



**New South Wales**

# **Legislative Assembly**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Wednesday, 21 September 2016**

Authorised by the Parliament of New South Wales



## TABLE OF CONTENTS

Visitors .....	1
Visitors .....	1
Bills .....	1
Social and Affordable Housing NSW Fund Bill 2016.....	1
First Reading.....	1
Second Reading .....	1
Motions .....	2
Centenary of Anzac.....	2
Business of the House .....	3
Suspension of Standing and Sessional Orders: Bills .....	3
Bills .....	4
Land and Property Information NSW (Authorised Transaction) Bill 2016 .....	4
Second Reading .....	4
Consideration in Detail .....	5
Third Reading .....	10
Health Legislation Amendment Bill 2016 .....	11
Second Reading .....	11
Third Reading .....	18
Law Enforcement Conduct Commission Bill 2016 .....	18
Second Reading .....	18
Community Recognition Statements .....	28
Macarthur Astronomical Society Twentieth Anniversary .....	28
Peter Pan Preschool.....	28
Armidale City Bowling Club .....	28
Wallsend Public School Aerobic Allstars.....	28
Tribute to Nancy Haslop.....	28
Shona Stewart, Dragon Boat Racer .....	28
Campbelltown-Camden District Band.....	29
Tucabia Primary School 125th Anniversary.....	29
Fairfield Electorate Cancer Council Daffodil Day .....	29
Lexie Walker and Family Walk to D'feet MND.....	29
Al Sadiq College Principal Mr Bruce Rixon Retirement.....	29
Tweed Electorate Suicide Prevention .....	30
Gardeners Road Public School Fete .....	30
Greg Grainger Travel Writers Award .....	30
Birrong Public School Book Week.....	30
Cootamundra Electorate Floods.....	31
Hevan Espresso Fundraising.....	31
Award Recipient Leteah Mitchell .....	31
Bishop of Parramatta Student Excellence Awards .....	31

## TABLE OF CONTENTS—*continuing*

Bonnet Bay Public School .....	31
Tribute to Councillor Meg Oates .....	32
Wollondilly Electorate Centenarians .....	32
Freedom Partnership .....	32
Visitors .....	32
Visitors .....	32
Question Time .....	32
Greyhound Racing Industry Ban .....	32
Government Services .....	33
Goulburn and Bowral Hospitals .....	35
Literacy and Numeracy .....	35
Shellharbour Hospital .....	37
TAFE NSW .....	38
Hospital Chemotherapy Treatment .....	40
Suicide Prevention .....	41
Wentworth Park .....	42
Service NSW .....	42
Personal Explanation .....	44
Rutherford Fumes Pollution .....	44
Documents .....	45
Building Professionals Act 2005 .....	45
Government Response: Independent Review of Building Professionals Act 2005 .....	45
Petitions .....	45
Petitions Received .....	45
Ice Smoking Room Proposal .....	45
Wild Horse Cull .....	45
Business of the House .....	46
Business Lapsed .....	46
Water Security .....	46
Reordering .....	46
Motions Accorded Priority .....	48
Public Schools Infrastructure .....	48
Consideration .....	48
Local Government Amalgamations .....	48
Consideration .....	48
Visitors .....	49
Visitors .....	49
Motions Accorded Priority .....	50
Public School Infrastructure .....	50
Priority .....	50
Bills .....	53
Education and Teaching Legislation Amendment Bill 2016 .....	53

## TABLE OF CONTENTS—*continuing*

First Reading.....	53
Second Reading .....	53
Building Professionals Amendment (Information) Bill 2016.....	58
Second Reading .....	58
Private Members' Statements.....	59
Affordable Housing .....	59
Port Macquarie-Hastings Council Elections.....	60
Kirrawee High School Fiftieth Anniversary .....	61
Shellharbour Hospital .....	61
Companion Animals .....	62
Local Government Amalgamations .....	63
Rose Bay Judean Scouts .....	64
Ag Vision 2016.....	65
Homelessness.....	66
Campbelltown Local Area Command .....	67
Compulsory Third Party Insurance Premiums.....	67
Albury Civic Fire Station.....	68
Affordable Housing .....	69
Bills .....	70
Land and Property Information NSW (Authorised Transaction) Bill 2016 .....	70
Returned.....	70
Matter of Public Importance .....	70
World Alzheimer's Day .....	70
Bills .....	73
Health Legislation Amendment Bill 2016 .....	73
Returned.....	73

# LEGISLATIVE ASSEMBLY

**Wednesday, 21 September 2016**

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

**The SPEAKER** read the prayer and acknowledgement of country.

## *Visitors*

### **VISITORS**

**The SPEAKER:** I welcome to the public gallery students and staff from Holy Trinity School, Inverell, guests of the member for Northern Tablelands. We hope you enjoy your visit to Parliament House today.

*[Notices of motions given.]*

## *Bills*

### **SOCIAL AND AFFORDABLE HOUSING NSW FUND BILL 2016**

#### **First Reading**

**Bill introduced on motion by Ms Gladys Berejiklian, read a first time and printed.**

#### **Second Reading**

**Ms GLADYS BEREJIKLIAN (Willoughby—Treasurer, and Minister for Industrial Relations)**

**(10:12):** I move:

That this bill be now read a second time.

I am pleased to introduce the Social and Affordable Housing NSW Fund Bill 2016, which delivers on an election commitment but, more importantly, ensures that this Government is planning for the future when it comes to the very important task of providing adequate social and affordable housing. The bill provides for the establishment of the Social and Affordable Housing Fund, which sets aside dedicated, ring-fenced funding for social and affordable housing in this State. The fund will be called the SAHF NSW Fund, or the SAHF. We made an election commitment to deliver more social housing stock and we are making good on that promise. This new fund will allow us to unlock new homes for those who need them most and to support the most vulnerable in the community.

The New South Wales Government launched the SAHF in January, and I acknowledge the contribution of the Minister for Family and Community Services, and Minister for Social Housing. The SAHF is a major new innovative initiative in the approach to the way social and affordable housing is delivered in this State. In its first phase the SAHF will target delivery of up to 3,000 additional social and affordable homes, helping to reduce waiting lists for vulnerable families. The request for proposal for phase 1 of the SAHF closed on 17 August and received a strong market response. Request for proposals were issued to the shortlisted applicants on 6 May, and the evaluation process is now underway.

At present, social housing developments face a funding gap between the rental stream they receive from tenants plus government subsidies and the revenue required to sustain a commercially viable project. The Social and Affordable Housing Fund will provide a long-term revenue stream to plug this gap and encourage private and non-government organisations [NGOs] to team up to develop housing projects. The SAHF will be set up with \$1.1 billion in seed capital from the Government and will provide much needed investment certainty to the sector. The Government's investment arm, TCorp, will invest the \$1.1 billion and the returns will go towards social and affordable housing projects in the form of a stable 25-year income stream.

By establishing the fund in legislation we are setting up a ring-fenced structure. Funds are quarantined for social and affordable housing, funding not only the current program but also future initiatives. Should the fund outperform over the longer term, the excess earnings will go towards further social and affordable housing programs. Proponents for phase 1 have been asked to put proposals forward that achieve social outcomes for tenants. The Government will pay for a package of services for up to 25 years that provides access to accommodation, asset management and tenancy management services, coordination of support services tailored to each tenant, and performance and data monitoring.

This outcomes-focused model has been developed in consultation with the NSW Council of Social Service [NCOSS]. I thank it for the input and encouragement it provided during the consultation about putting

this important piece of policy forward. I also note the contributions of Infrastructure Partnerships Australia following a memorandum of understanding signed in March 2015. The Government is determined to facilitate innovative, value-for-money, service-driven outcomes that are going to help those people who need it most. Private investors, NGOs and landholders will now have more opportunities to work together to boost our social and affordable housing stock through this new fund.

Part 2 division 5 of the bill sets out the purpose of the fund. This includes setting aside funds to create new social and affordable housing stock, deliver associated services and achieve social outcomes for tenants. The fund is financially sustainable over the long term. The Government's goal is to preserve and grow the capital whilst funding social and affordable housing. By enshrining the fund in legislation the Government is sending a strong signal to the market of permanency.

This innovative ring-fenced financial structure shows the long-term vision and commitment of the Government to the sector. Payments from SAHF NSW will be made in a transparent manner with the annual financial reports being made publicly available and subject to audit by the Auditor-General. This bill provides the Government with a dedicated fund for the social and affordable housing sector, enabling access to social and affordable housing and, importantly, support services for the most vulnerable in our community. I trust that all members of this House will commend this bill and I look forward to ongoing debate. I commend the bill to the House.

**Debate adjourned.**

#### *Motions*

### **CENTENARY OF ANZAC**

**Debate resumed from 15 September 2016.**

**Mr GREG PIPER (Lake Macquarie) (10:17):** I am pleased to return to my contribution to this debate. I note the point at which I left off was about the contribution of many people in World War II serving at the Rathmines Catalina seaplane base which is in my electorate which was the largest flying boat base in the Southern Hemisphere at the time, with planes operational along the eastern seaboard into the Pacific, the Philippines and beyond. The Catalina base had an amazing role. While it is a base, it is obviously the personnel who do that work. I referred to some of the base commanders who were there, two of whom I have met over time. One was a friend of mine, Attie Wearne, and Lyn Hurt, who I referred to as having led a torpedoing raid in the New Guinea theatre of war. His aircraft was severely hit by shrapnel from anti-aircraft guns from a Japanese response to their attack. He had a piece of shrapnel hit him in the carotid artery. He was lucky that that shrapnel was not removed during the flight back to Darwin harbour or it is believed that he would have bled to death. He survived and went on to do wonderful things in our local community.

The next person I wanted to speak of was a former Rathmines Base commander, Sir Richmond Kingsland, AO, CBE, DFC, a man who post-war played a huge role in civilian life as a senior public servant, including a significant role in civil aviation, first in New South Wales where he established much of the operations at Kingsford Smith Airport and then Australia-wide. I had the honour of meeting Sir Richard Kingsland at a ceremony in 2005, a few years before his passing, when the base was placed on the State Heritage Register. I will quote from the *Sydney Morning Herald* and the *Age* which published an article after his death in 2012:

Some of his air force exploits, before and during the war read like a boys' own annual or spy thriller. The urge for excitement that led him to "perform slow rolls 15 metres above the water in a float plane" did not die in the post-war years, as his career led him into administrative positions that tied him to a desk.

It would be something to behold, to see somebody doing a slow roll in a float plane, 15 metres off the water. I will mention some of Sir Richard Kingsland's exploits. In 1939 he and some other crew from the Royal Australian Air Force [RAAF] were dispatched to England to pick up Sunderland flying boats to return to Australia, to be used for a number of purposes, particularly reconnaissance on the large Australian coast. In 1939 things in England changed and it was thrown into the war with Germany. The Sunderland crew, with Richard Kingsland as their squadron leader, stayed on and was seconded to the Royal Air Force [RAF] to use the Sunderland flying boats for patrols for submarine spotting and harrowing over the Atlantic—which they did to great effect.

Sir Richard Kingsland must have made a mark as a very competent flyer because in 1940, with the Allies hoping to rally French resistance in Morocco, Kingsland was tasked with flying Field Marshal Lord Gort, Commander in Chief of the British Field Force and Sir Alfred Duff Cooper, Minister of Information, to Rabat in Morocco in a Sunderland flying boat of the No. 10 squadron. As they travelled, however, the French in Africa were siding with the pro-German Vichy Government. Immediately after Kingsland landed on a narrow estuary and delivered his passengers ashore he received an urgent coded radio message to deliver to Lord Gort alerting him to the developing situation. However, the two men—a high-ranking officer and a high-ranking diplomat of

the British government—were already on shore and attempting to set up dialogue with the Vichy French, which was not going to work.

Kingsland had to make a decision about what he was going to do and he did what I guess many other reluctant heroes would do. He found a way to get to shore, even though he was ordered to stay on the Sunderland flying boat. Under the cover of night he took a boat to the shore where he then found a way to commandeer a car to get to the consulate where he alerted Lord Gort and took him with him to collect Sir Alfred Duff Cooper. They were pursued by the Vichy French police and Kingsland was arrested, along with the other person. They were thrown into jail but the Vichy French police had neglected to take his side-arm from him. I imagine that if one is locked up in a police station it would be good to have a handgun. He took his revolver, shot the lock out and was engaged in a gunfight with the police. I understand two of the police officers were shot.

Kingsland escaped and once again commandeered a vehicle. He rescued the other member of the party and they made their way back to the harbour where they commandeered a boat, which they took out to their Sunderland aircraft. It was still in the dark early hours of the morning. They reached the boat, which was surrounded by Vichy French police boats, and they were placed under arrest, but that was not going to hold back Sir Richard Kingsland from escaping with his important cargo. At the first hint of light, when he knew it would be enough for him to be able to do a flyby, he hit the starters of the four engines. In that era, the engines of such a large aircraft would normally be warmed up. The engines came to life and immediately they came under gunfire. There were heavy seas and he used the waves to allow the *Sunderland* to take off as quickly as possible. They flew to Gibraltar where he delivered his crew and passengers safely.

That was an amazing episode, which received a brief note from Lord Gort which said, "Thank you very much for being my chauffeur." He was later awarded a Distinguished Flying Cross. The amazing story did not stop there. Sir Richard Kingsland returned to Australia and while he spent time at the Rathmines Air Base, he returned to the Pacific theatre of war, particularly Rabaul in New Guinea, where he flew flying boats. He is an amazing person and I was proud to have met him. Countless stories of heroism have emerged from the bloody and deadly conflicts, from the first Anzacs to those who fought for our freedom in World War II, the Korean War, Vietnam and, more recently, in Afghanistan and Iraq, among other conflicts. Our observance of those sacrifices has never been more relevant than today. While we are fortunate to live far removed from such conflicts, we must remain mindful and appreciative of the ongoing efforts of the Australian troops in Afghanistan and the Middle East, as well as the work of the Australian peacekeepers stationed in trouble spots around the world.

Madam Speaker has compiled a number of stories that she has imparted to the Parliament. It is a wonderful collection of stories, but we know they are only a collection. For all of those stories that are recorded, many more went unrecorded. It is important for us to remember there are countless more heroes. Those people had brothers and sisters, and mothers and fathers lost their children in war. Some were parents themselves who never saw their own children. They gave the ultimate sacrifice. I appreciate the record that has been compiled by Madam Speaker, which has been read onto the record of Parliament. They are significant stories.

We have a remarkable history and incredible people who have served our nation. When they have served on Royal Australian Air Force bases such as Rathmines, many people stayed on and built communities around them. I understand the grandfather of the member for The Entrance was George Mehan, who served at the Rathmines Air Base. His father stayed in the area, as did many others, and they went on to build a great community. Their legacy lives on, not only from what they did in times of war but also from what they did post war.

When we mark the centenary of the original Anzacs we remember those who made the ultimate sacrifice to protect the freedoms and quality of life that we enjoy today. The Anzacs demonstrate to us that otherwise ordinary people can be heroes and make a difference to the lives of others. They could never have known that their gallantry and deeds would become part of a national legend, but that very humility is why we remember them with such reverence more than 100 years later. I thank the member for Lane Cove for introducing this motion for members to debate. I commend the motion to the House. Lest we forget.

**Debate adjourned.**

*Business of the House*

#### **SUSPENSION OF STANDING AND SESSIONAL ORDERS: BILLS**

**Mr ANTHONY ROBERTS:** I move:

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

- (1) That any proposed amendments to the Land and Property Information NSW (Authorised Transaction) Bill should be moved and considered together.



- (2) For the following speaking time limits during any consideration in detail on the Land and Property Information NSW (Authorised Transaction) Bill:

- (a) one Opposition member—one period up to 15 minutes; and  
 (b) one Government member—one period of up to 15 minutes.

God save the Queen.

**The DEPUTY SPEAKER:** The question is that the motion be agreed to.

**The House divided.**

Ayes .....44  
 Noes .....35  
 Majority.....9

**AYES**

Anderson, Mr K  
 Barilaro, Mr J  
 Conolly, Mr K  
 Crouch, Mr A  
 Evans, Mr L  
 Gulaptis, Mr C  
 Humphries, Mr K  
 Lee, Dr G  
 Nottley-Smith, Mr B  
 Pavey, Ms M  
 Provest, Mr G  
 Sidoti, Mr J  
 Stokes, Mr R  
 Tudehope, Mr D  
 Williams, Mr R

Aplin, Mr G  
 Berejiklian, Ms G  
 Constance, Mr A  
 Dominello, Mr V  
 Fraser, Mr A  
 Henskens, Mr A  
 Johnsen, Mr M  
 Maguire, Mr D  
 O'Dea, Mr J  
 Perrottet, Mr D  
 Roberts, Mr A  
 Skinner, Ms J  
 Taylor, Mr M  
 Upton, Ms G  
 Williams, Ms L

Ayres, Mr S  
 Bromhead, Mr S (teller)  
 Coure, Mr M  
 Elliott, Mr D  
 Goward, Ms P  
 Hodgkinson, Ms K  
 Kean, Mr M  
 Marshall, Mr A  
 Patterson, Mr C (teller)  
 Petinos, Ms E  
 Rowell, Mr J  
 Speakman, Mr M  
 Toole, Mr P  
 Ward, Mr G

**NOES**

Aitchison, Ms J  
 Car, Ms P  
 Crakanthorp, Mr T  
 Doyle, Ms T  
 Greenwich, Mr A  
 Haylen, Ms J  
 Kamper, Mr S  
 McDermott, Dr H  
 Mihailuk, Ms T  
 Parker, Mr J  
 Smith, Ms T  
 Watson, Ms A

Atalla, Mr E  
 Catley, Ms Y  
 Daley, Mr M  
 Finn, Ms J  
 Harris, Mr D  
 Hoenig, Mr R  
 Lalich, Mr N (teller)  
 McKay, Ms J  
 Minns, Mr C  
 Piper, Mr G  
 Warren, Mr G (teller)  
 Zangari, Mr G

Barr, Mr C  
 Chanthivong, Mr A  
 Dib, Mr J  
 Foley, Mr L  
 Harrison, Ms J  
 Hornery, Ms S  
 Lynch, Mr P  
 Mehan, Mr D  
 Park, Mr R  
 Robertson, Mr J  
 Washington, Ms K

**PAIRS**

Baird, Mr M

Smith, Ms K

**Motion agreed to.**

*Bills*

**LAND AND PROPERTY INFORMATION NSW (AUTHORISED TRANSACTION) BILL 2016**

**Second Reading**

**Debate resumed from 20 September 2016.**

**The DEPUTY SPEAKER:** The House will now proceed with the deferred division on the question: That this bill be now read a second time.

**The House divided.**

Ayes .....44  
Noes .....35  
Majority.....9

**AYES**

Anderson, Mr K  
Barilaro, Mr J  
Conolly, Mr K  
Crouch, Mr A  
Evans, Mr L  
Gulaptis, Mr C  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Ms M  
Provest, Mr G  
Sidoti, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Aplin, Mr G  
Berejiklian, Ms G  
Constance, Mr A  
Dominello, Mr V  
Fraser, Mr A  
Henskens, Mr A  
Johnsen, Mr M  
Maguire, Mr D  
O'Dea, Mr J  
Perrottet, Mr D  
Roberts, Mr A  
Skinner, Ms J  
Taylor, Mr M  
Upton, Ms G  
Williams, Ms L

Ayres, Mr S  
Bromhead, Mr S (teller)  
Coure, Mr M  
Elliott, Mr D  
Goward, Ms P  
Hodgkinson, Ms K  
Kean, Mr M  
Marshall, Mr A  
Patterson, Mr C (teller)  
Petinos, Ms E  
Rowell, Mr J  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

**NOES**

Aitchison, Ms J  
Car, Ms P  
Crakanthorp, Mr T  
Doyle, Ms T  
Greenwich, Mr A  
Haylen, Ms J  
Kamper, Mr S  
McDermott, Dr H  
Mihailuk, Ms T  
Parker, Mr J  
Smith, Ms T  
Watson, Ms A

Atalla, Mr E  
Catley, Ms Y  
Daley, Mr M  
Finn, Ms J  
Harris, Mr D  
Hoenig, Mr R  
Lalich, Mr N (teller)  
McKay, Ms J  
Minns, Mr C  
Piper, Mr G  
Warren, Mr G (teller)  
Zangari, Mr G

Barr, Mr C  
Chanthivong, Mr A  
Dib, Mr J  
Foley, Mr L  
Harrison, Ms J  
Hornery, Ms S  
Lynch, Mr P  
Mehan, Mr D  
Park, Mr R  
Robertson, Mr J  
Washington, Ms K

**PAIRS**

Baird, Mr M

Smith, Ms K

**Motion agreed to.**

**Consideration in detail requested by Mr Clayton Barr.**

**Consideration in Detail**

**The DEPUTY SPEAKER:** In accordance with the earlier resolution, the amendments shall be moved and considered together.

