members and invited guests, children's art classes and exhibitions, which seek to highlight and encourage the growth of arts in the beautiful Hawkesbury region. I was hosted on the night by president Mrs Narelle Ward, secretary Pat Bakarich and past president Sheila Sharp. The society has more than 150 members and was founded in 1962.

The Autumn Exhibition is the members' competition with artwork in six different categories to encourage diversity. I congratulate Jeanette Starr, who won Best in Show and took first prize for works on paper with her painting *He Ain't Heavy*. First prizes in other categories were awarded to Frank Hodgert for his oil painting; Julie Simmons, for her watercolour *The Big Top*; Sharron Whittington for her pastel work; Joy Myers-Creed, who won best contemporary entry; and Deidre Morrison, who won best small work for her *A Cottage In Richmond* entry. More than 250 visitors enjoyed the exhibition, which ran over Friday, Saturday and Sunday. I commend the Macquarie Towns Arts Society and its commitment to developing the future artists of the Hawkesbury to the House.

DO TIME TO STOP YOUTH CRIME

Mr GUY ZANGARI (Fairfield) (13:25): On Friday 22 April 2016 I was proud to Do Time to Stop Youth Crime as a part of the PCYC's annual Time 4 Kids fundraiser. The event aims to raise money for the PCYC, which provides hands-on support for disadvantaged kids throughout the State. Our local PCYC is like a second home for a number of the disadvantaged youths in our area. It is aiming to replace the current gym equipment because it is prehistoric. I thank everyone in the community who made contributions to this outstanding cause, and the wonderful individuals who work out of our local PCYC and play a huge role in the lives of so many kids in our area, and who help them to avoid a life of crime.

JOE WAMSLEY, SCONE AND UPPER HUNTER HORSE FESTIVAL YOUNG ACHIEVER

Mr MICHAEL JOHNSEN (Upper Hunter) (13:26): I take this opportunity to congratulate teenager Joe Wamsley from Wingen on being named the 2016 Scone and Upper Hunter Horse Festival Young Achiever. Joe is a member of the Bunnan Polocrosse Club and has represented at zone, State and national levels. This young man has been playing polocrosse since he was 10, and over the years has created a very impressive résumé. He was selected in the New South Wales under-21 mixed team against Queensland at the Upper Hunter Show, he was the best number three in the series, was champion NSW Horse and Rider for the past two years, and was a member of the Hunter Valley zone under-21 men's team held at Cassilis, winning the Champion Under-21 Men's Stockhorse title. He also recently competed at the Australian National Polocrosse Championships at Albury, and was named the Champion Intermediate Men's Stockhorse Rider. I again congratulate Joe on his outstanding achievements, and I wish him well for all his future endeavours and success.

THE ENTRANCE PARKRUN

Mr DAVID MEHAN (The Entrance) (13:27): I draw the attention of the House to the start of The Entrance Parkrun on Saturday 14 May. Parkrun is a free, weekly timed five-kilometre running event managed by volunteers in the local community. There are accredited parkrun courses located throughout the world supported by an enthusiastic running community. Participation is open to all ages and running is one of the most accessible forms of exercise available. Brad and Naomi Rogers of Long Jetty have been the driving force behind the establishment of The Entrance Parkrun. I was very proud to be associated with the establishment of the event and to participate in its inaugural run, which starts at Picnic Point promptly at 7.00 a.m. every Sunday morning. A bunch of volunteers is involved in running the event each week. I will not mention them all, but I do thank them. Kariong on the Central Coast also has a parkrun that is organised by Brad and Naomi. The size and geography of the Central Coast mean that the Kariong Parkrun and The Entrance Parkrun complement the area. I welcome this initiative.

100% HOPE UGANDAN CHILDREN'S CHOIR

Mr JONATHAN O'DEA (Davidson) (13:28): Last week I enjoyed a rousing performance of African singing, dancing and drumming by the 100% hOPE Ugandan Children's Choir at Lindfield Public School [LPS] in my electorate of Davidson. I acknowledge principal Megan Lockery, Sarah Rosewell and her LPS Social Justice Committee, and the general school community. Their interest was prompted following an LPS teacher's volunteer involvement in Uganda. 100% hOPE is a Ugandan based charity founded by Trishelle Sayuuni, a former Queensland school teacher and Australian dragon boat team member. It supports more than 100 orphaned, abandoned and underprivileged children.

I heard Trishelle speak, and she is 100 per cent inspirational, having generously committed her life to helping others in need and trusting in providence. 100% hOPE partners with local, poverty-stricken communities in Uganda to promote the spiritual, economic, physical and emotional development of orphaned and underprivileged children. It now owns 11.5 acres of land and is building a village that will include children's homes, a medical clinic, primary, secondary and vocational training schools, and self-sustainable projects. The funds raised by the choir's tour, including around \$9,000 through LPS, will help to build five classrooms. I applaud Trishelle's dedication and my LPS community's support. I wish 100% hOPE every success in pursuing its vision in Uganda backed by its volunteer board based in Australia.

BASS HIGH SCHOOL REACH 100 INITIATIVE

Ms TANIA MIHAILUK (Bankstown) (13:29): Last Wednesday 25 May 2016 I was pleased to attend Bass High School and receive a briefing from the year 12 school leaders on their fantastic Reach 100 initiative to encourage the local community to donate blood to the Red Cross blood bank. They are well on their way to reaching their goal of 100 community members already. Thanks to the leadership of these bright and motivated students, more than 50 students and staff have already participated in their blood drive. Should 100 donors register, the students will be able to secure a visit from the Red Cross blood donation bus by the end of the year. I take this opportunity to particularly commend the school presidents, Talia Young and Hamayuon Hatif, and vice presidents Finau Nawaqatabu and Jokapeci Buli Cinavou. The leaders are ably supported by their principal, Mr David Horton, whom I acknowledge for his amazing community initiatives and the manner in which he motivates his school students. I also acknowledge the community liaison officer, Ingrid Winter, for her support of such a wonderful initiative.

TRIBUTE TO GEOFF COLEMAN

Mr MARK SPEAKMAN (Cronulla—Minister for the Environment, Minister for Heritage, and Assistant Minister for Planning) (13:31): I pay tribute to Geoff Coleman. He was a Cronulla constituent, someone who managed the feat of playing first-grade sport for his local area in both rugby and cricket, a Liberal supporter, someone I knew for 25 years, my accountant and a delightful personality. Geoff was an honorary life member of the Port Hacking Rugby Club, which became Southern Districts Rugby Club, and the Sutherland District Cricket Club. He passed away earlier this month following a fall. He was a great sportsman, a great personality and a great professional. For the past five years or so he had suffered after having a stroke in 2011 and was cared for by his loving family. I extend my deepest sympathy to his wife, Diana; his daughters, Catriona and Alison; his son, Scott; and his grandchildren.

BLUE MOUNTAINS RECONCILIATION WEEK EVENTS

Ms TRISH DOYLE (Blue Mountains) (13:32): I wish to acknowledge Reconciliation Week. In the Blue Mountains we have a very active and passionate reconciliation movement led by community groups including the Mountains Outreach Community Service and Blue Mountains Australians for Native Title and Reconciliation. A feature of Blue Mountains Reconciliation Week is the Schools' Reconciliation Challenge, this year involving Katoomba, Springwood and Winmalee high schools; Katoomba, Leura, and Wentworth Falls public schools; St Canice's Primary School; and Kindlehill School. Students were encouraged to explore the meaning of reconciliation through the creation of artworks. These were featured last weekend at the cultural sharing gathering at the Mid Mountains Neighbourhood Centre. I congratulate all schools involved. I pay my particular respect and give thanks to Aunty Carol Cooper, Uncle Ed Walker, Aunty Leanne Tobin, Aunty Jacinta Tobin, Judith Hawkes, Lyn Bevington, Jo Clancy, Becky Chatfield and all the Wagana dancers.

TRIBUTE TO BENNETT POWELL

Ms LESLIE WILLIAMS (Port Macquarie—Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (13:33): I recognise and congratulate Bennett Powell, who completed the 2016 full Port Macquarie Ironman in 13 hours, 23 minutes and 20 seconds. Bennett is a truly inspirational competitor, at 24 years old with cerebral palsy and an intellectual disability—but Bennett never uses that as an excuse. Despite being told that he would never walk, Bennett has worked hard. His can-do attitude was key to the completion of his very first full Ironman triathlon. At Port Macquarie, cheered by his home crowd and with his best mate, Daniel, by his side, he bettered his expected time by more than two hours. He trains at least three times every week, covering hundreds of kilometres around Port Macquarie under the guidance of his coach. I congratulate Bennett on his determination and commend him for being an enormous inspiration to our community. I wish him every success with each new goal and challenge he aspires to achieve. Congratulations again, Bennett.

CAMPBELLTOWN CITY COUNCIL JUBILEE AWARDS

Mr ANOULACK CHANTHIVONG (Macquarie Fields) (13:33): I recently attended Campbelltown City Council's wonderful Jubilee Awards. The awards recognise individuals and organisations in the community for their long-term contributions. Today I specifically recognise Bea Risbey and Lynton and Betty Painter, all of whom received their awards on the day. Bea Risbey is a proud resident of Long Point who has been teaching local children to play the piano in her studio for many decades. Those who know or have been taught by Bea know her as a generous and wonderful teacher. Bea continues to teach and inspire new generations of musicians to this day. She is a local icon.

Lynton and Betty Painter also received Jubilee Awards. Incidentally, this year it is also their sixtieth wedding anniversary. They are honest and decent people who worked hard to build their small business and have contributed to our community in so many ways. I am delighted to have people like Bea, Lynton and Betty in my local community. I congratulate them and the other recipients on their awards.

PENRITH NETBALL

Mr STUART AYRES (Penrith—Minister for Trade, Tourism and Major Events, and Minister for Sport) (13:34): It was my pleasure to attend Jamison Park netball courts and officially open the 2016 Penrith District Netball Association season. The traditional march-past was a lively demonstration as the players and officials proudly displayed their club colours and showed the crowd that the poor weather and a little rain could not curb their enthusiasm for the start of the season. The march-past was one of the biggest held in recent years, with many clubs taking part. I extend my congratulations to Corpus Christi on winning the march-past with their enthusiastic cheer and to the runners-up, Cambridge Park Netball Club, for their theme, Girls Make Your Move. Netball continues to be one of Penrith's biggest sports and largest female participation sports. Penrith District Netball Association has seen steady membership growth each year and currently has 3,800 players, constituting 382 teams from 22 clubs. I commend the fantastic leadership shown by the Penrith District Netball Association.

LAKES SURF LIFE SAVING CLUB

Ms YASMIN CATLEY (Swansea) (13:36): As a Parliamentary Friend of Surf Life Saving and a surf lifesaver myself, I always enjoy visiting other clubs in my community. I had this opportunity recently when I attended the Lakes Surf Life Saving Club [SLSC] annual presentation. Lakes SLSC is currently sharing a claim to fame with the North Entrance SLSC. One of its members from San Remo, Garry Mitchell, took out gold in the 60-64 Ironman challenge at the Aussies this year. A big congratulations to Garry—what a fantastic achievement! With about 300 members, Lakes SLSC provides a fantastic service to the community, both by keeping our beaches safe and offering opportunities for people of all ages to get involved in their local community. I was delighted this year to announce that the club had received \$4,000 from the Local Sport Grant Program to purchase five new nipper boards for their club. It could not have gone to a more deserving organisation. Well done to all the members of Lakes SLSC, and particularly to this year's executive.

The ASSISTANT SPEAKER (Mr Bruce Notley-Smith): Community recognition statements having concluded, I shall now leave the chair. The House will resume at 2.15 p.m.

Visitors

VISITORS

The SPEAKER: Welcome to all our members in the gallery for question time. I extend a warm welcome to visiting members from the Autonomous Region of Bougainville: the Hon. Francesca Semosa, Deputy-Speaker for the Bougainville House of Representatives; the Hon. Josephine Getsi, the Bougainville Minister for Community Development; the Hon. Marcelline Kokiai; and the Hon. Isabel Peta. I thank the member for Ballina, the member for Holsworthy, the member for Parramatta and the member for Maitland for joining the ladies for lunch today. We enjoyed our time together.

I welcome Ken Shaw to the Chamber, the father of the member for Oxley, a guest of the member for Oxley. I also welcome Kaleigh Croser, Sean Green, and Principal Rodney Hill from Wyong High School, guests of the member for Wyong. I welcome Jeremy Travers; we have not seen him for some time. I acknowledge the many participants of the public sector seminar. I was pleased to meet you all this morning and to open the seminar. I trust you have had a fruitful day and that you enjoy question time. I hope you remember the things I said about question time.

*Announcements***HEART FOUNDATION**

The SPEAKER (14:19): I remind the House that today the Heart Foundation launched their campaign, "Making the Invisible Visible", which is about heart disease in women. It is often described as under-recognised, under-treated and under-researched. This June we are all being asked to make heart disease in women visible to all Australians. Heart disease is the leading cause of death in Australian women. Every day 24 females' lives are lost and every year three times as many women die of heart disease compared with breast cancer. That is a remarkable statistic. This critical health issue often goes unnoticed and is not openly talked about. For many, the issue is invisible. I encourage members to assist the Heart Foundation campaign and to get involved on social media. Post to Facebook or Instagram a photo of yourself wearing the Heart Foundation's red sticker. They are available from the office of the Minister for Health and the office of the Government Whip. It is like a tattoo, so be careful when affixing it to your clothes because it does not come off easily. I am sure they can be shared with men and women. Please be part of the Heart Foundation's campaign. I look forward to seeing you all on Facebook with your red tattoos.

*Question Time***LOCAL GOVERNMENT AMALGAMATIONS**

Mr LUKE FOLEY (Auburn) (14:25): My question is directed to the Premier. Given that KPMG were engaged to do the Government's bidding on forced council mergers, what on earth was independent about the exercise?

Mr Adrian Piccoli: Point of order: To make an imputation in a question that a private company would do the bidding of the Government suggests impropriety. I ask that the member reword the question.

The SPEAKER: Having taken the Clerk's advice, I will allow the question.

Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (14:26): I understand that the Leader of the Opposition has, all of a sudden, discovered local government. In the process that the Government has undertaken we have, all of a sudden, seen a group of people that are against reform. That will not surprise anyone in the House. Every single day, there is not a project that those on the opposite side of the Chamber do not want to cancel. And there is not a piece of public transport that they are not against. There is not an infrastructure project that they want us to go ahead with. Every single day those on the opposite side of the Chamber want to speak against what is going on in this State, because that is all they do. They know how to oppose but they do nothing else.

The SPEAKER: I call the member for Keira to order for the first time.

Mr MIKE BAIRD: In local government reform the Government has continued to take the side of ratepayers. The Government is interested in supporting ratepayers. Yes, the Opposition did look at some council boundary changes in the period when Labor was in Government but Labor did that at midnight without consulting with the community. The Government has taken a different approach. We are very happy to undertake a whole range of processes including, most importantly, the Boundaries Commission process, which gives the community a say.

Mr Michael Daley: Point of order: My point of order is with respect to Standing Order 129. The question was not about the Boundaries Commission. It was about what was independent about the KPMG report.

The SPEAKER: The Premier remains relevant. The member will resume his seat. There is no point of order.

Mr MIKE BAIRD: Whatever way members on the other side of the Chamber like to talk about it, those on this side of the Chamber make no apologies for two things. We make no apologies for trying to do the right thing by ratepayers in this State. Members of the Opposition understand about the duplication and they understand that that duplication is holding back from local communities additional services, additional infrastructure and downward pressure on rates.

The SPEAKER: I warn Opposition members that they will be called to order if they continue to interject. The member for Bankstown will come to order; she should not be shouting. The member for Cessnock will come to order.

Mr MIKE BAIRD: I know that members of the Opposition will stick to their talking points and talk them up. They hand those talking points around. They say to each other, "When the Premier gets up we should go 'Beh, beh, beh, beh, beh.'"

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

Ms Jodi McKay: Point of order: My point of order relates to Standing Order 129. The Premier can behave like Big Bird but this is a serious question.

The SPEAKER: The member will resume her seat; she does not have a point of order.

Mr MIKE BAIRD: I have two points. The Government strongly believes in standing up for the ratepayers and for their benefits. As part of that, KPMG have determined that there will be \$2 billion in benefits across the State from this. Those benefits are available and that is what the Government wants to deliver. The Government makes no apologies for consulting the community. On this side of the House we will continue to do everything we possibly can to look after ratepayers, to look after communities and to deliver more services and more infrastructure, because that is what the Government is committed to doing. Whatever way you want to cut it, the Government will get on with reform while the Opposition gets on with opposing. The Government will do everything possible to make people's lives better and to deliver services and infrastructure to the community, because that is what they deserve.

STATE ECONOMY

Ms TANYA DAVIES (Mulgoa) (14:31): My question is addressed to the Premier. How does a strong economy support the delivery of infrastructure for tomorrow's Sydney?

Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (14:31): I would be remiss if I did not remind the House of something on which we can all agree. Tonight we say, very simply, "Go the mighty Blues!" If there are any maroon supporters in this House I ask them, please, to stand up. I can see the member for Tamworth standing. Get him out, Madam Speaker! I do not care what side of the Chamber he is on, Madam Speaker, I ask you to call him to order!

The SPEAKER: Is he joking? I warn the member for Tamworth about his behaviour. I call the member for Tamworth to order for the first time.

Mr MIKE BAIRD: The member for Lismore also stood.

The SPEAKER: I will not call the member for Lismore to order. He is the Deputy Speaker; I would never put him on a call to order.

Mr MIKE BAIRD: Whilst we reflect on the mighty Blues it is clear to the people of this State that New South Wales is the number one place to live, work and invest. We have seen a pathway back from being eighth in the country—we remember where we were under those opposite—to a position where we are leading the nation. That is great for the people of this State. The Government has invested a huge amount in infrastructure across Sydney and across New South Wales. Those on this side of the House understand that if you invest in infrastructure, more infrastructure and more investment will come alongside it. That is what we are seeing everywhere we turn. That is why we are so proud of the transport Minister. The Minister for Transport and Infrastructure has been smiling his Hollywood smile—he was loving it—because he has been announcing more good news.

We want George Street to be a boulevard that is looked at from across the world as one of the great boulevards in one of the great cities of the world. Light rail will be fantastic for this city. Even The Greens agree with that—kind of—but not always. Maybe they do; who knows? You can never know about The Greens. I think they are backing the light rail. On the back of the investment in light rail there have been benefits for Wynyard Place. That will come to life with a new development on George Street that will make Wynyard station exactly the grand station it should be. There will be a brand new promenade that will be fantastic for commuters every day. There will be new retail opportunities in a precinct we can be proud of. All of us who use Wynyard station know that it can do with an upgrade. The upgrade will ensure that it will be seen by people across the world as one of the great entrances to a station.

The project is worth \$1 billion and it will provide a huge boost to the local economy by generating additional jobs in addition to creating the great promenade that George Street will become. It also is a reminder that when people invest and are confident, we will see more growth in the economy. More confidence and more growth lead straight into what we expect, and that is economic growth. That is why it is so good today to see that under our State's Treasurer good news has been published about State final demand. I am sure the shadow Treasurer would have dissected the data and told the entire Labor caucus exactly what the impacts of construction data and non-construction data mean.

Mr Ryan Park: Mike, is the budget still on for next week?

Mr MIKE BAIRD: I point out to the member for Keira that there have been lots of budget questions so far this week! I am sure that even the member for Keira looked at that data, simply jumped for joy, pumped the air and said, "New South Wales—you little ripper!" The report is worth reading because its comparison of the States for the last quarter shows that Tasmania achieved growth of 0.1 per cent, which is actually not bad; Western Australia recorded minus 1.2 per cent; South Australia recorded nought; Queensland recorded nought; Victoria recorded 0.1 per cent; and New South Wales recorded 1 per cent.

The SPEAKER: The member for Rockdale will cease shouting. I call the member for Rockdale to order for the first time.

Mr MIKE BAIRD: For the year, the growth rate that leads the nation is New South Wales at 3.9 per cent. I hear the member for Kogarah say, "How can you take credit for that?" It is clear to me what Labor forgot. When Labor governed, we all remember the State's economic growth rate. Where was the State's economic growth under Labor? For 10 years New South Wales had the slowest economic growth in the nation. [*Extension of time*]

The SPEAKER: Government members will come to order.

Mr MIKE BAIRD: It is worthwhile reminding the Labor Opposition of that in the light of all the infrastructure projects that Labor announced, such as the dozen or so public transport projects. Did Labor deliver even one?

Ms Gladys Berejiklian: No!

Mr MIKE BAIRD: Labor did not deliver one public transport project that had been announced. During Labor's period of government, New South Wales recorded the slowest growth rate of any State and in relation to unemployment, the State recorded 0.4 per cent higher than the average across the nation for close to 10 years, and New South Wales had the slowest business confidence for most of Labor's last five years in government. Retail sales in New South Wales were lower than the national average. Housing starts in New South Wales were the lowest in the nation.

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

Mr MIKE BAIRD: The great news for the people of New South Wales is that under the current Treasurer and this Government, New South Wales is back! Tonight, when the Maroons charge towards their try line but the ball is picked up and put down under the posts of the Blues try line, that is just like this Government. Although this Government cannot take credit for the try, we will take credit for a State of Origin win by the Blues. The confidence that is growing in New South Wales is flowing into the Blues side. There is great confidence in the Blues side and great confidence in New South Wales businesses. I know the Opposition is against everything, but my expectation is that even the Opposition would be saying, "Well done, Treasurer. It is great to see New South Wales leading the country."

Mr Ryan Park: I will not be doing that, I can assure you.

Mr MIKE BAIRD: The member for Keira should say that the State's growth for the last quarter was 10 times the rate of Victoria's. That is what he should be doing. This Government is very proud to be overseeing a great time in our economy and a great time to invest in infrastructure. That is what this Government will continue to do for the people of this State.

LOCAL GOVERNMENT AMALGAMATIONS

Mr LUKE FOLEY (Auburn) (14:38): My question is directed to the Premier. Why will he not release the \$400,000 secret KPMG report and all documents associated with its commissioning?

Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (14:38): What I love about the Leader of the Opposition is his homework, which is unbelievable. He does so much hard work! Okay, I am joking. Before asking that type of question, there would be a couple of things that you should do. For example, you might go tap, tap, tap on the keyboard and type in "nsw.gov.au". You might look at the Government's website and see among many things there the KPMG statement issued in relation to this: "KPMG confirms that all outputs from KPMG's analysis of the NSW Government's merger proposals are publicly available on the New South Wales Government website".

The SPEAKER: Members who continue to interject will be called to order and may be removed from the Chamber. I call the member for Bankstown to order for the second time. The Premier has the call.