**Mr CLAYTON BARR (Cessnock) (10:45:3):** I move Opposition amendments Nos 1 to 7 on sheet C2016-083A:

- No. 1     **Transfers of staff to private sector employment**  
Page 13, clause 21 (6) (a), line 3. Omit "2 years". Insert instead "5 years".
- No. 2     **Transfers of staff to private sector employment**  
Page 13, clause 21 (6) (b), line 8. Omit "2 years". Insert instead "5 years".

No. 3      **Conveyancing rules**

Page 36, schedule 4.4. Insert after line 24:

[12]      **Section 12E (13)**

Insert after section 12E (12):

- (13)      The Registrar-General must ensure that the conveyancing rules make provision for documents to be lodged in a paper form.

No. 4      **Lodgement rules**

Page 37, schedule 4.4 [12], proposed section 12F. Insert after line 15:

- (6)      Subject to subsection (7), sections 40 and 41 of the *Interpretation Act 1987* apply to a lodgement rule made under this section in the same way as they apply to a statutory rule.
- (7)      For the purpose of applying section 40 of the *Interpretation Act 1987* to a lodgement rule made under this section, a reference in that section to the publication of a statutory rule is to be read as a reference to the publication of the lodgement rule made as provided by subsection (3).

No. 5      **Administrative review of decisions of Registrar-General**

Page 40, schedule 4.4 [45], proposed section 121 (6), line 41. Insert "in writing" after "notify".

No. 6      **Torrens Assurance Fund**

Page 42, schedule 4.4 [50] and [51], lines 1 to 13. Omit all words on those lines.

No. 7      **Fixing of fees etc for new services**

Pages 42 and 43, schedule 4.4 [57], line 34 on page 42 to line 22 on page 43. Omit all words on those lines.

As always, I will be brief. It is important to note for the sake of *Hansard* and those who are following the televised debate that this morning in the Chamber we have witnessed what is essentially a gaffe. The Government is so desperate to get this bill passed and to get its hands on the money that it is ramming this legislation through all stages today. Last night's farcical situation is evidence of what this Government is all about. Just as it did with the greyhound racing legislation, it is all about getting this legislation through as quickly as possible and with minimum scrutiny so as to ensure that the Government has its way with the money, savings and assets of the people of New South Wales. Rather than respecting the ownership of the State's assets by the people, that is what the Government is doing.

Last night the Treasurer, in her reply speech, had the audacity to suggest that contributions to the debate made by members of the Opposition had been poorly researched and were ill informed. I point out to the Treasurer that two scoping studies, which were conducted in 2013 and 2015, are in the public domain. Apparently the Minister for Finance, Services and Property has modelling which shows that the changes to the fees and charges will be revenue neutral. Where is that research and documentation? If the Treasurer wants the Opposition to participate in debate in an informed manner, the Opposition should be given the information that the Treasurer is sitting on—which supposedly proclaims the need for and benefit of this privatisation. If the information the Treasurer has is so good and is so supportive of the Government's position, what does the Treasurer have to hide? What does the Government have to hide that makes it want to gag debate?

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

**Mr CLAYTON BARR:** Although it is inappropriate to ask questions directly across the Chamber, with the indulgence of the Deputy Speaker I ask: Do the comments made by the member for Barwon mean that he will cross the floor and vote with the Opposition?

**Mr Kevin Humphries:** If you shut up I'll consider it.

**The DEPUTY SPEAKER:** Does the member for Cessnock want me to repeat the answer?

**Mr CLAYTON BARR:** The member for Barwon said, "Shut up and I'll consider it."

**The DEPUTY SPEAKER:** Some members did not hear the answer. I am sure they would like to know what it was.

**Mr CLAYTON BARR:** I am sure they would. This bill is about removing scrutiny. It is about removing the opportunity for this House, the upper House and the broader public to have the conversation. During my brief contribution to debate last night, I referred to the situation in Britain where a scoping study was done on the same model as the one in this bill. But in the United Kingdom the information was put out in the public domain for general consultation and for complete and thorough scrutiny by the people. I know that sounds like a crazy idea

but that is what this Tory conservative Government did. Ultimately, as a result of the public scrutiny, the feedback and the interrogation of the scoping study, the Government decided not to go ahead with that privatisation model. It is the same privatisation model that we are debating in this Chamber. It is about land title and title and registration.

Last night the Treasurer criticised Opposition members for putting to the House an ill-informed position in debate on the bill. If the Treasurer wants a better informed position from the Opposition, she should release the two scoping studies for which the taxpayers of New South Wales paid. Those studies, which have been sitting on her desk for months, apparently have provided the Treasurer with such a glowing endorsement that they have led her to take this position. This bill demonstrates that nobody gets between the Premier and a bucket of cash. Forget the long term; the Government is not thinking 10, 20 or 30 years ahead. The most telling contribution was that of the Minister for Regional Development, the member for Monaro, who acknowledged that come 2019 the Government will be made up of Labor members from this side of the Chamber.

All members should heed the warning of the Minister for Regional Development, who has one of the smallest margins in the House, that for Government members the game is over. The people of New South Wales are pulling down the blinds on their time on the Treasury benches. It is finished. The Government backbench members are the sacrificial lambs of the frontbench members, who have margins of 20 per cent. The frontbench members, who have longer tenure, are willing to steamroll over the top of the backbench members and let them forgo their seats. All of those nervous little backbenchers—

**Mr Andrew Fraser:** Point of order: My point of order is Standing Order 76, relevance. The member for Cessnock is not addressing his amendments or the bill. I ask that he be brought back to the leave of the amendments and the bill.

**The DEPUTY SPEAKER:** I uphold the point of order. The member for Cessnock was not reflecting on the amendments in his contribution.

**Mr CLAYTON BARR:** Amendment No. 4 relates to the change from regulation to a lodgement rule. A regulation needs to pass through the House. I am being relevant by speaking to public scrutiny, which is the crux of the entire debate on the bill. The Government's actions yesterday and today and the changes to this piece of legislation call for public scrutiny. This arrogant Government does not want public scrutiny, but it is something that the people of New South Wales and the Labor Party insist upon. The votes on these amendments and the bill are all about scrutiny.

The debate on the bill and the amendments I have moved are about public scrutiny—something for which this Government does not stand. Amendments Nos 1 and 2 relate to the transfer of staff. As noted in the bill, the transfer of staff is listed for a guaranteed two years. These amendments will change that to five years. I note with interest that Reverend the Hon. Fred Nile in the Legislative Council commented in yesterday's *Daily Telegraph* that he will move a similar amendment in that Chamber. Reverend the Hon. Fred Nile is not sure whether he wants three or four years, but he certainly wants an increase on the two years proposed by the Government.

The New South Wales Labor Party, as it has done in the past on transaction bills and privatisation bills, is seeking a guarantee for staff of five years. Last night, in my contribution to the second reading debate, I noted a certain irony that these poor, unfortunate staff members of Land and Property Information NSW [LPI] have been in limbo for four years waiting for this Government to finalise its decision, yet they are to be given a guarantee of only two years. As I said earlier in my contribution today, a number of backbenchers on that side of the Chamber also have tenure of only two years. They must be equally as nervous about their tenure as are the employees of the LPI.

Amendment No. 3 refers specifically to the ability to lodge a conveyancing application in paper form. Currently, the word "paper" exists in the legislation. While I applaud, appreciate, accept and happily endorse the move to e-conveyancing and the move from the paper form, the killer fact is that 94 per cent of lodgements include paper. I repeat: 94 per cent today and yesterday include paper. When this bill passes the upper House, presumably today, the Government will be ruling out the process used by 94 per cent of business operators, lawyers, surveyors, solicitors and conveyancers. The Treasurer will probably say, "No, we are not insisting that they go to e-conveyancing. We are just saying that we do not need the word "paper" in the legislation".

The inclusion of the word "paper" in the legislation guarantees that paper applications will be permitted today and tomorrow. If the word "paper" is removed from the legislation, paper applications can be refused. If that happens, there is nothing the punters can do about it because the word no longer exists in the legislation. In this instance, we must ensure that the word "paper" remains in the legislation. Amendment No. 4 relates to the lodgement rules, which I spoke about earlier. This is a terminology change to the Real Property Amendment (Electronic Conveyancing) Act 2015. The Government is seeking to change the word "regulation" to "a lodgement

rule". As members know, a regulation has to be gazetted after it has passed through the Parliament, and that means it can be refused.

A lodgement rule—the model that the Government wants—means that the Registrar General will make the rules without those rules necessarily having the scrutiny of the New South Wales Parliament and being published in the *Government Gazette*. This is about public scrutiny of the changes that are being put in place by this bill. If there is nothing to fear or be concerned about, why remove the need for the rules to come before the Parliament? Legislation introduced by this Government over the past five years typically has not contained the necessary detail and the Government says, "Trust us, we will put the detail in the regulation and figure it out later." The people of New South Wales do not trust the Government anymore. The New South Wales Labor Party has never trusted this New South Wales Government and, increasingly, every day more people are getting on board the "We don't trust the Government" freight train.

Amendment No. 4 will allow for the continuation of decisions of the Registrar General to be done by way of regulation so that they are gazetted and are scrutinised by this House or the upper House. The amendment allows for a lodgement rule that is made by the Registrar General to come under the Interpretation Act 1987, which would mean that any regulation will be gazetted after it has been considered by the Parliament. It is reasonable that the Government would allow for scrutiny of those decisions. Amendment No. 5 is about the administrative review of decisions of the Registrar General. Under the existing legislation, an applicant who objected to a decision of the Registrar General could ask for that decision in writing.

The importance of it is that if they ultimately want to appeal the case to the Supreme Court the court is only able to deal with matters that have been provided in writing. The problem under this bill is that there is no requirement for the decision of the Registrar General to be provided in writing. The person has to be notified of the decision but there is no need for the decision to be provided in writing. That is a problem in subsequent sections of the legislation because when a matter goes to the Supreme Court for appeal things are needed in writing. I would not trust anything members opposite told me; I would want it in writing. It is the same in the case of an appeal against the Registrar General.

Amendments Nos 6 and 7 again deal with scrutiny of the Government. Amendment No. 6 relates to the Torrens Assurance Fund at page 42, schedule 4.4 [50] and [51]. Amendment No. 7 concerns schedule 4.4 [57] and relates to the fees and charges that the Minister can introduce willy-nilly without scrutiny and that are all about increasing profits for the new private owner. I commend the amendments to the House.

**Ms GLADYS BEREJIKLIAN (Willoughby—Treasurer, and Minister for Industrial Relations)**  
**(11:00):** I appreciate the opportunity to address the Opposition amendments. Before I do so I will make a few points clear. Those of us who were here last night know that the Opposition had about six hours to debate this matter. A number of us were here until very early this morning. I listened to the shadow Minister for Finance, Services and Property talk for two hours but he did not foreshadow these amendments in detail. In fact, he came to me at midnight with a handwritten bit of paper and wanted to discuss the amendments. I asked him to put them through the proper process. He apparently tried to email them twice to the wrong address. He told me he had sent the amendments but we did not receive them until late in the night because he could not manage to get the right address.

Like the Minister for Finance, Services and Property, I do not blame the shadow Minister, the member for Cessnock, because this is a transaction bill that should have been dealt with by the shadow Treasurer. We heard from approximately 14 Opposition speakers before the shadow Treasurer participated in the debate. When he finally came to the Chamber his lack of knowledge about the bill was an embarrassment. I am not surprised that there is complete chaos on the opposite side of the House over this. I will now turn briefly to the amendments.

**The DEPUTY SPEAKER:** Order! I would have thought Opposition members would like to hear the Treasurer's response to their amendments.

**Ms GLADYS BEREJIKLIAN:** I will be brief. I understand the first two amendments relating to staff transfers will be dealt with in the other place, where the Government will consider them. I am looking forward to debate on those issues later this morning. In relation to Opposition amendment No. 3, the Government's proposed amendment as outlined in the bill removes the word "paper" where it appears throughout the section. It was made to allow the conveyancing rules to set rules for both paper and electronic transactions, not just paper transactions. It is about modernising the operations and will allow rules for both paper and electronic transactions to be consolidated in one place, as they should be. Regrettably, members opposite did not pick that up.

We do not support amendment No. 4 regarding lodgement rules because the proposed amendment would make the lodgement rules subject to the same tabling and disallowance requirements as regulations. The transaction legislation already includes strong protections around the making of lodgement rules. It is already in

the legislation. For example, lodgement rules must be published and notified at least 20 business days before their commencement and they cannot be inconsistent with the provisions of any Act under which titling and registry functions are exercised. Also the lodgement rules can only be made in relation to a limited class of matters as set out in section 12F. Importantly, the concession arrangement will give the Registrar General a right of veto over proposed lodgement rules where it is in the public interest. As the regulator of titling and registry services, the Registrar General will be in the best position to assess the appropriateness of the rules. As the Minister for Finance, Services and Property and I have said, this process will entrench and strengthen the regulatory framework within which the Registrar General operates.

In relation to amendment No. 5 involving the administrative review of decisions of the Registrar General, proposed section 121 allows for a person to request the Registrar General to review a decision made by the operator. It is in fact already there. It requires the Registrar General to notify the applicant, the operator and others of the review decision and the reasons for the decision. The intention is that the Registrar General's notification will be in writing. We do not support amendment No. 6 relating to the Torrens Assurance Fund because proposed sections 134 (2) (a) and 134 (4) of the Real Property Act simply allow for the Torrens Assurance Fund levy to be applied separately to lodgement fees rather than included within the lodgement fee.

This is desirable for transparency reasons and appropriate, given that the Torrens Assurance Fund levy will go to the State and the lodgement fees will go to the private operator. This is about making that process much more transparent. Therefore, we do not support what members opposite are proposing. After a very long debate yesterday and consideration of all the issues I thank the Minister for Finance, Services and Property in particular for his contribution to this legislation. I also thank all members who stayed until the early hours of this morning. I do not agree with what members opposite presented; however, I appreciate their right to debate this important piece of legislation.

**The DEPUTY SPEAKER:** The question is that Opposition amendments Nos 1 to 7 on sheet C2016-083A be agreed to.

**The House divided.**

Ayes .....35  
Noes .....45  
Majority.....10

#### AYES

Aitchison, Ms J  
Car, Ms P  
Crakanthorp, Mr T  
Doyle, Ms T  
Greenwich, Mr A  
Haylen, Ms J  
Kamper, Mr S  
McDermott, Dr H  
Mihailuk, Ms T  
Parker, Mr J  
Smith, Ms T  
Watson, Ms A

Atalla, Mr E  
Catley, Ms Y  
Daley, Mr M  
Finn, Ms J  
Harris, Mr D  
Hoenig, Mr R  
Lalich, Mr N (teller)  
McKay, Ms J  
Minns, Mr C  
Piper, Mr G  
Warren, Mr G (teller)  
Zangari, Mr G

Barr, Mr C  
Chanthivong, Mr A  
Dib, Mr J  
Foley, Mr L  
Harrison, Ms J  
Hornery, Ms S  
Lynch, Mr P  
Mehan, Mr D  
Park, Mr R  
Robertson, Mr J  
Washington, Ms K

#### NOES

Anderson, Mr K  
Baird, Mr M  
Bromhead, Mr S (teller)  
Coure, Mr M  
Elliott, Mr D  
Goward, Ms P  
Henskens, Mr A  
Johnsen, Mr M  
Maguire, Mr D  
O'Dea, Mr J  
Perrottet, Mr D  
Roberts, Mr A

Aplin, Mr G  
Barilaro, Mr J  
Conolly, Mr K  
Crouch, Mr A  
Evans, Mr L  
Grant, Mr T  
Hodgkinson, Ms K  
Kean, Mr M  
Marshall, Mr A  
Patterson, Mr C (teller)  
Petinos, Ms E  
Rowell, Mr J

Ayres, Mr S  
Berejiklian, Ms G  
Constance, Mr A  
Dominello, Mr V  
Fraser, Mr A  
Gulaptis, Mr C  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Ms M  
Provest, Mr G  
Sidoti, Mr J

## NOES

Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Taylor, Mr M  
Upton, Ms G  
Williams, Ms L

## PAIRS

Smith, Ms K

Gibbons, Ms M

**Amendments negatived.**

**The DEPUTY SPEAKER:** The question is that clauses 1 to 52 and schedules 1 to 4 be agreed to.

**Clauses 1 to 52 and schedules 1 to 4 agreed to.**

**Third Reading**

**Ms GLADYS BEREJIKLIAN:** I move:

That this bill be now read a third time.

**The House divided.**

Ayes .....45  
Noes .....35  
Majority.....10

## AYES

Anderson, Mr K  
Baird, Mr M  
Bromhead, Mr S (teller)  
Coure, Mr M  
Elliott, Mr D  
Goward, Ms P  
Henskens, Mr A  
Johnsen, Mr M  
Maguire, Mr D  
O'Dea, Mr J  
Perrottet, Mr D  
Roberts, Mr A  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

Aplin, Mr G  
Barilaro, Mr J  
Conolly, Mr K  
Crouch, Mr A  
Evans, Mr L  
Grant, Mr T  
Hodgkinson, Ms K  
Kean, Mr M  
Marshall, Mr A  
Patterson, Mr C (teller)  
Petinos, Ms E  
Rowell, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Ayres, Mr S  
Berejiklian, Ms G  
Constance, Mr A  
Dominello, Mr V  
Fraser, Mr A  
Gulaptis, Mr C  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Ms M  
Provest, Mr G  
Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G  
Williams, Ms L

## NOES

Aitchison, Ms J  
Car, Ms P  
Crakanthorp, Mr T  
Doyle, Ms T  
Greenwich, Mr A  
Haylen, Ms J  
Kamper, Mr S  
McDermott, Dr H  
Mihailuk, Ms T  
Parker, Mr J  
Smith, Ms T  
Watson, Ms A

Atalla, Mr E  
Catley, Ms Y  
Daley, Mr M  
Finn, Ms J  
Harris, Mr D  
Hoenig, Mr R  
Lalich, Mr N (teller)  
McKay, Ms J  
Minns, Mr C  
Piper, Mr G  
Warren, Mr G (teller)  
Zangari, Mr G

Barr, Mr C  
Chanthivong, Mr A  
Dib, Mr J  
Foley, Mr L  
Harrison, Ms J  
Hornery, Ms S  
Lynch, Mr P  
Mehan, Mr D  
Park, Mr R  
Robertson, Mr J  
Washington, Ms K

## PAIRS

Gibbons, Ms M

Smith, Ms K

**Motion agreed to.****HEALTH LEGISLATION AMENDMENT BILL 2016****Second Reading****Debate resumed from 15 September 2016.**

**Ms TANIA MIHAILUK (Bankstown) (11:20):** I lead for the New South Wales Opposition in debate on the Health Legislation Amendment Bill 2016 in my capacity as the shadow Minister for Mental Health and the shadow Minister for Medical Research. This bill proposes to make various amendments to four Acts governing the portfolios of Health and Mental Health, including updating references within the Health Administration Act 1982; amend sections of the Health Services Act 1997 relating to governance and the liability of health staff in certain situations; amend the Mental Health Act 2007 to ensure that a president of the Mental Health Review Tribunal who holds office within the judiciary retains his or her judicial commission, rank, salary and other privileges; and amend provisions within the Mental Health (Forensic Provisions) Act 1990 relating to the classification, assessment and release of patients, among other administrative-related amendments.

While I can state from the outset that the New South Wales Opposition will not oppose the bill in this place, further consideration must be given to certain aspects of the bill, which I will address shortly. First, I refer to schedule 1 to the bill, which proposes to amend the Health Administration Act 1982 to update references to certain administrative positions and titles within NSW Health. These amendments will omit references to the Director General and replace them with the Health Secretary. This merely alters, from an administrative and industrial relations perspective, some descriptive references in the Act which are needed following the implementation of the Government Sector Employment Act 2013.

Schedule 2 to the bill proposes to make various governance-related amendments to the Health Services Act 1997. One of the amendments proposes to vary the length of tenure with regard to the composition of local health district boards. The bill proposes to extend the maximum term of appointment and the maximum number of years a person can hold office as a member of the local health district board from four and eight years to five and 10 years respectively. I request the Minister in her reply to elaborate on the reasoning behind this proposal and to explain the practical benefits of proceeding with these proposed amendments. I also request the Minister to clarify who exactly has called for the amendment in relation to the extension of the tenure of local health district board members, or if it is a proposal from within the ministry. Pending the response of the Minister in her reply, the New South Wales Opposition will consider appropriate amendments in the other place to retain the status quo in the Health Services Act with respect to the tenure of local health district board members.

A series of further internal governance-related amendments are also proposed in schedule 2 to the bill. Local health districts will be given the capacity to adopt model by-laws, as published on the New South Wales legislation website, with variations to be approved by the Health Secretary. Similar changes have also been proposed to apply to statutory health corporations. An amendment which has been welcomed by the Health Services Union is the proposal to insert a new section 139A into the Act. This provision would have the effect of exempting from personal liability members of staff of the NSW Health Service who have assisted a registered health practitioner in good faith in providing care or treatment under the functions of the Guardianship Act 1987 and the Children and Young Persons (Care and Protection) Act 1998. Instead of being personally liable, liability would, instead, be transferred to the local health district or statutory health corporation to which the member of staff belonged at the time of employment.

I take a moment in the context of this bill to place on the parliamentary record my profound respect and appreciation for the staff of NSW Health. We are at a point in time when the health system in this State looks to hang in the balance. In recent months the system has lurched from crisis to crisis. Just two months ago my community of Bankstown was rocked by twin tragedies: the death of a newborn baby boy and the severe brain damage of a baby girl, who were accidentally administered nitrous oxide instead of oxygen at Bankstown-Lidcombe Hospital. This month I attended a rally at the same hospital to protest the poor cleaning standards at the hospital caused by shortages of cleaning staff.

The rally was organised by the Health Services Union [HSU] in conjunction with the Nurses and Midwives Association after concerns were raised by NSW Health staff about a lack of resources at their workplace. In these instances, NSW Health staff have always been ably supported by their union, the HSU. I am proud to stand shoulder to shoulder with the union to ensure that, no matter what the situation, patients and staff



alike are subject to the highest standards of care and support, whether working in the hospital or receiving treatment there. The proposal to transfer liability from individual staff to the local health district or statutory health corporation is an important correction in health administration, and I thank the HSU again for its advice on this matter.

I now turn to schedule 3 to the bill, which will make a minor amendment to the Mental Health Act to ensure that a person who is the president of the Mental Health Review Tribunal whilst concurrently serving as a member of the judiciary maintains his or her status as a judge and receives his or her judicial salary and entitlements whilst serving as president of the tribunal. These provisions will update the Act to reflect a similar arrangement between members of the judiciary who also serve as members of the NSW Civil and Administrative Tribunal. The most significant amendments in this bill are contained in schedule 4, which proposes to amend section 53 of the Mental Health (Forensic Provisions) Act to restrict the capacity of the Mental Health Review Tribunal [MHRT] to reclassify a forensic patient to a civil patient.

A forensic patient is a person who has been admitted to a mental health facility following a finding of not guilty to a criminal offence due to mental illness, or a person who is unable to be tried for a criminal offence due to mental illness. As the Minister outlined in her second reading speech, under existing provisions in schedule 1 to the Mental Health (Forensic Provisions) Act, both the Attorney General and the Minister for Health may make an application to the Supreme Court to extend or vary the forensic status of a patient beyond their declared term. This application can only be made within six months of the expiry of the term. However, the application can only be made prior to reclassification from forensic to civil patient by the MHRT.

The proposed amendments will entitle both the Minister and the Attorney General to notify the tribunal that they will not seek to extend the forensic status of a patient. I understand that the intent of this proposal is to prevent instances of reclassification occurring through the tribunal prior to the Minister or the Attorney General having the opportunity to apply for a patient's forensic status to be extended or not extended. While this is a legitimate policy consideration, particularly when considering the need to protect members of the community from patients who still pose a risk to community safety, there may be unintended consequences that derive from this amendment.

First, it is my understanding—and I am happy to be corrected if my understanding is mistaken—that either the Minister or the Attorney General would be required to indicate to the tribunal in all applications made to the tribunal whether they wish to seek to extend the forensic status of a patient. I suspect there are not an onerous number but it still reads as though the Minister or the Attorney General would have to provide their response to all applications made to the tribunal.

This would impose a significant responsibility upon the Minister and the Attorney General, to ensure that the proper level of judgement and oversight is undertaken when making a decision to act or not. If a forensic patient were to be reclassified as a civil patient by the tribunal with no objection made by the Minister or the Attorney General, and then harm were caused to the community by such a patient once released from the mental health facility as a civil patient, the wider public would undoubtedly hold the Minister or the Attorney General to account in failing to act prior to the reclassification by the tribunal, irrespective of the reasonableness of the specific circumstances. I kindly request that the Minister clarify in her reply whether these provisions have been drafted with the intent that the Minister indicated in her second reading speech.

With regard to further amendments within schedule 4 to the bill, a new section 11A is proposed to be inserted into schedule 1 of the Act that would provide for the Supreme Court to provide an interim extension order for a patient to be detained for a period of 24 hours if an application for an extension order to the court is dismissed. This amendment seeks to give medical practitioners or accredited persons the opportunity to assess whether a patient is mentally ill or a disordered person and requires further care.

The final amendment of note in the bill is the repeal of the New South Wales Institute of Psychiatry Act 1964. As of January 2017 the New South Wales Institute of Psychiatry will become part of the Health Education Training Institute and there will be a transfer of the institute's higher education courses to the institute, and a recommendation as part of a wider review of its functions conducted in 2013 on behalf of the Mental Health Commission. It is therefore necessary to repeal this Act.

I reiterate that the New South Wales Opposition will not oppose the bill in this place; however, I expect and hope that the Minister will thoroughly address the matters that I have placed on record and consider the issues that I have raised. I again acknowledge the Health Services Union of New South Wales for its assistance in consulting with my office on matters in the bill. I also thank the office of Minister Goward for advice she provided to my office. I commend the Health Legislation Amendment Bill 2016 to the House.

**Mr ADAM CROUCH (Terrigal) (11:31):** I support the Health Legislation Amendment Bill 2016 and acknowledge from the outset the support from those opposite in not opposing this amending legislation. In summary the bill proposes to amend the following Acts: the Mental Health (Forensic Provisions) Act 1990, the Mental Health Act 2007, the Health Service Act 1997 and the Health Administration Act 1982. It will repeal the New South Wales Institute of Psychiatry Act 1964. The repeal of the New South Wales Institute of Psychiatry Act 1964 follows a 2013 review by the Mental Health Commission that recommended that the Health Education and Training Institute should take over the functions of the institute.

The Health Services Act 1997 amendments will allow for the following: one, to better align the governance provisions for the local health district [LHD] and Statutory Health Corporations Boards; two, to address potential conflicts for board members who are also employed by the LHD; three, to increase the term of the appointment of board members from four to five years; four, to simplify the process of making the by-laws by LHDs and statutory health corporations; five, to extend the existing protection from personal liability to a person who carries out a review into the public health system; and, six, to protect the NSW Health Service staff from personal liability when assessing a health practitioner in providing treatment under the Guardianship Act or the Children and Young Persons Care and Protection Act.

The next step in this amending bill is the Mental Health Forensic Provisions Act 1990. The amendments will allow for the following: one, the Mental Health Review Tribunal can make a forensic patient a civil patient unless the Minister and the Attorney General have noted that they will not apply to extend forensic status; two, the Minister and the Attorney General have the right to appear before or submit to the tribunal's review process; three, the Supreme Court can make an order for the 24-hour detention of a person to assess whether he or she requires care or treatment as a civil patient under the Mental Health Act; four, to allow information to be shared between Ministers administering the Act; five, to allow the Minister or secretary to delegate their functions; and, six, to clarify that the normal 28-day appeal period runs from when the Minister receives written notification of the order and reasons of the tribunal.

Amendments to the Mental Health Act 2007 allow for the following: If a sitting judge is appointed as president of the tribunal, it does not affect the tenure, rank, status, salary or entitlements of that judicial office in line with similar bodies. Finally, there are the minor amendments to the Health Administration Act 1982. These amendments will update references to the Health Secretary and the Ministry of Health. I will speak to the repeal of the New South Wales Institute of Psychiatry Act 1964 and the Mental Health Forensic Provisions Act 1990. The repeal of the New South Wales Institute of Psychiatry Act 1964 follows the 2013 review by the Mental Health Commission, which recommended that the Health Education and Training Institute should take over the education functions of that institute. When the institute was created back in the 1960s, it was at a time when there was only limited education and training in psychiatry and mental health available in Australia.

The review of the institute, which was conducted in 2013 on behalf of the Mental Health Commissioner, highlighted the view that government must be involved in mental health education and training as the education market cannot meet all the needs of mental health training and education. However, the review also found that mental health education and training in the standalone institute was not appropriate either. Rather, the review found that the functions of the institute should be brought into the remit of the Health Education and Training Institute [HETI]. HETI is a statutory health corporation established under the Health Services Act. Its functions are to provide education and training for the entire New South Wales Health system. The recommendations of the review to transfer the functions of the institute of HETI were accepted by the then Minister for Health.

The repeal of the New South Wales Institute of Psychiatry Act represents one of the final stages arising from the recommendations of that 2013 review, and has involved regular communication with stakeholders and the sector through the industry's website and by the establishment, as recommended by the 2013 review of the institute, of the New South Wales Institute of Psychiatry Transition Oversight Committee chaired by the Mental Health Commissioner. The New South Wales Institute of Psychiatry has also had ongoing engagement with the Royal Australian and New Zealand College of Psychiatrists regarding the transition and the repeal of this legislation. Similarly, there has also been engagement with the Royal Australian College of General Practitioners and the Australian College of Rural and Remote Practitioners about the proposed redesigned medical mental health training courses. There has also been dialogue with the Australian College of Mental Health Nurses about future accreditation of the applied mental health studies framework.

The repeal of the New South Wales Institute of Psychiatry Act will commence on proclamation. A commencement proclamation will not be made unless and until that transition process is complete and the New South Wales Institute of Psychiatry has completed its delivery of the 2016 academic year to all the students under its current higher education provider status. This brings me to the Mental Health Forensic Provisions Act 1990. As members will be aware, forensic patients will often be mentally unwell and even if the court finds that they do not pose an unacceptable risk of serious harm to the community, patients may still require involuntary

care or treatment to protect themselves or the community from harm. If the patient is released before an assessment is done, this may result in harm being caused to the patient or the wider community. To ensure that the patient can be properly assessed under the Mental Health Act and to receive the potential mental health treatment if required, the bill amends schedule 1 to the Mental Health Forensic Provisions Act to give the Supreme Court the power to order the patient to be detained for up to 24 hours to allow a mental health assessment to be undertaken on that patient.

The purpose of the assessment is to determine whether the person is a mentally ill person or a mentally disordered person who requires care or treatment under the Mental Health Act. This bill makes clear that if the assessment of the person finds that person not to be a mentally ill person or a mentally disordered person that person cannot continue to be detained. By enabling the Supreme Court to make a short-term order for detention to allow the mental health assessment, the bill strikes a balance between ensuring previous forensic patients are properly assessed before being released and the civil liberties of that patient.

Information sharing is important. The bill amends the Mental Health (Forensic Provisions) Act 1990 to allow information obtained under the Act to be shared with other Ministers who administer that Act. The Mental Health (Forensic Provisions) Act 1990 is administered by three Ministers: the Minister for Health, the Minister for Mental Health and the Attorney General. I note the Minister for Health is in the Chamber. In order to ensure the efficient operation of the Act the bill includes a new provision to allow the ministry in the Act to share information obtained under that Act.

It is important that information is shared across the multiple portfolios. This will ensure that where one Minister has obtained information that may be required by another Minister at a later time the information is streamlined. This will reduce unnecessary duplication of requests for information. Ensuring the information is shared where necessary across the three portfolios will enhance the Government's ability to protect the patient and the community. I am pleased the Opposition does not oppose the bill. These sensible amendments were brought about by the 2013 review. I commend the health Minister and her staff for introducing the bill to the House. I commend the bill to the House.

**Mr STEPHEN BROMHEAD (Myall Lakes) (11:41):** I support the Health Legislation Amendment Bill 2016, which was introduced by New South Wales' greatest health Minister, Jillian Skinner. This bill makes amendments to, and repeals, various pieces of health legislation. The bill arises from the Government's regular review of legislation within the Health portfolio to ensure that it remains up to date and relevant. The objects of the bill are as follows:

- (a) to repeal the *New South Wales Institute of Psychiatry Act 1964*,

It recommends that the Health Education and Training Institute [HETI] should undertake the education functions of the institute. That 2013 review by the Mental Health Commission included that recommendation. It is common sense. Further:

- (b) to amend the *Health Administration Act 1982* to update certain references and remove a redundant provision,
- (c) to amend the *Health Services Act 1997*:
  - (i) to update and ensure consistency between the governance provisions for local health districts and statutory health corporations, and
  - (ii) to update and simplify provisions relating to the making of by-laws, and
  - (iii) to avoid any conflicts that may arise when a local health district board is exercising employer functions (in anticipation of the commencement of certain provisions of the *Government Sector Employment Legislation Amendment Act 2016*), and
  - (iv) to extend the existing protection from personal liability provision, and
  - (v) to make provision in relation to the liability of members of staff of the NSW Health Service who assist in the exercise of functions under the *Guardianship Act 1987* and the *Children and Young Persons (Care and Protection) Act 1998*.

The bill increases the term of appointment of members of the boards from four to five years. The objects further state:

- (d) to amend the *Mental Health Act 2007* to ensure that a President of the Mental Health Review Tribunal who holds office within the judiciary retains their judicial commission, rank, salary and other privileges,
- (e) to amend the *Mental Health (Forensic Provisions) Act 1990*:
  - (i) to impose certain restrictions on the power of the Mental Health Review Tribunal to order that a forensic patient be classified as an involuntary patient, and

- (ii) to provide for an interim extension order to continue in force for an additional 24 hours in certain circumstances to enable a medical practitioner or accredited person to assess whether a mental health certificate should be given in respect of the patient, and

That order must be made by the Supreme Court. Further:

- (iii) to allow the sharing of certain information between Ministers administering the Act, and
- (iv) to clarify that the Tribunal must comply with release criteria in section 43 before releasing a forensic patient, and
- (v) to provide delegation powers for the Ministers administering the Act and the Secretary of the Department of Justice, and
- (vi) to make further provision in relation to when the Minister for Health and the Attorney General may appear before the Tribunal, or make submissions to the Tribunal,
- (f) to make other minor and statute law revision amendments to the Acts specified above.

I turn to the specific details of the Act. Section 39 relates to local health district by-laws. The bill states:

(1) **Power to make model by-laws**

The Health Secretary may make model by-laws, not inconsistent with this Act or the regulations, for or with respect to the following:

- (a) the management of any public hospital, health institution, health service or health support service under the control of a local health district,
- (b) the provision of hospital services and other health services to patients of any public hospital or health institution under the control of a local health district and to other persons,
- (c) the appointment, control and governance of visiting practitioners in connection with public hospitals, health institutions and health services under the control of a local health district, including the conditions subject to which visiting practitioners may perform work at or in relation to any such hospital, institution or service,
- (d) regulating or prohibiting smoking at any public hospital, health institution or health service under the control of a local health district, including by designating an area as a smoke-free area for the purposes of section 6A (Smoke-free areas—outdoor public places) of the *Smoke-free Environment Act 2000*,
- (e) the custody and use of the seal of a local health district,
- (f) the keeping of records concerning a local health district's acts and decisions,
- (g) the appointment and functions of the councils and committees of a local health district.

I commend the bill to the House.

**Mr JAI ROWELL (Wollondilly) (11:47):** I speak in debate on the Health Legislation Amendment Bill 2016 and note the presence in the Chamber of the greatest health Minister, Jillian Skinner. When I was the Assistant Minister for Health and Minister for Mental Health I had a great relationship with the Minister.

**Mr John Robertson:** How did that end up?

**Mr JAI ROWELL:** I acknowledge that interjection. It was to the benefit of New South Wales. The bill combines numerous minor changes to health Acts, including the Health Administration Act 1982, the Health Services Act 1997, the Mental Health Act 2007 and the Mental Health (Forensic) Provisions Act 1990. In addition to this, the bill seeks to repeal the New South Wales Institute of Psychiatry Act 1964, which established the Institute of Psychiatry and has, for years, delivered guidance to the teaching of psychiatry in New South Wales and provided much-needed oversight to the quality of the discipline. However, after a review of the Institute of Psychiatry was undertaken in 2013, it was determined by the Mental Health Commissioner that the role of the institute was more suitable to be undertaken by the Health Education and Training Institute [HETI].

This is a crucial step in emboldening our health and mental healthcare systems, and further developing them to become world leaders. The Health, Education and Training Institute was designed in accordance with the Health Services Act to provide training and education to practitioners. The transfer of the Institute of Psychiatry's educational capabilities and the repeal of the Institute of Psychiatry Act will enable the Government to fulfil the recommendations stipulated in the review and ensure the highest standard is ensured for our healthcare professionals. The Health, Education and Training Institute will be registered as a higher education institute, which will ensure that the education and training of practitioners within this field will be monitored and maintained to a high standard. To ensure an easy transition, the repeal of the NSW Institute of Psychiatry will not begin until the Health Education and Training Institute has received the Tertiary Education Quality Standards Agency accreditation. The strengthening of HETI will embolden mental health services in New South Wales, and drive

quality and improvements. Coupled with our record investment in mental health, it will ensure that New South Wales will have state-of-the-art mental health resources and facilities.

The Health Legislation Amendment Bill 2016 also amends the Health Administration Act 1982 by updating a handful of references and removing a provision that is no longer required. The updates to the Health Services Act 1997 are important for the uniformity of healthcare legislation between local health districts and statutory health corporations. The Health Services Act 1997 provided for the creation of specialty health networks [SHNs] and local health districts [LHDs]. These groups oversee the running of hospitals. I have a great relationship with those fantastic people in my electorate. The Health Services Act 1997 also led to the creation of statutory health corporations, which provide advice to specialty health networks and local health districts. As there are discrepancies between the boards of LHDs and SHNs, the Health Legislation Amendment Bill 2016 ensures uniformity across the two by outlining the governance structure of local health districts in legislation.

Moreover, the bill outlines the process by which one can make by-laws for local health districts and specialty health networks. The bill makes changes to the Mental Health (Forensic Provisions) Act 1990 to modify the power provided to the Mental Health Review Tribunal to determine the classification of patients. Moreover, the amendments contained in the bill provide practitioners with flexibility in assessing a patient's wellbeing. The bill also makes small alterations to statute law. These amendments will give healthcare practitioners an opportunity to provide the world's best mental health care to the people of New South Wales.

I note the earlier interjection by the member for Blacktown. I will outline some of the achievements in the 11 months and 11 days—not that anyone was counting. It went really well. When I was Minister for Mental Health, the Parliament passed the important Mental Health Amendment (Statutory Review) Bill 2014. That was achieved by working in conjunction with the fantastic Minister for Health. That bill was important because it allowed greater involvement by individuals in making decisions about care and treatment. It enhanced the rights of young people undergoing mental health treatment. It allowed more clinicians to make assessments and it increased access to mental health treatments, particularly for people in country communities.

The legislation provided for an increase in the use of audiovisual technology and teleconferencing to facilitate assessments, thereby preventing unnecessary long-distance travel for people in rural and regional areas. That is something the Minister for Health and I are particularly concerned about. It also recognised the need for primary care providers to receive information about the treatment provided to those for whom they care. I know that the member for Blacktown is interested to hear more about the achievements.

A couple of years ago I had the pleasure of opening, with the Minister for Health, the \$67 million Marie Bashir Centre at Royal Prince Alfred Hospital, which offers a new model of care that puts Sydney and Royal Prince Alfred Hospital at the forefront of international best practice in mental health care. The centre has a six-bed short-stay unit for patients needing care for 24 to 48 hours; a gender separated high-dependency unit—and we know that was an issue; an expanded eating disorder inpatient program of nine beds; and a seven-bed University of Sydney research unit that translates research findings into everyday clinical practice. They are a few examples of the fantastic work that the Government and the Minister for Health have been working on.