Mr MIKE BAIRD: It is the secret for Opposition members that there is a thing called the "internet" where they can look things up and do research. The Opposition can talk about conspiracy, but just think about the great news for the people of this State.

Mr Michael Daley: Point of order—

The SPEAKER: I cannot think what it would relate to. If it is relevance, it will be ruled out of order.

Mr Michael Daley: It is quite a simple matter, Madam Speaker.

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

Mr Michael Daley: My point or order relates to Standing Order 129.

The SPEAKER: That is the only one you can think of, usually. The member for Maroubra will resume his seat.

Mr Michael Daley: The report is still a big secret. Why won't the Premier just release the report.

The SPEAKER: The Premier is being completely relevant.

Mr Michael Daley: Just cough it up, Mike.

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

Mr MIKE BAIRD: The member for Maroubra is looking good. Last week he was bringing Opposition members together saying, "Come on, team, we need to stay as one—right behind me, not the Leader."

Mr Michael Daley: Point of order: My point of order relates to Standing Order 129.

The SPEAKER: The Premier has been relevant.

Mr Michael Daley: The question was not about what I did last week.

The SPEAKER: The member for Maroubra will resume his seat and remain silent.

Mr Michael Daley: The question is about why the Premier will not release the report.

The SPEAKER: The member for Maroubra will resume his seat.

Mr Michael Daley: Madam Speaker, direct the Premier to answer the question. What is the secret?

The SPEAKER: The member for Maroubra will resume his seat. I call the member for Maroubra to order for the second time. The Premier answered the question and remains relevant to the question the member for Maroubra asked.

Mr Michael Daley: What I did last week is not relevant to the question.

The SPEAKER: But the member for Maroubra is relevant to the question. The member for Maroubra asked the question. That makes him relevant.

Mr MIKE BAIRD: Madam Speaker, that is exactly right.

Mr Luke Foley: I asked the question.

The SPEAKER: It is the same thing: The Leader of the Opposition and the member for Maroubra sit together, look the same and act the same. The Premier has the call.

Mr Luke Foley: Point of order.

The SPEAKER: Does the Leader of the Opposition take offence?

Mr Luke Foley: Madam Speaker, we are very happy you are not refereeing tonight's game.

The SPEAKER: The Premier has the call. The member for Drummoyne will refrain from doing whatever it is he is doing.

Mr MIKE BAIRD: I encourage Opposition members to look on the Government's website to see all the outputs in relation to the KPMG reports, which are publicly available.

Ms Jo Haylen: And all their assumptions are in the report?

The SPEAKER: I call the member for Summer Hill to order for the first time. Her interjections yesterday would warrant the member quickly being placed on three calls to order and removed from the Chamber. I call the member for Summer Hill to order for the second time for continuing to interject.

Mr MIKE BAIRD: While Labor Opposition members again will stand against reform, saving proposals and actually doing something about infrastructure, this Government is determined to do the right thing by the people of New South Wales.

The SPEAKER: I call the member for Maitland to order for the first time. What is the member for Cessnock doing?

Mr Clayton Barr: The Premier said I could google it and I can't. I just want to the Premier to show me.

The SPEAKER: The member for Cessnock should contact IT Services and get some lessons.

Mr MIKE BAIRD: The member for Cessnock needs to get onto an internet server, and that will help him. I do not wish to draw attention to the challenges faced by the member for Cessnock because he is actually a good bloke; I am sure somebody will be able to help him. This Government is determined to do the right thing by the people of this State—and that is exactly what this Government will continue to do.

The SPEAKER: I remind members that several of them are already on calls to order. All members who have been called to order are placed on three calls to order.

OPAL CARD

Ms MELANIE GIBBONS (Holsworthy) (14:43): My question is addressed to the Minister for Transport and Infrastructure. How is the Government encouraging more people to use public transport through its Opal ticketing system?

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (14:44): I thank the good member for Holsworthy for her question and I recognise her as a fierce advocate for public transport. On Monday she and I attended the opening of the Holsworthy commuter car park that will mean commuters have access to an additional 460 car spaces. This comes at a time when the Government is investing heavily in commuter car parks, particularly in Western Sydney.

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

Mr ANDREW CONSTANCE: There is no doubt that the Opal card is an enormous success. Some 960,000 seniors have been issued with Opal cards and more than 6.5 million cards have been issued across the network, which shows that New South Wales residents have adopted the new technology with glee. Since the introduction of the card the Government has made sure that the uptake has expanded at the same time as services have expanded across the network. There are now some 14,500 additional weekly services since this Government came to office. In the past couple of weeks I have announced changes to the fare structure for the Opal card. We did so for a number of sensible reasons.

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

Mr ANDREW CONSTANCE: The changes include the introduction for the first time of a \$2 transfer discount to incentivise commuters who use various modes of transport and can benefit from the interchange discount. This is designed to improve service delivery and commuter flow across the city as we get more people onto public transport. Incentives in other jurisdictions have encouraged greater use of public transport—in fact, when the interchange discount was introduced for New York public transport there was an increase in bus patronage of around 40 per cent. We know that commuters across the city will benefit from the transfer discount. For example, commuters from Northmead, in the electorate of the member for Parramatta, who catch a bus and then a train can save in the order of \$11 per week as a result of the introduction of that incentive. It was somewhat galling that in the six months leading up to my announcement members of the Labor Party ran around the city, particularly Western Sydney, claiming that fares would increase by some 40 per cent, or \$1,000. They told the seniors community that we were going to do away with the \$2.50 fare structure.

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

Mr ANDREW CONSTANCE: Guess what? The Government put in a fare freeze and ensured that the Gold Opal card fare remained at \$2.50. Those opposite stand condemned for their behaviour. In here they smear and out there they spread fear. The net result is that they have egg all over their faces. We have frozen fares and maintained the caps on daily and weekly fares—at the daily level at \$15 and at the weekly level at \$60. We have kept the \$2.50 fare on Sundays. Those opposite tried to whip up fear about fare increases of \$1,000.

The SPEAKER: Order! Opposition members will come to order. Those who are not interested in the proceedings may leave the Chamber.

Mr ANDREW CONSTANCE: The Leader of the Opposition made silly claims about 38 per cent to 39 per cent fare hikes. We were never going to do that to commuters—never, ever.

Ms Jodi McKay: Only for a year.

Mr ANDREW CONSTANCE: The member opposite says, "Only for a year." That comes from a party that increased fares by 87 per cent when it was in office. The Labor Party increased the Pensioner Excursion ticket from \$1.10 to \$2.50 one way, and yet the member opposite has the hide to come out with a silly interjection like that. The member looks like a goose because she has been running around making silly claims and telling bare-faced lies to the community. That is what galls us. Those opposite said fares would go up by \$1,000 but they were wrong. They said that pensioners would have to pay \$3.60 and they were wrong.

Ms Jodi McKay: Point of order—

The SPEAKER: Order! The member for Strathfield will not shout at the Minister.

Mr ANDREW CONSTANCE: The member is about to get cranky with me.

The SPEAKER: Order! The Minister will resume his seat.

Ms Jodi McKay: Madam Speaker, I ask that you ask the Minister to withdraw his comments in relation to bald-face lying. "Lying" is an unparliamentary term. It is important that members use appropriate language in this place. I ask him to withdraw that comment.

The SPEAKER: Order! The member for Strathfield will resume her seat. That is up to the Minister. The term "lie" has always been considered to be unparliamentary. Will the Minister withdraw that comment?

Mr ANDREW CONSTANCE: I apologise profusely to the good member, but she said there was a focus on slugging pensioners. The Government had no intention of slugging pensioners. Who is not telling the truth? [*Extension of time*]

The member for Strathfield said that we were going to slug pensioners. That is absolutely untrue. The Leader of the Opposition said that the \$2.50 ticket was finished—also untrue.

Ms Yasmin Catley: Point of order: Madam Speaker, you asked the Minister to withdraw his comment and he did not do so. He said, "I apologise." I ask you to ask him to withdraw.

The SPEAKER: Order! The member for Swansea will resume her seat. I asked the Minister to withdraw the comment.

Mr ANDREW CONSTANCE: I did say I was sorry and I withdraw my comment calling the member a liar. If those opposite are going to tell the community untruths then they should not get upset when I start to fire their words back at them. They get fired up over nothing. They made claims and were caught out. That is why this Government received endorsements from everyone from the Combined Pensioners and Superannuants Association of NSW to the Sydney Business Chamber in relation to these fare changes. The changes are designed to improve commuter flow across the city and to make it equitable for commuters. We have kept the caps in place—so the good member from the Central Coast who made accusations against me three weeks ago has been proven wrong. We have kept downward pressure on prices for commuters. We are excited about the transfer discount. I know that commuters will continue to use public transport, despite the claims of those opposite.

LOCAL GOVERNMENT AND PROPERTY DEVELOPERS

Ms JULIA FINN (Granville) (14:51): My question is directed to the Premier. Why will the Government not legislate to ban property developers and real estate agents, such as former Liberal Mayor of Auburn Ronney Oueik, from sitting on local councils?

The SPEAKER: Order! The member for Rockdale will cease interjecting. The Premier has the call.

Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (14:52): I should be excused for being fatigued by taking ethics lessons from the Labor Party. The integrity of local government is an important issue, and we have responded to it. We have outlined a number of reforms, not the least of which is protections against anyone with an interest. The member's question relates to property developers. We are introducing legislation to ensure that if anyone on a council has an interest in any way not only that person cannot consider the application but also the entire council cannot consider it. That is the sort of reform we have introduced.

We think it is better to have those protections rather than selecting individual professions for exclusion. Where do you stop in relation to individual professions? If someone has a personal interest and could benefit they must be excluded and the entire council must be excluded. We think that is an appropriate measure together with other measures detailed by the Minister for Local Government. We understand the concerns that have been raised and we have responded with an integrity package that we hope the Opposition will support. We think this package

will strengthen local government, which is a good thing. We have understood the community's concern and put forward a package. I look forward to the Opposition's support for our package.

COASTAL MANAGEMENT AND PLANNING

Mr STEPHEN BROMHEAD (Myall Lakes) (14:53): My question is addressed to the Minister for Planning, and passionate Blues supporter. How is the Government leading the nation in coastal management and futureproofing our saltwater economy?

Mr ROB STOKES (Pittwater—Minister for Planning) (14:54): Hello everyone. I thank the member for Myall Lakes for his question. The member is a passionate coastal dweller. He has a terrific part of the mid North Coast to look after in his electorate, from Mungo to the Manning. I thank him for caring for that part of the coast. I have it on good authority—from the Minister for Finance, Services and Property—that the member's favourite movie is *Beaches*, starring Bette Midler and the talented Barbara Hershey.

The SPEAKER: Order! There is too much audible conversation in the Chamber. Members will come to order. If they do not come to order they will be removed from the Chamber.

Mr ROB STOKES: I thought that was an appropriate observation. I note also that the member for Coojee gave notice of a motion to be debated in this place in relation to World Oceans Day, which is next week. So it is appropriate that the member for Myall Lakes has asked about coastal management and planning. This Government cares deeply about the coast and, to use surfing parlance that the member for Bega will understand, last night we passed legislation that is fully sick and totally offshore. Through our new coastal management approach we have introduced world-leading scientific knowledge into coastal planning and coastal management processes. This is the first time in the world that legislation includes the concept of sediment compartments as a key measure in corralling the resources we need to manage the coastline properly and protect the surf zones, beaches and coastal communities that rely on the saltwater economy of our coast. Importantly, it will protect our beaches.

Sediment compartments relate to the body of submarine sand off the beach that is crucial to providing a source of protection for beaches and for coastal dwellers. Its importance in geomorphology can be compared to the discovery of the importance of wetlands in cleaning our waterways. Offshore sand sources are a critical part of maintaining our coast and soft engineering is critical to managing a dynamic and ambulatory coastline. Another world-leading element of the legislation is that for first time in a land use planning context there is reference to the surf zone and the need to plan to protect that zone. The surf zone is an important element of the beach. It draws people to the beach and is an important tourism asset for the State. Just as it is important to protect beachside communities and manage the coastline, it is also important to remember our obligation to look after the surf zone.

I thank members of the Government and the crossbench for supporting this world-leading legislation. It makes it all the more puzzling as to why those opposite opposed the bill. So I sought to understand the reasons for their opposition. I noted that a member opposite pointed out their concern with the requirement "for local councils to prepare coastal management plans because they will need resources to enable them to do so". We agree, and that is why we have introduced the largest funding boost for coastal management to do works to ensure that coastal communities are managed and protected properly. It is the largest injection of funds since the 1970s.

Another member noted that they do not support the bill because Labor tried "amending the bill so that management of climate change impacts becomes part of the objects of the Act". That puzzled me because the objects of the Act include "to mitigate current and future risk from coastal hazards taking into account the effects of climate change". It is confusing to oppose a bill on the basis that something is not in it when it is. The third objection that I thought puzzling was the haste with which the bill had been brought into the Parliament, "with little time for close consideration by members of the community". That is particularly puzzling. The member went so far as to refer it as a "legislative ambush". [*Extension of time*]

That is confusing because the bill has been on public exhibition since November last year. I know that those opposite are slow readers and have difficulty finding the internet.

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

Mr ROB STOKES: It is difficult to suggest that a reason for opposing the bill is that it was introduced in haste when it is not a very long bill.

Mr Paul Lynch: Point of order: It is outside the leave of answers during question time to give a speech in reply to legislation that has passed through the House.

Mr Brad Hazzard: That standing order doesn't exist any more; read the standing orders.

Mr Paul Lynch: I am happy to take advice from the Clerk.

The SPEAKER: Order! The question was in order and the answer so far has been in order.

Mr ROB STOKES: To put it in surfing terms, we know those who go left tend to be goofy and those opposite are proof of that. The importance of coastal management to our coastal communities cannot be understated. We have 2000 kilometres of exposed coastline. It is generally eroding and communities need to know that there is a proactive plan to ensure that their interests and that of our saltwater community are adequately protected. That is why the Government does not believe there are reasons to delay or to tarry. We are not in the business of waiting for the next east coast low or storms to hit and then reacting; we are on the front foot. We are ensuring that legislation is up to date and that an independent coastal council is reintroduced to provide advice in relation to the best ways to manage our coast.

SYDENHAM TO BANKSTOWN URBAN RENEWAL CORRIDOR

Mr MICHAEL DALEY (Maroubra) (15:01): My question is directed to the Premier. Will the Premier guarantee that any rezoning proposals for the Sydenham to Bankstown corridor will be determined under the local environmental plans that were developed and adopted by democratically elected councillors before he sacked them?

Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (15:01): I will take advice in relation to that question in terms of the project. If there is a State significant project we understand that is with the planning department. With any opportunities we have across the State, we will ensure that the appropriate decisions are made in concert with local communities to deliver great outcomes for them. That is what we will continue to do. Those opposite have what they think is a political opportunity. If we followed what they would have done we know where the State would be. Labor opposed the lease of poles and wires. Those opposite took that position to an election—the member for Maroubra was for it but he was forced into opposing it. Labor campaigned against the lease and, had it won that election, there would be \$20 billion less to invest in infrastructure across the State.

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

Mr MIKE BAIRD: We know where the State would be if Labor members were on this side of the Chamber.

Mr Michael Daley: Point of order: My point of order is under Standing Order 129. I cannot see the word "electricity" in the question.

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

Mr MIKE BAIRD: It is clear to this Chamber and to the State that had Labor won the election there would be \$20 billion less to invest in State infrastructure. The member for Maroubra, as the former shadow Treasurer—before he became the deputy and was dumped from that portfolio by his leader—was against the metro. He said it was not economic. This Government believes the metro will grow this great city. We are happy to invest money in that project because we know the difference it will make to public transport in Sydney. As part of that the precinct of the shadow Minister for Planning and Infrastructure—

Mr Rob Stokes: Promoted.

Mr MIKE BAIRD: I acknowledge that interjection. The opportunities of that site are connected to the investment we are making in public transport. We are proud to be delivering the metro project that Labor members opposed. We also know about the benefits that the member for Bankstown will suddenly enjoy. She spends a lot of time working the numbers back and forth in caucus. We know she is proud of what the metro will do for her community; she cannot believe it. We also know that members opposite would never have delivered the metro. This Government will deliver it and is proud to do so.

MEDICAL RESEARCH

Mr LEE EVANS (Heathcote) (15:04): I address my question to the Minister for Medical Research. How is the Government supporting the future of medical research in New South Wales?

Ms PRU GOWARD (Goulburn—Minister for Mental Health, Minister for Medical Research, Assistant Minister for Health, Minister for Women, and Minister for the Prevention of Domestic Violence and Sexual Assault) (15:04): I thank the member for Heathcote for his question and for his strong interest in and recognition of the importance of medical research. The Premier and I were recently lucky enough to meet David and Beth, the proud parents of three remarkable children; they are wonderful kids. Beth and her children have been diagnosed with genetic retinal dystrophy, which leads to untreatable visual impairments and, sadly, blindness. Understandably, they are excited and hopeful about the future of genomic research. The New South

Wales Government is a strong supporter of genomics research because we know it is critical to the future of medicine.

In April I joined the Premier in announcing six successful grants under the 2015-16 NSW Genomics Collaborative Grants Program at the Kinghorn Centre for Clinical Genomics, which is where we met Beth and her children. These grants are part of the Government's \$24 million commitment to the Sydney Genomics Collaborative. The six grants awarded will support research into blinding retinal dystrophy; Mendelian immunodeficiencies, novel gene identification, and elucidation of immune pathways; discovery of genes for Mendelian disorders; drug-resistant childhood onset epilepsy; exploring the genomic landscape of genetic skeletal disorders; and the clinical application of whole genome studies in patients with inherited cardiomyopathies. These grants are supporting medical research into some of these debilitating genetic conditions and are exploring how patients can benefit from the groundbreaking science of genomics.

It is vital work that will have a real impact on the lives of many people across New South Wales and, indeed, the world. Due to the Government's support, researchers are already exploring better treatments for cancer, mitochondrial disease, inherited heart disease in babies, and schizophrenia. New technological advances are driving the implementation of genomics—the study of an organism's DNA—and shaping the future of traditional genetics disciplines. Genomics makes it possible to better tailor treatment to individual patients based on their unique genetic makeup. Determining a patient's genetic makeup can indicate their chance of developing certain cancers or inform the best screening strategies, and it could suggest more effective targeted treatments. Genomics is changing the future of medicine, and New South Wales is at the forefront of the national and international effort in this field. That means we are delivering better health care to the people of this State.

We in New South Wales know the value of medical research and the impact that it will have on health outcomes. The Government is also investing \$10 million to support early- and mid-career researchers to attract and retain the best and the brightest talent in New South Wales. Incidentally, this investment will also help to retain women in the field of health and medical research. The Government will also invest \$40 million over four years to support health and medical research by NSW Health services. It is our health services that deliver health care and what is needed on the ground. This funding program will see initiatives such as the investment of \$21 million over four years in a new Translational Research Grant Scheme to support health and medical research by NSW Health services. The first round of the scheme opened for applications in January 2016.

The Government will also invest \$9 million over four years to support our pioneering trials into the medicinal use of cannabis; \$2.85 million to improve the timeliness of research ethics approvals and governance; and \$7 million over four years for strategic research enablers. The Government understands the importance of capital investment and ensuring that our researchers have access to world-leading research facilities. That is why it is investing \$70 million to improve research facilities across the State. The Liberal-Nationals Government knows that medical research is critically important to our health system. It is important to every person and every life in New South Wales, and it is especially important to people like David and Beth, who are desperately hoping to save their children from blindness.

HIV STRATEGY

Mr ALEX GREENWICH (Sydney) (15:09): I direct my question to the Minister for Health. What action is the New South Wales Government taking to end HIV?

Ms JILLIAN SKINNER (North Shore—Minister for Health) (15:09): I thank the member for Sydney for asking that question. I acknowledge the work that he has done with many other members from across the political spectrum on this very important issue. The member is often at events at which we talk about the Government's latest strategies that are designed to end the transmission of HIV by 2020. The NSW HIV Strategy that I released in 2012 led the world. It was based on three principles. Early and frequent testing must be undertaken to identify those who were HIV positive, and early treatment became a preventative measure because it reduced the viral load and those people were no longer infectious. What have we achieved since then? The progress has been remarkable. I congratulate everyone who has worked in this field.

There has been collaboration between non-government organisations, ACON, public sexual health centres, the Commonwealth Government, general practitioners, and all of the community organisations involved in this area. The strategy has had wonderful bipartisan support, as always happens in this field, and New South Wales is now leading the world. This was a bold strategy when it was first released. I took the risk because the science was clear that we could achieve this. I took it to Melbourne for the AIDS congress in 2014, and every State and Territory government and the Commonwealth Government signed it. It is now the basis of every State and Territory strategy. It was also picked up by many health authorities in other countries. I recently took part in a roundtable discussion, based on our strategy, in Beijing under the auspices of the World Health Organisation, and the participants were very interested in what we had achieved. We have made remarkable progress.

The latest statistics available relate to 2015. They indicate that almost 500,000 HIV tests were undertaken in New South Wales that year, which is an increase of 77 per cent on the previous year and nearly 20 per cent more than were undertaken in 2012. More than 45,000 HIV tests were conducted in New South Wales public sexual health clinics, which is an increase of 32 per cent on the previous year. HIV tests of gay and homosexually active people in New South Wales public sexual health clinics increased by 64 per cent compared to the previous year. In addition, advances in treatment have been groundbreaking. Prior to the introduction of this strategy, treatment was delayed until people reached a certain level of infection. Research and evidence indicated that early treatment was the best approach.

Since then, 92 per cent of people with HIV receiving care in public HIV services were undergoing treatment in 2015. That is an astonishing figure. In addition, 82 per cent of people newly diagnosed with HIV in New South Wales in the first half of 2015 had commenced treatment within six months. It was recently announced that the Government would extend the trial of pre-exposure prophylaxis for HIV negative people at high risk of becoming infected. The trial is being conducted by the Kirby Institute and already we have engaged more than 1,200 people. The target is 3,700 by the end of the year. It is estimated that at that point there will be a 50 per cent reduction in HIV infection and transmission in the community. That is why I am confident that we will meet our target of virtually ending the transmission of HIV by 2020. As I said to the media at that launch, and as I often say to those who work so tirelessly in this space, as health Minister there are many things that I can say I have achieved but it will be my greatest achievement if I can end the transmission of this terrible disease, HIV, by 2020.

The SPEAKER: I cannot understand why members would have any reason for humour or to interject during that answer or the previous one.

BUSINESS GROWTH INCENTIVES

Mr GARETH WARD (Kiama) (15:14): My question is addressed to the Minister for Finance, Services and Property. What measures has the Government undertaken to secure the future of business in New South Wales and is the Minister aware of any alternative policies?

Mr DOMINIC PERROTTET (Hawkesbury—Minister for Finance, Services and Property) (15:15): I thank the member for Kiama for his question. There is no doubt that the Baird-Grant Government has made business in this State great again. The Government is abolishing business taxes. We have offered payroll tax rebates, and we are reducing the cost of doing business by slashing workers compensation premiums. We are making it simpler to start up a business by reducing red tape and regulation, and we have created the economic conditions for more than 300,000 new jobs in this State, with even more to come through Jobs NSW.

The Government is doing this because we stand for free markets, free enterprise and the power of capital. We know that economic benefits flow from one thing, that is, growth. Growth comes from innovation and productivity, from being unshackled from red tape and from being given economic freedom. In response to the question, I am aware of some alternative approaches. Just the other day I was reading one of my favourite newspapers, the *Illawarra Mercury*, and I came across the shadow Treasurer's brand-new economic policy.

The SPEAKER: I remind members that many of them are on three calls to order.

Mr DOMINIC PERROTTET: The member for Keira wants to intervene in the market. He wants to put our free trade agreements at risk by, as he says, mandating 90 per cent use of Australian-made steel in government infrastructure programs.

The SPEAKER: I remind the member for Keira that he is on three calls to order.

Mr DOMINIC PERROTTET: It sounds good, but it is typical Labor—stuck in the 1960s time warp of central planning, protectionist policies and the forcible redistribution of wealth. Labor members can use big government mandates and interfere in the free market all they want.

The SPEAKER: I warn members they will be removed from the House for the rest of the day if they continue to interject.

Mr DOMINIC PERROTTET: But the truth is that it is through the sound economic management of the Baird-Grant Coalition that the New South Wales Government has become the largest customer of Australian steel in the entire country. Why is that? Because we actually build things. A \$65 billion infrastructure agenda brings with it a lot of steel. Projects like the M4 widening and the Gerringong and Berry bypasses, as the member for Kiama knows very well, all use majority Australian steel. What would a 90 per cent Australian steel mandate look like in Labor projects. How much Australian steel would a 90 per cent mandate get you in Labor's Rozelle Metro? Nothing. How much would a 90 per cent mandate get you in Labor's four-times promised, never delivered North West Metro? Nothing. How much Australian steel would a 90 per cent mandate get you in Labor's plan to scrap WestConnex? Nothing. The problem for Labor is that steel is not needed in building glossy brochures.

The SPEAKER: Order! I direct the Deputy Serjeant-at-Arms to remove the member for Keira from the Chamber for the remainder of the day.

[Pursuant to standing order the member for Keira left the Chamber at 15:19 accompanied by the Deputy Serjeant-at-Arms.]

Mr DOMINIC PERROTTET: The lesson for the member for Keira is 90 per cent of nothing is still nothing. This Government knows what assists the steel industry: reducing the cost of business. That is why we have provided \$60 million in payroll tax relief to BlueScope Steel. We know that more money in the hands of business means more jobs and more growth.

The SPEAKER: Order! I remind members who have been called to order that they are on three calls to order. If they continue to interject they will be removed from the Chamber for the rest of the day.

Mr DOMINIC PERROTTET: On the other hand, Labor is not only opposing cutting company tax, it is advocating for more tax on the steel industry, including the reintroduction of the carbon tax, which will have a crippling effect on the industry. Where did the member for Keira actually get this silly idea? Did he come up with it himself? No, he "stealed" it from The Greens. *[Extension of time]*

Last month, The Greens said they would like to see all government infrastructure and construction projects using at least 90 per cent locally produced steel. That is fresh off the press last month. The member for Keira is no Iron Man, he is the Illawarra Stealer. At a time when Labor members, during a Federal election campaign, are running around saying how radical and extreme "our good friends The Greens" are, they are stealing The Greens policies because they are worried that their donations from the Australian Workers Union will go to The Greens. Those opposite need to learn that economic freedom produces growth, growth produces prosperity, and prosperity is good both for business and for workers. In the words of that great Labor Prime Minister Julia Gillard:

... we won't go down protectionist paths. It's bad for Australia, it's bad for Australian jobs.

This Government will keep building billions of dollars worth of infrastructure, we will keep creating thousands of new jobs, we will keep reducing the cost of doing business in this State and, most importantly, we will keep using more Australian steel than ever before.

The SPEAKER: The time for questions has concluded.

Committees

STAYSAFE (JOINT STANDING COMMITTEE ON ROAD SAFETY)

Response

The CLERK: I announce the receipt of the Government response to Report No. 1/56 of the Joint Standing Committee on Road Safety, entitled "Inquiry into motorcycle safety in NSW", received out of session on 23 May 2016 and authorised to be printed.

COMMITTEE ON THE OMBUDSMAN, THE POLICE INTEGRITY COMMISSION AND THE CRIME COMMISSION

Reference

Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (15:22): By leave: I move:

(1) This House refers:

- the statutory review of the Public Interest Disclosures Act 1994 under section 32 of that Act; and
- the Public Interest Disclosures Steering Committee's Review of the Commonwealth Public Interest Disclosure Legislation dated January 2014, for consideration as part of that statutory review, to the Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission.

(2) A message be sent to the Legislative Council requesting it pass a similar resolution.

Motion agreed to.

Petitions

PETITIONS

The SPEAKER: I announce that the following petition signed by more than 10,000 persons has been lodged for presentation:

Warners Bay Traffic Lights

Petition requesting the installation of traffic lights at the intersection of Macquarie Road, Hillsborough Road and Metcalf Street in Warners Bay, received from **Ms Jodie Harrison**.

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

The CLERK: I announce that the following petitions signed by fewer than 500 persons have been lodged for presentation:

Powerhouse Museum Ultimo

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

Safe Schools Coalition

Petition requesting that the Government prevent the use of the Safe Schools Coalition program in government schools and support for holistic anti-bullying approaches, received from **Mr Thomas George**.

Inner-city Social Housing

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

Pet Shops

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

Business of the House

WORLD ENVIRONMENT DAY AND WORLD OCEANS DAY

Precedence

Mr BRUCE NOTLEY-SMITH (Coogee) (15:24): I move:

That the General Business Notice of Motion (General Notice) given by me this day [World Environment Day and World Oceans Day] have precedence on Thursday 2 June 2016.

Consideration of this motion must be given precedence because this Sunday, 5 June, is World Environment Day and next Wednesday, 8 June, is World Oceans Day. This motion must be given precedence so the attention of this House can be drawn to the Government's commitment to introduce a full refund Container Deposit Scheme to tackle litter in our environment and to reduce the impacts of plastics in our oceans, waterways, parks and public places. Disposal of used drink containers is a major issue for our environment and the New South Wales Government is taking action to address this problem.

The SPEAKER: There are too many audible conversations in the Chamber.

Mr BRUCE NOTLEY-SMITH: Drink containers currently account for 45 per cent of the litter volume polluting our public places, including our beaches, roads, parks and waterways. It is estimated that 160 million drink containers are littered throughout New South Wales each year. Drink containers consumed away from home too often end up as litter in our local environment. On 8 May, the Premier and the Minister for the Environment announced that the New South Wales Government would introduce a refund Container Deposit Scheme, commencing on 1 July 2017. Introducing a cost-effective and efficient Container Deposit Scheme from July 2017 will play an important role in reducing the amount of litter in our environment.

The Government has clearly demonstrated its commitment to tackle litter through the Premier's priority goal of reducing litter volume by 40 per cent by 2020. The introduction of a Container Deposit Scheme, which is the largest litter reduction initiative ever introduced in New South Wales, will be a critical component of the Government's strategy for meeting this target. Ahead of World Environment Day and World Oceans Day, it is important that we put before the House the measures that this Government has put in place to protect our natural environment. The cost of the community littering goes beyond visual pollution.

It is important to note that the New South Wales community is currently spending more than \$162 million each year on managing and cleaning up litter. This Government's Container Deposit Scheme will incentivise families, community groups and charities—every person in New South Wales—to do the right thing and recycle their container waste. It is an initiative that I am passionate about and as a long-time advocate I can categorically declare that the Government's refund Container Deposit Scheme deserves this House's attention, ahead of World Environment Day this Sunday and World Oceans Day next Wednesday.

TAFE NSW**Precedence**

Mr TIM CRAKANTHORP (Newcastle) (15:28): I move:

That the General Business Notice of Motion (General Notice) given by me earlier today [TAFE NSW] have precedence on Thursday 2 June 2016.

The House should consider my motion because it goes to the core of future vocational education and training [VET] in New South Wales.

The SPEAKER: Order! There will be no interjections during the reordering of general business.

Mr TIM CRAKANTHORP: TAFE NSW is being decimated by those opposite and there is no greater example of this than the figures quoted from a freedom of information application under the Government Information (Public Access) Act by the *Newcastle Herald*. In 2012, Hunter TAFE had 64,400 students and a healthy range of courses. As of April this year, it had only 24,200 students. That is more than 40,000 fewer enrolments, and 10,000 fewer per annum. If we keep going at this rate, in two years time there will be no-one there.

The Baird Government has slashed and burned its way through this institution, cutting course options, firing dedicated staff and hiking up fees way past what students can afford. Students have had to change their career options or simply give up. There are now fears that an entire generation of youth in the Hunter will miss out on a vital education. Where are all the aspiring plumbers, electricians, cooks and hairdressers going to go for their education? It is not only tradies who will miss out. Last week staff in my office were talking to Sarah Walker, a teacher who works with men and women who want to be admitted to the fighter pilot program at Williamtown Royal Australian Air Force base.

In order to enrol in that course applicants must have finished their Higher School Certificate or tertiary preparation certificate majoring in chemistry and physics. Given the recent cuts, those subjects are no longer offered at TAFE and that teacher is no longer there because she is a victim of the 120 staff cuts. This Government does not appreciate the importance of TAFE to the Hunter to train people in the trades that are vital to our region. We already lose so many young people in their 20s to Sydney and this will make it much worse.

The SPEAKER: There are too many audible conversations in the Chamber.

Mr TIM CRAKANTHORP: Minister Barilaro has admitted there is a long-term decline in short course enrolments across the State. He said enrolments in such courses have decreased by more than 110 per cent. Unfortunately, other providers are not filling the gap. In fact, companies such as Aspire in Newcastle have collapsed. This is not a new subject for those on this side of Parliament. Prue Car visited the Hunter TAFE campus where she spoke to hospitality staff who are worried about their jobs and to students who have to drop out after years of study in their chosen courses. This Government needs to support Labor's bill which will guarantee 70 per cent of VET funding for TAFE. It is time to save TAFE. It is too good to lose, yet this Government is killing it. The Government is on a crash course and the Hunter has been cut to the bone.

The SPEAKER: The question is that the notice of motion of the member for Coogee have precedence on Thursday 2 June 2106.

The House divided.

Ayes48
Noes32
Majority.....16

AYES

Dr Lee
Mr Barilaro
Mr Constance
Mr Dominello
Mr Fraser
Mr Gulaptis
Mr Humphries
Mr Maguire
Mr O'Dea
Mr Piccoli
Mr Sidoti

Mr Anderson
Mr Bromhead (teller)
Mr Coure
Mr Elliott
Mr George
Mr Hazzard
Mr Johnsen
Mr Marshall
Mr Patterson (teller)
Mr Provest
Mr Speakman

Mr Aplin
Mr Conolly
Mr Crouch
Mr Evans
Mr Grant
Mr Henskens
Mr Kean
Mr Notley-Smith
Mr Perrottet
Mr Rowell
Mr Stokes

AYES

Mr Taylor
Mr Ward
Ms Davies
Ms Hodgkinson
Ms Skinner

Mr Toole
Mr Williams
Ms Gibbons
Ms Pavey
Ms Upton

Mr Tudehope
Ms Berejiklian
Ms Goward
Ms Petinos
Ms Williams

NOES

Dr McDermott
Mr Chanthivong
Mr Dib
Mr Hoenig
Mr Lynch
Mr Parker
Mr Warren (teller)
Ms Car
Ms Finn
Ms Hornery
Ms T. F. Smith

Mr Atalla
Mr Crakanthorp
Mr Greenwich
Mr Kamper
Mr Mehan
Mr Piper
Mr Zangari
Ms Catley
Ms Harrison
Ms McKay
Ms Washington

Mr Barr
Mr Daley
Mr Harris
Mr Lalich (teller)
Mr Minns
Mr Robertson
Ms Aitchison
Ms Doyle
Ms Haylen
Ms Mihailuk

PAIRS

Mr Ayres
Ms Watson

Ms Hay
Mr Roberts

Mr Baird
Ms K. Smith

Motion agreed to.*Motions Accorded Priority***WESTCONNEX****Consideration**

Dr GEOFF LEE (Parramatta) (15:37): This motion deserves priority because WestConnex is the largest and most crucial road project in Australia. WestConnex will transform the way motorists move around Sydney. When I look at those on the opposite side of the Chamber I wonder what they will do. Will they explain to residents in their electorates why they do not support WestConnex? The people in Western Sydney deserve to have a proper road network. If you jump on the road at Parramatta you can cruise along. It is wonderful, and I thank the Premier for starting those works already. There are great businesses there.

Mr John Robertson: Which part of the WestConnex will you drive onto? Do you get on at James Ruse Drive?

Dr GEOFF LEE: The member for Blacktown is chirping up. He is like a little chipmunk when he goes "Chirp, chirp, chirp". How will he explain to his residents that they will have to sit in traffic for hours and hours when they could spend their time better at home? It would be embarrassing. I bet that even he does not attempt to explain that.

Mr John Robertson: You are going to make them pay to sit on it.

Dr GEOFF LEE: The Government is proud to deliver WestConnex. We have started on that project. As everybody knows, if you drive from Parramatta, when you get to Concord the traffic stops. People are spending hours and hours in the traffic every day. We need a world-class motor network to get people around Sydney. The M4 is now a parking lot. That is why need WestConnex. Once it is fully completed WestConnex will deliver a \$20 billion economic gain. We must futureproof Western Sydney and the whole of Sydney. That is why improving the road network is so important. It is a missing link that this Government is committed to fixing. One only has to drive along that road to see the great works of the contractors. Thousands of people—220,000 people—use that road every day.

The DEPUTY SPEAKER: I call the member for Blacktown to order for the first time.

Dr GEOFF LEE: I would like to see those on the opposite side of the Chamber explain to residents in their electorates why they would condemn them to sitting in traffic rather than getting to work or spending time with their families, friends and loved ones.

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

Dr GEOFF LEE: They could be spending their time better. Those on this side of the House care about the people of Western Sydney. We will not back down; we will not let them down. The Government will deliver WestConnex. That is why this motion deserves priority.

The DEPUTY SPEAKER: Before I call the member for Kogarah to give reasons as to why his motion should be accorded priority, I remind members that 12 of them have been called to order on three occasions and that two of them have been called to order on two occasions.

LOCAL GOVERNMENT AMALGAMATIONS

Consideration

Mr CHRIS MINNS (Kogarah) (15:41): My motion deserves to be accorded priority because effectively I am asking the House, including members opposite, to recognise the words of a Federal Liberal candidate, the member for Barton.

Mr Mark Coure: Who is that?

Mr CHRIS MINNS: The member for Oatley knows who Nick Varvaris is. I dare say there has never been a better time to support an Opposition motion, because my motion asks the House to consider the words of Nick Varvaris when he said that the merger proposal would provide "nothing but personal political benefit to a small cabal". He continued by speaking about Paul Toole. That little fellow often misses out but he was mentioned by Nick Varvaris, who said that Paul Toole and the New South Wales Government have shown contempt towards the electorate. That was not said by anyone on this side of the Chamber, but by a Federal Liberal candidate.

I came into this Chamber 12 months ago, and since that time we have had endless sermons from the Premier of New South Wales telling members on this side of the House that we should act in a bipartisan way in relation to council amalgamations. Most of the politicians in St George took the Premier at his word. I may be naïve; I am not used to the cynical nature of politics in this State. When the Premier spoke about bipartisanship in relation to council mergers the people of St George took him at his word and we proposed a St George council.

The State member for Rockdale, the State member for Kogarah, the Federal member for Barton and the mayors of the local communities looked at the economies of scale and the efficiencies and said, "Yes, we are up for that." We presented that proposal to the New South Wales Government, but something was not right. It did not quite fit with "colonel" Coure's view of the St George region. The truth is that Nick Varvaris has belled the cat about this Government's secret political agenda. It is not about efficiencies or economies of scale; it is simply about pushing the personal interests of a small group of political apparatchiks in the Liberal Party of New South Wales. That is what this reform is all about.

This reform is not about efficiency. If the goal of the reform were efficiency the Government would support a St George council. It is not about economies of scale. If the goal of the reform were to achieve economies of scale the Government would merge Hurstville, Kogarah and Rockdale. Council amalgamations are simply about making sure that members of the Liberal Party get a better run in the local government elections in two years' time. Nick Varvaris has decided to bell the cat. Despite everything I have said about Nick Varvaris I will end with a personal request that everybody in Kogarah support Linda Burney on 2 July. I encourage members to support my motion. It was effectively moved by Nickolas Varvaris, the member for Barton.

The DEPUTY SPEAKER: I call the member for Blacktown to order for the third time. The question is that the motion of the member for Parramatta be accorded priority.

The House divided.

Ayes47
Noes33
Majority.....14

AYES

Mr Lee
Mr Barilaro
Mr Constance
Mr Dominello

Mr Anderson
Mr Bromhead (teller)
Mr Coure
Mr Elliott

Mr Aplin
Mr Conolly
Mr Crouch
Mr Evans

AYES

Mr Fraser	Mr Grant	Mr Gulaptis
Mr Hazzard	Mr Henskens	Mr Humphries
Mr Johnsen	Mr Kean	Mr Maguire
Mr Marshall	Mr Notley-Smith	Mr O'Dea
Mr Patterson (teller)	Mr Perrottet	Mr Piccoli
Mr Provest	Mr Roberts	Mr Rowell
Mr Sidoti	Mr Speakman	Mr Stokes
Mr Taylor	Mr Toole	Mr Tudehope
Mr Ward	Mr Williams	Ms Berejiklian
Ms Davies	Ms Gibbons	Ms Goward
Ms Pavey	Ms Petinos	Ms Skinner
Ms Upton	Ms Williams	

NOES

Dr McDermott	Mr Atalla	Mr Barr
Mr Chanthivong	Mr Crakanthorp	Mr Daley
Mr Dib	Mr Greenwich	Mr Harris
Mr Hoenig	Mr Kamper	Mr Lalich (teller)
Mr Lynch	Mr Mehan	Mr Minns
Mr Parker	Mr Piper	Mr Robertson
Mr Warren (teller)	Mr Zangari	Ms Aitchison
Ms Car	Ms Catley	Ms Doyle
Ms Finn	Ms Harrison	Ms Haylen
Ms Hornery	Ms Leong	Ms McKay
Ms Mihailuk	Ms T. F. Smith	Ms Washington

PAIRS

Mr Ayres	Mr Foley	Mr Baird
Ms Hay	Ms Hancock	Ms K. Smith
Ms Hodgkinson	Ms Watson	

Question resolved in the affirmative.**WESTCONNEX****Priority**

Dr GEOFF LEE (Parramatta) (15:50): I move:

That this House:

- (1) Supports WestConnex, the biggest road infrastructure project in Australia.
- (2) Notes the travel improvements that will be delivered to commuters living in the electorates of Auburn, Blacktown, Blue Mountains, Drummoyne, East Hills, Granville, Holsworthy, Kogarah, Lakemba, Liverpool, Londonderry, Macquarie Fields, Mount Druitt, Mulgoa, Oatley, Parramatta, Penrith, Prospect, Rockdale, Seven Hills, Strathfield, and Summer Hill.

Even the member for Drummoyne, who will contribute to debate on this motion later, supports WestConnex—and what a great member he has turned out to be. Despite earlier reservations, the member for Drummoyne is quite articulate and passionate about looking after the residents of his electorate. Let us face the facts: People who live in Western Sydney need cars. Just about everybody who lives in Western Sydney needs a car. It is only people who live in the inner city who do not understand that people who live in Western Sydney need their cars. They may not need a car every day, but they need a car to get around. It is simply unfair to condemn people who live in Western Sydney to sitting for hours and hours in traffic every day when that time could be better spent with their families, looking after their families, playing sport or enjoying leisure pursuits. Whatever they choose to do, it will be time better spent than sitting in the parking lot that the M4 has become.

That is why the Government is committed to building WestConnex. Construction has already begun. A quick drive around confirms that already the Government is widening the M4 from Parramatta to Concord.

Motorists can see the big pylons being driven into the ground and the cranes lifting bridge beams. It will not be long before the project is completed. Because WestConnex is the largest infrastructure project in Australia, 10,000 jobs will be created as well as hundreds of apprenticeships, which is particularly important. Government members understand that infrastructure and apprenticeships are important. The WestConnex project will deliver \$20 billion in economic benefits to New South Wales.

Mr John Sidoti: How much?

Dr GEOFF LEE: For the benefit of the member for Drummoyne, I repeat that the project will be worth \$20 billion in economic benefits. The benefits do not stop at providing increased ease with which motorists can drive around Sydney, but include benefits for businesses. Business owners will no longer have to stay in their cars or delivery trucks during traffic jams. In future, they will have more time to meet their customers and spend time with their wonderful families. The Government will free up local roads, such as Parramatta Road. I notice that members of this House who represent inner-city electorates are not present in the Chamber.

Mr John Sidoti: They do not care. They let their communities down.

Dr GEOFF LEE: The member for Drummoyne is absolutely right. Members who represent inner-city electorates want to condemn the residents of their electorates to forever using Parramatta Road as it currently is. Anyone who drives along Parramatta Road knows that it needs to be fixed. It has been stuck in a time warp for nearly 30 years.

Mr John Sidoti: They think the trains can catch the buses.

Dr GEOFF LEE: The member for Drummoyne is exactly right. As a former landscaper, I know that it is very difficult to push a wheelbarrow up the stairs of a bus and later take it out of the bus. We know that you cannot put pine bark in a bus without the driver getting a bit upset.

The DEPUTY SPEAKER: Order!

Dr GEOFF LEE: Those opposite are having their own discussions.

The DEPUTY SPEAKER: Order! The member for Parramatta is not helping. I know that a lot of members who are on calls to order would like to be removed from the Chamber this afternoon. I have had discussions with the Clerk about making them remain in the Chamber. The member for Parramatta will be heard in silence.