The member Blacktown will be excited to know that when I was Minister for Mental Health there was a 32 per cent increase in the budget for mental health care, which means a \$1.625 billion spend on mental healthcare services since Labor was last in office. There was a \$101 million increase in capital expenditure, furthering the significant capital works program the Government has undertaken since coming to office. The Government has delivered new and expanded services in Wagga Wagga, St George, Liverpool, Shoalhaven, Nepean, Orange, Goulburn, Hornsby, the Prince of Wales Hospital and Blacktown Hospital—which is why the member for Blacktown is so excited. The Government established the NSW Mental Health Commission. It established the 24-hour, seven-day-a-week NSW Mental Health Hotline.

**Mr Kevin Humphries:** Hear, hear!

**Mr JAI ROWELL:** I acknowledge the member for Barwon, who is also a former Minister for Mental Health. He made a fantastic contribution, with the Minister for Health, to that work. He is a great mate of mine and someone from whom I take advice on this issue. The Government also provided \$3.4 million for improved access to specialist child and adolescent mental health services, to assist the most vulnerable young people in our society. We have also allocated \$2 million to Lifeline each year that we have been in office, for telephone and counselling services. I am pleased to see that the member for Blacktown is excited about the matters I speak of today.

**Mr John Robertson:** I am unable to contain my excitement.

**Mr JAI ROWELL:** He cannot contain his excitement. The Government committed \$40.7 million to the Housing and Accommodation Support Initiative [HASI], including the Aboriginal HASI program. It was great

to hear that a recent HASI graduate has obtained employment and secured private tenancy, and is in a stable relationship. The Government has provided \$27 million for additional acute care mental health services; \$15.2 million over five years to deliver the State's first eating disorders plan; and \$1.8 million to deliver the LikeMind pilot sites in the Nepean, the Blue Mountains and Western Sydney. The LikeMind project is amazing. I know the member for Blacktown was particularly excited when that was announced a couple of years ago. It co-locates mental, physical and other support service treatments under the one roof.

In consultation with colleagues in the NSW Police Force and the Ambulance Service of NSW we have been increasing the declared mental health facilities across the State, particularly in rural and regional areas where they are most needed. Working closely with the Minister for Health, we have implemented plans to declare mental health facilities in Griffith, Corowa, Leeton, Narrandera, Young, Moree, Lithgow, Cooma, Moruya, Queanbeyan, Mudgee and Bathurst. I note that the member for Blacktown interjected earlier, saying, "How did that pan out?" I reckon it panned out bloody well for the people of New South Wales and for consumers of mental health services.

**The ASSISTANT SPEAKER:** Order!

**Mr JAI ROWELL:** I also pay tribute to the Minister for Health for another project that she and I have been working on for a number of years. We heard exciting news about it in the Chamber last week. The Government has announced \$50 million for the upgrade of Bowral Hospital, which is next door to the Southern Highlands Private Hospital. They have shared services for a long time; that is nothing new. It happened under Labor as well. I believe that, with a successful application by them, we will be able to leverage that \$50 million to provide more services for the people of the Southern Highlands and Wollondilly. That would not happen under Labor. It is happening because we have a fantastic Minister for Health, Jillian Skinner. I commend the bill to the House.

**Ms JILLIAN SKINNER (North Shore—Minister for Health) (11:57):** In reply: I thank members for their contribution to debate on the Health Legislation Amendment Bill 2016. I thank the members representing the electorates of Bankstown, Terrigal, Myall Lakes and Wollondilly. In particular I thank the last three speakers for their very warm comments about me and about the work that we have been doing together over the past 5½ years. This bill makes miscellaneous amendments to various health Acts to ensure that legislation within the Health portfolio remains up to date and relevant. The bill amends the Health Services Act 1997 to better align the governance provisions of the local health districts and statutory health, and to streamline provisions relating to the making of by-laws. The bill will amend the Mental Health Act 2007 to ensure that if a sitting judge is appointed as president of the Mental Health Review Tribunal the president will continue to receive judicial entitlements and retain judicial status. This will bring the tribunal into line with other similar bodies, such as the NSW Civil and Administrative Tribunal.

Changes to the Mental Health (Forensic Provisions) Act 1990 will ensure that the Mental Health Review Tribunal cannot make a forensic patient on a limiting term a civil patient until the Minister and Attorney General have considered whether to make an application to the Supreme Court to extend the patient's forensic status. It will also improve the general administration of the Act. In response to the question raised by the member for Bankstown about section 53 of the Mental Health (Forensic Provisions) Act 1990, currently the Minister for Mental Health and the Attorney General consider whether to make an application to the Supreme Court to extend the patient's forensic status. This process will continue under the bill. I am advised that it gives more time for those things to take place, so it is an improvement.

The bill will also repeal the NSW Institute of Psychiatry Act. This is an important step in the transfer of functions from the institute to the Health Education and Training Institute, known as HETI. This transfer of functions follows on from the review of the institute that was undertaken on behalf of the Mental Health Commissioner. The changes will pass the baton of mental health education and training to HETI and allow for a better alignment of mental health education with other health education provided by HETI. The Institute of Psychiatry has played an important role in mental health higher education and training. I thank all current and former members of the institute for their time, effort and contribution to the field of mental health education and training.

In response to the question asked by the member for Bankstown in relation to the board terms, the local health district boards play an important role in the governance of local health districts. A critical element in relation to the governance of boards is how to achieve the right balance between the benefit of members with experience and new members who can bring fresh ideas and new and different skills. It is important to be able to maintain good board governance by having a mix of members with corporate knowledge and experience and new members who can consider matters with a fresh perspective.

These boards comprise people with a broad range of experience and background, from clinicians with a variety of experiences in the clinical field to people with financial, legal and governance experience. Among

those most vocal in seeking to have the terms extended are some of the board members and chair who were appointed by the Labor Government some eight years ago. The members love being on these boards and they play a major role. It is important to have that continuity. I hope the member for Bankstown is satisfied that it is in the interest of better governance, particularly because so many of the requests have come from board members themselves.

The Public Sector Commission "Appointment Standards—Boards and Committees in the NSW Public Sector" recognises the importance of having the benefit of both experience and new ideas through renewal. As such, the standards provide that generally a board members' tenure should not exceed 10 years, unless it was otherwise in the public interest. The bill amends section 26 of the Health Services Act to increase the maximum term of office for a local health district board member to five years and the overall maximum length of service to 10 years.

This amendment, therefore, is in keeping with the appointment standards and will allow local health district boards to have the benefit of experienced board members while ensuring appropriate refreshing of board membership. The changes will maintain the ability for new members to bring new perspectives on local matters while allowing for additional time for experienced board members to pass on their expertise. Allowing local health district boards more time to develop their boards in this context will enhance the overall refresh process and capabilities of our local health boards. I thank all members who contributed to this debate. I commend the bill to the House.

**The DEPUTY SPEAKER:** The question is that this bill be now read a second time.

**Motion agreed to.**

### **Third Reading**

**Ms JILLIAN SKINNER:** I move:

That this bill be now read a third time.

**Motion agreed to.**

## **LAW ENFORCEMENT CONDUCT COMMISSION BILL 2016**

### **Second Reading**

**Debate resumed from 13 September 2016.**

**Mr GUY ZANGARI (Fairfield) (12:03):** I speak in the second reading debate on the Law Enforcement Conduct Commission Bill 2016, the aim of which is to establish the Law Enforcement Conduct Commission [LECC] and set out the regulatory framework for its operation. The primary objectives of the LECC are to enhance oversight and to prevent and investigate serious misconduct and maladministration in the NSW Police Force and the NSW Crime Commission. I indicate that the NSW Labor Opposition will not oppose this bill. The important roles played by the NSW Police Force and the NSW Crime Commission to protect and safeguard our community are invaluable. Subsequently, the powers bestowed upon them to carry out their duties are quite substantial and are subject to the appropriate oversight.

Presently, the Police Force and the Crime Commission are subject to oversight by the Police Integrity Commission, otherwise known as the PIC, the Ombudsman and the Inspector of the Crime Commission. It is widely known that the responsibilities and functions of each oversight body was intended to be different, however a degree of overlap has occurred over the years resulting in confusion and some redundancy in their operations. This has resulted in inefficient and ineffective operations of the agencies. In this regard, a report was commissioned and subsequently submitted by Mr Andrew Tink, AM, titled "Review of Police Oversight". The recommendations set out in the report were accepted and consequently became the foundation for the bill before us today.

Upon the inception of this legislation, the PIC and the Inspector of the Crime Commission will be abolished and the Law Enforcement Conduct Commission will be established. The existing Ombudsman's jurisdiction will be absorbed by the LECC. Following the installation of the LECC, three new commissioners will be installed: the Chief Commissioner, the Commissioner for Integrity and the Commissioner for Oversight. Proposed section 18 (3) of part 3 of the bill sets out that the Chief Commissioner must be a current or past judge or justice of a superior court of record within Australia. Proposed section 18 (2) and (4) of part 3 prescribe that the Commissioner for Oversight and the Commissioner for Integrity must have special legal qualifications and their appointment is subject to the concurrence of the Chief Commissioner.

In the essence of true independence, proposed section 22 of part 3 has set out that the LECC and its commissioners are not subject to the control or direction of the Minister in the exercise of their functions. Part 4

has set out the functions of the commission, which include the detection, investigation and exposure of conduct that is or could be serious misconduct or serious maladministration relating to members of the NSW Police Force or the Crime Commission. Further, part 4 provides that the role of LECC is not solely to monitor and investigate misconduct and maladministration but is also to provide education to the NSW Police Force and the Crime Commission about such matters and to promote initiatives within the organisations that are directed at preventing and eliminating such behaviour.

This legislation aims to encourage organisation members to change their views concerning the stigma relating to the reporting of wrongdoings or misconduct within the NSW Police Force and the Crime Commission. It also provides reasonable complaints handling measures to back up the new essence this legislation attempts to enact. At some point, for a formal investigation to take place all complaints must be reported in writing. Part 5 of the bill outlines the complaints handling and reporting process. It is worth noting that any person can lodge a complaint to the LECC about the conduct of a police officer, a NSW Police Force administrative employee or a Crime Commission officer. The agencies themselves may also be reported to the LECC should an individual believe the agency's conduct constitutes maladministration.

At its own discretion, the LECC may decide how a complaint is handled. It may decide to investigate the matter itself or it may deem it more appropriate to refer it on to another agency for investigation. Any recommendations, opinions or findings that are formed by a LECC investigation and reported to the NSW Police Commissioner may be used by the commissioner to take disciplinary action without needing to reinvestigate the circumstances. The decision as to whether the matter is reinvestigated is entirely at the NSW Police Commissioner's discretion. I note that the LECC cannot make a finding that a person is guilty of committing an offence; its duty is to report the findings, not to pass final judgement on a case. The LECC has also been made responsible for compiling evidence which is to be used for the prosecution of a person for a criminal offence.

Part 8 of the bill provides that the LECC will be made responsible for the oversight of critical incident investigations. The guidelines for critical incidents may be issued by the Commissioner of Police and the commissioner may at any time vary or replace the guidelines set out in part 8. Critical incident investigations occur when an incident involving a police officer results in the death or serious injury of an individual. The LECC must be notified upon the declaration of an incident as a critical incident or the revocation of an incident as a critical incident, as set out in proposed new section 112. All critical incident investigations are to occur in real time; however, it has been made abundantly clear that the commission cannot control, supervise, direct or interfere with any investigations. The commission, however, may render advice should it deem any aspect of the observed investigation to be inappropriate. That remains consistent with the responsibility of the LECC to assist in the prevention of serious misconduct. Any findings from a LECC investigation may be brought forward to the Commissioner of Police.

As a part of the new role and responsibilities of the LECC, part 6, divisions 2 and 3 provide the LECC with the ability to obtain information, documents and other things as necessary for an investigation. Further, the LECC has been granted the power to hold examinations in the form of a public or private hearing for the purpose of an investigation. However, public hearings may only be held should all three commissioners unanimously decide that it is in the best interest of the public to do so. Part 2 sets out the interpretations and key concepts in the bill and defines the various terms and scenarios for which the LECC will be responsible. I note that the definition of "police misconduct" relates only to a sworn police officer within the definition provided in the Police Act 1990 and the definition of "administrative employee misconduct" relates solely to a non-sworn police officer. The two are not to be confused.

In line with empowering the LECC to have enhanced powers to improve oversight, schedule 7 will make amendments to various health Acts to add exceptions and to revoke any person's right to secrecy and non-disclosure under those Acts for the purpose of any hearings or investigations by the LECC. That includes any information retained by medical practitioners, psychologists, counsellors and so forth. Given this extraordinary new power, part 9 of the bill establishes an Inspector of the Law Enforcement Conduct Commission who will, once installed by the Governor, oversee the operations of the LECC and the commission's use of its new-found abilities and powers. An assistant inspector may also be appointed by the Government with the concurrence of the inspector. An assistant inspector may, to the extent to which he or she is directed by the inspector to do so, exercise any function of the inspector and for that purpose is taken to be the inspector.

The inspector will be responsible for ensuring that the LECC complies with the law and investigating the conduct of the LECC and its officers. Part 9 goes into further detail and sets out the range of functions for the inspector of the commission, the inspector's powers and responsibilities and, finally, the inspector's staffing arrangements. The appropriate secrecy and confidentiality obligations have been included in part 14 for LECC officers and others involved in LECC duties. As part of this section, the LECC has the ability to discuss misconduct matters with the Ministers relevant to particular breaches at any given time. Further, the LECC must



not disclose the identity of any complainant at any given time, unless the criteria set out in proposed new section 187 has been met.

The overarching view of a majority of key stakeholders is that this legislation is long overdue and takes the necessary steps to address the prevalent issues of duplication and overlapping responsibilities within existing oversight agencies. It is accepted that the creation of a single oversight body for the NSW Police Force and the Crime Commission is the right way to go. Although there are some areas that may need addressing in the near future, this legislation in its current form will bring about the inception of the LECC and address numerous issues that existing oversight bodies are presently struggling with. As I mentioned earlier, the New South Wales Labor Opposition will not oppose the bill but will seek to move amendments in the Legislative Council.

**Mr GEOFF PROVEST (Tweed) (12:14):** I begin my contribution to debate on the Law Enforcement Conduct Commission Bill 2016 by praising the NSW Police Force, which is made up of more than 16,000 officers. Officers in my area and across New South Wales have a high level of integrity and a strong commitment to the wellbeing of the community. There are just over 160 officers in the Tweed Byron Local Area Command, led by the great Superintendent Wayne Starling. They and Assistant Commissioner Jeff Loy do a great job in keeping the community safe.

The purpose of the bill is to streamline and simplify the law enforcement oversight regime by establishing a single civilian oversight agency, known as the Law Enforcement Conduct Commission, or LECC. The current police oversight regime is outdated and complex and with overlapping responsibilities for the oversight agencies, which results in inefficiencies and failures. The Government therefore made an election commitment to review the police oversight system. Former shadow Attorney General Mr Andrew Tink was engaged to conduct a review and he submitted his report to the Government in August 2015.

The reforms in this bill are based on the review of police oversight undertaken by Mr Andrew Tink, who consulted widely during his review and received a number of submissions from government and non-government agencies. He also held a number of meetings with key stakeholders. His main recommendation is the establishment of a single civilian oversight agency with responsibility for the oversight of the NSW Police Force and the New South Wales Crime Commission. The Government has accepted this recommendation and is establishing the Law Enforcement Conduct Commission. The establishment of the LECC is necessary because the current oversight arrangements are disjointed and confusing, as I said. Above all else, any oversight of issues in the Police Force should be open and transparent so that our police continue to enjoy a high level of respect from members of this place as well as the community.

Currently, the Ombudsman's office is responsible for monitoring NSW Police Force complaints investigations; however, the Police Integrity Commission [PIC] can also monitor complaints investigations. The Ombudsman's office can also conduct investigations into complaints, as can the Police Integrity Commission. The Inspector of the Crime Commission is responsible for dealing with complaints against Crime Commission officers; however, the PIC can also investigate the conduct of Crime Commission officers. Moving all of those functions under one roof will remove the unnecessary duplication between the current oversight agencies and will lead to a more efficient and simplified oversight system. The functions performed by the current oversight agencies are still valid. The LECC will therefore be taking on these functions.

The integrity arm of the LECC will be responsible for investigating matters that could amount to serious misconduct, serious maladministration or agency maladministration. The integrity arm will also be responsible for investigating the conduct of the Commissioner of Police and deputy commissioners of police and the Crime Commissioner and assistant crime commissioners. The oversight arm of the LECC will monitor NSW Police Force and Crime Commission investigations into complaints against their respective officers. This will be done in accordance with guidelines issued by the LECC. Importantly, the guidelines will clearly outline the kinds of complaints that must be notified to the LECC for potential monitoring and those that do not have to be notified.

The oversight arm will also perform a new oversight function, namely, the real-time monitoring of NSW Police Force critical incident investigations. This was a recommendation of the Tink review. A critical incident is essentially a police operation that results in the death or serious injury of a person. The bill outlines the specific features of a critical incident. The LECC will be led by the Chief Commissioner, who will be a serving or retired superior court judge, and two commissioners, the Commissioner for Oversight and the Commissioner for Integrity. The three commissioners will operate together on some decisions. For example, unanimous agreement will be required before a public hearing can be held. Other decisions such as deciding whether a matter reaches the threshold of serious misconduct will require the agreement of the Chief Commissioner and another commissioner.

The Law Enforcement Conduct Commission Bill 2016 delivers once again on a commitment given by the Coalition in the lead-up to the last election. It also gives certainty to the hardworking men and women of the

NSW Police Force. The Minister for Justice and Police, Mr Troy Grant, should be congratulated. As an ex-police officer, he well understands the stress faced by our police and the great level of commitment they give to the good people of New South Wales. For many years there have been constant reports in the media about the conduct of members of the NSW Police Force. In fact, that has been the case for the time I have been a member of Parliament, which is 10 years. This bill provides an open and transparent framework. Mr Andrew Tink, whom many in this place know well, has done a sterling job and the Government has made the right decision in implementing his recommendations. I commend the bill to the House.

**Mr PAUL LYNCH (Liverpool) (12:21):** I make a contribution to debate on the Law Enforcement Conduct Commission Bill 2016. It is not tenable to argue that robust, substantive oversight of police behaviour is not necessary. Just as the Independent Commission Against Corruption is critically important for both the public sector and politicians, so the Police Integrity Commission, the Police Division of the Ombudsman, and the Law Enforcement Conduct Commission [LECC], or a body like that, are essential for police. Longevity in this place gives one some advantages, as the Assistant Speaker would agree. I was in this place when legislation was passed to establish the Police Integrity Commission. I can also remember the debates prior to that to establish the royal commission. As I recall, that proposal was made by the Independents, supported by the Labor Opposition and vehemently opposed by the parties now in government.

Back in those days the battle that was won was the necessity for an ongoing standing body with substantive powers to implement that oversight. Prior to that time, there would be a crisis followed by a headline, an inquiry would be held, and recommendations would be made. Everyone would take the recommendations seriously and then go away and forget them, and business would resume as usual. That had been the history in New South Wales and in jurisdictions throughout the world. The Wood royal commission tried to address this by recommending the establishment of the Police Integrity Commission. Indeed, that concept is probably accepted now by everyone involved in these debates. That is a good thing, and one would have to agree that the levels of corruption in the NSW Police Force are a lot better now than they were 30 or 40 years ago. It is impossible to accurately measure that because we do not know how much corruption is happening now in comparison to then. But everyone who pays attention to these issues would agree that the NSW Police Force is a better organisation than it was all those years ago.

There are a number of reasons for this improvement and the Police Integrity Commission and the Police Division of the Ombudsman's office have played a very significant role in that improvement. I think they have done very good work, despite the critics who at every opportunity will have a go at them. The work of the NSW Police, including the Professional Standards Command, has also been very significant. Indeed, one of the most optimistic things in this space is the number of complaints that are made by police against other police in these sorts of matters. It is a sign of the health of a good organisation when people within an organisation will stand up and say, "No, that is wrong. That should not be happening." This is happening in a way that has never happened before but, as I said, the level of improvement is hard to measure.

I turn now to two anecdotal pieces of evidence. When I first commenced work as a solicitor at Liverpool in the early 1980s, my then master solicitor spoke to me about a group of detectives who were stationed not at Liverpool police station but in a neighbouring suburb. He told me that the charge most frequently preferred by that group of detectives against defendants was "offer insufficient bribe". Nowadays we do not hear that said about police and that level of scepticism and belief in ingrained corruption is no longer there. Indeed, it would be absurd to argue that there is no corruption but these days that level of corruption and people's perception of it is very different. That is a good thing. Interestingly, some police stations used to be permeated with waves of alcohol. In fact, one could not look sideways without being knocked down by the smell of grog. But that culture appears to have completely gone as other parts of society have changed. The virtue of longevity has led me to think that something good has been happening for the last few decades and that there is a bit of credit to go round. Those are all useful things to be borne in mind in this debate.

I turn now to the bill. The Acting Ombudsman has expressed concern about several aspects of this bill. In particular, he argues that in several respects the new LECC does not measure up to the powers currently existing in the NSW Ombudsman office and the Police Integrity Commission and, equally in some respects, the bill does not implement the recommendations of the Tink report. The Acting Ombudsman made submissions to the LECC implementation committee but not all of the issues raised were addressed. A comparison of the current arrangement for police oversight and the bill reveal some differences between Mr Tink's recommendations and provisions in the bill. In particular, the Acting Ombudsman remains concerned that the bill fails to adequately deliver on recommendations 1, 3, 4, 5, 11 and 15, which relate to the functions and powers to be given to the LECC to oversee complaints. The Acting Ombudsman said:

The oversight scheme established under the bill will, in our view, diminish rather than strengthen the functions currently performed by the Ombudsman under part 8A of the Police Act.

He said further:

Part 8 of the LECC bill establishes a scheme for the oversight of police critical incident investigations. However, it does not implement recommendations 43 and 45 made by Mr Tink, which could reduce the LECCs ability to effectively perform its oversight functions.

The Acting Ombudsman is concerned that the level of resources proposed for the LECC is inadequate and contrary to recommendations 22 and 36 made by Mr Tink. Clearly, lack of resourcing is a serious issue. Additionally, the Acting Ombudsman argues that the LECCs "own motion" investigation powers will be inferior to those currently available to the Ombudsman and the Police Integrity Commission. He said:

This means that the LECC will not be entitled to investigate a broad range of conduct that the Ombudsman can currently investigate, including conduct which is (or could be): a criminal offence that is not a serious indictable offence; unlawful conduct that is not an offence or corrupt conduct; NSW Police Force maladministration that does not meet the threshold of "serious maladministration" under clause 11, conduct which the Ombudsman considers should be investigated in the public interest, but which does not meet any of the "serious" threshold required under clause 51.

The Acting Ombudsman noted that under the current LECC bill any investigation by the Ombudsman of police use of tasers would now appear prohibited. In fact, it has already carried out that sort of investigation. [*Extension of time*]

The Acting Ombudsman also says:

The restrictive effect of clause 51 is that a broad range of complaints will no longer be able to be investigated by a civilian oversight agency and may only be investigated by internal police investigation. We acknowledge that, in many cases, an internal police investigation will be appropriate. However, an important feature of the current legislative arrangement for dealing with police complaints is that the oversight agency may investigate or take over any complaint from the NSWPF (s156 of Police Act). This allows the oversight agency to address any serious features by the NSWPF to properly investigate a complaint, and also provides a strong incentive of the NSWPF to conduct a proper investigation of the complaint in the first instance. Without this feature in the proposed oversight arrangement, we believe there is a risk that the quality of police complaint investigations will diminish over time.

There also seems to be restrictions on the authority of the chief commissioner to make operational decisions, which is contrary to the Tink recommendations. The bill also contains a provision that prevents the Commissioner Oversight from conducting a private examination. There is more than a little bit of irony in that, when some Government members are arguing exactly the opposite in relation to the ICAC. The Acting Ombudsman also points to the multiple overlapping definitions that mark the boundaries of the LECC's jurisdiction. Professor McMillan points out that key aspects of the critical incident oversight framework are inconsistent with Tink's recommendations and observations. The practical consequences for this in the case of Roberto Laudisio Curti are quite significant. The Acting Ombudsman says:

The bill restricts the ability of the LECC to conduct real time monitoring and to confer with critical incident investigators.

The Acting Ombudsman also points out that the chief executive officer of the LECC says that the LECC's budget for employee-related costs will be reduced by 10 per cent from the Ombudsman's Police Division and the Police Integrity Commission [PIC]. That has to be oversight on the cheap, and it is also contrary to Tink's recommendations. The LECC chief executive officer has been reduced to trying to get extra funding from the non-police funding of the Ombudsman. Another issue in relation to this bill is the reduction in the level of oversight of the NSW Crime Commission. There is currently an Inspector of the Crime Commission. That position is abolished by this bill. The LECC will have jurisdiction over the Crime Commission, just as the PIC currently does, but the specialist position of Inspector will go.

I remind the House that the corruption in the Crime Commission, even by New South Wales' standards, was pretty spectacular. It was the State's premier agency to fight drug dealing by organised crime and its second-in-command, Mark Standen, was involved in drug trafficking. As I say, even by New South Wales standards that was pretty spectacular. With that history, it seems quite counterintuitive to reduce the level of oversight of the Crime Commission. Moreover, even the current commissioner, Commissioner Hastings, thinks it is a bad idea. The commissioner gave evidence on 29 February this year at the Joint Parliamentary Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission. In answer to a question from me about the proposal to abolish the office of inspector, the commissioner said:

I personally disagree with it. I thought having an inspector should have happened at the Crime Commission a long time ago and I welcomed it. I fortunately can get on very well with our current Inspector and we collaborate on areas of sensitivity within the commission that I think he can usefully examine or audit. I think having that extra oversight works quite well. I understand the proposal will be that there will still be some oversight but I doubt that it will achieve the same level of effectiveness as it has under Graham Barr.

These are all matters which people like me will be interested in watching over the fullness of time to see how this new legislation rolls out. My fear conceptually is that the Government is at risk of being accused of simply rebadging a couple of organisations—whacking together the Police Division of the Ombudsman and the PIC and

putting them in the PIC building. If that is all the Government is doing, why bother? Alternatively, the Government is significantly changing the structure and the powers of the oversight agencies. If that is what the Government is doing and if, indeed, the Acting Ombudsman is right, then it is significantly reducing the level of oversight, and that is a problem. I have raised issues that I think are serious. I have expressed my views rather than being categorically for or against. For that reason, I do not oppose the bill. But I believe it is appropriate to put these matters on the record because they are serious issues about public governance and about which many people are interested. People like me will be watching very closely to see whether the fears that have been expressed are realised or we have a happier outcome.

**Mr KEVIN CONOLLY (Riverstone) (12:33):** I make a contribution to debate on the Law Enforcement Conduct Commission Bill 2016. I begin by welcoming the contribution of the member for Liverpool and taking what may be an all too infrequent opportunity to say I agree with much of what the member for Liverpool had to say. The member for Liverpool quite rightly observed that much progress has been made over recent decades in ensuring integrity in law enforcement in New South Wales. From the days when we required a royal commission to expose a number of practices which, unfortunately, it would appear had been endemic at times over the history of the Police Force in New South Wales, I think we are in a far better place. I agree with the member for Liverpool that credit should go to a number of bodies and a number of people for that.

In some respects, I welcome the questions by the member for Liverpool about the direction in which we are going. It is difficult to establish a precise balance between empowering agencies to act decisively against crime on behalf of the community and ensuring that those agencies exercise their powers responsibly, properly and ethically. I believe the Government has made a genuine attempt to do that with this bill. The bill contains strong provisions that attempt to establish that balance. But I acknowledge that we should question how the balance is established and look at the impact of any changes.

The vast majority of our police and other law enforcement personnel are dedicated, honest and principled servants of the New South Wales community. I commend them for their service, which is often carried out in difficult, disturbing and dangerous situations. As the member for Liverpool said, complaints relating to police integrity issues reflect the fact that police themselves are concerned to ensure that the Police Force operates ethically and in the interests of the public of New South Wales. Yet, as the member for Liverpool conceded, it would be naïve and foolish to overlook the temptations that exist for law enforcement officers. When people are given great powers, the consequences of succumbing to temptation can be correspondingly great. It is important to establish oversight and supervisory bodies with real power and the capacity to investigate and take appropriate action in order to ensure that the agencies we entrust with great powers use those powers in the interests of the public of New South Wales.

The functions of the Law Enforcement Conduct Commission [LECC] are threefold: to investigate serious misconduct and serious maladministration within the NSW Police Force and the NSW Crime Commission; to oversee the investigation of complaints by the NSW Police Force and the NSW Crime Commission, including complaints about conduct that does not reach the threshold of serious misconduct or serious maladministration and which, therefore, the agencies themselves are investigating but the LECC would oversee; and to oversee critical incident investigations by the NSW Police Force. The LECC will also be responsible for preventing officer misconduct and maladministration; auditing and keeping under scrutiny the records of the NSW Police Force and the NSW Crime Commission to ensure compliance with relevant legislation; and adjudicating appeals relating to the witness protection program.

Law enforcement agencies are given significant powers to carry out their duties. Similarly, significant accountability and oversight safeguards must be put in place to ensure against the corrupt or improper use of those powers. This structure provides such accountability and oversight without unnecessary duplication or the creation of silos. Unnecessary duplication, separate bodies performing the same function and the creation of silos prevent the proper broad overview of law enforcement in New South Wales. This bill has addressed those concerns, which were raised in the review. The three commissioner structure in the bill provides an internal safeguard against the misguided use of the LECC's powers. The inspector position, which sits above that of the LECC, reports directly to the Parliament. This ensures an additional safeguard in relation to the LECC's use of its own powers.

These important steps have been taken on advice from a very well-respected former shadow Attorney General, Andrew Tink. Mr Tink investigated the structure of accountability and oversight of law enforcement in New South Wales and made a number of recommendations. This bill implements the vast majority of those recommendations, with some minor amendments. The Government has implemented the spirit of the Tink report in a legislative format that is logical and unencumbered by duplication. With the enactment of this legislation, the people of New South Wales can be confident that the agencies that are empowered to act on their behalf use their powers properly. As the member for Liverpool and I have said, this very sound bill has been introduced to ensure the integrity of our law enforcement agencies, on behalf of the people of New South Wales. I commend the Deputy

Premier and Minister for Justice and Police for bringing this bill to the House and, in doing so, honouring an election commitment that was made to the people of New South Wales. I commend the Law Enforcement Conduct Commission Bill 2016 to the House.

**Mr RON HOENIG (Heffron) (12:40):** I make a contribution to the Law Enforcement Conduct Commission Bill 2016 and endorse the remarks made by the member for Fairfield, who articulated the Opposition's position. The concept of this bill and its objects are impressive and worthy of support. For a variety of historic reasons, too many agencies have had the responsibility of overlooking police in this State. There should be one oversight body. In my inaugural speech on 12 September 2012 I said:

The present oversight of police has led to a situation where there are so many bodies watching over the men and women who are the first responders to crime, that their ability to respond is often hamstrung. This should not be the reality.

I am extremely pleased that, almost four years to the day, the Government has responded by introducing legislation that achieves the objective I set out in my inaugural speech. I support the objectives of the bill:

to provide for the independent detection, investigation and exposure of serious misconduct and serious maladministration ...

to provide for independent oversight and review ...

to prevent officer misconduct and officer maladministration and agency maladministration within the NSW Police Force and the Crime Commission.

It is one thing to support the objectives from a public policy perspective; it is another thing altogether to adopt detailed legislative provisions that may have unintended consequences. If this bill is enacted, this organisation becomes very powerful and has immense powers over the State's law enforcement arm. I can well and truly understand and appreciate why it is warranted and why it is designed to ensure integrity in our law enforcement arm. When one gives a very powerful organisation the immense powers that this commission will have, it is appropriate that the organisation should be led by a superior court judge or a retired superior court judge.

The Government, from its experience of dealing with these independent commissions, has come to the view that providing an immense amount of power to a single individual does not provide sufficient protection. That is why it has proposed that there be three commissioners. That view has been expressed in a submission to the Independent Commission Against Corruption [ICAC] Statutory Oversight Committee, which is currently reviewing the inspector's report. The committee recommended legislative amendments that would provide for more than one commission. It is called "agency capture". I do not think that applies to the Independent Commission Against Corruption but this type of mechanism ensures a check and balance against the functions of the commission. That is the Government's proposal, and I do not take issue with it. When one has powerful investigative arms, one requires a check and balance.

In relation to the Independent Commission Against Corruption [ICAC], the inspector model is not a sufficient check and balance—although, according to the Department of Premier and Cabinet, there is an inspector of this commission. If organisations such as the ICAC are beyond an investigative function—and no-one takes issue with empowering organisations such as ICAC to have an investigative function—problems occur when they become hybrids or also have determinative functions. I refer to submissions made recently by Bruce McClintock, SC, to the ICAC statutory oversight committee and point out that one can end up with a hybrid model that can cause difficulties when it makes determinations.

I will refer to clauses in this bill to illustrate where problems will develop and eventuate as a result of the definitions contained therein. It is understandable to give an investigative arm immense power to deter serious misconduct, corrupt conduct, unlawful conduct or conduct that might bring the NSW Police Force into disrepute. Police are servants of the Crown. If the Crown wishes to empower an independent body to investigate them and the Parliament approves, that is not unreasonable. However, problems develop when the organisation becomes determinative. What is the nature of the evidence that enables it to make a determination? It is not operating on the basis of evidence that is admissible; it is operating on the basis of evidence from a variety of quarters, just like an investigative body. It is not necessarily testing the credibility of the evidence as it is given and, consequently, difficulties can arise with a hybrid model that allows determination.

Between the bill leaving this place and arriving in the other place, consideration should be given by the Government as to whether or not it wishes this organisation to be a determinative model and whether the determinative part of it should be based upon tests different to those applied to the investigative part. If in a minority of circumstances the determinative part of it is wrong, it can have horrendous consequences not only to an individual police officer but also to the confidence held by serving police officers in this organisation. I ask that consideration be given to that and that the experience of other commissions be noted. Are three commissioners sufficient for that test or should some other evidentiary or procedural fairness motives be added? In all pieces of legislation that create these bodies, the devil is in the detail. We need to look at the statutory definitions to work out the extent of the power that is being given to the commission and its impact on serving police officers.

The Police Association has been consulted and it has suggested amendments. Those amendments have been shown to the Opposition and, no doubt, to the Minister for Justice and Police. The association has not detected this issue, and I do not think it has been drawn to its attention. Part 2, division 2, clause 9 of the bill deals with the definition of "police misconduct", "administrative employee misconduct" and "Crime Commission officer misconduct". "Police misconduct" is defined as misconduct by way of "action or inaction". That means a decision by a police officer to take action or to take no action will fit the specific definition. It is important, and I refer to the examples in subclause (4). [*Extension of time*]

Subclause (4) gives examples of misconduct. Although I have not previously seen examples being given in a bill at Commonwealth or State level, I do not take issue with it. The examples of misconduct include a criminal offence and corrupt conduct. Subclause (4) (c) states that it is misconduct if it "constitutes unlawful conduct (not being a criminal offence or corrupt conduct)". The bill does not speak of intentional unlawful conduct. Therefore, unlawful conduct can be a police officer using a phone in a car or jaywalking. Although a police officer may have no knowledge or understanding that his conduct is unlawful, his conduct is subsequently determined to be unlawful. The definition of "police misconduct" is so broad that it judges in retrospect every action the police officer might take.

This bill must not create an organisation where a police officer, the first responder to a crime, second-guesses a decision because down the track his or her conduct may be determined to be unlawful. If the body making that determination does not base it on admissible evidence that is tested, it may have a terrible consequence for the police officer. The definition of "maladministration" in proposed section 11 is extraordinary. Proposed section 11 (1) (b) defines "agency maladministration". It states that although the act of the agency can be lawful, maladministration arises where the agency in its decision has taken irrelevant matters into consideration. Subparagraph (iv) states, "arises, wholly or in part, from a mistake of law or fact". How can someone be subject to a powerful investigative agency with determinative powers that may make a mistake of fact or law based on inadmissible untested evidence? A police officer is not a lawyer and even lawyers get the law wrong. Why does the bill have that encompassing definition?

Proposed subsection (2) states that "officer maladministration" means any conduct that, although it is not unlawful, is unreasonable. This powerful commission will judge a police officer's conduct not on the basis of being unjust, oppressive or improperly discriminatory in its effect but as unreasonable. That again is based on evidence that is not admissible and where the credibility of the assertion is not tested. The retired superior court judge and commissioners will be the check and balance but they can only act on the law and material placed before them. The legislation tells them to come to a decision. The commission cannot ignore material because the legislation is not worded to include the checks and balances.

Proposed subsection (2) (c) speaks of a decision taking irrelevant matters into consideration. That is an administrative law test. Police officers make a judgement on the spur of the moment; they are not lawyers. But subsequently their conduct can be considered maladministration on the basis they made a decision that took irrelevant matters into consideration. The public policy position of the commission is right, the idea is right, the intention is right, but before the bill reaches the other place the police Minister must seek advice from the Attorney General and the Department of Premier and Cabinet and fix the problems in the definition sections of the bill.

**Ms TAMARA SMITH (Ballina) (12:55):** I will be brief in my contribution to the debate. On behalf of The Greens, I speak to the Law Enforcement Conduct Commission Bill 2016, which puts in place a new oversight system for the NSW Police Force. The new system replaces the existing patchwork system of oversight by the Police Integrity Commission, the Inspector of the Crime Commission and the Office of the NSW Ombudsman. The budget from these agencies that is currently allocated to oversight will be moved to the Law Enforcement Conduct Commission [LECC]. I state at the outset that The Greens support the bill but will introduce amendments in the other place to address some concerns.

As previous speakers have discussed the detail of the bill, I will not do so. This bill is an outcome of the recommendations of the Tink review of Operation Prospect. The report of this review was presented to Parliament on 31 August 2015. The Tink review followed the O'Farrell Government-commissioned McClelland review which found that there was no need for structural reform of police oversight in New South Wales. The current system for police complaints allows for no single independent oversight body. At any given time, there could be five separate oversight bodies to handle complaints and reviews: the NSW Police Force, the NSW Ombudsman, the Police Integrity Commission, the State Coroner and WorkCover. As a solicitor who has worked in crime, I cannot say how many police have commented to me on the horror that is the complexity and duplication of the oversight process, as well as the other issues that arise as a consequence of complaints. The system has proven to be an opaque, lengthy and expensive mess.

Police investigating police creates a fundamental conflict of interest between an officer's real and perceived obligations to fellow police and his or her duty to the public. Of the 62 critical incident investigations

undertaken by police from 1 January 2013 to 21 August 2015, only two adverse findings were made and no disciplinary actions were taken. I recognise the great work that police do every day. This is a systemic issue. It pits officer against officer. The Greens NSW strongly support the overhaul of police oversight in New South Wales. The current system fails to provide the police and the broader community with a transparent, accountable, well-resourced and effective oversight mechanism. The result fails both the police and the community.

The Greens have long supported an independent police complaints commission and have argued the United Kingdom model of an independent complaints commission to provide guidance on how such a body might effectively be devised. This bill to establish a single oversight body to investigate police complaints is a welcome step forward but it fails to address the key failing in the present system, that is, police continuing to investigate police in the most serious cases. When it comes to critical incidents, this oversight body will largely be reviewing internal police investigations rather than undertaking the investigation itself. In this sense, the bill repeats mistakes of the past. It is well within the capacity of the Government to ensure that the Law Enforcement Conduct Commission has the resources, skills and specialist knowledge to undertake the job of holding police to account. The Greens call on all members of the House to work together to ensure that the LECC is structured to deliver real improvements in accountability, not just do the same work under a different name.

Under the current system, 99 per cent of police complaints are dealt with by police and all critical incident reviews are undertaken by police. Currently, the Ombudsman, the Coroners Court, the Police Integrity Commission and the police internal affairs unit all exercise overlapping powers, with each agency largely dependent on initial evidence provided and investigations undertaken by police. A few very well-known incidents serve to indicate the depth of the problem with the current system. Police critical incident reviews of the deaths of Roberto Curti and Adam Salter were the subject of significant criticism. In each case, the overlapping inquiries also produced confusion and delay. With the Sydney siege—obviously a sensitive topic—a police critical incidents review team was forced to investigate and pass judgement on the decisions of senior police regarding the allocation of resources, the level of cooperation with Commonwealth agencies and the decision to delay police intervention. That placed an impossible demand on subordinate officers. The bill does not provide the data and review material needed to improve procedures.

The Greens note that the function for handling the bulk of complaints about police will be almost identical to that exercised by the NSW Ombudsman. The concerns expressed in the Tink report, and by many people who have also contacted our office, are about how complaints are dealt with. It will be a challenge for the LECC to foster a new, proactive and accountable culture in almost exactly the same system. It is likely that, with staff transfers, many of the same people will be managing these matters. The Greens will be monitoring that closely. Despite the outlined shortcomings, the LECC is a strong step forward for accountability and transparency in New South Wales. The Greens support it and will follow its implementation closely.