Dr GEOFF LEE: I know the member for Strathfield wants WestConnex to happen, but she cannot say that publicly. We know the member for Strathfield cares about her community, but not supporting WestConnex is a travesty. I do not know how the member for Strathfield can sleep at night, unlike the member for Oatley who supports WestConnex to reduce congestion and futureproof Western Sydney. WestConnex will deliver the economic benefits this State deserves. It will enable another 1.5 million people to drive around Sydney.

Mr Mark Coure: Unlike Albanese.

Dr GEOFF LEE: We will get to that later. That is why I moved this motion.

Ms JODI McKAY (Strathfield) (15:56): I move:

That the motion be amended by leaving out all words after "That" with a view to inserting instead:

"this House:

- (1) Notes that the cost of WestConnex has blown out by \$6.8 billion since it was announced in 2012.
- (2) Notes that tolls will be introduced on roads that are currently free and will increase above the consumer price index.
- (3) Notes that the Sydney Motorway Corporation is operating in secrecy.
- (4) Calls on the Government to release all information about WestConnex so that commuters living in the electorates of Auburn, Blacktown, Blue Mountains, Drummoyne, East Hills, Granville, Holsworthy, Kogarah, Lakemba, Liverpool, Londonderry, Macquarie Fields, Mount Druitt, Mulgoa, Oatley, Parramatta, Penrith, Prospect, Rockdale, Seven Hills, Strathfield, and Summer Hill can have confidence in the project."

WestConnex is the largest infrastructure project ever undertaken in New South Wales. The member for Parramatta was right to say that, but that is about all he was right about in his contribution. This is also the worst managed project in the history of New South Wales as evidenced by looking at the projected cost of this project. In 2012 the projected cost was \$10 billion; in 2013 it was \$11.5 billion; in 2014 it was \$14.9 billion; and in 2015 it was \$15.4 billion. Of course, in November 2015 it was projected to be \$16.8 billion. Interestingly the budget is coming up and I would not mind betting that in that budget the cost of WestConnex will have blown out again. I note that the Premier has entered the Chamber to listen to this debate and I hope that he supports the amendments that I have moved.

One issue we have with WestConnex relates to tolls. There will be tolls on roads that have never before been tolled. Motorists, particularly those in Western Sydney, are outraged by the fact that on the M4 there will be a toll, although the last toll on that motorway was removed in 2010. Toll increases will be set above CPI for the first time ever, and making this worse is that these concessional agreements will be in place until 2060, which means that for 43 years we will have an agreement for a toll on the M4. Weekly commuters travelling from Western Sydney into the city will pay an extra \$2,000 a year. That is being supported by the member for Parramatta.

There is still no confirmation about how this project will be paid for. The route of the project is constantly changing. The original premise for WestConnex was that it would be used by traffic from the port. This Government still does not know how to connect the M5 to the port. The Government does not know whether there will be an interchange at Camperdown and we still do not know whether the third stage will go under the harbour to the Northern Beaches. The Government is making it up as it goes. Given that the M4 East travels through my electorate, I note that property acquisitions have become a major headache for residents of my community.

The David Russell report was completed in 2012 and it recommended ways to improve the compulsory acquisition process. The Government has refused to release that report and in the meantime there are 184 properties up for compulsory acquisition in my electorate and the electorate of Summer Hill. This is causing enormous anxiety for those residents. The Government has established the Sydney Motorway Corporation [SMC]. The largest project in the history of New South Wales, worth \$16.8 billion, is being managed by this private entity. That means that this private entity is not subject to the Government Information (Public Access) Act.

We tried to amend the Act in the belief the Government was genuine in its desire to ensure this project would be well managed, but this was not the case because the Government denied us from including the Sydney Motorway Corporation within freedom of information laws. Although this is the largest infrastructure project in New South Wales history no-one can access information about the project. The SMC is not subject to freedom of information laws, so the entire project is occurring in absolute secrecy. Last week we welcomed the Commonwealth Auditor-General's involvement in this project by reviewing the Commonwealth's contribution to the project. I have written to the New South Wales Auditor-General to ask her also to look at this project. This important project is being very badly managed, which is why I seek to amend this motion and hope that those opposite will support my amendments. *[Time expired.]*

Mr JOHN SIDOTI (Drummoyne) (16:01): The Government supports the motion of the member for Parramatta as WestConnex is a key issue for Western Sydney. I have not worked out the position of the member for Strathfield on this project: She is for it; she is against it. I was happy to be called by a constituent of the member for Strathfield recently to address a problem. The constituent wanted to know what a member of Parliament looks like and I was happy to oblige. The WestConnex project is critical for the people of New South Wales. We have an enormous delivery task to build some of the country's biggest and best infrastructure projects—and WestConnex is certainly one of those projects. These roads of the future will enable Sydney to expand and remain connected.

WestConnex is a key contributor to our plans for ensuring traffic continues to be managed through Sydney's growth areas. This project is not just for today but should have been done a long time ago. If members travel along the M4 extension they will see the work that is taking place. The Federal Government has provided a \$2 billion concessional loan to the New South Wales Government to allow work to commence on the second stage, around the Concord Oval precinct in my electorate. Stage 2 has started, which is fantastic news, and the entire project will be completed by 2023. With so many infrastructure projects underway right across this State there is no doubt that New South Wales is the place to be.

The member for Parramatta spoke eloquently about the fundamentals of WestConnex—jobs, growth, apprenticeships—that are critical to the lifeline of this State. The question now is: How can we deliver this infrastructure project more quickly than we have been able to achieve in the past? We are looking at how to deliver many projects across this State in a way that maintains competitive tension and avoids construction inflation while at the same time delivering projects to communities more quickly. This Government through its asset recycling scheme is delivering projects not only by government but also by the private sector. I support the motion. I wish I had more time to comment on members representing the electorates of Blacktown, Blue Mountains, Granville, Kogarah and Lakemba, who have let down their communities. *[Time expired.]*

Ms TRISH DOYLE (Blue Mountains) (16:05): I support the motion as proposed to be amended by the member for Strathfield. The M4 is a road that is central to the lives of so many of our constituents. The WestConnex project is large and costly. It will have wide-ranging impacts throughout Sydney—and not all of them are positive. The Government set up the Sydney Motorway Corporation as a so-called "private company" so that it can escape the scrutiny of the Opposition and of journalists. Ordinary members of the public cannot lodge freedom of information requests and see for themselves what this tricky Government is up to. Our roads are

choked with gridlocked traffic every morning. Trains are breaking down, signals are failing throughout the railway network and people in my electorate are being forced to stand for more than an hour every morning and evening as they go to and from work on underfunded, understaffed trains.

The WestConnex project is costing New South Wales taxpayers more than \$1.8 billion, which is a staggering amount of money. There must be transparency because the Government is not being honest about the purpose of reintroducing tolls to the M4. Its argument in favour of placing new tolls on an old road is that it is widening it. According to that argument the Minister for Roads, Maritime and Freight should be camped out under the Leura flyover trying to flag down motorists travelling to Katoomba. He is not doing that because tolling a publicly owned road that has long been toll free is an absurd proposal. None of the tolling arrangements were settled with public involvement or consultation.

The new toll will cover the M4 between Parramatta and Homebush, introducing a toll to a road that is currently free. One of the reasons the Government is pursuing this absurd proposal to reintroduce tolls is that it needs the cash to fund other sections of the project. The only way it can afford to build the tunnels and extensions elsewhere on the WestConnex project is if it levies a toll on the old M4 section. We know from recent road projects that traffic modelling and projections are often woefully inaccurate. What is well known is the reliance upon the M4 by residents of Western Sydney. It is a constant. Rather than producing a plan or building a project that is affordable, sensible and sustainable in its own right, the Government is going to shake down Western Sydney residents for another \$2,000 each per annum. That is not on.

Ms JENNY LEONG (Newtown) (16:08): By leave: Thank you, Mr Deputy Speaker.

[Interruption]

It has nothing to do with having a baby; it has everything to do with democracy.

Leave withdrawn.

Dr GEOFF LEE (Parramatta) (16:09): In reply: I thank members representing the electorates of Strathfield, Drummoyne and the Blue Mountains for taking the time to support WestConnex. There is a lot of love in the room for WestConnex. I note the amendment moved by the member for Strathfield. The member for Drummoyne spoke eloquently; I cannot improve on his contribution. The first paragraph of the amendment moved by the member for Strathfield raises the cost blowout issue. The original quote given in 2010 to 2011 was \$10 billion odd. When that is adjusted for the scope of works on the delivery of an improved motor network, the amount increases. It is Australia's largest infrastructure project and we have only one chance to get it right. We increased the scope of works to connect to the Anzac Bridge and to include the north and south connections. We are considering the figure from 2016 across the life expectancy and delivery of that project. That accounts for a significant amount of the increase.

The second paragraph of the amendment refers to tolls. The answer to the question of why we need to put a toll on the M4 is simple: So we can afford to build it. We need to get the money to build the road. The third issue raised in the amendment is that the Sydney Motorway Corporation operates in secrecy. I am sorry to disappoint the member for Strathfield but the corporation administers the project under the Corporations Act 2001 in order to maintain the ability to raise debt and equity to fund WestConnex. There is no secrecy. It is about removing the debt from the State's balance sheet so that it can afford to fund other infrastructure such as rail, hospitals and schools. There is no conspiracy; it is an economic decision. Concerning the release of all information on WestConnex, I am reminded that the 320-page business case has been released and is on the internet. I advise the member for Strathfield to have another look at it.

The DEPUTY SPEAKER: The question is that the words proposed to be left out stand part of the motion.

Motion agreed to.

Amendment negatived.

[Interruption]

Mr Greg Warren: Point of order: I seek leave to obtain advice from the Clerks regarding this matter. Clearly members on this side of the House believe the noes have it, which would result in a division being called. There is clearly a difference of opinion between the Opposition and the Government. I seek the Clerks' counsel on the issue.

Mr Andrew Fraser: To the point of order: Mr Deputy Speaker, you had already called the division. Once the division is called, the decision is made. The original motion has not yet been put. Therefore, if members

opposite wish to vote against the motion, they can still do so because it is yet to be put. However, Mr Deputy Speaker, I point out that you have already decided in favour of the ayes.

The DEPUTY SPEAKER: That is the way I ruled. However, the member for Campbelltown sought leave to have the situation clarified by the clerks. No member called for a division. I will now put the question, which is that the motion as moved by the member for Parramatta be agreed to.

The House divided.

Ayes46
Noes33
Majority..... 13

AYES

Dr Lee	Mr Anderson	Mr Aplin
Mr Baird	Mr Barilaro	Mr Bromhead (teller)
Mr Conolly	Mr Constance	Mr Coure
Mr Crouch	Mr Dominello	Mr Elliott
Mr Evans	Mr Fraser	Mr Gulaptis
Mr Hazzard	Mr Henskens	Mr Johnsen
Mr Kean	Mr Maguire	Mr Marshall
Mr Notley-Smith	Mr O'Dea	Mr Patterson (teller)
Mr Perrottet	Mr Piccoli	Mr Provest
Mr Rowell	Mr Sidoti	Mr Speakman
Mr Stokes	Mr Taylor	Mr Toole
Mr Tudehope	Mr Ward	Mr Williams
Ms Berejiklian	Ms Davies	Ms Gibbons
Ms Goward	Ms Hodgkinson	Ms Pavey
Ms Petinos	Ms Skinner	Ms Upton
Ms Williams		

NOES

Dr McDermott	Mr Atalla	Mr Barr
Mr Chanthivong	Mr Crakanthorp	Mr Daley
Mr Dib	Mr Greenwich	Mr Harris
Mr Hoenig	Mr Kamper	Mr Lalich (teller)
Mr Lynch	Mr Mehan	Mr Minns
Mr Parker	Mr Piper	Mr Robertson
Mr Warren (teller)	Mr Zangari	Ms Aitchison
Ms Car	Ms Catley	Ms Doyle
Ms Finn	Ms Harrison	Ms Haylen
Ms Hornery	Ms Leong	Ms McKay
Ms Mihailuk	Ms T. F. Smith	Ms Washington

PAIRS

Mr Ayres	Ms Hay	Mr Grant
Ms Watson	Mr Humphries	Ms K. Smith
Mr Roberts	Mr Foley	

Motion agreed to.

Condolences

DEATH OF DR JOHN KAYE, A MEMBER OF THE LEGISLATIVE COUNCIL

The DEPUTY SPEAKER: Before I call the member for Balmain to move this condolence motion, I welcome to the gallery Dr John Kaye's partner, Lynne Joslyn.

Mr JAMIE PARKER (Balmain) (16:22): I move:

That this House extends to the family the deep sympathy of members of the Legislative Assembly in the loss sustained by the death, on 2 May 2016, of Dr John Kaye, a member of the Legislative Council.

I thank the House for the opportunity to move this condolence motion. I, too, acknowledge John's partner, Lynne, and his long-term staff member Kelly Marks and her baby, who are in the gallery today. It is wonderful to see John's family, friends and colleagues here today. As members know, I have already spoken on this issue in the House. Therefore, I will be brief so that others can make a contribution. However, I thank in particular the Premier for his ministerial statement and the Leader of the Opposition for his subsequent contribution. They both made genuine and heartfelt statements, and I thank them both for the integrity they displayed in making those contributions.

I want to reflect briefly on the celebration of John's life, which was held last Friday at the City Recital Hall. More than 1,000 people from around New South Wales and a lot of his family from Melbourne came to that packed auditorium to hear presentations from many people in our community, including Senator Richard Di Natale, Leader of the Australian Greens; Steve Butler, Secretary of the Electrical Trades Union; Lila Mularczyk, President of the Secondary Principals' Council; Pat Forward, Deputy Federal Secretary of the Australian Education Union; Lynda Stoner, chief executive of Animal Liberation; and David Shoebridge. That is an unusual alignment of different people from the trade union movement, the animal liberation movement and education—and of course David Shoebridge spoke on behalf of his colleagues in the upper House. It really was a testament to the breadth and depth of the work of John Kaye.

It was quite remarkable to hear so many people talking about their experience of that fine man and his work in the Parliament and in the community. All of us in this place who have committed ourselves to public service know the impact it has on our families and our lives. That commitment to serving the public is something that John held in very high esteem, and that was acknowledged by many people that evening. It was particularly moving for me to hear from his sister, Dina, and his niece, who sang a beautiful song in both English and Hebrew outlining the feelings that had propelled the family and John throughout their lives. His sister spoke about the importance of the words from the *Torah*: "Justice, justice you shall pursue." She highlighted that, for their family, the pursuit of justice was palpable in all their lives.

John was born in Melbourne in 1955. His father, William Kaye, was a prominent Melbourne barrister and the first Jew to be appointed to the bench of the Victorian Supreme Court. His commission of inquiry into abortion graft in the Victorian police force in the 1960s was one of his notable contributions. John's mother, Henrietta Kaye nee Ellinson, was an activist for the welfare of whales and dolphins, lobbying for a global moratorium on whaling. She was a major force behind the closure of Australia's last whaling station, at Shaynes Beach, Western Australia. The first political party John joined was in fact the Labor Party, which he joined when he was in high school. He campaigned for Gough Whitlam in 1972. He was inspired by the issues that Gough Whitlam advanced around social justice and especially about free university education. Years later he left the Labor Party when he was disillusioned by policy changes on education funding, uranium mining and other issues.

We heard at the City Recital Hall of John Kaye's stellar academic achievements. Many of us in this place have excelled and achieved in other areas and have then come to Parliament. He graduated with first class honours in electrical engineering at Melbourne University and worked in production and planning in Victoria's State Electricity Commission. In the mid-1970s he became increasingly concerned about the impact of greenhouse gas emissions from large open-cut mines in eastern Victoria. He then went on to complete his Masters in Engineering Science, researching microwave devices in satellite communication. In 1980 he won a scholarship, co-funded by Melbourne University and the United States Department of Energy, to the University of California at Berkeley, where he completed a PhD in electrical engineering. He returned to the concerns of state system power supply and investigated higher voltage, lower current transmission systems to improve grid efficiencies.

Interestingly, as David Shoebridge noted in his obituary, John was the only member of his PhD cohort not funded by the military. John would have been happy about that, I am sure. He returned to Australia in 1983 to take up a post-doctoral appointment at the Australian National University in Canberra and made a commitment to Australia. I learnt from talking to John that he rejected a range of very lucrative offers from the United States military to utilise the expertise that he developed in Australia and at Berkeley, and instead focused on an academic career. In Canberra he met his life partner, Lynne. He later moved to Sydney to take up a lectureship at the University of New South Wales in the School of Electrical Engineering.

I first met John in about 1998 when he was the lower House campaign coordinator for The Greens in the State election. I was inspired by how rigorous he was—I think it was the academic training that he brought to this profession. He was thoughtful, he was intellectually serious and he was someone who I knew could really make a difference in public life. His commitment to public policy, to detail and to focusing on all issues was remarkable. At the celebration of John's life his family highlighted that his life was not only a life well lived but also a life that

was part of a family tradition of speaking up for justice, ensuring that you follow your passions and, most of all, being honest to yourself and having a real sense of dignity and integrity.

I am honoured to have worked with John. His contribution to this State has been remarkable—especially as someone who decided not to join a major political party. When he joined The Greens in the late 1990s we were a miniscule organisation. No-one, including me, expected to get elected to anything, but we believed there was an opportunity for us to put forward our ideas and share the convictions that we felt about the economy, the environment and the community. We all mourn the passing of such a powerful advocate—a man who had such integrity and such intellectual rigour. I am sure I join everyone in this Parliament in saying that he will be sadly missed.

Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (16:30): I acknowledge the family and friends of John who are in the gallery. I pay my respects to them and again pass on my deep condolences. Over the past few weeks as I have mourned and reflected on John Kaye's passing, three things have come to mind about him and his legacy. The first was his deep desire to use this time on Earth to make a difference—a difference in his community, a difference to people's lives—the second was his fierce political advocacy, and the third was the value he placed on relationships and friendships, even with his political adversaries.

In thinking about the first one, making a difference, I reflect on politics. People come into politics for all types of reasons. If we are honest with ourselves we can say that, whilst they might be few, there are some who are in it for themselves and ultimately for what politics can give them. But there are others who are in it for others and the difference they can make in people's lives. Without question, John fits into the second category. Every cause that John took up he took up because he believed it would make a difference. Whether it was strengthening TAFE—which I did hear about a lot from him—ending coalmining or equality for all regardless of sexuality, John did not fight those battles because it was what his political party said he should do. He fought those battles because he believed in them. He took up those issues because he thought in taking them up he could make a difference.

While John and I disagreed pretty much about most policies, his political service will always be a reminder to me—and I hope in many respects to all of us—of what a privilege it is to be here and that we should devote the short time we have to helping the people who elected us. I think John reminded us of this. As members of Parliament we are not here to rule; we are here to serve. John not only knew this, he acted it out—he lived it. Secondly, John was a fierce political warrior. He believed so much that each of the causes he fought for would help people that he fought with a ferocity and a passion that is not commonplace. It was very clear. Sometimes he would make impassioned speeches. I remember seeing many photos of him holding a megaphone. Sometimes he would be marching or delivering petitions. Sometimes it was a polite one-on-one meeting, with John arguing his cause. Whether or not you agreed with him, you always knew what John stood for.

Even in his last days John never gave up the fight. Indeed, it has already become somewhat legendary that in his last days and weeks he was still advocating, despite the pain he was clearly suffering. For some, advocacy is just part of the job of politics, but for John that was not the case. It was in his blood; it was who he was. He knew that there are some people who cannot speak for themselves and he was determined that every day while he still had breath he would fight for them because he could. On relationships, the thing I valued most about John was his friendship. That is an unusual thing to say in this Parliament, where our political badges seem to come first and foremost.

My strong argument is, and John is testament to this, that we come here as a member of humanity. We come here as people with deep and significant values. It is not often in life that we find someone who is a friend as well as an adversary, but I can honestly say that that was John. He never forgot that regardless of our political stripes we are all people with feelings and who have times of joy and triumph. We also have times of despair and failure and, through that, immense hurt. That truth is often forgotten in this place. I hope we reflect on John's time to remind us that we should be looking for the good in people and to the things that unite us. While we can be quick to assume the worst in each other or hurl insults in the heat of debate, John reminded me throughout his time here that first and foremost every person in this place should be valued.

As I have said, even when he was leading a protest march and wielding placards, he would go out of his way to shake my hand and to say g'day. Then, of course, he would turn around and lead a chant to kick me out of office. That was John. Not many people would have taken the time in that environment to shake your hand. John was an advocate for his community, he was a fierce political warrior, and he was a dear friend. I will miss him greatly. Rest in peace.

Ms JENNY LEONG (Newtown) (16:36): As a matter of protocol and a mark of respect I acknowledge the Gadigal people of the Eora nation and the traditional owners of the land on which this Parliament sits. I pay my respects to their elders past and present. That is how John Kaye began his inaugural speech to the Parliament

in the other place. Over many years since, I too have delivered that phrase of acknowledgment to country whenever I have spoken at public events. It is one of the small ways in which John Kaye has influenced and impacted on my political being. In fact, I have never known politics or The Greens without John Kaye.

The night of The Greens 2003 State election party at our Eaves Street warehouse is the first time I remember encountering the incredibly passionate and highly intelligent John. It was the first time I had volunteered with the party to hand out how-to-vote cards. I must admit I was so nervous that I would not get out of the car because I was worried someone would ask me a policy question that I did not know how to answer. It took a little bit of encouragement, but eventually I stood at the polling booth. That night Sylvia Hale was elected to the New South Wales Parliament and Ian Cohen was re-elected. John was the campaign coordinator.

Over a decade later, in the weeks leading up to the 2015 State election, John Kaye, MLC, was at "The Greens for Newtown" campaign office multiple times, joining teams of doorknockers on the street. I remember watching the face of one exhausted volunteer who was trailing 50 metres behind John when they returned to the office. John said, "I have done this folder. Give me another folder." The volunteer looked completely exhausted and a little bit petrified that he had to doorknock on the streets of Newtown with John again. John also worked the phones with a level of commitment that I have not seen from any other person. At times we were a little worried that he would start telling people off if they said they were not going to vote for us. From the beginning, it was wonderful to see John's commitment to making the seat of Newtown green. I will never forget his dedication and passion for making that a reality.

I will also never forget the overwhelming feeling I had sitting in my first meeting after being elected to this Parliament and realising that I was now a parliamentary colleague of John Kaye. That feeling will sit with me forever. I also feel I had too short a time with John to learn the things he could have shared with me about how better to do my job in this place. From our first encounter in 2003, John was ever present in my political journey, whether we were campaigning on the streets or debating internal party matters. It is hard to accept the reality that he is no longer with us. On Friday, as we put in our submissions on the strata regulations, I thought to myself, "I will give John a quick call and check that", and realised I could not.

Last night, as I spoke at a forum on the lockout laws and the need to review and amend the liquor laws, I thought, "I will check that with John", and realised I could not. Beyond the personal loss that is no doubt felt hardest by John's partner, Lynne—who is here today—and his family and friends, those of us who are the Left, who are part of a progressive party and continue to be part of a movement for social change have lost an elder. We have lost so much knowledge, so much history, so much experience and so much dedication that I am not quite sure how we will ever fill the gap.

Jamie Parker recounted the day in this place when we heard of the news of John's passing, and the breakfast I had with John Kaye when I was preselected for the seat of Newtown. I feel I need to tell it again for the record. We were in Surry Hills and John could tell that I was feeling a little bit daunted about what lay ahead. He gave me some solid advice, albeit intense, on being a candidate in a potentially winnable seat. He said that it is like running at a solid brick wall as fast and fearlessly and with as much determination and energy as you can, while convincing as many people as possible to join you, knowing that there are two possible outcomes. Either you will gather enough momentum and support that you will knock the wall down and on election day you will have succeeded and won, or, alternatively, you and your supporters will have hit the wall very hard. You will be very sore and then your job is to help pick everyone up again so they are ready to take on another campaign or struggle.

John said that the only way I would ever gain enough momentum and success in knocking over that wall was if I gave it everything I had and convinced everyone else who joined me to give it everything they had. He said, "That is the only way you will ever have a chance of succeeding." Smashing myself into a brick wall was not perhaps the most reassuring analogy, but I totally get what John was telling me. He knew from experience that holding back and not giving it your all was never going to work. He knew we would never achieve the goals we set out to achieve if we did not give it our all. He gave it everything and I still consider that to be the most valuable advice that I received from him during that campaign.

There is a picture of John and me holding a "Free the refugees" sign while standing at a refugee action on Macquarie Street in 2004. I will always remember the actions and rallies, The Greens meetings and the community events that I attended with John over many years. He was always there. We would always run into him talking to 400 people who knew him and who all wanted to talk to him. I will never forget how happy John looked at our end-of-year drinks when I announced that my partner, Christian, and I were having a baby. I am sad that he will never get to see the baby.

To Lynne, John's family, his team, and to those who are feeling the enormous loss of this incredible man, I offer our love, strength and solidarity to you. It is hard to believe we are standing in this place doing this. John

would expect us to come back to the issues that he cared about. He would be disappointed if we spoke without mentioning them. What better way to do that than to highlight the issues that he raised in his inaugural speech. On climate change and renewable energy, which is still relevant today, John said:

This State faces two distinct choices: we can either work together and prepare for a future that takes us beyond fossil fuels, or we can put our heads in the sand and hope that something will turn up. If we ignore the warnings we are risking economic and environmental devastation.

John, I give you our commitment that we will continue to work for a transition to 100 per cent renewables in New South Wales and ensure that we will continue to call out the hypocrisy of those who continue to be in bed with the polluting fossil fuel industry. On equality and discrimination, John said:

We must reverse the trends towards greater social, ethnic and economic divisions not only in Australia but globally. We have to undo the growth in inequality of economic outcomes.

He continued:

We have to surrender the luxury of allowing prejudice, greed and ignorance to infect debates and decision-making, not just within this Parliament but throughout society.

John, we will continue to call out for systemic issues that further entrench inequality and prejudices that perpetuate discrimination.

With respect to public education he said:

Our great public school system and TAFE colleges knock some of the rough edges off socioeconomic disadvantage and create a celebration of diversity. More importantly, they are central to a culturally, economically and politically successful society that can innovate and thrive in the greenhouse century.

John, I can promise you that we will continue to campaign for public education to highlight the damage that successive governments have done to our TAFE system and to speak out against the privatisation of our education system and the directing of public funds to private schools. There were so many other issues that John campaigned on. He continued to highlight the corrupting influences of donations and powerful lobby groups on our community and our society. Some young people have said that John inspired them to get involved in political change.

Activists, unionists, education campaigners, political allies and friends of John may feel that they have lost their connection to this place. I say to them today—I put it on the public record—that my door and the doors of all my Greens parliamentary colleagues are open to them. I do not want them to feel that with the loss of John they have lost their connection to this place. That would be a bad way for us to continue his legacy. Instead, friends of John and those who campaigned with him should know that they can always get in touch with us. We will continue to fight the campaigns that he fought.

The member for Balmain spoke about the commemoration and celebration of John's life, which took place on Friday. It was a remarkable event and showed the impact that John had on so many people. A short while ago we were debating in the Chamber whether we would move an amendment to an amendment on a WestConnex motion, knowing that this condolence motion was coming before the House. We had a bit of a discussion about the timing and figured that John would be very disappointed if we missed the opportunity to raise a political issue just because we were talking to his condolence motion. I say to those in the gallery who had to wait that we considered his interests because we figured that John would be very annoyed if we put that opportunity aside to speak on the condolence motion.

John Kaye was there for so many of us. There are so many more Greens members in this Parliament now than were here when he first was elected. Our movement is growing but we have still suffered a great loss. I am not sure how we will be without him, but I can commit that we will do everything to continue the work that he started and we will do it with the determination, drive, passion, intellect and commitment that he always demonstrated. John achieved so much, he taught us so much, and he gave so much. There was so much more that we could have learned from him. If I say that John will be greatly missed it would be the biggest understatement I could ever make.

Mr ANTHONY ROBERTS (Lane Cove—Minister for Industry, Resources and Energy) (16:47):

I add my condolences for the passing of Dr John Kaye to those of his colleagues Jamie Parker and Jenny Leong and Premier Mike Baird. The previous speakers have captured the essence of John Kaye, the politician and the man—a person who was always guided by his principles and what he believed was best for his community. John Kaye was elected as a Greens member of the New South Wales Legislative Council in March 2007, but I suppose his philosophies were shaped well before he entered politics. In fact, I reckon he entered politics because of his philosophies.

John grew up in the eastern suburbs of Melbourne, where he attended Scotch College and later studied engineering at the University of Melbourne. Before entering parliament, he obtained his doctorate from the

University of California, Berkeley. He taught and researched electrical engineering at the University of New South Wales, where he specialised in renewable energy and greenhouse issues. John played a key role in developing New South Wales Greens policies. By 2004, he was the lead Greens candidate for the Senate. While The Greens vote rose by 4.3 per cent to 7.3 per cent, he missed out on a Senate spot by a razor-thin 0.5 per cent. That represented a great loss to the Federal Senate. But John picked himself up again—as he was wont to do—and was elected to the New South Wales Parliament in 2007. He was easily re-elected in 2015.

John's energy was formidable, and he used it to campaign for the issues that he cared passionately about, which were all linked to what some thought was a radical vision of a more equal, sustainable and humane society. John was always a powerful advocate for public education, renewable energy, consumer rights and human rights generally. He not only talked the talk, he walked the walk. I can still see him at the numerous rallies for one cause or another, passionately addressing a crowd of supporters or shouting epithets through a bullhorn at the authorities with whom he disagreed. John was certainly a loyal servant to his causes and those who supported them, and I know he was a highly respected mentor to up-and-coming Greens as well as those who had already established their credentials.

John Kaye also served as a volunteer, spokesperson, campaign coordinator, and parliamentary policy adviser for The Greens in New South Wales. His portfolio areas were as varied as his many battles: education, energy, treasury, consumer affairs, finance and services, water, hospitality, and gaming and racing. I can still picture him, dark-rimmed rectangular glasses, a greying goatee and moustache, at a dais or on the streets rallying the supporters about one of those causes to which he was so committed. In my book, loyalty is one of the greatest human traits. Loyalty means faith and trust, and loyalty was something that John Kaye had in spades. He was loyal to his principles, loyal to his causes, loyal to his family and friends, and loyal to his supporters and his party—and they all had faith and trust in him. His upper House Greens colleague and close friend David Shoebridge, who joins us here today, said of Dr Kaye:

John Kaye's intelligence and his integrity was pretty much a guiding light for the party and I think for many people.

He went on to say:

This is an enormous loss not just for myself personally—he's the most principled colleague I've ever had the privilege of working with—but also for the party and the people of NSW.

That is high praise, and it is very well deserved. I should note, for those who may be unaware of it, my political philosophy and that of the late Dr John Kaye did not always match up. But despite our political differences, I always admired his intellect and tenacity and respected him very much as a person. I must admit I had an ironic chuckle a couple of weeks ago when the member for Balmain told the House how John would make daily 5.00 a.m. phone calls to the ABC to give a passionate grab about one issue or another for the ABC's morning news bulletins. The member for Balmain mused how the ABC would now have a great deal of trouble filling that 5.00 a.m. timeslot. Last February, we discovered that John had been diagnosed with cancer and would be absent from his duties in the other place for some time. We all hoped and prayed that this was temporary. His family had remained hopeful that he would return to public life, saying in a statement:

He looks forward to working with all of you in the future on securing a more just, democratic, sustainable and peaceful New South Wales.

As evidence of the man of conviction he was, even while he was unable to respond personally to messages of support as he was undergoing treatment, he asked his partner, Lynne, to ensure his thoughts on political debates got through to journalists. On 3 May we learned of the tragic passing of Dr John Kaye at home in the company of his loving family and friends. As leader of the House, I offer my sincere condolences to his partner, Lynne, his sister, Dina, and brothers, Andrew and Stephen, and their families. John Kaye was a mountain of a man. He leaves an incredible legacy not just in this Parliament but in this State and the nation. He will be sorely missed but his legacy and leadership will continue into the future. Vale.

Ms TAMARA SMITH (Ballina) (16:53): It is with great sadness and still much shock that I speak today following the passing of our colleague and Greens luminary John Kaye. I offer my condolences to John's partner, Lynn; his family and friends; Kelly, his very trusted long-term staff member, and Lauren. I have listened to all of the contributions to this condolence motion and I have found them very moving. I also offer my condolences to all who knew him and loved him and to those who knew and loved his work. My heart goes out to John's family during this time. We are very grateful to his family for facilitating such a dignified process of grief and celebration of John's life.

That occasion saw over one thousand people gather last week to give John a good send off. I again thank John's family for giving us the opportunity to do that. It was terribly shocking to lose John over such a short period of time. Ever a private man and a person who was dedicated to the responsibilities of public life and to the ideals and principles of The Greens and the causes he so passionately championed, I have no doubt that whilst he may

have rested physically during his treatment he was mentally ticking off lists about the multitude of projects he had in his mind.

As we have heard, John was the son of a barrister father who fought for law reform in Victoria in the 1960s and 1970s and a mother who was an environmental activist during the same era. So really it is no surprise that John ended up doing the great work that he did. I first met John Kaye in about 2003 during my first teaching position in Broken Hill. I had joined the Teachers Federation as an early career teacher and won a scholarship as an Anna Stewart Officer for a term in Mary Street. I heard John speak about the then Vinson inquiry and our wages case at that time, and I was incredibly struck by his eloquence as a speaker as well as his passion and knowledge. He was an absolutely engaging speaker and had the sort of charisma that captures people's attention. Whether people agreed with him or not, he was captivating.

In education circles, John was a dojan. He could give the entire history of public education in Australia and New South Wales without stopping to think, not as a narrative but through the lens of a deeply analytical mind. I know that John will play a part in history books across a number of forums and will figure prominently for lifting the profile of The Greens in New South Wales, but I also have no doubt that he will feature as a key figure in the history of education reform in this State. He was regarded nationally as an authority on schools funding policy and he informed the political debate on school funding nationally.

By anyone's standards, John was a success. But he did not allow himself the indulgence of pondering himself as a successful man or politician. I certainly never saw that. His steely determination and one-pointedness about those issues dear to him—public education, renewable energy and workers' rights, to name but a few—was something to witness up close and personal. I was in awe of his knowledge and energy as well as his generosity with his time. I will not speak for long, but I want to share a particular day that comes to mind when we spent half a day together up home in Ballina when I was campaigning. We did an early press conference at Ballina hospital and got into a wee bit of trouble because the TV crew filmed us on hospital grounds. Later we ducked up to Wollongbar TAFE for a quick rally and another TV and media opportunity, and then we headed to Byron for a renewables event. And that was all by lunchtime.

In that time I watched John personally greet and remember at least dozens of people at the rally—remember that this is an entirely different region. He knew the journalists by name, though I did not at that time, and one of the cameramen. John was a networker extraordinaire. He gave a rousing speech at the rally and had spoken articulately and on point with first takes at the hospital press conference as well as on health issues. He networked with literally every man and his dog, without even breaking a sweat. A really distinct memory from that day was sitting with him at Main Beach at a wooden table in the sun with a coffee. We were chatting to a local solar energy start-up guy; it was our last stop for the day. I was listening, of course, but anyone who knows John knows that he loved to talk. Let me just say that with two energy nerds there was a lot of techy talk happening.

I was half listening and half checking out the beach, but I did take a minute to take in this enigmatic man. His energy was unbelievable and he was so generous with his knowledge and intellect. Since 8.00 a.m. he had been switched on and was there for the public and the media. By 2.00 p.m. he was still on point and had not yet stopped. The solar guy thought it was Christmas and asked our engineer Greenie dozens of questions. If it had not been for me flagging his impending flight, I have no doubt that John would have stayed for another hour, his passion for the cause was so great. I also know that the solar guy, who has now created one of the largest solar parks in the country, contacted John many times after that day to continue their conversation. That generosity of John's time and energy never translated into the sort of utopian announceables that we so often see and hear from mainstream politics.

John worked behind the scenes and he worked incredibly hard to keep The Greens profile in the media. As we know, his early morning analyses of events were highly sought after. Never one to dwell on the difficulty of getting The Greens message to the top of a story, John Kaye broke the ground again and again for those of us coming into public life from the party. I believe that some people instinctively know how much time they have on the planet. While I would never presume to know John as deeply as that, as a colleague and outside observer I think he lived his 60 years with the intensity of someone who wanted to achieve a lot in the time on offer. John is remembered by all of us today for his service to the public of New South Wales and for his service to The Greens members and supporters across the State, across the country and internationally as well as to the ideals of a fair society with universal and adequately funded public education, universal health care and strong action on climate change.

Mr ADRIAN PICCOLI (Murray—Minister for Education) (17:00): The death of John Kaye reminds us that being a member of Parliament ultimately is a human endeavour and does not solely comprise press releases, the argy-bargy, and the insults that are thrown across the Parliament as a matter of public discourse. Being a member of Parliament is about human beings, people, ideas and relationships. I, like all members of Parliament, was shocked when I first heard about John's illness and later heard of his passing. I knew he was

unwell, but when at a leadership meeting on level 8 with the Premier we were told that John had passed away I can genuinely say that everybody in the room was shocked. We were not so much shocked at the passing of a member of Parliament but at the passing of somebody who was genuinely liked by all. Not everybody gets to leave this Parliament with their reputation enhanced, but John certainly does. We all wished for him retirement but, unfortunately, he met with different circumstances.

However, John's reputation is indeed enhanced, as reflected by the contributions to this condolence motion debate and by discussions that people have had in the hallways of Parliament House over the past few weeks since his passing. I had a great relationship with John, particularly when in 2009 I took on the role as shadow Minister for Education. Everybody knows that John's great passion for public education was not limited to schools but also included TAFE. While I know that John did not necessarily love the things that were happening with respect to TAFE, he certainly was very supportive of most of the things this Government has done with respect to education, particularly around the Gonski reforms. The reason I am searching my phone is that I am looking for an exchange of text messages that occurred in February. When I heard that he was unwell I sent a text saying, "Thinking of you, John. Hope things are going okay." Despite his illness, he was still thinking about education. He replied:

Thanks, Pic. It's a bugger of a disease. It eats away body and life. Sustained by love of partner, Lynne, friends, family and colleagues (some more surprising than others).

Then he said:

By the way, agree with you re uni entrance scores. Would have been in the media saying so but not in any fit condition to do radio. Take care and watch the News Limited knives aimed at your back but—

as always, he had a piece of good advice—

this too will pass. John Kaye.

That is the last text message that I received from John. On a number of occasions John offered to defend me and I said, "Please don't." The Greens defending one of The Nationals is hardly ever a good thing. But certainly the relationship that we had around education was very positive for me. John had been around education for a lot longer than I had. By the way, I think he would have made a great education Minister, but his contribution to education and his advocacy for public education are particularly to be remembered here.

John supported the school funding model, Gonski, and the resource allocation model. The department briefed him about a number of the reforms that we made in the Parliament—I say "we" not as the Government but as members of Parliament. These reforms are not owned by political parties but by the State. John was briefed because of his interest in and love for education in this State. In his last speech in Parliament, he said:

Gonski is the genie that can never be put back in the bottle, no matter how hard some politicians might try. Parents, teachers and students in public schools now know what is possible and they will never again have to settle for second best.

That quote reflects John's views on education. We also worked with him and others with respect to changes to the Parents and Citizens Federation [P and C]. A couple of years ago you could not read a positive story about a P and C. We made substantial changes, including introducing legislation. That was done in consultation with John and members of the Opposition. We knew that if we introduced any legislation that contained drafting errors or might create unforeseen circumstances, John Kaye would find these errors. He actively participated in the passage of legislation. In May 2014, he said on ABC radio:

I don't usually stick up for Adrian Piccoli, I'm normally on the other side, but in this case, he's done the right thing. Parents deserve not just to have their work at the local P and C association backed up, but also a voice in politics.

That is indeed true. This Parliament has lost a great politician, a great human being and a great participant in our endeavour of politics in New South Wales. John Kaye was passionate and intelligent, and a great advocate for public policy. We did great work together, which I will always remember. We thank John for his incredible contribution to this Parliament. Farewell, John Kaye.

Ms JULIA FINN (Granville) (17:06): I add my condolences to those expressed today for our colleague and friend John Kaye, especially to his family and friends here in the Parliament. He made an enormous contribution to public policy in New South Wales and his untimely passing has saddened all of us. At only 60, and being fit and healthy and looking much younger than his age, like many of us I was shocked and saddened to hear of John's cancer earlier this year. My husband and I wrote to John as soon as we heard of his illness and only a few weeks before he passed away he wrote back, which made me imagine he was on the mend. I was particularly saddened when he passed away, but I appreciate the effort he made to reply to our letter.

While John was a member of The Greens, he and I had many mutual friends through his long involvement in community campaigns that we both supported, and there is a lot that we agreed on. John took a strong interest in environmental and public education campaigns across New South Wales and we are the better for it. I first met

John at a meeting of ParraCAN, the Parramatta Climate Action Network—a very active local group of environmentalists campaigning for action on climate change. Contrary to popular belief, it is not a Greens front. John was always happy to support the efforts of environmentalists in Western Sydney, where there are plenty of local environmental groups committed to bushland restoration and local issues as well as to broader global issues like climate change. John was keen to support them, even though they may be small in number and do not reside in the inner city.

John also took a strong interest in supporting me as a friend in my political career—a stance that was not always welcomed by everybody. I stood for preselection for the electorate of Parramatta in 2010. The way the preselection was structured meant I could not win, so John rang the general secretary to tell him he had made a terrible mistake in not preselecting me. I am sure the member for Parramatta would agree with that sentiment. John was very keen to congratulate me when I was preselected for the electorate of Granville in the 2015 election and after I was elected. I appreciated his friendship when I came into this place.

John also worked very closely with my husband on the campaign to stop the Tillegra Dam, and his input was invaluable. The Tillegra Dam was not the finest or most popular idea floated by the previous Labor Government. In comparison to establishing three million acres of national parks, protecting biodiversity on private land and delivering the "green games" with the Sydney Olympics, I am glad the Tillegra Dam never went ahead to tarnish Labor's environmental record. Constructing a flood mitigation dam to prevent a one-in-100,000 year flood is folly and a grotesque waste of public money. John's contribution to the No Tillegra Dam campaign was crucial. He obtained important documents through a call for papers in the other place, contributed campaign ideas and completely put himself at the disposal of the No Tillegra Dam group, even though many of them were farmers and certainly not Greens supporters.

John related well to people from all walks of life. He always believed the community could and would win. After they did and came together to celebrate, John said he felt he had Williams River water flowing through his veins. John's deep understanding of climate science and the engineering solutions to transform our energy supply to more sustainable renewable sources is well known. Before entering Parliament, John taught and researched electrical engineering at the University of New South Wales where he specialised in sustainable energy and greenhouse issues. John obtained his PhD from the University of California, Berkeley. Last week at his memorial service we heard about John's education at Berkeley not just in his area of expertise but also as a campaigner and activist. Berkeley has probably been the most politically active university campus in the world in the past 50 years.

Climate change deniers will always point out that all climate scientists do not agree on climate change. That is a furphy and we all know it—all academia is about research and debate and when it comes to climate change, almost all of the disagreement is about the potential impacts of increasing levels of greenhouse gases. With carbon dioxide levels being recorded at more than 400 parts per million in the northern and southern hemispheres, it is happening now. To have someone with John's scientific understanding in the Parliament has added important scientific rigour to public debate in New South Wales, not just on issues such as renewable energy and climate change.

I also mention John's role in opposing the privatisation of electricity assets in New South Wales. He worked closely with people from across the community, including the union movement, to fight privatisation. At his memorial service last week, the Electrical Trades Union paid tribute to his contribution. If we are concerned about the ability to influence the greenhouse gas emissions that emanate from electricity generation in New South Wales, it makes sense that those assets remain in public hands. The government can then make decisions in the public interest to invest in more renewable energy sources over time, as assets reach the end of their economic life, and to invest in upgrades to reduce emissions from generators and networks.

John was consistently concerned over the years about the impact of privatisation and job losses on workers. He made very good friends in the union movement because of his advocacy, particularly in the electricity industry and public education. John was a passionate advocate for public education for TAFE and schools in New South Wales. He was one of the strongest advocates for TAFE and he worked closely with the Teachers Federation and the Public Service Association. The Teachers Federation is happy to work with different political parties and community groups advocating for TAFE, but unfortunately the Public Service Association works only with The Greens. However, it could not have chosen a finer advocate than John Kaye. As a member of the Public Service Association, I acknowledge that it chose the right member of The Greens to support it in its fight for TAFE.

I acknowledge the words of Lila Mularczyk at John's memorial service last Friday. Lila is the President of the NSW Secondary Principals' Council and the outgoing principal of Merrylands High School, in my electorate. She understands the importance of needs-based school and education funding. She spoke about John and said he was a passionate supporter of public education, which is true. She said that John understood the

difference a fair funding base can make for students. Merrylands High School has a large number of students with refugee backgrounds and disadvantaged backgrounds, and it is making a big difference in many people's lives, which is a testament to Lila and to advocates like John.