**Mr KEVIN ANDERSON (Tamworth) (13:00):** On behalf of Mr Troy Grant: In reply: I thank members for their contributions to debate on the Law Enforcement Conduct Commission Bill 2016. I will address some of the issues raised during the debate. The member for Heffron raised concerns about the definition of "police misconduct". I assure the member that the Government has taken the advice of the Department of Justice and the Department of Premier and Cabinet in preparing this bill. The definition of "police misconduct" reflects the current definition set out in sections 121, 122 and 123 of the Police Act 1990. The words that seem to concern the member for Heffron are contained in the existing complaints handling and oversight regimes. I hope that puts the member's mind at ease.

The member for Liverpool raised concerns about the acting Ombudsman. The Government is proposing to establish the Law Enforcement Conduct Commission [LECC] in response to the Tink review of police oversight. The Government undertook extensive consultation with key stakeholders while drafting the bill. During consultation it became apparent that some of the recommendations from the Tink review would need to be modified. Stakeholders were given the opportunity to comment on the bill, including on where modifications had been made to specific recommendations from the report of the Tink review. The Government took that feedback into consideration before finalising the bill. The Government also consulted with Andrew Tink about the modifications to his recommendations. Mr Tink is comfortable with the modifications and agrees with the Government that, overall, the bill is consistent with the report of the Tink review.

The oversight functions that the LECC will undertake are the same as those exercised by the current oversight agencies. These functions are necessary to ensure that the NSW Police Force and NSW Crime Commission are accountable for their actions. This bill provides an improved level of oversight by creating a more efficient and streamlined structure in which unnecessary overlaps between existing oversight agencies are removed. The integrity arm of the LECC will exercise the functions currently undertaken by the Police Integrity Commission, and the oversight arm of the LECC will exercise the functions currently undertaken by the

Ombudsman. In addition, the LECC will provide a new oversight function, that is, the monitoring of the NSW Police Force critical incident investigations.

The inspector is given the power to investigate any aspect of the commission's operations and any conduct by its officers. The inspector can hold an inquiry and, for that purpose, has the powers of a commissioner under the Royal Commissions Act 1923. The inspector has the function of auditing the commission's operations to ensure that they are in compliance with the law. The inspector can exercise those powers at the inspector's own initiative, at the request of the Minister, or in response to a complaint or other information about misconduct that comes to the inspector's attention. The inspector has every power necessary for the performance of that oversight role. Closer involvement in the affairs of the LECC, such as in the development of its policies and procedures, would not be compatible with the distance necessary to audit, review and assess the legality and propriety of those policies and procedures.

A number of questions were raised about the Ombudsman. One specific question was: Why is the Commissioner for Oversight not able to conduct private examinations for the purposes of the LECC's oversight function? The new commission is not an ombudsman sitting in the same building as the Police Integrity Commission. While the new body has the same powers and functions as its predecessors, those agencies have been transformed into one, new organisation. The division of responsibilities between the two branches of the LECC does not exactly match the division that existed between the two predecessor organisations. While the division of commission responsibilities will largely be a matter for the commissioners to agree amongst themselves, it is envisaged that the Commissioner for Oversight will be engaged in monitoring the handling of misconduct matters by the NSW Police Force and the Crime Commission, keeping their handling of misconduct matters under scrutiny and developing education and prevention recommendations. The Commissioner for Oversight will also be responsible for the oversight of critical incident investigations.

The Commissioner for Integrity will have responsibility for investigations and the exercise of the commission's coercive investigations powers. In keeping with the previous policy that serving and former police officers should not work at the Police Integrity Commission on the investigation of serious misconduct matters, the bill provides that police cannot have investigations functions delegated to them. I will repeat that sentence, which goes to the heart of the question about why the Commissioner for Oversight cannot conduct private examinations: In keeping with the previous policy that serving and former police officers should not work at the Police Integrity Commission on the investigation of serious misconduct matters, the bill provides that police cannot have investigations functions delegated to them. By separating oversight functions from investigations functions in this way, former police officers will be able to continue to be employed in the oversight arm of the new commission. A number of members spoke in debate on this bill. I thank members representing the electorates of Fairfield, Tweed, Liverpool, Riverstone, Heffron and Ballina.

The Law Enforcement Conduct Commission Bill 2016 improves law enforcement oversight in New South Wales by removing the unnecessary overlap and duplication between the existing oversight agencies. A single, civilian oversight agency will be far more efficient than the current three oversight agencies. Our law enforcement officers work in a difficult environment, which can often involve making split-second, life-and-death decisions. They perform a tremendously challenging job and deserve a fair and just oversight system that maintains the highest standards of integrity and protects them at all costs while they do their work on the front line protecting our community 24 hours a day, seven days a week. The bill provides the LECC with the powers necessary to ensure that these standards are upheld by police and employees of the NSW Crime Commission.

I thank Mr Andrew Tink, AM, for undertaking the review of police oversight. His report provided the Government with the necessary guidance to make these reforms possible. It is understood that amendments will be suggested in the Legislative Council. The Government is open to amendments that will improve the bill. It will consider all amendments on their merits, concurrent with the way this Government operates when it seeks advice and countenance on many issues that affect outcomes for the good people of New South Wales. The establishment of the Law Enforcement Conduct Commission represents the fulfilment of an election commitment to review and reform law enforcement oversight. It is clearly an important reform that deserves the support of all members of this place. As chair of the Rural Crime Advisory Group, which does outstanding work working with police across rural and regional New South Wales, and as Parliamentary Secretary to the Deputy Premier, Mr Troy Grant, it gives me great pleasure to reply to the second reading debate on this bill. I commend the bill to the House.

**TEMPORARY SPEAKER (Mr Lee Evans):** The question is that this bill be now read a second time.

**Motion agreed to.**

### **Third Reading**

**Mr KEVIN ANDERSON:** On behalf of Mr Troy Grant: I move:



That this bill be now read a third time.

**Motion agreed to.**

*Community Recognition Statements*

**MACARTHUR ASTRONOMICAL SOCIETY TWENTIETH ANNIVERSARY**

**Mr JAI ROWELL (Wollondilly) (13:12):** I am proud to congratulate the Macarthur Astronomical Society on its recent twentieth anniversary, which it celebrated at Western Sydney University. Typically, the society hosts astronomical forums when it meets each month at the Campbelltown campus. A myriad of leading Australian and international astronomers and scientists have been in attendance. The society has done an amazing job in its outreach, lending telescopes to Narellan Library and planning to promote astronomy at a school level. The society holds its forums on the third Monday of every month. I strongly encourage all aspiring astronomers and scientists in Wollondilly to reach out to the society and get involved. I thank President Tony Law, Vice-President Stewart Grainger, Secretary Jack Goralewski, Treasurer Richard Curley and the other office bearers for their dedication to the society.

**PETER PAN PRESCHOOL**

**Mr GREG PIPER (Lake Macquarie) (13:13):** I acknowledge a wonderful organisation that has not only served the children of my electorate for more than 50 years but also encapsulates the true meaning of community spirit. The Peter Pan Preschool at Wangi Wangi School has operated as a community-based centre for 52 years. In fact, it was officially opened by Wangi's favourite son, Australian artist Sir William Dobell, 50 years ago. The school is among a dwindling number of not-for-profit community-based centres in the State that are run entirely by local families. It is consistently full of lively children, currently has a waiting list of more than 60, is equipped with state-of-the-art facilities and is a highly valued institution in the community.

It currently employs an occupational therapist to assist children with motor development, while the proceeds of a fete held recently will help to fund a speech pathologist. The school is one of only two in the State that offers a language and communication program that can identify communication issues in children before they reach school age. I particularly acknowledge the centre's president, Joanna Mantle, and director Lynne Howard for the wonderful job they do, and all the staff and families who contribute their time and expertise.

**ARMIDALE CITY BOWLING CLUB**

**Mr ADAM MARSHALL (Northern Tablelands) (13:14):** I recognise the Armidale City Bowling Club and congratulate it on winning the 2016 Outstanding Customer Service—Hospitality award at the recent Armidale Chamber Business Awards. The Armidale City Bowling Club has developed robust processes that make memorable experiences an inevitable result of visiting the club. The bowlo has lately invested \$20,000 in staff training and significant amounts in new technologies that free up staff time, as well as incentives and feedback to help develop staff customer service skills. Everyone who walks into the bowlo is treated with respect and dignity and the bowlo does a great job supporting all sorts of community and sporting organisations. I acknowledge Chief Executive Officer Patrick Crick, Deputy Chief Executive Officer Phil Wheaton, chairman of the board Richie Clutterbuck and all the board members for all the work they do in the club and in the community, which is reflected in the 15 per cent increase in memberships and 20 per cent increase in turnover in the past 12 months. Well done to the bowlo.

**WALLSEND PUBLIC SCHOOL AEROBIC ALLSTARS**

**Ms SONIA HORNERY (Wallsend) (13:15):** The Wallsend Public School Aerobic Allstars team has done Wallsend, the Newcastle area and the Hunter region proud by placing fourth at the Schoolaerobics National Championships. They have been working very hard all year, and it has paid off with wins in the New South Wales preliminaries in May, and a second place showing at the finals in June. My congratulations to the girls and to their coach, teacher Meg O'Shea. Great work Molly Tindall, Olivia Banister, Olivia Maliszewski, Georgia Chapman, Abbey Sharman, Nakeisha Lorrie, Madison Bragg.

**TRIBUTE TO NANCY HASLOP**

**SHONA STEWART, DRAGON BOAT RACER**

**Mr PAUL TOOLE (Bathurst—Minister for Local Government) (13:16):** This House acknowledges the incredible contribution to the Western Region Academy of Sport [WRAS] by Nancy Haslop, who is retiring as executive officer. Nancy has been an integral part of the academy for 16 years, having previously been involved with WRAS as a basketball coach and board member. Commencing the position in January 2000, Nancy has given an outstanding level of commitment and support to the academy and has dedicated many hours of service and assistance to the young athletes who pass through its doors. Under Nancy's guidance, many young sportspeople

have been supported, nurtured and encouraged in their pursuit of sporting success. Recognition of her significant and passionate support in a regional area is worthy of acknowledgement, and she is to be commended for her outstanding contribution.

I also acknowledge the achievements of Bathurst resident Shona Stewart. Shona Stewart has been an integral part of the development and growth of dragon boat racing across the Central West. Shona is one of the few sportspersons who has represented New South Wales in her chosen sport at an Australian championship on three occasions. Shona is to be congratulated on and commended for her tireless contribution and dedication to dragon boat racing. She is an inspiration to all participants in this sport.

#### **CAMPBELLTOWN-CAMDEN DISTRICT BAND**

**Mr GREG WARREN (Campbelltown) (13:17):** I acknowledge the seventieth anniversary of the Campbelltown-Camden District Band. Initially formed in 1946 as a small community brass band, the band has evolved over 70 years into a fully fledged concert band, with approximately 50 wideranging instrumentalists. Today the band plays an important role at functions and parades in the Macarthur region, including proudly being a part of Campbelltown's Anzac Day and Australia Day ceremonies and the first Festival of Fisher's Ghost, among many other events. The band also runs a Youth Ensemble, which gives high school students the opportunity to develop their musical talents as well as to perform. The Campbelltown-Camden District Band is to be congratulated on 70 years of contributing to our city and region, and long may it continue. I particularly acknowledge Roma Jenna, Harold Pollard, John Cornhill and Michael Watson. I also look forward to enjoying the band's anniversary dinner on 1 October 2016.

#### **TUCABIA PRIMARY SCHOOL 125TH ANNIVERSARY**

**Mr CHRISTOPHER GULAPTIS (Clarence) (13:18):** I congratulate Tucabia Primary School on recently celebrating its 125th anniversary of schooling. Tucabia is a rural hamlet with virtually no community services, which makes this a wonderful achievement for a small rural community. I attended the anniversary celebrations and was surprised by the huge number of people in attendance, including former students, teachers and principals who had come from far and wide to celebrate the anniversary. An interesting story told by ex-students was of the school's emergency drills during World War II, when the children had to file into underground trenches that had been dug in the schoolyard. One of the ladies said, "They were pretty deep and went down a fair way, over our heads". Small schools play a very important role in regional New South Wales. I wish the school a long and prosperous future.

#### **FAIRFIELD ELECTORATE CANCER COUNCIL DAFFODIL DAY**

**Mr GUY ZANGARI (Fairfield) (13:19):** On 26 August 2016 Fairfield residents banded together to celebrate the thirtieth annual Cancer Council Daffodil Day. I had the privilege of joining with Cancer Council NSW volunteers at Stockland Wetherill Park to increase awareness in the community and to raise funds in our local area. The volunteers spent the day selling official Daffodil Day merchandise including pins, teddy bears, bunches of daffodils, pens and even fridge magnets. I give my personal thanks to everyone who volunteered on the day and to the generous members of our community for their wonderful support. Cancer does not discriminate; it can strike anyone at any time. All efforts by the community to raise awareness and funds go a long way in the fight against cancer.

#### **LEXIE WALKER AND FAMILY WALK TO D'FEET MND**

**Ms LESLIE WILLIAMS (Port Macquarie—Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (13:19):** I recognise and congratulate Lexie and the Walker family on their involvement in the annual Walk to d'Feet MND. The five kilometre walk raises money for vital research while also supporting people living with motor neurone disease. I had the pleasure of meeting nine-year-old Lexie on Sunday 18 September whilst participating in the Walk to d'Feet MND. Lexie had raised more than \$1,500 by not only completing the walk but also shaving her head and losing her long locks for a great cause. The Walker family were motivated to support the Walk to d'Feet MND when close friend Jeffrey Cooper was diagnosed with motor neurone disease. Mr Walker said, "We wanted to do something to help support Jeffrey and his family as they go through this tough time. We are so very impressed and proud of Lexie for getting involved." I congratulate Lexie and the Walker family on raising funds and awareness through participating in the Walk to d'Feet MND.

#### **AL SADIQ COLLEGE PRINCIPAL MR BRUCE RIXON RETIREMENT**

**Mr JIHAD DIB (Lakemba) (13:20):** I commend Mr Bruce Rixon, who retires on Friday, for his service and commitment as principal of Al Sadiq College for the past two years. Al Sadiq College is an independent, co-educational Muslim college for students from kindergarten to year 12 with campuses in Yagoona and Greenacre.

During his career, Mr Rixon was part of the Board of Studies Teaching and Educational Standards [BOSTES] accreditation and registration process, ensuring the school was re-registered for five years from kindergarten to year 12. In addition, he registered the school on the Commonwealth Register of Institutions and Courses for Overseas Students [CRICOS], which allows it to accept international students in years 11 and 12.

I recognise Mr Rixon's career to date as one of a great and passionate educator who has crossed the country as well as educational sectors. As an example, he has held school and head of music roles in schools as diverse as Anglican colleges in Western Australia, Sydney Church of England Grammar School in North Sydney, Saint Ignatius College at Riverview, St Andrew's Cathedral School and Marian College in Sydney and, of course, at Al Sadiq College. I thank Mr Rixon for his service and commitment to community harmony, especially in my electorate. I thank him for his support and wish him the very best for the next stage of his career.

#### **TWEED ELECTORATE SUICIDE PREVENTION**

**Mr GEOFF PROVEST (Tweed) (13:21):** I acknowledge the efforts of Deidre Currie and Louise Togo, the organisers of the Out of the Shadows and into the Light Suicide Prevention Walk and the GLOW4LIFE Suicide Prevention Run that were held recently in my electorate. The event was created to encourage members of the community to take part in a five kilometre glow run or walk to raise awareness and combat the stigma surrounding suicide. The event was supported by our local police command and I acknowledge Superintendent Wayne Starling and his officers, who took a very active part. I also thank On Track Community Services and headspace staff who also attended. A ceremony in support of bereaved families was held during which community members had the opportunity to share a poem or story and to release a yellow balloon in memory of a loved one. It was a very touching moment indeed.

#### **GARDENERS ROAD PUBLIC SCHOOL FETE**

**Mr RON HOENIG (Heffron) (13:22):** It was my great honour to open the first-ever Gardeners Road Public School fete on Saturday 17 September 2016. Gardeners Road Public School was established in 1883. Generations of South Sydney residents have come through its gates at the intersection of Botany Road and Gardeners Road, Rosebery. I was taken around the school grounds by the very proud principal, Kim Sheen, who told me about the increasing enrolment numbers at the school. Fittingly, the sun was out and the warm weather drew many students, parents, locals and past alumni to the school to enjoy the many games, events, rides, food offerings and stalls that were meticulously put together by the parents and citizens association. I congratulate fete coordinator, Amy Organ, who, with the support of parents and citizens association president Jo Galloway and the entire association, put together a wonderful event befitting a school that has been educating children and serving the Botany Bay community for more than 133 years.

#### **GREG GRAINGER TRAVEL WRITERS AWARD**

**Mr ALISTER HENSKENS (Ku-ring-gai) (13:23):** Ku-ring-gai's natural beauty inspires many people, which is why it is such a sought-after place to live. That same bushy beauty inspired Greg Grainger to move from nearby West Pymble to Turramurra some 30 years ago. Greg made a name for himself from the 1960s onwards as a journalist on Sydney radio, later moving on to be an instantly recognisable figure in news reporting on the Seven television network. That passion for the media has never left Greg, so much so that he has spent recent decades bringing into our lounge rooms fantastic nature documentaries from all over the globe. It is fitting that he was recognised recently at the Australian Society of Travel Writers Awards for three works: one filmed at the Dubai World Cup horserace meeting; another filmed on a Queensland outback road trip; and the third about world champion free diver Marina Kazankova and her exploits on the Great Barrier Reef. We congratulate Greg on a fantastic 50-year media career and look forward to seeing more gems through his camera lens.

#### **BIRRONG PUBLIC SCHOOL BOOK WEEK**

**Ms TANIA MIHAILUK (Bankstown) (13:24):** On Friday 26 August I was delighted to attend Birrong Public School to celebrate Book Week with the students, staff and the parents and citizens association. It was a pleasure to join Principal Jodi Devine as well as association members Rana Lakmass, Sandra Hayhoe and Rahnuma Allam in visiting a classroom and the library to see just a few of the activities that the school was engaged in to celebrate Book Week. Book Week is an annual event run by the Children's Book Council of Australia, a not-for-profit organisation that encourages youth and young adult literacy. We also took time to inspect the new covered outdoor learning area at the school, which was funded by a 2014 Community Building Partnership grant. I hope that the staff and students will continue to put it to good use for many years yet. I thank Principal Jodi Devine for her generous invitation and congratulate the school on its enthusiastic participation in Book Week. I look forward to visiting the school for many more Book Weeks in the years to come.

### COOTAMUNDRA ELECTORATE FLOODS

**Ms KATRINA HODGKINSON (Cootamundra) (13:25):** They say it never rains but it pours. That has certainly been the case in the Cootamundra electorate recently. I commend and heartily thank all emergency service volunteers and personnel who have worked tirelessly to clear the roads, get people moving and rescue those who have been inundated by floodwaters. I thank our State Emergency Service workers and council workers from Junee, Coolamon, Temora, Narrandera, Hilltops, Cootamundra, Gundagai, Bland and Cowra shires. I also thank our hardworking Rural Fire Service and Fire and Rescue NSW personnel as well as all paramedics involved.

Many roads are affected by flooding and people are having a great deal of difficulty getting around, particularly in Ungarie, Crowther, Borellan, West Wyalong, Narrandera, Gooloogong, Ariah Park, Mirrool, Temora and Grong Grong. This event comes on top of recent natural disaster declarations for much of my electorate which have had a significant impact on crops and caused up to 80 per cent losses. I encourage the Government to look sympathetically once again on the Cootamundra electorate as we deal with this natural disaster.

### HEVAN ESPRESSO FUNDRAISING

**Mr RYAN PARK (Keira) (13:26):** I pay tribute to popular Corrimal cafe Hevan Espresso owner Evan Coleman for his recent fundraising efforts for local charity Saving Chloe Saxby. Corrimal recently held its annual Spring into Corrimal Festival, which was attended by more than 50,000 people. The team at Hevan Espresso joined with Saving Chloe Saxby to raise much-needed funds during the festival. Evan took the extraordinary step of donating his entire day's takings to the cause, and staff members Josh and Renee gave up their day and volunteered their time to work in the cafe to help make sure the day was a success. Chloe Saxby is a young girl from the Keira electorate who has a rare disease called vanishing white matter. Saving Chloe Saxby has a goal to raise \$2 million to go towards vital research. Having had the opportunity to meet Chloe's parents, Nyree and Grant, and her sister, Madeline, I know just how important the cause is. All up, the Hevan Espresso small business was able to donate \$1,400. I congratulate Evan, Josh and Renee on their efforts for our community.