John was also a supporter of the rights of Palestinians. I acknowledge his long advocacy for the Palestinian people. In Australia, it can be very difficult for Jewish people to publicly oppose Zionism, illegal settlements or the siege of entire neighbourhoods in Palestine. While John and his family maintained their Jewish traditions, he did not see this in any way at odds with standing up against injustice in Israel and Palestine. I will quote his words from the other place:

To those who live outside Israel who give that unqualified support and refuse to tolerate any criticism of Israel do the Jewish people no favour. All they do is create an environment in which the Jewish people and the State of Israel continue to operate without respect for the human rights of the Palestinian people. As long as that continues there will not be peace or human rights in the Middle East.

John is right about that. It is hard for somebody to say that in Australia. It is a lot easier in Israel to offer support for the Palestinian people. He has been tireless in that advocacy. His work in this area will continue and it is something he will be very much remembered for. He has been a strong believer in fighting injustice wherever he saw it. He had relentless energy and his contribution to public policy is unrivalled in this Parliament. He will be missed by The Greens and by all of us.

Ms MELINDA PAVEY (Oxley) (17:15): I remember first laying eyes on Dr John Kaye in 2007 when he delivered his inaugural speech in the Legislative Council. At that time I was a member of the Legislative Council. I thought to myself: Is this Leon Trotsky's love child? It was an incredible experience. For years I always wondered. I met Lynne today and was able to tell her that John and I shared a couple of special secrets. One, we were both born in Victoria; and, two, we celebrated and enjoyed many holidays on the Mornington Peninsula in Victoria just south-east of Melbourne—obviously not at the same time. John was 14 years older than I am and therefore he was of a different generation to me, but it is something that we had in common. We did not have a close friendship, but that commonality engendered a genuine respect for each other.

I agree with the member for Granville that he was an absolute champion of the underdog. I like to think that I too am a supporter of the underdog. I am conflicted when the Sydney Swans and Essendon play each other, and I always go for the side that is losing because I love both sides. Dr John Kaye was also like that. I learnt through the contribution of the Minister for Industry, Resources and Energy that John had the privilege of a high level private school education at Scotch College, whereas I attended public school—yet he ended up on the left of politics and I on the right. John regarded Lynne as the standard-bearer and was proud of her work in the public education system.

The member for Newtown spoke of John's determination and his advice that if you ran into a brick wall and fell over you must pick yourself up and keep going. I will share a story from 2 June 2011—a time when I was not fond of that type of personality. Parliament had been sitting for 24 hours and David Shoebridge had just given a record-breaking speech in the Legislative Council that went on for five hours and 58 minutes. The Labor Party and The Greens were opposing legislation to limit public service pay rises to the consumer price index.

Dr John Kaye spoke next and was heading towards beating that record. By this time it was Saturday morning, which meant that I did not get home to see my kids and I was a little cranky. It was probably four hours into John's speech when I thought, "He must need to go to the toilet". So I held up a pitcher of water and poured a glass. Unfortunately, it did not work. He kept going for the brick wall. That was the mark of who he was. I admired John for his integrity and his conviction to his political status, which is the message being delivered today.

John was an ardent critic of the Australian Vaccination Network because, he proudly said, he was a scientist. Sometimes that was not an easy position to take within his party, but it indicated to me that he had enormous integrity and conviction. During his inaugural speech his energy and vibrancy struck me and I learnt about renewable energy. Not long after that speech he came to me, knowing that I was from the North Coast, and said, "TransGrid is going to put those lines down across the Great Dividing Range, near Tenterfield"—the Deputy Speaker's electorate—"There has to be another way. There are coal seam gas opportunities".

That was well before the controversy of coal seam gas. He had thought about it and was looking at different solutions because he was a University of California, Berkeley, educated, top-notch, world-leading engineer. He could have worked anywhere, but he chose to give his life to society and to make a better community, and he did it with great passion. As the member for Newtown stated, he was always attempting to push down that brick wall. The member for Tamworth, who is at the table, has written a note and has asked that I read it into *Hansard*. The note states:

John was at the forefront of the introduction to the New South Wales Parliament of medicinal cannabis. He travelled with the study group to Tasmania and was going to introduce a private member's bill for the drug's use, but he chose to work with the Government to achieve a better outcome for the people of New South Wales; and subsequently New South Wales is leading the way in medicinal cannabis. So rather than seek individual glory he put the people first and that typifies the way he proudly did his job representing New South Wales.

They are the words of Kevin Anderson, who also has been at the forefront of that work. I acknowledge and thank the member for Tamworth for those remarks. Regardless of our political stripes, John loved humanity. He wanted a fair go for all and a better planet. Many of us share those goals; we just believe in a different road map and how to get there. Dr John Kaye, you inspired us with your integrity, ability for hard work, decency and support of the underdog. I extend my condolences to Lynne, Kelly and that beautiful baby. It has no doubt been a long and emotional day. We wish you all the best.

Mr JIHAD DIB (Lakemba) (17:22): As Dr John Kaye would have done, I acknowledge the traditional custodians of the land and pay my respects to elders past and present. I acknowledge family and friends here today. We often hear the phrase "political warrior" used to describe different things. Sometimes it is used in the positive and sometimes in the negative. I have heard it used to describe people who do things that others do not agree with and to describe those who stand for what they believe in. Everything we have heard today and over the past few weeks about John indicates the sort of person he was.

When used in connection with John, "political warrior" refers to somebody with integrity, conviction and passion. The member for Oxley mentioned Dr Kaye's educational background and said that he could have done anything. How lucky are we that he chose to be here? This place and the other place need the very best people society has to offer. We all come in here to make a difference and to improve society and our communities. Dr Kaye was the living embodiment of that. His spirit will live on.

That spirit will live on. The fact that members from across the political spectrum have contributed to this debate demonstrates the respect in which he was held and the impact he had. The member for Granville said that when things were tough John never thought twice about picking up the phone and offering any support he could provide. The Minister for Education said the same. When I was appointed as the shadow Minister for Education, one of the first pieces of correspondence I received was from Dr Kaye congratulating me. He also reminded me that I had taken on an important role and that I had to do the job properly. At the same time, he offered any support I wanted. I am honoured to have in my office the card I received from him. As members have said, even in his last days he was encouraging us to keep up the fight and never to stop fighting.

We can make a difference in this place if we act with integrity and consider our legacy. What members have said about Dr Kaye's integrity demonstrates his value not only to this Parliament and The Greens but also to society as a whole. We need champions. The greatest thing about our democracy is that we have champions who, despite the fact they hold different views, all believe in the same things. We want to create the best society we can and one that is acceptable to and accessible by everybody. Irrespective of our upbringing or education, we can come into this place and make a difference. As I said, Dr Kaye was the embodiment of that. He exemplified what people expect of their members of Parliament.

Did we disagree? Yes, often we did, and that is a good thing. However, it was always done respectfully and with dignity and using reasoned arguments. We did not simply disagree for the sake of disagreeing. There would not be many parliamentarians who would trade the argy-bargy for a lack of integrity. This place is the scene of a great deal of hurly-burly, and sometimes we do not treat each other with the respect and dignity that we should. Of course, people must earn respect, and Dr John Kaye certainly did that because he always behaved with dignity. We treated him with respect and dignity, even when we did not agree with him, because we knew that he would give the same in return. We always knew that his passion came from a good place.

I knew Dr John Kaye as a member of Parliament and particularly in his role as an education advocate. When people such as Lila Mularczyk, President of the Secondary Principals' Council, the Minister for Education, and shadow Minister for Education speak about him in the way they did, we know that his behaviour was a good yardstick. He set the benchmark for us when pursuing our goals. He may have had a different background, but he understood the difference a quality education could make. He understood how we can improve our society and benefit from our investment in education.

I recently reread John's inaugural speech, and in doing so realised that he actually did what he said he would do. That does not always happen. He clearly stated his beliefs and no-one would say that he did not adhere to them. I have images of him waving about his megaphone. I do not know whether someone gave it to him as a Christmas or birthday present, but he seemed to take it everywhere he went. I was moved by the Premier's statement and was amused when he said that John would always take the time to say hello before he started tearing him to shreds. Again, we respect that because he had the courage of his convictions, and he made it clear where he stood.

Dr John Kaye was an inspiration. Regardless of where we come from and the areas we represent across New South Wales, we are the voice of those who are not heard. It is a privilege to be a member of this place, and John constantly reminded us of that. We should always remember that we are here representing those who do not have the opportunity to speak out, the voiceless, and those who need us to stand up for them. As I said, sometimes we disagree, and that is okay. However, we do not disagree that every member in this place will do everything they can to make our society and the world better. John would often challenge us to live up to that aspiration. Whether it was in the corridor or elsewhere, he would tell us what he thought, and we would accept it from him because we knew he was being genuine and true.

The member for Ballina referred to grassroots campaigning. John was noted for his campaigning style. As I said, we are the voice of the people. If we do not engage with them, how will we know what they want? It is easy to get carried away about being in this place but John never did that, and he always encouraged us not to indulge in that sort of behaviour. John and I knew each other from our involvement in the education sector. He would offer me his best wishes and any advice and support he could, and I appreciated that. When new members arrive in this place their head spins; it is overwhelming. It is wonderful to have a level-headed and caring member who has no vested interest offering the hand of friendship and encouraging us to do the best that we can.

Members often mentioned integrity in their contributions to this motion. I love John's idea of running through a brick wall. It is a crazy thing to do, but a brick wall is like a glass ceiling: If we do not keep going at it, nothing will change. If we do not do the best we can, we are failing the people who elected us. John constantly ran through the brick wall and he encouraged others to do the same, and that is what the people of this State want us to do. They want us to do everything we can with the best of intentions and with a purity of spirit. They want us to speak up and to stand up for those who rely on us.

It is easy to get carried away and to say that our job as parliamentarians, teachers and community leaders is to encourage aspiration. Our job is to assist people in their aspirations. Sometimes people find themselves in a dark place or a hole. We can tell them to aspire to something, but unless we provide them with a ladder they will not reach it. Those sorts of philosophies are at the core of our thinking. John always said that it is good to dream, but we must provide a ladder. The Gonski reforms are the ladder in our education sector. We must provide our children with quality teachers. It is no good sloganeering about aspirations. Our job is to provide ladders for people to achieve their goals.

Members have clearly enunciated Dr John Kaye's admirable qualities. He would always take the time to say hello, and he would always tell us what he thought about what we did. He was encouraging, warm and genuine. His loved ones know that, but it is good to hear it again. He often spoke with passion, and sometimes I wondered whether he was on a recruiting drive. I will conclude my contribution by referring to John's inaugural speech, which demonstrates what a good person can be. He said:

Our great public school system and TAFE colleges knock some of the rough edges off socioeconomic disadvantage and create a celebration of diversity. More importantly, they are central to a culturally, economically and politically successful society that can innovate and thrive in the greenhouse century.

He ticked that off. That is what he believed in. He did everything he could in this place to talk about it. In particular, he said:

We must reverse the trends towards greater social, ethnic and economic divisions not only in Australia but globally.

People on all sides of this Parliament believe in that. I will wrap up with this last statement, when he said:

My partner, Lynne Joslyn, is not only a brilliant public sector teacher but also finds the time and energy to be my best friend. She is the most patient, tolerant and selfless person I have ever met. I fear at times that she really needs to be.

To all of you I say thank you, and welcome to our journey together.

To Dr John Kaye, I say thank you for allowing us to be part of your journey. Vale John Kaye.

Mr BRAD HAZZARD (Wakehurst—Minister for Family and Community Services, and Minister for Social Housing) (17:35): I wish to say a few words to acknowledge the amazing contribution of Dr John Kaye to the public life of New South Wales and particularly to acknowledge his wife, Lynne, and his family and friends who are here today. I know that when you have a family member in Parliament part of that person is taken away from you. Thank you to you, Lynne, particularly, but also to all the family who would have found that John's commitment to public life would definitely have taken him away from you all too regularly. Last week marked my 25 years in this place. I have seen people come and I have seen people go. I consider John Kaye as one of the very special people that I have met here.

I met John in 2007 in the run-up to the election. I think at that stage Ian Cohen, Sylvia Hale and Lee Rhiannon were The Greens in Parliament. I had a debate with John Kaye down in Holt Street, at the *Daily Telegraph* building. Carmel Tebbutt was the education Minister. I consider Carmel Tebbutt to be a lovely person

and an excellent Minister, even though she was on the wrong side of politics. John came to that debate well armed with all the arguments to support public education and they came from somewhere deep inside. I instantly felt a connection with him because, I suppose, having been a public school teacher and being very committed to public education I could see he really knew what he was talking about.

I did not realise then that Lynne was also a public sector teacher, but I am sure that over the years she would have ensured that John was kept up to date with the importance of public education and the need to support that component of our education system. As I listened to him in that debate it also became obvious that he was going to be a man of integrity—indeed, a gentleman—who would certainly contribute to the debate in a way that would make people sit up and listen. There was no meanness or nastiness about John. He may have been active, but he was doing it from a place deep inside. I think that is why today a number of people have wanted to say a few words.

As the member for Newtown stated, in his opening speech John acknowledged the traditional owners, the Gadigal people of the Eora nation. It usually only happens at the start of each parliamentary day, but out of respect for Aboriginal people and for John I want to do it again. I acknowledge today in this place the Gadigal people of the Eora nation and particularly acknowledge any elders present. In John's inaugural speech he talked about his passions, which then became his guiding lights in his time in the upper House, the Legislative Council. He talked about Aboriginal people and their fight for justice; he talked about fossil fuels; he talked about the value of science; and he talked about a reality. I will read a few words from his inaugural speech that I think should well and truly be the message that John leaves us with. He said:

Reality is closing in on us fast and we need to deal with it on its terms. We have to surrender the luxury of allowing prejudice, greed and ignorance to infect debates and decision-making, not just within this Parliament but throughout society.

Those prejudices seek to undo the benefits of the Enlightenment. We cannot listen to those who say that their religious beliefs justify vilification of gays and lesbians or people of different religions or ethnic backgrounds. Neither should we take seriously those who, either in ignorance or wilfully, misconstrue the scientific process and findings on climate change to say that we do not need to act to reduce emissions. Let us be completely clear about this. Climate change science is not a conspiracy of self-interested scientists. When scientists say, "There is strong evidence that increasing carbon dioxide levels will lead to dangerous climate change" it is not an invitation to scepticism but an honest expression of the openness of the scientific process to admit new evidence.

Those words encapsulated so much of the fight that I am sure he started long before he came to Parliament and continued here. It was with great sadness and disbelief that we on the Coalition benches were told one morning that he was seriously ill and then of course when we were told he had passed away there was a sense of great loss. Looking in from outside this place, it is often hard to imagine that people can connect particularly well or closely, but we do.

I say to you, Lynne, and your family, I am sure there is a great and immeasurable emptiness that you now have. As I said, there has probably been an emptiness for many years as he has come here and into other realms of public life to fight for what he believed in. At least you can know that during the period he was away from you he was doing things for you and for generations to come. The member for Lakemba referred to his journey. If I remember correctly, that was towards the end of Dr Kaye's inaugural speech, after he spoke of you, Lynne. Those words were quite profound. After he spoke of just how amazingly brilliant you were, he then said to Parliament—although I would say it was to all of us, the community:

To all of you I say thank you, and welcome to our journey together.

Maybe because I am getting a little long in the tooth, I ponder on being on that journey with John—all of us will be. I look forward to catching up with John and having a yarn about just how the world has changed when I see him again.

Mr MICHAEL DALEY (Maroubra) (17:42): I make a brief contribution to this farewell to our friend John Kaye. I venture to say—in fact, I can say with some certainty—that John's death has been one of the unifying factors in this place for a few weeks now. Not all of us in this place will be sent off with the unity of spirit as John has been. That stands testament in great measure to the respect that we all have for him. I too met John in the lead-up to the 2007 election. I had been in this place for a very short time, having been elected in a by-election in 2005 to replace Bob Carr.

I met John at a public education forum in the eastern suburbs. I was a Labor representative and Paul Pearce, the then member for Coogee, was with me. John was there and a couple of people from the Liberal Party whom I cannot remember. One of the things that I was very conscious of as a new member in this place was just how much I did not know. I have to say that John did not help me at all in that regard at that meeting. I felt less adequate having been up against him in that discussion about public education than I did before I walked in. So he did not help me at all—and he tried not to help me on many occasions, I have to say.

When I became a Minister a short time later I found myself up against him on the ABC and in forums all over the place. He was the most formidable opponent, but he was one of those aggravating characters that seem to have a response to everything you throw at them. He just dug another tool out of the toolbox. He would just bring another one out and disarm and dismantle you, at will on occasions. But he always did it with good style and good grace. There was never any malice about him whatsoever. And that is the thing that I will remember most about him.

I served on many committees with John. Some of those public inquiries can get pretty lively from time to time, particularly when witnesses take exception to a question they are asked. Some witnesses would fire back at John with everything they had. I remember watching him. It was like watching the equivalent of parliamentary judo, where you use your opponent's energy—their motion, their ill will, their anger and their temperament—against them. John would quietly disarm them and use their own vices against them until they realised that they were dealing with a person with a superior intellect.

Mr Brad Hazzard: A black belt.

Mr MICHAEL DALEY: He was a political black belt, an evidentiary black belt. He always worked with a smile on his face. There was no malice, no gloating. He just had a job to do. As the member for Wakehurst alluded to, hearing evidence in committees was king to him. Evidence and belief were the two things that drove John. He had all the attributes of a great servant of the public. He had intelligence, energy, tenacity, a genuine belief in people and their goodness and a genuine belief in the principles that he followed. He had a great respect for people and humility, and he also cared for people. Above all, he had a desire to make a difference.

I have said in this place before, and I will probably say it again, that it is lamentable that in the public sphere, particularly in Parliament—and I hope this will change because it must for the sake of Australia—there is not the quantity or quality of people who wish to give themselves and their lives to public service in Australia. We can ill afford to lose one of our best, and John was one of our best. It is said that in public life the mark of success is to have made sure that your contribution leaves the State or the nation better for your having served. John was an unequivocal success. To you, Lynne, on behalf of my family and the people of Maroubra, we will miss your man greatly.

Ms GLADYS BEREJIKLIAN (Willoughby—Treasurer, and Minister for Industrial Relations) (17:47): I celebrate, commemorate and congratulate the life of Dr John Kaye. John and I did not always agree. In fact, we often had deep conversations about what we disagreed on. What I admired most about John was his deep belief system and his ability to advocate courageously and strongly for what he believed in. He has left this place with the deep respect of every member of Parliament, irrespective of our political views and irrespective of whether we agreed with him on policy decisions because he was a man of integrity. He matched that integrity with fact. Believing in something and having the intellectual rigour and ability to communicate our beliefs are a perfect combination for inspiring others who want to pursue and follow our journey.

I have listened to the contributions made by so many, in particular the contributions by his Greens colleagues. When I think about the people who inspired and mentored me, I can appreciate what John meant and means to them. For that, I am deeply grateful because I believe no matter what your belief system is, being inspired to fight to make life better for successive generations—which is what John did—is a gift to the community and a gift to others who follow in your footsteps. I remember the last conversation I had with John, which was witty on his part and less so on mine. That is how I will remember him. He was always happy and had a light spirit, no matter what the issues.

This place can often be difficult. The day-to-day rigour of political life is not easy. One thing I loved about John was his positive attitude to life and to his job. Even though things were often stacked against him, when it came to his ability to change policy he had a great ability to inspire people and change their views to his way of thinking. I rarely agreed with John and I remember being grilled by him on a number of occasions. In particular, I remember facing an inquiry on poles and wires; electricity and engineering were his thing. But we had a wonderful mutual respect because of the way he approached issues. I am grateful for that.

I extend my deepest condolences to his family and his loved ones. We can only imagine the grief and loss that they are experiencing at this time. Please know what he meant to this place and to democracy in New South Wales, and what he meant to his constituency when representing their views. My condolences to all those who I know will take up the mantle. Successive generations will benefit from John's beliefs and the way in which he carried himself. His leaves a wonderful legacy. My deepest condolences. I know that John Kaye's spirit will live in this place for many decades to come.

Ms TRISH DOYLE (Blue Mountains) (17:50): I make a brief contribution to this condolence motion. This afternoon we have heard some absolutely fabulous memories recounted and some beautiful stories shared.

I also acknowledge the late and great Dr John Kaye, an activist extraordinaire and Greens member of the Legislative Council. I believe we were fellow travellers on the road to social justice. Many people in my community, many of my TAFE teaching colleagues from the Blue Mountains and beyond, my union comrades, and all those who came in contact with John appreciate my speaking on their behalf today. I have waited for some time, patiently, to do so.

At a rally some years ago, John and I shared a megaphone as we wandered down the street. We were talking to a whole range of people, including TAFE students and teachers. I remember thinking when he finished saying what he needed to say, "How on earth can I follow that?" At the time I was a casual teacher and a spokesperson for the Labor Party. One thing I will never forget and will always admire John for was his astute ability to pick issues with different parties and different groups of people. As he passed the megaphone to me, he directed a comment to whoever was representing the Labor Party, saying, "Why haven't you preselected this fabulous woman yet?" We spent some time having coffee and talking about TAFE and strategising. I will take a few moments to share some thoughts of my friend Luke Whittington, a Labor Party colleague who worked with John. Luke said:

John was always an arresting and inspiring speaker and a sharp strategist. I had the privilege and honour of working with John on a number of issues. I first met him as an activist on the Free Burma campaign. John's clarity of thought, his depth of knowledge, and his fierce adherence to principles of solidarity and equality were admirable. He was fearless when others were compromising and he was always broadly informed, even on the most obscure local or international issues. He was also, unfailingly, kind and polite. He was interested in me and my family, in the struggles and the campaigns that we were involved in.

I saw him at hundreds of rallies and protests, and in dozens of debates and legislative fights and never once was he anything but a good bloke. The community of NSW is worse off for his passing, but it is better for his contribution. Rest in peace comrade, sorry to see you go.

John was a tireless advocate for TAFE. He and I marched the streets on this issue and we spoke at countless public rallies. We shared the values of public education and we loved speaking together. I remember Senator Doug Cameron being not very happy about the way I introduced John at a Blue Mountains Unions Council "Politics in the Pub" event. He said, "I hope you have some nice things to say about me too, mate," because he felt that I was a little too over the top in my introduction of Dr John Kaye. Today I express my condolences to his family and friends, colleagues and staff, and members of this Chamber. Thanks for your contribution, Dr Kaye, you were an absolutely fabulous human being. New South Wales mourns your passing. Vale.

Mr CLAYTON BARR (Cessnock) (17:55): I will be brief, as I know we are getting to the end of the time for this condolence motion. I congratulate Lynne and Dr John Kaye's family and friends on the celebration of his life last Friday. I used to work for a cancer charity so, unfortunately, I have been to lots of funerals. Through the journey I experienced in the job I ultimately decided that, at the end, one really wants there to be a celebration of the wonderful things one has achieved during one's life. That celebration was certainly evident at the service last Friday evening. I got the sense that John was probably one of those people who dances like no-one is watching and sings like no-one can hear, as the old saying goes.

The other thing that came through in some of the stories—people have spoken about it today—was his enormous depth and intellect. I wonder how some people on this planet fit all their intellect into one head. I am not quite sure why some people do not have two heads. So many people on that day spoke about John's ability to sit in a car with someone on a very long drive and engage with them on a range of subjects. We heard, time and time again, that he could engage on a range of subjects and carry on that conversation, not just by making polite comments but with genuine depth and engagement on an incredibly large range of subjects. That was my experience of John. In 2011 we sat together on a committee inquiring into the Parliamentary Budget Office. A whole bunch of documents were presented to that committee. During the course of the hearings there was genuine engagement and debate across the tripartisan committee.

A stack of evidence was presented, which should have led to a particular result. The chair's report did not seem to reflect the evidence that had been presented to the committee. My interest was as a hobbyist in relation to the science, research and evidence, but John was deeply aware of what was being presented in the evidence. Over a three-day period we debated the legitimacy of the report versus the evidence. John had an incredibly detailed knowledge of the 86 submissions, thousands of pages. He could, at will, turn to a certain page and say, "No, it says this here." He was right, it would say exactly what he was indicating. One was left to wonder. Fortunately, the committee was able to include in the final report some comments that reflected his position. Although we lost the vote on that day on that particular report, we were able to indicate that there was a different opinion. As far as compromise goes, that is about as close as it got.

People have spoken about John's work with greyhounds. I am the member for Cessnock, and there is a strong greyhound racing community in my electorate. I acknowledge that John and I come to the issue of greyhounds from completely different perspectives. As a simple, humble backbencher speaking with someone who I thought was a mental and political giant on this issue I reached out to John. I sat outside the Legislative

Council Chamber and waited for him to come out. I said, "I genuinely want an inquiry into greyhounds and I am led to believe that you do too, although we probably want it for different reasons." We explained to each other all the things we wanted to get out of a potential inquiry. I offered to talk with our shadow Minister to try to achieve that inquiry.

We recognised that we were coming to the issue from different angles, but the compromise was to get the inquiry established. John was more than happy to do that. To be honest, in local politics in Cessnock my experience with the Greens movement had not been wonderful, but my experience changed when I was working on that committee. John Kaye looked at me at that time and said, "Clayton, we can do this." He put his hand out and shook my hand. I knew in the warmth of his eyes and his smile that that handshake meant everything. I knew that he would not go back on his word. He is no longer in this place, but John Kaye lives on in this Chamber when we take people at their word and engage with them openly and honestly with an open heart. Although John Kaye does not serve here anymore, his impact remains.

Finally, I wish to touch on a bit of dark humour. There was a local politician in the Hunter Valley by the name of John Kaye. Earlier this year I woke up to the news on the radio that John Kaye had died of cancer. I was alarmed and went on line. I checked the news and discovered that it was John Kaye the local government politician in Cessnock, not the John Kaye that I knew. That afternoon when I was in this building I walked past John Kaye in the corridor. I said, "John, thank God you're alive; I heard you were dead." He giggled and said, "So did I. You can imagine how I felt when I started getting messages this morning." Apparently the ABC had originally posted the news that John Kaye, MP, had died overnight. John contacted the ABC and said, "No, I am not dead. I am really here." Of course the ABC rectified the news, but shortly after that John was told of his diagnosis.

We are here today passing on our condolences and celebrating his life as a result of his cancer journey. He was a wonderful man and I thank his family for sharing him with us. It is good to be in this place making these comments about the John Kaye we knew. Those who missed out on meeting John Kaye may not realise what he achieved. As sad as it is for his family to have lost him, they have had the great privilege of having lived with him.

Ms KATRINA HODGKINSON (Cootamundra) (18:02): I place on the record my deepest condolences to Lynne and to the family, friends and staff of John Kaye. John was a wonderful, bright man. We have heard many times this evening about his incredible intellect. As a member of The Nationals and as the Minister for Primary Industries for 14 years, I recognise that we had totally opposing views on many subjects, from gun control and the Game Council through to intensive agriculture and many other issues. But John was always ready with a warm smile in Café Quorum, where I would often run into him as we got refreshments for ourselves. He was always friendly, always very kind and always respectful. John Kaye will be sadly missed in this place because he was a very warm and loving human being. If there were more people like John Kaye in the world, it would be a better place. Rest in peace, John Kaye.

TEMPORARY SPEAKER (Ms Melanie Gibbons): The question is that the motion be agreed to.

Motion agreed to.

Members and officers of the House stood in their places as a mark of respect.

Bills

CRIMES (HIGH RISK OFFENDERS) AMENDMENT BILL 2016

Returned

TEMPORARY SPEAKER (Ms Melanie Gibbons): I report the receipt of a message from the Legislative Council returning the abovementioned bill without amendment.

TAXATION ADMINISTRATION AMENDMENT (COLLECTION AND DISCLOSURE OF INFORMATION TO COMMONWEALTH) BILL 2016

First Reading

Bill received from the Legislative Council, introduced and read a first time.

TEMPORARY SPEAKER (Ms Melanie Gibbons): I order that the second reading of the bill stand as an order of the day for a later hour.

Government business having concluded, private members' statements now will be proceeded with.

*Private Members' Statements***ST MARYS COMMUTER CAR PARK**

Ms PRUE CAR (Londonderry) (18:05): I draw to the attention of the House the ever-growing concerns of my community regarding the commuter car park at St Marys train station. Every morning thousands of people from the western suburbs of Sydney commute east for work. We get in our cars and we drive or we get on the train for the commute, which should take an hour but in reality takes much longer, and the destination is usually the city. This is particularly true for commuters who use train stations such as Kingswood and Werrington in my electorate. I know that from speaking to thousands of commuters over the past few years as they have boarded the trains.

Western Sydney is a growing region, and it is growing at a rapid pace. We are seeing new suburbs appear before our very eyes as thousands of families look west for affordable property in an area that has the space in which families can grow. In my own electorate, we have seen the enormous growth of suburbs like Ropes Crossing and Jordan Springs. But as I have mentioned so many times in this place, the increase in population in Western Sydney is not adequately being matched by investment by the Government. Our schools, hospitals and roads need investment to cope with growing demand. We need investment right down to our commuter car parks at train stations.

At St Marys station in my electorate of Londonderry, the commuter car park is full by approximately 8 o'clock each morning, leaving hundreds of people stranded or forced onto the car park that the M4 has become to get to work or cram their cars onto adjoining streets. Of course, we absolutely must encourage people to use public transport when they can, but if we intend to be serious about that we need to ensure that people can safely and accessibly park their car at the station. Surely that is common sense. Unfortunately, this Government has left commuters in my part of Western Sydney with little choice.

The message the Government is delivering to the people of Western Sydney is that either way they will be forced to get up at the crack of dawn to try to find a car park at St Marys, or they will be forced onto the M4 where motorists soon will be sluggish with more tolls costing up to \$2,000 a year. But members should not take my word for it. Recently the *Mount Druitt St Marys Standard* reported commuters' comments on the issue of their attempts to find a car park. For example, Braiden Staples from St Marys catches a train to work every day. He said the car park has been a problem since it was built. He said, "If you don't get here before 8 o'clock, pretty much you won't get anything." Stephanie Seymour, who lives in Ropes Crossing, a suburb where the population has tripled since the car park was opened, stated:

It is getting quite full by the time I get there—it is evident that it gets full early on as when I return in the evening cars are parked on the road and across the road in the dirt area ...

Building the car park was great but I don't think they planned well enough for the future. Ropes Crossing was half the size of what it is now.

In early days I could snap up a park ... [but] not anymore.

What has Transport for NSW had to say? First, it seems to be very confused about where St Marys is. The department's spokespersons gave a quote to the *Mount Druitt St Marys Standard* that refers to additional car parking spaces at Merrylands, Pendle Hill and Marayong—none of which is in St Marys. They offended my constituents further by saying that commuters in those areas would receive more car parking spaces, but not commuters at St Marys. Ask anyone at St Marys, that is rubbing salt into the wound. Those comments are cold comfort for the people of my electorate and infuriating, but they tell us everything about the priorities of the Government and why nothing is being provided to St Marys. Recently I invited the shadow transport Minister to visit my electorate so that she could see firsthand that the train station car park was full and to consider options for its upgrade.

The car park could easily have an extra one, two or even three levels to increase capacity and reduce the burden on morning commuters of finding a parking space. I call on the Government to include an upgrade of the St Marys commuter car park in the upcoming budget on 21 June. This will be a key test for Minister Constance to see whether he really does understand the urgent need to increase commuter car parking capacity in the growing area of Western Sydney. The population of Western Sydney is booming and commuters need to be encouraged to use public transport. This will only happen if they can park close to the station. The Minister must ensure that our community does not miss out in this year's budget. This should start with an upgrade of the St Marys commuter car park.

Mr JOHN SIDOTI (Drummoyne) (18:10): I compliment Transport for NSW for the wonderful job the staff do in providing transport options for the commuters of New South Wales. The member for Londonderry said that Transport for NSW seemed not to know which stations fall within the boundaries of St Marys. I remind

the member that Transport for NSW looks at transport holistically and that is why the upgraded stations were mentioned in response to her query about infrastructure in the area. A full car park is good because it shows an increase in the use of public transport is on the rise. That means the New South Wales Government is achieving its goal of getting as many people as possible on public transport. Those opposite make claims for new infrastructure and upgrades, but oppose major decisions on issues such as the leasing of electricity poles and wires. It is remarkable that those who want money for projects are against the Government making or saving money.

YASS AND GOULBURN JOBS

Ms PRU GOWARD (Goulburn—Minister for Mental Health, Minister for Medical Research, Assistant Minister for Health, Minister for Women, and Minister for the Prevention of Domestic Violence and Sexual Assault) (18:11): I bring to the attention of the House a fantastic win for local jobs in the Goulburn and Yass communities. Despite a proposal to reduce the number of hours of staff working at both stations by NSW Trains, which would have seen Yass not staffed at all and a number of job losses at Goulburn, the community can be assured we will have staffed stations and retain most of the existing positions for the benefit of passengers. As much as those opposite claim they are the only party that stands up for workers, the local rail workers, union officials and I were happy to stand shoulder to shoulder at Goulburn station to negotiate the retention of jobs and passenger services with very receptive representatives of NSW Trains management.

We put a strong case for the importance of servicing passengers at a station with a range of users: the elderly, students, families visiting prisoners at the jail, and people with mental illness attending Goulburn's extensive regional mental health facility. Many of these train users need sensitive care and the Goulburn staff do their job very well. As a result, almost all customer-facing positions at Goulburn station will be retained. I thank the management of NSW Trains for its careful consideration of our advocacy. The position at Yass station will also be retained, ensuring that customers boarding departing trains or disembarking from arriving trains will always be met by a friendly face to assist them with their luggage, on and off the train, and with queries about their ticketing.

This is a great win for rail users in my electorate, and I thank everyone in our community who contacted me, either through my office or stopped me on the street, for speaking up about the need to retain these services. I particularly want to thank the staff at both stations for participating in the process and remaining positive. I want them to know that I support them and I will continue to support them. My door is always open and, while I may not always be successful, I will always have a go for them. As I said, I am pleased that negotiations with management were conciliatory, respectful and thoughtful.

The outcome of these negotiations means that regional communities in my electorate and across New South Wales will continue to be supported as they use our transport systems, which are vital for keeping our communities connected. Regional communities are resilient and resourceful, and I am so proud to represent just some of New South Wales' greatest regional communities. We are innovative, we make do and we respond to change with determination, particularly if we are faced with a reduction in funding or services. The Goulburn community knows all too well the growing need for more child care and early education options, which is why the closing of the TAFE Child Care Centre at the end of 2015 was extremely distressing for our city.

Sadly, TAFE could no longer support the nine children remaining who used the centre and the five staff who cared for them. But, in the face of adversity, our city remained positive and searched for a solution to keep the jobs of those childcare workers and the service available to parents. Despite my opponents announcing doom and gloom for the people of the city, Anglicare NSW stepped in and proposed a partnership with TAFE Illawarra. It is now running the centre. Already 43 children are enrolled, which is almost a full house. That wonderful centre is now enjoying full use, as it should.

I was so pleased I could support this wonderful partnership and I was proud to help open the new centre a few weeks ago. It is a great example of government working in partnership with a community organisation, and of the resilience of the Goulburn community and its ability to find solutions that work for it. I take this opportunity to thank Anglicare, in particular Simon Bennett, for his idea to combine the two facilities; and David Guthrey of TAFE Illawarra. He saw the benefits that keeping this facility open will have for TAFE and for Goulburn families. I also congratulate all the educators at the centre on their strength and courage through this period—some have gone and some have stayed—the TAFE students, who will continue to have access to this great learning environment, and the families in Goulburn who will continue to benefit from this wonderful service.

Mr JOHN SIDOTI (Drummoyne) (18:15): Now we see how it is done. First and foremost, it is important to have a high-profile and high-performance Minister. What we have seen is the hard work of a very good local member. She has presented the case, fought for her community and worked hand in hand with groups with which traditionally she may not have worked. At the end of the day, that is what members do for their

constituents when they are passionate about an issue. First and foremost, they come before any politics. And that is what has prevailed in this case with that great win for Yass and the community of Goulburn.

INVERELL BUSINESS AWARDS

Mr ADAM MARSHALL (Northern Tablelands) (18:16): Last Saturday night my partner, Kaz, and I had the immense pleasure of attending the eighteenth annual Inverell Business Awards, hosted by the Inverell Chamber of Commerce and Industry at the mighty Inverell RSM Club. More than 250 locals came together to celebrate business success and excellence in Inverell over the past 12 months. It certainly was a night to remember. The award nominees were submitted by the community, and the judges had an incredibly difficult task. The community's engagement with these awards is something very special. The positive vibe was palpable in that room in the Inverell RSM Club that evening.

As I have said on many occasions in this Chamber, Inverell is one of the strongest communities in the Northern Tablelands. It is a vibrant centre of commerce and industry. It is growing. It has a very diverse economy, which is underpinned not only by some large-scale employers in manufacturing, and the local meatworks Bindaree Beef, but also by a vast array of locally owned small businesses that keep the community and the economy ticking over. It is a well-led and incredibly well-presented community. It is no wonder that it had such strong support again at the 2016 business awards.

I pay tribute to Inverell Chamber of Commerce President Courtney Pay. Courtney does an extraordinary job leading a very dedicated team, which includes Peter Caddey, who fulfilled his master of ceremonies duties very well on the night. His dulcet tones were not only reassuring but also provided a lot of entertainment on the night. The award for the best business with between one and three employees was won by Bakers Barn Saddlery. Bakers Barn takes a big business approach to small business. It has clear five-year and 10 year strategies that have set the business on a clear trajectory of growth for the short, medium and long term.

By keeping an eye on the big picture, recognising that its customer base is not confined to Inverell and providing outstanding customer support, the business has experienced exponential growth over the past two years. Along with its enthusiasm for running a good business, Bakers Barn is a great contributor to the Inverell community. It has financially supported more than 25 organisations throughout the region in the past 12 months. It is definitely more than a horse shop. I also congratulate the category runner-up, The Dust Jacket bookshop, which is thumbing its nose at the technological revolution by using the same technology to spread a passion for books and learning throughout Inverell. The winner of the award for the best business with between four and six employees is, according to its owner, a hobby gone wrong. Michael Shelton, who owns Inverell Fishing and Hunting, has been in business for just six years, but in that time he has trebled the size of the enterprise. That is partly due to Michael's unceasing passion for fishing and outdoor sports of all kinds—something that is shared with many in the Inverell community.

This means that, among other things, his business manufactures Kingfisher lures on site and has secured a national distribution contract for the lures. Outside the premises, the business supports fish restocking programs for the Macintyre River, Inverell, and helps local fishing clubs and the annual February fishing invitational. Highly commended businesses in this category were Fiona's Fashions and Camerons Spray Painting, which was established by Mitch Cameron, who is just 23. He already has a strong business career. The best business with seven or more employees was won by Regional Finance Solutions, a business started just three years ago by David and Debbie Traynor.

When that business started, David worked on the business part time in between cooking meals and running the Inverell Motel with his wife, Debbie. Incredibly, they now have nine offices across New South Wales and 14 brokers. David is passionate about and meticulous in his approach to finding the best deals for his clients, and has set up custom systems for reporting on all aspects of the business. Recognising that their staff and associates are the backbone of the business, David and Debbie take care to ensure that stress levels and workloads are carefully monitored and managed. Regional Finance Solutions is an independently owned and family operated local business that is committed to the community. It is little wonder that it won the overall best business award on the night.

Congratulations to LJ Hooker and Print Fresh as highly commended businesses in this category. The awards also recognised other businesses, not-for-profit organisations and community groups. Operation Operating Room was acknowledged for raising over \$130,000 for the community. I acknowledge Courtney Harrison of Dieselquip, Brittany Turner-Conley of Brighter Access and Grant Walker, employee of the year from Dieselquip. Congratulations to all the winners of the Inverell and district business awards.

FIRST CLOVELLY SCOUT GROUP AWARD RECIPIENTS

Mr BRUCE NOTLEY-SMITH (Coogee) (18:21): On 21 May I attended a dinner to celebrate the ninetieth anniversary of the First Clovelly Scout Group. I have been a regular visitor to that group over the years and it is one of the, if not the, biggest scout troops in Sydney. It is remarkable because there are so many different activities competing for the attention of young people in the coastal areas of Sydney. On this evening at the Coogee Bay Hotel we were joined by leaders from the troop with over 30 years experience, including Denise Begg, OAM. Denise received her Medal of the Order of Australia on Australia Day for services to scouting. Ron Begg, Dave Ferguson and John Watt were present. Whilst the dinner celebrated the great achievement of 90 years of providing activities for young men and women, it also honoured the achievement of Queen's Scout awardees in the First Clovelly Scout Group.

I have been presenting the Queen's Scout Award for a number of years. The recipients of the Queen's Scout Award from the First Clovelly Scout Group include: Jamison Kennedy-Wade, Matthew Waller, Henry Davies, Daniel MacDonald, Adam Bjorngaard, Andrew deHaart, Samantha Webster, Cameron Lawrence, Cameron Callaghan, Tom Waller, Kristin Mueller and Miriam Mercer. Cameron Lawrence's father, James, and Matt and Tom Waller's father, Tony, are past Queen's Scout recipients and were present on the evening. Leader Dave Ferguson has over 30 years of contribution to the First Clovelly Scouts. Both his sons, group leader Rob Ferguson and leader Andy Ferguson, were Queen's Scout Award recipients in 2000. It is a troop that is punching above its weight and it is achieving great things for the community.

Most of the Queen's Scouts were able to attend the dinner but, as is typical of those involved in scouting, many scouts are involved in other activities. Cameron Callaghan, whom I mentioned, was not able to attend because, having been nominated for Lifesaver of the Year, he was at the Surf Life Saving awards ceremony on the night. I am not sure whether he won. I pay tribute to everyone who has made the 1st Clovelly Scout Group the great troop that it is. Many years ago I was a member of the 3rd Coogee Scouts. That club no longer exists, but it is heartening to see a nearby scout troop thriving with as many as 100 scouts, cubs and venturers. At the dinner District Commissioner Ben Politzer spoke at length about the wonderful contribution that the Clovelly scout troop has made over its 90 years. He also spoke about the contribution that the scouts have made to the lives of many young men and women by teaching them bushcraft as well as citizenship, responsibility and mateship. I commend all those involved in the club. Once again, I congratulate the Queen's Scouts on their outstanding achievement and look forward to working with them for many years to come.

TRIBUTE TO JOHN JAMES "JACK" BEDFORD, OAM

Ms TANIA MIHAILUK (Bankstown) (18:26): I pay tribute to my dear friend Mr Jack Bedford, OAM, a national Second World War hero, who sadly passed away on the morning of 1 May 2016 at the Waratah Private Hospital with his daughter Julie by his side. Jack lived a long and fulfilling life with his family, friends and fellow veterans. At the time of his passing Jack was 95 years young, which is a truly remarkable milestone that must be commemorated. Jack's longevity and service to our nation will remain as his everlasting legacy. I am incredibly proud that I could call him a great friend. I knew Jack for many years. He was an amazing Bankstown person. Jack was the Bankstown RSL Sub-Branch President for many decades, having previously been the President of the RSL. He undoubtedly made his mark in Bankstown. The fact that so many people from different sub-branches across Sydney attended his funeral shows there is no doubt many others held him in as high regard as we did.

Jack was very a special person. Born in 1920, at just 18 years of age he decided to enlist with the Australian Imperial Force at the Marrickville recruitment office on 18 June 1940. Shortly after his enlistment he found himself posted to the Middle East from December 1940 to February 1943. In an unforgiving climate Jack served as a signalman and was responsible for the maintenance and repairs of broken communication cables between brigades in the port city of Tobruk, Libya. In a difficult environment Jack and his countrymen took on a rapidly advancing German army that had besieged the city of Tobruk for a long and arduous 241 days. Unable to drive the Australians out of their position, the Germans bestowed on them the moniker "the Rats of Tobruk". Of course, the Australians wore that name as a badge of honour. Jack was incredibly proud of being a rat, as he always said. Sadly, Jack was one of the few remaining survivors of his division.

Just a couple of weeks before his death reporter James Taylor interviewed Jack about his experiences in Libya and wrote a wonderful story about him for our local newspaper, the *Canterbury Bankstown Express*. Jack recounted losing his friend on one of the last days of the siege after they had scrambled for cover in a dirt hole while the bombs fell. His friend Eddie Herne covered him. As Jack pulled him off, he saw all the bullet holes in his friend's shirt and he knew that his time was limited. While he sat holding his mate, Eddie said, "Please go to see my mum", and Jack promised that he would. Years later, Jack married Beryl—a wonderful woman—and they had three children, Darren, John and Julie, five grandchildren, and later 15 great grandchildren. In the 1960s Beryl and Jack decided to visit Eddie's mother, but unfortunately they did not get there because they were involved in

an horrific car accident. The trip was delayed by another couple of decades as life took Jack elsewhere. He finally saw Eddie's sisters about 15 years ago, and they were delighted to see him and thanked him for visiting.