### AWARD RECIPIENT LETEAH MITCHELL

**Mr STEPHEN BROMHEAD (Myall Lakes) (13:27):** I inform the House that Taree TAFE student Leteah Mitchell has claimed the Aboriginal and Torres Strait Islander Student of the Year Award at the NSW Training Awards, held in Sydney on Thursday 8 September. Her achievement reflects the passion and commitment she has invested in her studies with TAFE NSW Taree Campus, where she completed a diploma in community services as a stepping stone to a career as a social worker. While studying, Leteah also took on work placement at the Taree PCYC, where she created a drop-in safe zone for vulnerable youth. She will now go into the running for the national award, which will be announced in November at a presentation in Darwin.

### BISHOP OF PARRAMATTA STUDENT EXCELLENCE AWARDS

**Dr HUGH McDERMOTT (Prospect) (13:28):** The annual Bishop of Parramatta Awards for Student Excellence, recognising the religious and academic achievements of year 12 students across the diocese of Parramatta, were presented at St Patrick's Cathedral on 8 September 2016. The awards acknowledge the contribution of one year 12 student from each Catholic secondary school towards their school and local community as nominated by their principal. Episcopal Vicar for Education and Formation Very Reverend Chris de Souza, EV, and Executive Director Greg Whitby presented the awards on behalf of the Bishop of Parramatta, the Most Reverend Vincent Long van Nguyen, OFM. From the Prospect electorate, I congratulate Angelica D'Souza from Nagle College at Blacktown South and Pierre Saba from St Paul's Catholic College at Greystanes. May the Holy Mother bless them, their families and our Catholic schools community.

### BONNET BAY PUBLIC SCHOOL

**Ms ELENI PETINOS (Miranda) (13:29):** Today I acknowledge the hard work of teachers and students at the Bonnet Bay Public School and congratulate them on the school's increased National Assessment Program—Literacy and Numeracy [NAPLAN] results in literacy. The Bonnet Bay Public School has implemented various literacy programs, including enrichment groups for gifted and talented students through project-based learning, additional training for staff in the Write Again and Seven Steps writing programs and the Macquarie University's Meeting Initial Needs in Literacy [MiniLit] program for identified students in early primary years.

The programs have led to increased NAPLAN results since 2013 in reading, numeracy, writing, grammar and punctuation, and spelling. This strong foundation in literacy provides students with the essential life skills for continued success at school and in the future. I acknowledge those who showed the Minister for Education, Adrian Piccoli, and me the exceptional work being done at the Bonnet Bay Public School: Principal Karen Deacon, Assistant Principal Melissa Redmayne, Parents and Citizens Association president Shannon Green and member

Rachel Watson, and school captains Hamish Calder and Annika Legg. I again congratulate the students and teachers of the Bonnet Bay Public School on this outstanding effort and continuing work on those essential life skills.

#### **TRIBUTE TO COUNCILLOR MEG OATES**

**Mr ANOULACK CHANTHIVONG (Macquarie Fields) (13:30):** I formally recognise and congratulate my former council colleague, much-respected local Labor Party member and Campbelltown community's long-term civic leader Councillor Meg Oates, who, having spent an unbroken term in office for more than 30 years, will break the record and become Campbelltown's longest serving councillor. Meg, being Labor and female, is a fine example of civic leadership for women in our community. Meg's passion to prevent educational disadvantage, provide quality recreational space, foster resident creativity and preserve our local history is well known and much respected. She has never backed down on standing up for our local area. Her reputation, hard work and generosity are well known within the Labor Party and the wider community. Meg has received many community service awards, including those from the Western Sydney University. She is also emeritus mayor. Meg is a strong advocate and tireless worker for our community and a respected civic leader. Meg is also a trusted colleague and a friend. I very much look forward to working with her for many more years.

#### **WOLLONDILLY ELECTORATE CENTENARIANS**

**Mr JAI ROWELL (Wollondilly) (13:31):** I acknowledge a milestone that two Thirlmere locals achieved earlier this year: their 100th birthdays. On 22 April at the Queen Victoria Memorial Home, Helmi Kompus and Ena Latta celebrated the momentous occasion among friends and family. Both women have been long-term residents of the region, having spent decades working and living in the area. Helmi Kompus attributes her long life to drinking wine, and Ena Latta's daughter attributed her mother's 100 years to hard work and family. Wollondilly hosted a senior citizens event in early April for the at least 21 centenarians who live in the area. We were lucky that six of them were well enough to attend and impart their wisdom and regale us with past events.

#### **FREEDOM PARTNERSHIP**

**Ms JO HAYLEN (Summer Hill) (13:31):** The Maybanke Aged Care Plus Centre is a beautiful heritage home in Dulwich Hill, with more than 30 residents and many magnificent staff. Last week they joined with aged care residents from across Australia in raising money for the Freedom Partnership and awareness of modern-day slavery. The Aged Care Plus Walkathon raises more than \$80,000 each year to support the estimated four and a half thousand people in Australia who are considered to be victims of slavery. Slavery in Australia takes many forms: It may be that the victims are domestic workers, teenagers in forced marriages or victims of servitude, debt bondage or trafficking. These vulnerable and exploited Australians need to be seen, acknowledged and supported. I joined with residents, including wonderful Edna, a 103-year-old resident at Maybanke, who participated in the walk and spoke to me about the importance of the day to her and to all of her community. I thank the residents and staff for their hospitality, for the beautiful Polynesian dancing and for being a voice for those who do not have one.

**TEMPORARY SPEAKER (Mr Lee Evans):** I shall now leave the chair until 2.15 p.m.

*Visitors*

#### **VISITORS**

**The SPEAKER:** I wish the Minister for Finance, Services and Property, and member for Hawkesbury, a very happy birthday. I welcome all of our guests in the gallery this afternoon to question time. I warmly welcome members of the Beacon Hill Branch of the Liberal Party, Robyn Young, Dave Walton and their friends, guests of the Minister for Family and Community Services, and Minister for Social Housing, and member for Wakehurst. I welcome the student leaders and parents attending the Ryde electorate school leadership program from Meadowbank Primary School, guests of the Minister for Innovation and Better Regulation, and member for Ryde. I welcome members of the Hornsby Probus Club, guests of the Parliamentary Secretary for Treasury, and member for Hornsby. I acknowledge and welcome members of the South Lakes University of the Third Age, guests of the member for Lake Macquarie.

*Question Time*

#### **GREYHOUND RACING INDUSTRY BAN**

**Mr LUKE FOLEY (Auburn) (14:24):** My question is directed to the Premier. Given that the Premier's Greyhounds Transition Taskforce has reported that there are 19,000 greyhounds, not 6,000, in the State, is the Premier open to reversing the ban on greyhound racing or is he such a man of principle that he rules out a backdown altogether?

**Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (14:25):** It is an interesting question coming from the Leader of the Opposition. Obviously, the point of being a man of principle has got to him. Yes, we are working very hard in relation to the transition; it is an important job. We are engaging with the industry in the best possible way to transition and support it. I would have thought that the Leader of the Opposition would find this an interesting question to ask, being patron of the RSPCA and someone who is undoubtedly for animal welfare. His first policy as Leader of the Opposition was for animal welfare. But there is a political opportunity here, and when there is a political opportunity this man of principle puts principles aside and grabs it with both hands.

**The SPEAKER:** Opposition members are warned that they will be very quickly removed from the Chamber if they repeat yesterday's performance.

**Mr MIKE BAIRD:** That is where the people of New South Wales will make a judgement.

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

**Mr MIKE BAIRD:** Do they want someone to be Premier who stands for nothing and offers nothing?

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

**Mr MIKE BAIRD:** We all remember the Leader of the Opposition before he became leader standing up in this place and saying we should not privatise the port. Yet, hang on, he became leader and said, "Actually that is quite a good idea." In Labor's costings, they grabbed the money that opposed and used it for the infrastructure that the Labor Government could not afford. Labor could not afford it because it stands for nothing. The Leader of the Opposition knows it, Opposition members know it and the people of New South Wales are going to know it.

**Mr Michael Daley:** Point of order: My point of order is taken under Standing Order 129.

**The SPEAKER:** The Premier is being relevant. There is no point of order.

**Mr MIKE BAIRD:** There is the man who stood there one day and said, "Under no circumstances will I pull out of the leadership contest", until Sussex Street picked up the phone and said, "Hello, hello, out you go." That is what happened.

**Ms Jodi McKay:** Point of order: My point of order is taken under Standing Order 129. The question was not about Sussex Street; it was about greyhounds.

**The SPEAKER:** The member is right. The Premier has momentarily strayed from being relevant. I am sure he will return to the question.

**Mr MIKE BAIRD:** It is about principles. I know that the Leader of the Opposition in that meeting with the animal welfare group said, "I would love to ban greyhound racing." That is what he has said, that is supposedly what he stands for, but he sees a political opportunity and he has grabbed it. He can do that, but we are going to stand up for what we believe is right on this issue and on every issue.

### GOVERNMENT SERVICES

**Mr ADAM CROUCH (Terrigal) (14:29):** My question is addressed to the Premier. How is the Government providing better services for the people of New South Wales while delivering value for money for the taxpayer?

**Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (14:29):** The member for Terrigal is a good member doing a fantastic job up on the Central Coast, an unbelievable effort. He is delivering a huge effort in relation to Gosford Hospital. Wyong Hospital is now there, plus upgrades to roads. There is nothing he cannot do.

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

**Mr MIKE BAIRD:** I do know that if we say two words to members of the Opposition they get very scared: "private sector".

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

**Mr MIKE BAIRD:** Say the words "private sector" and those opposite run for the hills. Why do they run for the hills? They run for the hills because the union talking points say "private sector is bad". Those opposite come in here and stand at the lectern, they pull out their union talking points and they say "this is very bad".

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

**Mr MIKE BAIRD:** Why do they say it is very bad? Because the Government wants to build five new hospitals for the people of New South Wales—very bad. I remember those opposite and we regularly look—

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

**Mr MIKE BAIRD:** The Government looks to deliver great service to the people of New South Wales.

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

**Mr MIKE BAIRD:** We look to deliver even more infrastructure than we can think of and that is done with partnerships. We are not ashamed to say that partnerships with the private sector help us do it.

**The SPEAKER:** Order! I call the member for Port Stephens to order for the third time. On the next interjection the member for Port Stephens will be out of the Chamber.

**Mr MIKE BAIRD:** I remember the attitude of members opposite in relation to the ferries. It is a good example. We saw many things. The Labor Government established the Walker inquiry, which said, "There are better ways to do this—contract it." The Labor Government said, "No, no, no." The Maritime Union of Australia [MUA] said, "No, no, no, you can't do this."

**The SPEAKER:** Order! I call the member for Shellharbour to order for the third time. The member for Kogarah will come to order. I call the member for Kogarah to order for the first time. The member will cease interjecting.

**Mr MIKE BAIRD:** What has the Government done? We have brought in a franchise. There is a new fast ferry service and let me tell members what has happened.

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

**Mr MIKE BAIRD:** I remember that I had to go through a picket line. They were chanting, "Don't risk it, don't risk it". But I just wanted to get on a ferry. I got on that ferry and what has happened since then? On-time running is up—99.2 per cent.

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

**Mr MIKE BAIRD:** Complaints are down. Satisfaction with the service has gone through the roof.

**The SPEAKER:** Order! Members of the Opposition will cease interjecting, as they have every day last week and this week.

**Mr MIKE BAIRD:** On the fast ferry we have seen cheaper fares, 178 more services a week, four brand-new vessels, reliability is up, and customer satisfaction is through the roof. That is what the partnership has delivered. I remember going through the pickets where they were chanting, "Don't risk it." Well, it was absolutely worth the risk and it continues to be because where there are opportunities to partner to deliver better services and better things to the people of New South Wales, we on this side of the House are up for it. When the health Minister announced new hospitals, those opposite were pulling out their union talking points, saying, "This is bad, you can't do it." Well, we are proud to be delivering a new hospital in Wyong, we are proud to be doing it in Maitland, and we are proud to be doing it in Shellharbour, Goulburn and Bowral. We are very proud to be doing it.

They raised previous examples such as Port Macquarie. Yes, one can learn from Port Macquarie. But if there is a capacity to deliver the same quality services at a more efficient price than the Government can deliver, why on earth would we not want to do it? That will give us more capacity to deliver more health services across the State. That means more staff. Where do I start on the Northern Beaches Hospital? In 2006 Morris Iemma stood here and said that he was going to deliver a new Northern Beaches hospital. In 2011 we came to government and not a dollar had been allocated towards building that hospital—five years later.

There are many similar examples across the State. The Northern Beaches Hospital is going up into the air under this model. In addition, we will be able to put the more than \$1 billion in savings that will be delivered through that process into additional health services. That means potentially an additional 650 nurses a year in frontline health services. It is a good partnership that is delivering good things to the people in this State. We do not know the position of the Opposition on infrastructure and asset recycling because the Leader of the Opposition was against it in this Parliament and then changed his mind. But we know what that has done. [*Extension of time*]

We now have the capacity to deliver infrastructure on an unprecedented level across this State. Whether it is poles and wires, Port Botany and Port Kembla or the Port of Newcastle, there is a huge number of projects

that we know would not be delivered if those opposite were in government. What has that fine bastion of the Labor Left, Dan Andrews, stood up for? He leased a port in Melbourne. He unashamedly copied what the New South Wales Government was doing and he said it was a good model to deliver more infrastructure across Victoria.

**The SPEAKER:** Order! Debates, interjections and discussion from the Opposition should cease.

**Mr MIKE BAIRD:** We know that those opposite stand against it and vote against it all the time. What does that mean to the people of this city? It means that if those opposite were in government there would be no Sydney Metro, no WestConnex, no M4 or M5, and no NorthConnex, and the completion of the Pacific Highway would be going on for years and years. They cut the allocation for its upgrade. We know there would be no Parramatta light rail, no Albion Park rail bypass, and no additional \$1 billion for our schools and \$1 billion for our hospitals.

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

**Mr MIKE BAIRD:** There would be no intercity rail fleet, no Powerhouse Museum moving to Western Sydney, no roads around Western Sydney airport, no Bridges for the Bush, no Fixing Country Roads and no Grafton Bridge.

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

**Mr MIKE BAIRD:** The good news for the people of this State is that the Government is determined to look at every opportunity to deliver more services and more infrastructure. That is what we have been given the privilege to do in government. And if we need to partner with the private sector to do it, that is exactly what we are going to do because it is the right thing for the people of this State.

#### GOULBURN AND BOWRAL HOSPITALS

**Mr MICHAEL DALEY (Maroubra) (14:29):** My question is directed to the Assistant Minister for Health. What involvement did the Minister have as Assistant Minister for Health in the decision to privatise Goulburn and Bowral hospitals?

**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) (14:37):** I thank the member for his question. This was a decision of Cabinet.

**The SPEAKER:** Order! I remind the member for Bankstown that she is already on three calls to order. I call the member for Keira to order for the second time.

#### LITERACY AND NUMERACY

**Mr KEVIN ANDERSON (Tamworth) (14:37):** My question is addressed to the Minister for Education. How is the Government ensuring that students in Western Sydney and regional New South Wales have the essential literacy and numeracy skills they need to succeed, and related matters?

**The SPEAKER:** Order! Opposition members are not interested in education and literacy.

**Mr Clayton Barr:** Point of order: My point of order is under Standing Order 128. Whenever this idea of "other related matters" is raised, the House descends into chaos.

**The SPEAKER:** Order! The member for Cessnock would not be part of that, would he? The member will resume his seat. Restart the clock. That was a frivolous point of order.

**Mr ADRIAN PICCOLI (Murray—Minister for Education) (14:38):** Today the Premier and I were at Curran Public School, a fantastic example of education in New South Wales. We were in the marginal seat of Macquarie Fields—now the marginal Labor seat of Macquarie Fields—announcing a \$340 million investment in literacy and numeracy. Present were representatives from the Association of Independent Schools, the Catholic Education Commission, the Department of Education and the Board of Studies to announce a significant boost in funding for literacy and numeracy programs. This builds on the election commitment made prior to 2011 targeting literacy and numeracy. As part of this program, there have been substantial improvements in student literacy and numeracy.

Instructional leaders were employed to assist with the professional development of teaching staff, which allowed teachers to assess students and to use that data to inform their teaching practice for individual students. There are fantastic results across the schools that have participated in the program for 4½ years. The proportion of students in the top two bands in the year three National Assessment Program—Literacy and Numeracy [NAPLAN] assessment is increasing in reading, numeracy and writing. The results are particularly pleasing in the



area of reading. The proportion of students in the bottom two bands across those three domains has decreased. This program assists students at the bottom of the performance bands and those students at the higher levels of the performance bands. There are now 700 schools, almost one-third of primary, across all three sectors participating in this initiative.

This program is about supporting numeracy and literacy from kindergarten to year 12. The teachers are provided with additional assessment resources to assess what children require to take them to the next stage of numeracy and literacy development. Instructional leaders will be extended to cover years 3 to 6. A best start assessment will be introduced in year seven. Those who have young children know it is best to start prior to commencing kindergarten. The teacher will sit with the child and assess where the child is up to with literacy and numeracy prior to starting school.

There will now be a more sophisticated assessment prior to year 7 to judge where a child is in respect of literacy and numeracy. The high school will then work on the next stage of their literacy and numeracy on week one of year 7 without waiting until halfway through the term. It feeds into the Higher School Certificate [HSC] reforms announced a few weeks ago. To receive a Higher School Certificate, a student must have received a band eight in all of year 9 and following NAPLANs or equivalent. Year 9 is not the only chance; there are further opportunities in years 10, 11 and 12.

**Mr Jihad Dib:** Sixty-five per cent will be deleted.

**Mr ADRIAN PICCOLI:** The member is correct, there are quite a few students who do not meet that requirement. What did those opposite do? They did nothing, they abandoned those children. This Government is doing something and that is why the electorate of Macquarie Fields is marginal.

**The SPEAKER:** I call the member for Macquarie Fields to order for the first time.

**Mr ADRIAN PICCOLI:** The Opposition was happy to see some of the most disadvantaged communities in New South remain disadvantaged. The Labor Party did nothing to support them.

**The SPEAKER:** I call the member for Macquarie Fields to order for the second time.

**Mr ADRIAN PICCOLI:** The Liberal-Nationals Government is targeting those schools. The Opposition thought those electorates would vote for Labor no matter what it did. It is wrong.

**Mr John Robertson:** Go to Orange.

**The SPEAKER:** I call the member for Blacktown to order for the first time. I call the member for Blacktown to order for the second time. The member for Kiama will come to order.

**Mr ADRIAN PICCOLI:** I was asked about the Orange by-election at the media conference.

**The SPEAKER:** I call the member for Blacktown to order for the third time. The member will cease interjecting.

**Mr ADRIAN PICCOLI:** The Opposition is excited by the approaching by-elections. [*Extension of time*]

The Opposition has its agenda ready for the Wollongong, Canterbury and Orange by-elections. It is a five-point plan to oppose, oppose, oppose, oppose and oppose. The Labor Party opposed poles and wires, the decision concerning greyhound racing and local government reform. That is not an agenda for the future of New South Wales; it is an agenda for the future of the Labor Party. Voters can see through it. I was asked about the by-election and I said, "Absolutely, The Nationals will win that seat."

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

**Mr Greg Warren:** Point of order: My point of order is taken under Standing Order 173. Members are not interested in personal reflections.

**The SPEAKER:** There is no point of order. I will listen further to the Minister.

**Mr ADRIAN PICCOLI:** I will show those electorates the impact this program has had on individual children's lives. When those numbers trend the right way it changes lives. This does not apply only to Curran Public School but also to all the schools in the Orange electorate. This program has a direct impact on individual lives. It is based on the good decisions of this Government. That is an agenda to win a by-election and the next general election.

**The SPEAKER:** The member for Maitland will come to order.

**Mr ADRIAN PICCOLI:** An agenda should positively change people's lives. It is easy to oppose in opposition. This Government has a great agenda and it will go to Orange, Wollongong and Canterbury and tell people what is on its agenda. That is why the Government will win those by-elections.

#### **SHELLHARBOUR HOSPITAL**

**Ms ANNA WATSON (Shellharbour) (14:46):** My question is directed to the Minister for Health. Will the Minister inform the House why my constituents were not advised at the last election, or any time prior to last Thursday, of the Government's intention to privatise the hospital at Shellharbour?