I am feeling emotional because Jack was such an amazing Bankstown identity. His passing seems to herald the end of an era. A couple of months ago I sat with him while celebrating a friend's one hundredth birthday. He was full of life, enjoying his usual coffee with six teaspoons of sugar and eating a full meal. He was as fit as a fiddle. Jack was tall and he was always thin. He was passionate about the Anzac service and ensured that all of the local politicians attended, irrespective of their political persuasion. He was also passionate about schoolchildren attending the service. I cannot imagine it without him. I know that his family is devastated by his passing. I extend my sympathy to Julie, John and Darren and the rest of their family. We will not forget him and I thank them for sharing him with the community of Bankstown.

MANNING BASE HOSPITAL AMBULANCE PROTOCOL

Mr STEPHEN BROMHEAD (Myall Lakes) (18:31): I draw to the attention of the House a concern that has been raised in my electorate of Myall Lakes about the Manning Base Hospital and the ambulance protocol. The staff of the hospital do a fantastic job. The doctors, nurses and allied health workers do the best they can for the community. In fact, they are meeting or exceeding all the key hospital performance indicators. Our NSW Ambulance paramedics are highly trained professionals who look after people in emergency situations. I commend the hospital staff and the paramedics for what they do.

A couple of weeks ago a terrible accident involving four jockeys occurred at the Taree Racecourse. Two of the jockeys were airlifted to John Hunter Hospital and the other two were taken to the Port Macquarie Base Hospital, and that is the basis of the concern that has been raised with me. Why were jockeys transported to Newcastle and the Port Macquarie Base Hospital, bypassing the Manning Base Hospital? Trauma services and the trauma plan were implemented in 1985. At the moment in New South Wales, there are seven adult and three paediatric designated major trauma service hospitals: John Hunter Hospital, Liverpool Hospital, Royal North Shore Hospital, Royal Prince Alfred Hospital, St George Hospital, St Vincent's Hospital and Westmead Hospital. There are paediatric emergency services at John Hunter Hospital, Sydney Children's Hospital, and The Children's Hospital at Westmead.

Underneath that are regional trauma hospitals. The 10 designated regional trauma hospitals in New South Wales are: Coffs Harbour Hospital, Gosford Hospital, Lismore Base Hospital, Nepean Hospital, Orange Base Hospital, Port Macquarie Base Hospital, Tamworth Hospital, the Tweed Hospital, Wagga Wagga Base Hospital and Wollongong Hospital. I do not know why Gosford and Nepean hospitals are classified as rural centres; I would have thought them to be more metropolitan. Then all the hospitals that are not a major trauma centre or a regional trauma centre are classified as local hospitals. Local hospitals are also an important component of the inclusive trauma system but they are not designated trauma services. They may be tertiary hospitals such as the Prince of Wales Hospital or hospitals that predominantly serve local communities in metropolitan and rural areas. As per protocol 1 of the Ambulance Service of New South Wales, local hospitals are bypassed for major trauma.

The two jockeys who were airlifted to John Hunter Hospital sustained major trauma. I know that one of the two jockeys taken to Port Macquarie Base Hospital was unconscious, had a severe gash on his leg and that the paramedics were concerned his leg may have been broken. One jockey was also complaining of pelvic pain. Those paramedics looked at not only the injuries sustained, including a complaint of pelvic pain and one jockey being unconscious, but also the incident that had caused them—large horses, high velocity and big mass—and made the professional decision to take those two injured jockeys to Port Macquarie Base Hospital. Manning Hospital is equipped to look after minor to intermediate injuries and if a patient with major trauma is brought to that hospital privately they will also be looked after. Further, where the distance is greater than one hour's travel to Port Macquarie or Newcastle they will also look after major trauma. The staff at Manning Hospital provide initial assessment, resuscitation, stabilisation of patients and, if necessary, transfer to a major trauma centre.

As I have said, the trauma system in this State started in 1985. In 1988, after strong professional support and international evidence, New South Wales established networks of regional trauma services. Initially those services were at Newcastle, Albury, Broken Hill, Dubbo, Goulburn, Lismore, Orange, Tamworth, Wagga Wagga and Wollongong. In 1992 the Ambulance Service of NSW started its pre-hospital triage protocol, which was called protocol 4, aimed at minimising hospital transfers. In other words, if they knew that a person needed to be treated at a trauma hospital then they would bypass another hospital to take them there. This protocol enabled ambulances to deliver patients to the most appropriate hospital for their eventual needs. In 2008 protocol 4 was replaced by the present protocol T1. As I have said, it is the paramedics who have to make the call at the scene based on their expertise and education. I reiterate that they do a fantastic job.

MIRANDA RSL WOMEN'S AUXILIARY EIGHTIETH ANNIVERSARY

Ms ELENi PETINOS (Miranda) (18:38): Today I give my warmest congratulations to the Miranda RSL Women's Auxiliary who celebrated their eightieth anniversary at a luncheon on Monday 9 May 2016. Most of us have attended an Anzac Day dawn service, and many say one of the unofficial highlights of the day is the delicious breakfast provided at the RSL. But how many of us have stopped to think about the people behind the scenes when our stomachs are being filled as the sun rises on Anzac Day? Each year at Miranda RSL the hardworking women's auxiliary members wake up extremely early to help prepare the RSL breakfast, manage the crowds and serve with a smile. By way of background, the women's auxiliary was formed by mothers, wives, widows, sisters, daughters and aunts of men who served in World War I. The object of the auxiliary was to raise money for the welfare of men and women who served and also widows and families of those soldiers who lost their lives in battle. The Miranda RSL Women's Auxiliary was formed in February 1936. In the early years they worked tirelessly to raise money for a building fund, which eventually led to the purchase of the sub-branch property.

With 80 years of service, the women's auxiliary has a colourful history, full of stories about themed fundraising dances such as "Night in a French Café" and "Kookaburra Gully Bush Carnival" and annual carnivals with a chocolate wheel and sideshows that attracted large crowds. Christmas picnics and gift donations were also yearly events that members and the wider community looked forward to. When World War II began, the tempo of activities stepped up sharply. Membership grew considerably and the auxiliary went into full-time war work. Members joined the Red Cross, learnt first aid and knitted vigorously to help supply the care parcels that were sent to our local men overseas. Fundraising intensified and the auxiliary took on extra responsibilities.

After the war, normal peacetime activities were resumed and membership rose significantly as many returned soldiers made their homes in the Sutherland shire. To this day the women's auxiliary still raises funds for the wellbeing of our current and ex-service members. These days funds are raised through raffles, regular meetings, outings and bring-and-buy days. I am sure we have all come across auxiliary members selling badges through the Anzac Day and poppy appeals in our local areas. Supporting these fundraisers helps the auxiliary to continue to support the sub-branch, the youth club and local charities.

It is important to acknowledge the diligent executives, past and present, who have contributed so much to the auxiliary over the years. It is their dedication and often thankless work that is the heart of our community and embodies the Australian spirit of giving back. The Miranda RSL Women's Auxiliary presently has four life members: president Marjorie Wood, OAM, vice president Miriam Loveday, Eugenie Brown and Margaret Treadwell. I congratulate these ladies on their years of hard work. In particular I send my congratulations to Marjorie Wood who celebrated 60 years of service, which is an amazing achievement. I also mention the rest of the hardworking executive committee: vice president June Williams, honorary secretary Rose Ninness and treasurer Lesley Neil.

With 170 years of combined service given by these life members and many more when all the club members are included it is clear that these ladies have provided our community with an incredibly valuable service. Volunteering is the heart of our shire and it is this type of hard and often thankless work that makes our community such a great place to live. The Miranda RSL Women's Auxiliary fundraising events not only help the RSL and the community but also provide an important outlet for social interaction.

Members enjoy organised day trips to various locations around Sydney and often enjoy reminiscing about various sites around the area. This social interaction is incredibly important for widows and more senior members who do not get out much. It is a sad reality that women's auxiliary clubs around the Sutherland shire and across the State are folding due to lack of membership. It is a challenge to keep members and encourage new volunteers to join clubs. This makes the eightieth anniversary of the Miranda RSL Women's Auxiliary even more remarkable. They have managed to survive and are still going strong, with almost the entire membership also being involved in their day club as volunteers.

I take the opportunity to name and thank the 28 members of the Miranda RSL Women's Auxiliary who have worked so hard to keep their club alive and thriving: Marj Wood, Lesley Neil, Rose Ninness, Joan Bailey, Nona Bailey, Iris Bennett, Gwen Benson, Yvonne Bleach, Laurel Boyd, Edna Bray, Eugenie Brown, Val Brown, Flo Castle, Sue Cooper, Mona Gluyas, Rose Handley, Pearl Jay, Dorothy Jennings, Brenda Leonard, Mim Loveday, Marj Maiden, Kath Moller, Lorraine Rowan, Trish Seinfeld, Brenda Shearer, Shirley Sonneman, Mary Dawn Titcume and Margaret Treadwell. I was incredibly honoured to join in the celebration of this wonderful milestone. Congratulations to the Miranda RSL Women's Auxiliary on this auspicious occasion. I look forward to celebrating the club's 100th anniversary.

ALZHEIMER'S AUSTRALIA HUNTER BRANCH FUNDRAISING

Ms JODIE HARRISON (Charlestown) (18:42): Over the weekend hundreds of people from the Hunter returned to Speers Point/Warners Bay foreshore for the Memory Walk and Jog to raise money for and awareness of Alzheimer's disease. It is an annual event. I congratulate the Hunter branch of Alzheimer's Australia on their organisation of the event. It gets bigger and bigger every year. I also commend all of those people who took part in the walk and jog and whose fundraising efforts enable Alzheimer's Australia to provide much-needed support services, education and social research. I acknowledge the member for Wallsend and the member for Lake Macquarie who participated in the Memory Walk and Jog. Although I could not be there on the Sunday morning, I was very pleased to sponsor both of them and do my bit to help research and support for those suffering from Alzheimer's.

Alzheimer's disease and dementia are a growing problem in my electorate of Charlestown, and I will speak about the statistics in a moment. "Dementia" is the term used to describe the symptoms of a large group of illnesses that cause a progressive decline in a person's functioning. It is a broad term used to describe a loss of memory, intellect, rationality, social skills and physical functioning. There are many types of dementia. In Australia about 50 per cent to 70 per cent of people living with dementia have Alzheimer's disease, which is the most common form of dementia. There is also vascular dementia, fronto-temporal dementia and dementia with Lewy bodies.

Every week 1,800 new cases of dementia are diagnosed in Australia—sadly, that is one person diagnosed every six minutes. Those shocking statistics mean that most Australians will be touched personally, or through friends or family, by dementia at some point. I certainly have been and my family has been touched by someone suffering from Alzheimer's. It is a very distressing disease for the sufferer and for the people who support them. About 1.2 million people are involved in caring for more than 342,800 Australians living with dementia. If the number of people affected by dementia continues to increase, almost 900,000 people are expected to be living with dementia by 2050.

Too often, symptoms of dementia are noticed years before advice is sought and a diagnosis is made. Often by this time a person's behaviour is already being influenced. For example, a person might be wandering, they might be feeling depressed, anxious or agitated, and they might be aggressive or hallucinating. Alzheimer's Australia is the leading charity for all types of dementia in Australia. It supports people with dementia as well as their family, friends and carers. Alzheimer's Australia offers support through the National Dementia Helpline. This free service provides professional advice and strategies on how to manage dementia now and into the future, and it gives referrals to further support, services and helpful programs, including Living with Dementia and Recently Diagnosed.

The Memory Walk and Jog over the weekend will help Alzheimer's Australia to provide those services. Alzheimer's Australia also runs the National Younger Onset Dementia Key Worker Program, which provides individualised information and support to improve the quality of life for people suffering younger onset dementia. New figures prepared for Alzheimer's Australia NSW by Deloitte Access Economics show that the number of people estimated to be living with dementia in New South Wales has risen to almost 115,000. This figure is expected to increase to more than 128,500 by 2020 and to reach an estimated 270,000 by 2050 if a cure is not found soon.

My electorate of Charlestown is one of the worst affected by dementia—it ranks number 20 out of the 93 electorates in New South Wales. It is estimated that in my electorate 1,415 people are currently affected by dementia. That number is projected to increase at an alarming rate to 2,879 in 2050—a growth rate of 103 per cent. My heart goes out to all those impacted by dementia—those suffering from it personally and their families, friends and carers. It is a truly devastating disease that is traumatic for all involved. Dementia will continue to impact every community across New South Wales if a cure is not found. I applaud Alzheimer's Australia for its leadership in dementia advocacy, awareness and understanding.

TEMPORARY SPEAKER (Ms Melanie Gibbons): Private members' statements having concluded, the matter of public importance will now be proceeded with.

*Matter of Public Importance***NATIONAL RECONCILIATION WEEK**

Mr ADAM MARSHALL (Northern Tablelands) (18:48): I begin by showing my respect and acknowledging the Gadigal people, members of one of the 29 clans that make up the Eora nation who are the traditional custodians of the land that members of this House meet on. This week we celebrate and recognise National Reconciliation Week. Reconciliation is a powerful symbol of healing and unity. It is also about justice, equity and the rights of Aboriginal people. National Reconciliation Week is a truly significant time for all

Aboriginal people as it celebrates and builds on the respectful relationships shared by Aboriginal and Torres Strait Islander people and other Australians. Reconciliation Week starts on 27 May—the day on which, in 1967, Australians voted to give the Commonwealth the power to make laws for Aboriginal and Torres Strait Islander peoples and to finally recognise them in the national census.

This week is an opportunity for us all to recognise not only past injustices—and there have been many—but also the importance of healing to the process of achieving real change in improving the lives of Aboriginal people. We should all recognise in this place that healing and intergenerational trauma and loss are real. They are significant and ongoing issues for many Aboriginal communities. There are also many things for the Aboriginal community to celebrate. Reconciliation Week and the National Aborigines and Islanders Day Observance Committee—or NAIDOC—Week, which is coming up in July, give Aboriginal and non-Aboriginal people the opportunity to celebrate Aboriginal culture, heritage and the important milestones in our nation's history. The theme for this year's national Reconciliation Week is "Our History, Our Story, Our Future".

Our history is a reminder of the importance of historical acceptance in the reconciliation process. Accepting how past practices have impacted the lives of Aboriginal and Torres Strait Islander people ensures that these wrongs are never—never—repeated in the future. Our story is a way of reflecting upon our journey towards reconciliation. We can all make reconciliation part of our story in our own lives every day. Our future is to reinforce that reconciliation is the way that all Australians should move forward together. Reconciliation Week is an opportunity to reflect on the milestones of the past, such as the 1967 referendum but, importantly, it is also a time to look to the future.

On Sunday I was privileged to participate with 200 other people around the Armidale district in the annual Armidale Reconciliation Week Bridge Walk, when we walk over Stephens Bridge in Armidale to symbolise bridging the gap between Aboriginal and non-Aboriginal Australians. I acknowledge the Armidale Australians for Native Title and Reconciliation group and Jeff Siegel, in particular, who always organises a wonderful event, barbecue, speakers and traditional Aboriginal dancing. I also acknowledge Uncle Steve Witters, a proud Anaiwan elder, a proud Anaiwan man. Despite the loss of his sight, he has great vision for the future of his people and the whole community moving into the future as one. After we completed the bridge walk Uncle Steve said:

It is only when Aboriginal people have a quality of opportunity, life expectancy, education and choice, that reconciliation will be truly meaningful.

I could not put it better than that. Reconciliation drives the relationship of the New South Wales Government with Aboriginal people. The Government is committed to reconciling the past and to working in partnership to achieve improvements in Aboriginal people's social, economic, cultural and emotional wellbeing.

Mr DAVID HARRIS (Wyang) (18:52): The State of New South Wales has a black history, an Aboriginal history; a proud and rich cultural and spiritual history with continuous custodianship of this land. I recognise and acknowledge the Gadigal people of the Eora nation and pay my respect to elders past and present. For more than 200 years the Indigenous people of this land have endured invasion and colonisation; the introduction of deadly European diseases and alcohol and tobacco; the atrocities at Appin and Mile Creek; devastating land dispossession; tragic government policy leading to things such as the stolen generations; and, even until 1967, the denial of citizenship.

All those factors have led to poor health outcomes, including shorter life expectancy, educational deficit, high jail incarceration rates, and institutional and community racism—demonstrated most recently with the disgraceful treatment of Adam Goodes and Nova Peris. There is optimism, though, that over the past 50 years we have finally started to make progress towards meaningful reconciliation. Over the past 25 years in particular, Australia has achieved some significant milestones in the reconciliation journey. They include the establishment of native title, the apology, the Closing the Gap framework and progress on constitutional recognition of First Australians.

The theme for Reconciliation Week 2016 is "Our History, Our Story, Our Future". It is a time to reflect on the past and learn through recognising the mistakes of bad or ineffective policy. It is a chance to recognise the extensive achievements of Aboriginal and Torres Strait Islander people and the tremendous contribution they have made and continue to make to our New South Wales and Australian story. It is a time to look towards the future and understand the hard conversations still to be had as we move towards meaningful and lasting reconciliation. Reconciliation Australia has released a report entitled "The State of Reconciliation in Australia", which recommends five dimensions to measure reconciliation across Australia. This report is significant as it is 25 years since the establishment of the Council for Aboriginal Reconciliation. These five dimensions are race relations, equality and equity, institutional integrity, unity and historical acceptance.

Specifically, the report says we will know Australia is reconciled when and only when positive two-way relationships built on trust and respect exist between Aboriginal and Torres Strait Islander and non-Indigenous Australians throughout society; Aboriginal and Torres Strait Islander Australians participate equally and equitably in all areas of life—that is, we have closed the gaps in life outcomes; the distinctive individual and collective rights and cultures of Aboriginal and Torres Strait Islander peoples are universally recognised and respected—that is, Aboriginal and Torres Strait Islander people are self-determining; our political, business and community institutions actively support all dimensions of reconciliation; Aboriginal and Torres Strait Islander histories, cultures and rights are a valued and recognised part of a shared national identity and, as a result, there is national unity; and, there is widespread acceptance of our nation's history and agreement that the wrongs of the past will never be repeated—that is, there is truth, justice, healing and historical acceptance. The intention of this report is to spark a renewed national conversation about how, over the next 25 years, we as a nation can move to becoming reconciled, just and equitable. It is recommended reading.

New South Wales Labor acknowledges the historic and cultural importance of Me-mel, also known as Goat Island, and calls on the Government to adopt Labor's policy to return Me-mel to the Aboriginal people of New South Wales as an important step to reconciliation. Opposition Leader Luke Foley pledged to return Goat Island to the Aboriginal people of New South Wales during the 2015 election campaign in recognition of the "fierce connection" that Bennelong and his wife, Barangaroo, had to Sydney Harbour. This policy commitment signals Labor's determination to further true reconciliation between the Indigenous and non-Indigenous people of the State. Mr Foley said at the time that returning the island would be an act of restitution. This Labor policy has been developed in consultation with the New South Wales Aboriginal Land Council and the Tribal Warrior Association, which offers maritime training to disadvantaged Aboriginal youth and operates a harbour cruise business. We call on the Baird Government to join Labor in adopting this policy during Reconciliation Week to demonstrate the strong determination all of us have in the New South Wales Parliament towards meaningful reconciliation in New South Wales and Australia.

Mr ADAM CROUCH (Terrigal) (18:57): I begin by acknowledging that we are on the traditional land of the Gadigal people of the Eora nation. I pay tribute to our own native people up on the Central Coast, the Darkinjung people. I commend my colleague the member for Northern Tablelands for this outstanding matter of public importance and acknowledge the contribution of the member for Wyong. This week marks National Reconciliation Week—a time when we all have the opportunity to reflect on the events in Australia's history that symbolise the struggle for recognition and equality by Aboriginal Australians. National Reconciliation Week gives us the opportunity to reflect on the significant events that have been major steps in shaping that future.

The reconciliation movement really began with the 1967 referendum, when 90 per cent of Australians voted to remove clauses in the Australian Constitution which discriminated against Indigenous Australians. Today we celebrate the progress that has been made over the last 49 years. Friday of this week marks the twenty-fourth anniversary of the Mabo decision, when the High Court of Australia decided that terra nullius should not have been applied to Australia and that Aboriginal and Torres Strait Islander peoples have rights to their land. These events gave the Australian Government the power to make laws for Aboriginal and Torres Strait Islander people and recognise them in the census, and paved the way for land rights.

The theme for this year's National Reconciliation Week, as has already been outlined, is "Our History, Our Story, Our Future". It is important during this week to recognise the role of the New South Wales Reconciliation Council in raising awareness and understanding of reconciliation across the community. There are many Reconciliation Week events planned across the State, and I encourage everyone to get involved in these events in local communities. Reconciliation Week barbecues, reconciliation walks, talks on local Aboriginal history and concerts are all happening in local communities. During Reconciliation Week on the Central Coast there is an exhibition at the Gosford Regional Gallery. It opened on 28 May and will continue through to 17 July. It is a showcase of Indigenous and non-Indigenous artists' work which promotes reconciliation across the community. This is the fourteenth year of the exhibition.

It would be remiss of me if I did not mention the National Aboriginal and Islander Skills Development Association [NAISDA]. That is an outstanding organisation located at Kariang on the Central Coast, which will be undertaking cultural residency with tutors from north-east Arnhem Land. It will provide developing artists with an amazing insight into their unique way of life and traditions during this period of national reconciliation. A special, one-off performance will also be open to members of the Central Coast community. I encourage people to visit the New South Wales Reconciliation Council website at www.nswreconciliation.org.au to find out how to get involved.

Mr ADAM MARSHALL (Northern Tablelands) (19:00): In reply: I thank the member for Wyong, the shadow Minister for Aboriginal Affairs and my colleague the member for Terrigal for their contributions to the debate on this important matter of public importance. I cannot add much that has not already been covered in

this debate. I want to give a big shout-out at this time to all the people at Moree, particularly Glen "Crumpie" Crump and Cathy Duncan, who organised the Reconciliation Week awards. Unfortunately, due to a family commitment I will not be there this year, but I am very glad that my colleague in the other place, the Hon. Trevor Khan, and the member for Wyong will be there to present a number of awards.

It will be a magnificent evening celebrating the diversity of that community and how far the community has come in the reconciliation process. Awards will be given to Aboriginal and non-Aboriginal people and it will be a terrific night for the whole community. Again, I thank the member for Wyong and the member for Terrigal for contributing to this discussion tonight. The important message is that we acknowledge the past but put all our efforts into walking forward together as one nation to achieve equality for all our citizens, including the first people of this nation.

TEMPORARY SPEAKER (Ms Melanie Gibbons): Debate on the matter of public importance having concluded, and in accordance with standing and sessional orders, the House now stands adjourned until Thursday 2 June 2016 at 10.00 a.m.

The House adjourned at 19:02.