**Ms JILLIAN SKINNER (North Shore—Minister for Health) (14:47):** I thank the member for Shellharbour for the opportunity to correct her misconception.

**The SPEAKER:** The Minister has the call. Members will find themselves out of the Chamber if they do not cease interjecting.

**Ms JILLIAN SKINNER:** The Government is not privatising any hospital. The Government is asking the non-government sector to express an interest in partnering with the Government to build new facilities. It will be a partnership, but the hospital will remain a public hospital that reverts to the public ownership of the State at the end of the contract. The Government is not privatising hospitals. This is an opportunity, as the Premier has said, to gain the expertise and resources of the non-government sector. The Government will extend the capacity of the hospital through partnership with a private hospital operator or one of the not-for-profits such as the San, the Mater in Newcastle, St Vincent's, or others. The member for Shellharbour should be excited about having a much bigger hospital in her electorate than could be provided by government funding alone. The hospital will provide additional services. It will potentially have services on site such as primary healthcare and aged care. The service will be whatever the private sector or non-government organisation nominates in the expression of interest.

**The SPEAKER:** I remind the member for Shellharbour that she is on three calls to order.

**Ms JILLIAN SKINNER:** If there are interested parties, the expression of interest proposals lead to discussions and contracts. If there is no expression of interest that—

**Mr John Robertson:** So you will not build the hospital if there is no expression of interest?

**The SPEAKER:** The member for Blacktown will cease interjecting. I remind the member that he is on three calls to order.

**Ms JILLIAN SKINNER:** I would have thought the member for Blacktown would be quiet about building hospitals. The biggest hospital build in the State was to be in his electorate, but Labor failed to deliver in all its years in government.

**The SPEAKER:** There is no need for the member for Mount Druitt to interject.

**Ms JILLIAN SKINNER:** I assure the House that if there are no benefits to the patients of a district then we will not use the private sector model. But I believe that everybody will come on board and rejoice in what we are able to provide. I heard an interjection from an Opposition member about the public not being able to afford it. That is misinformation. It is one of the talking points put out by the unions. No public patient will pay a cent for their inpatient care in any of these hospitals. Opposition members should get that right.

**The SPEAKER:** I warn the member for Shellharbour for the last time.

**Ms JILLIAN SKINNER:** Listen carefully: no admitted public patient will pay a cent for any treatment in a public hospital. Let us go back to when Bob Carr became Premier. He became Premier on the basis that he would halve hospital waiting lists. He signed it in blood. How did he claim to achieve that within 12 months? He defined a few people away and he contracted the private sector to look after patients. That has been going on for years. It happened throughout the 16 years that Labor was in office. When there was a spike in demand for a particular type of surgery, the Labor Government asked the private sector, under contract, to provide those services.

That is exactly what this is about. There will be private sector involvement if there is a successful expression of interest. There will be additional staff and an extended range of services. Did we say anything about this before the last election? Ask the member for Maitland; ask other members of this House. I was asked many times what model we would follow. I said that we were considering all models; we were considering engagement with the private sector and the not-for-profit sector and we would look at what was in the best interests of patients. I said I could guarantee that whatever model we followed, it would provide value for local patients, more services for patients and no public patient admitted to one of these hospitals would pay anything.

**The SPEAKER:** The member for Maitland will come to order.

**Ms JILLIAN SKINNER:** The Opposition should forget its union talking points. This will be a fantastic deal for the people of New South Wales.

**The SPEAKER:** The House will come to order.

#### **TAFE NSW**

**Mr LEE EVANS (Heathcote) (14:51):** My question is addressed to the Minister for Regional Development, Minister for Skills, and Minister for Small Business. How is the New South Wales Government ensuring that TAFE NSW has a strong future as a public provider of vocational education and continues to deliver a skilled workforce for New South Wales, and are there any related matters?

**Mr Greg Warren:** Point of order: My point of order is taken under Standing Order 128 (2) (g). That question is clearly an expression of opinion. It borders on being argumentative. I ask that it be ruled out of order.

**The SPEAKER:** The member for Campbelltown will resume his seat. There is no point of order. The member should look at most Opposition questions, which could be ruled out of order on any day. Opposition questions are badly worded and contrary to the standing orders. The Minister has the call.

**Mr JOHN BARILARO (Monaro—Minister for Regional Development, Minister for Skills, and Minister for Small Business) (14:52):** How rude of me not to let the Opposition continue to interject. It is clear that Opposition members are not interested in the good news about TAFE. I thank the member for Heathcote for his question. The fantastic Loftus TAFE campus is in his electorate. We are seeing increased enrolments there due to the introduction of Fee-Free Scholarships—237 Fee-Free Scholarships have been awarded in the electorate of Heathcote.

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

**Mr JOHN BARILARO:** Many of those students live in social housing. The Government has invested \$1.2 million in the Heathcote electorate to give young people the opportunity to gain the skills training that will allow them to lead a prosperous life.

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

**Mr JOHN BARILARO:** A couple of months ago I announced the One TAFE reform, which will allow TAFE NSW to become a modern public provider.

**The SPEAKER:** I call the member for Maitland to order for the second time.

**Mr JOHN BARILARO:** It will deliver the training that we know industry is calling for and that students want, and in the way that students need. Our investment in TAFE continues to see a co-investment. It provides young people, the most vulnerable and the most disadvantaged, with opportunity. By the end of this year, through our Fee-Free Scholarships, almost 100,000 students with disability, young people on welfare or living in social housing, dependents of parents on welfare, survivors of domestic violence and their dependents, and retrenched workers in key regional areas will have access to fee-free vocational education in New South Wales. Contrast that with 2010, when Labor was last in government.

**The SPEAKER:** I warn the member for Londonderry for the last time.

**Mr JOHN BARILARO:** Now 65,000 more students have access to free training in this State. The Government has confidence that the public provider and the largest provider, TAFE NSW, will play an important role in providing skills to the workforce of the future. That is why it is important to spread the good news about TAFE. Almost half a million students have enrolled in TAFE in 2016, compared with 429,000 in 2015.

**The SPEAKER:** I warn the member for Bankstown for the last time.

**Mr JOHN BARILARO:** If we continue to promote opportunity for young people, we know that TAFE, as the public provider, with 84 per cent of the market, will continue to be the public provider. The Opposition wants to downgrade the market share of TAFE to about 70 per cent. It is important to talk about the good news for TAFE. Earlier this afternoon the shadow Minister, the member for Londonderry, stood on the front steps of Parliament House and spoke about the privatisation of TAFE. That is misleading vulnerable TAFE students, including students with disability. The member said that the Government is withdrawing support services for students with disability. That is untrue. We hear lies, smear and fear from Opposition members, especially the member for Londonderry. It is 543 days since the member for Londonderry was elected. She has been the shadow Minister for 195 of those days. How many questions has she asked about TAFE in this House? Zero, the centre of a doughnut. She has asked not a single question.

**The SPEAKER:** Order! I remind members of my previous rulings. The member for Londonderry will remove herself from the Chamber for two hours under Sessional Order 249A. If the member for Londonderry does not remove herself from the Chamber she will be out for 24 hours.

*[Pursuant to sessional order the member for Londonderry left the Chamber at 14:56.]*

**Mr JOHN BARILARO:** After 195 days as shadow Minister and 543 days as a member of this House, the member for Londonderry has asked no questions on TAFE. Yet the member is happy to stand in front of TAFE campuses talking about privatisation, saying that fees have gone through the roof and that courses are being deleted.

**The SPEAKER:** I again remind members of my earlier rulings. The member for Port Stephens will remove herself from the Chamber for two hours.

*[Pursuant to sessional order the member for Port Stephens left the Chamber at 14:56.]*

**Mr JOHN BARILARO:** That is what the member for Londonderry, the shadow Minister, is doing. More than that, yesterday she sent out a press release challenging the member for Heathcote to a debate on TAFE. She has the opportunity to debate the Minister in the House, yet she challenges the member for Heathcote. She proposed that the debate be held at Gynea Tradies, which is in the electorate of Miranda. The member for Londonderry challenged the member for Heathcote to a debate in the electorate of Miranda. I wonder why. I would not challenge the member for Miranda.

**The SPEAKER:** Stop the clock. The House will come to order. Opposition members are generating a level of noise that is unacceptable. They are wandering around the Chamber having conversations, which is unacceptable and disrespectful.

**Ms Jodi McKay:** Point of order: My point of order is taken under Standing Order 129. I indicate to the Minister that the member for Londonderry would be happy to challenge all three members to a debate.

**The SPEAKER:** There is no point of order. The Minister has been relevant. The member will resume her seat. The Minister has the call and an additional two minutes to conclude his answer.

**Mr JOHN BARILARO:** The Opposition says that the Government is implementing privatisation by stealth by funding private providers. In the last year of the Labor Government, in 2010, Labor directly funded more than 500 private providers to the tune of \$200 million. That was done without any scrutiny and not through a contestable process but through direct funding. Members may recall that I once mentioned Benchmark College. We know that the member for Wyong is a quality graduate of Benchmark. In 2010 he said that Benchmark received a 600 per cent increase in its direct funding to the tune of \$4.3 million.

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

**Mr David Harris:** Point of order: My point of order is Standing Order 73. The implication made by the Minister is that because I was doing a degree when I was unemployed in 2011 I somehow got extra funding for Benchmark in 2010—

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

**Mr David Harris:** It is Standing Order 73. He is making imputations against my conduct.

**The SPEAKER:** There is no point of order. So far I do not think that it is valid. I will listen further to what the Minister has to say.

**Mr David Harris:** I would like you to read *Hansard*, as the Minister directly said—

**The SPEAKER:** I will do that. It is very difficult for me to hear when members are interjecting. Opposition members are making it very difficult for me to hear an answer, let alone rule on a point of order. I will read *Hansard* and I will listen further to the Minister's answer to ensure that he does not make any personal reflections on the member for Wyong.

**Mr JOHN BARILARO:** The clock was running during that point of order.

**The SPEAKER:** The Minister may have one minute further in which to conclude his answer.

**Mr JOHN BARILARO:** I will clarify that. I always said that we know that Benchmark—and we have a graduate of Benchmark in the House—received the largest single increase in the final years of Labor. I will put that into context.

**The SPEAKER:** Order! The member for Blacktown was given his last warning about three warnings ago.

**Mr JOHN BARILARO:** Those opposite keep talking about contestability. When we talk about contestability, TAFE has the opportunity now to compete for that funding—that bucket of \$200 million—which is 74 per cent of the funding. In the last calendar year, private providers received \$56 million under this Government. Our public providers continue to receive the largest amount of funding. We are the government of choice. We encourage students to choose the provider that suits their needs. Every time those opposite stand in front of a TAFE campus they drive away enrolments. They are the greatest threat to TAFE. For example, today's *Maitland Mercury* states that the member for Maitland was at the front of an anti-stink election campaign against a business called TrueGrain. Now the employees of TrueGrain are out of work because she campaigned against a business in her own electorate.

[Interruption]

**The SPEAKER:** The sort of language just used by the member for Maitland is inappropriate in the Chamber and it is unparliamentary. In my view it is unacceptable to call members on the other side of the Chamber crooks, grubs, weak or anything else. The personal comments in this Chamber that I hear from both sides are completely unacceptable and unprecedented; they are comments that I have never heard previously in my 13 years in this House. It will stop. The member for Maroubra will get as good as he gets.

### HOSPITAL CHEMOTHERAPY TREATMENT

**Ms JULIA FINN (Granville) (14:44):** My question is directed to the Minister for Health. Given the Minister's internal investigation has been unable to locate documents relating to Dr Grygiel's patients in Cowra, why will the Minister not hold a special commission of inquiry?

**Ms JILLIAN SKINNER (North Shore—Minister for Health) (15:03):** This is a fascinating question because the investigation started in 2006, when Labor was in office. This is basically a period of a Labor government and I was not the Minister when these patient records were being kept.

**The SPEAKER:** Order! The member for Strathfield, the member for Prospect and the member for Macquarie Fields will stop interjecting.

**Ms JILLIAN SKINNER:** The secretary of the Department of Health commissioned an inquiry into, first of all, St Vincent's chemotherapy dosing and then extended it to western New South Wales. That inquiry was conducted by Professor David Currow, one of the leading cancer specialists in the world, who found that 28 patients had low dosing of chemotherapy drugs. He also found that it was difficult to get some patient records, and I will explain why. The inquiry started in 2006 because that is when the profile and protocols on chemotherapy dosing came into effect. Before that, it was left to clinical judgement; the doctor made up his or her own mind about what the dosage should be. In 2006, when the protocols were introduced, Dr Grygiel was working as an honorarium or a visiting medical officer [VMO]. He was not on the payroll so he was not an employee of the NSW Health system. He provided care in a room provided free of rent by the area health service, which was the procedural structure under the Labor Government. He wrote prescriptions on a regular doctor's prescription pad for an oral dose of chemotherapy, and the patient took the prescription to the local pharmacist to have it filled.

Those records were very difficult to trace because they were held by the doctor and by the pharmacist. We have managed to trace 300 patients. Professor Currow and his team of independent cancer specialists, some from interstate, determined that in relation to 28 of them there were questions about underdosing of chemotherapy. I believe that that is unacceptable. I apologise to every patient. I especially feel very sorry for those who have had to experience the uncertainty while this whole issue is being dealt with. I can assure the House that it was a very thorough investigation. After the Government has sought further information from the Commonwealth associated with the Pharmaceutical Benefits Scheme, where those records may well be kept, if the local health district determines that there are other patients who need to be questioned about their treatment then they will be invited into the district hospital and provided all the care and support from expert clinicians, both doctors and nurses, in this area. When I was shadow Minister for Health, I visited Orange and Dubbo and western New South Wales many times where I met many patients.

**Ms Julia Finn:** And Cowra?

**Ms JILLIAN SKINNER:** And wider afield. I met many patients and many individuals who told me stories about how they had denied themselves cancer treatment because they could not afford the time to come to Sydney for treatment; treatment was unavailable in many of those towns. I lobbied strenuously to get cancer services in country New South Wales. In May 2011, one month after I became the Minister for Health, the Cancer Centre at Orange Hospital was opened. I can assure the House that from that time there has been recruitment of specialist cancer oncologists, oncology nurses and other cancer specialists, and much better record keeping. Now the records for any patient treated with chemotherapy are maintained through an electronic medical record. Orange

was the first district in rural New South Wales to do this. When measured against the protocol, any deviation will be flagged immediately. Going forward, I can assure patients this will not happen again.

### SUICIDE PREVENTION

**Mr DAMIEN TUDEHOPE (Epping) (15:08):** My question is addressed to the Minister for Mental Health. What is the Government doing to find new and innovative ways to support vulnerable people who are at risk of suicide or serious harm?

**The SPEAKER:** It is really inappropriate to start interjecting following that question.

**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) (15:08):** I thank the member for Epping for his question and his support for the work the Government is doing to support vulnerable people. Unlike those opposite who were, as we often remind them, in office for 16 long years, this Government does and will continue to innovate in social policy to help people to live better lives. Suicide is a terrible tragedy for communities and especially for the families and loved ones left behind. They are tragedies that can affect us all. We all know of families and communities torn apart by suicide. We all know of schools and peer groups devastated by the loss of a friend. We continue in this State to have one of the lowest age standardised suicide death rates across the country at 10.3 per 100,000 people. Despite that, we want to do everything we can to find new ways to reach people at risk, especially those who are not in touch with traditional health services.

Suicide prevention is a crucial part of this Government's record investment of \$1.8 billion this year in mental health. That is \$600 million more than members opposite invested in these vital services when they were last in government. It is important work that we continue to do. Suicide is more than just a mental health issue; it is a whole-of-community issue. One of my core priorities is to make sure we take a multi-dimensional approach to suicide and self-harm prevention. We are doing this by building partnerships between government services, non-government organisations, researchers and the community to connect people at risk of suicide with the treatment and support they need in order to lower suicide rates across New South Wales. We are a government that speaks about not only numbers of beds and services but also developing something much more complex, integrated, coordinated and innovative methods to deliver health care and to solve what are inevitably complex problems.

Earlier this month, I was pleased to announce the opening of an expression of interest process for an \$8 million suicide prevention fund to run over the next four years. This contestable fund encourages non-government organisations to put forward local and scalable suicide prevention initiatives across a range of points in the system, from early intervention through to crisis care and recovery. The funded programs will address gaps in suicide prevention in the local community and work collaboratively with local suicide prevention groups and agencies. The sector has supported the announcement of this fund. Lifeline Australia Chief Executive Officer Pete Shmigel welcomed the fund, saying it will help create better and newer ways to stop suicide. He said this announcement is the kind of "leadership we need to support stopping suicide". Sue Murray from Suicide Prevention Australia said that this model of change is what they have long been advocating for and calls it "coordinated, regional suicide prevention".

The fund is part of our Government's integrated commitment to an innovation agenda. Minister Dominello has done a brilliant job developing a whole-of-government innovation strategy to support innovation across government, industry, start-ups, research bodies, academia and the non-government sector. We were pleased earlier this year to host Australia's first social media summit specifically dedicated to suicide prevention. The significance of the summit was that it brought together technology companies such as Facebook and Google with our non-government mental health providers, researchers and health experts. Another part of our work has been to engage and partner with the non-government sector on new international and evidence-based models to reduce suicide.

Last month I was delighted to announce four trial sites for Lifespan, which is an Australian-first, evidence-based suicide prevention trial in New South Wales, being led by the Black Dog Institute. Lifespan utilises a whole-of-community response to support those at risk of suicide and self-harm. The Lifespan trials will roll out in Newcastle, the Murrumbidgee and Illawarra-Shoalhaven areas and the Central Coast over the coming years. The trial will focus on integrated solutions engaging local communities and demonstrating sustainability. In this year's budget the New South Wales Government is continuing to support Lifeline with \$3 million for its crisis telephone service on a 24/7 basis. This is part of our \$10.5 million commitment to Lifeline over the past four years, helping its staff as they work to save lives every day. [*Extension of time*]

The Government has also continued to support the School-Link program, which is a joint initiative between NSW Health and the New South Wales Department of Education that supports schools to identify the subgroup of young people with mental health problems and to provide access to appropriate health services earlier. In this year's budget, three additional School-Link coordinator positions have been funded to help create stronger links between schools and community mental health services. I am proud that this Government continues to lead the nation in driving and implementing important and life-changing social policy. The New South Wales Government has a strong commitment to reducing suicide and self-harm. We must continue to do all we can to drive innovation and partnerships while supporting vital crisis services.

**The SPEAKER:** Order! Government members will come to order before the member for Balmain asks his question. I call the member for Kiama to order for the first time. I call the member for Oatley to order for the second time. I call the member for Kiama to order for the second time.

#### WENTWORTH PARK

**Mr JAMIE PARKER (Balmain) (15:15):** My question is directed to the Minister for Sport. How does the Minister justify considering building a 12,000-seat stadium at Wentworth Park when the Government claimed the site would not be developed?

**Mr STUART AYRES (Penrith—Minister for Trade, Tourism and Major Events, and Minister for Sport) (15:16):** I like the fact that the member for Balmain is much more committed to the delivery of sporting services in his community than Labor ever was. I thank him for that very much. The New South Wales Government has announced that it is investing \$1.6 billion in sporting stadia across the city. We included in our announcement that we would conduct a feasibility study into indoor facilities in the broader CBD precinct. One reason for doing that is that the Government knocked down the convention centre, which included the Sydney Entertainment Centre, and built a world-class International Convention Centre, which is just about to open, and a new theatrette. The theatrette does not have the same capability to host sporting events as the old entertainment centre, so we appropriately said we would investigate the need for sporting facilities across the CBD precinct.

The feasibility study will include a review of current primary user groups, secondary user groups, commercial groups and non-sporting organisations that have used those facilities. We also want to look at the operational models and we are considering population projections, socio-economic variables, transport access, and local transport infrastructure in the inner city and surrounding suburbs. All of those things will be considered as part of the feasibility study. I can also inform the member for Balmain that UrbanGrowth NSW, which is developing the Bays Precinct, is preparing an active recreational needs study.

The member for Balmain and I have spoken in the past about ensuring that we have a clear understanding of the active recreational needs of his community. The study being conducted as part of the Bays Precinct development will include investigation of sports fields, sports courts, aquatic facilities, skate parks and youth facilities. It will also include investigation of active water-based recreational facilities such as dragon boating and rowing. We have said numerous times that Wentworth Park will remain in community use. Anything that takes place at Wentworth Park will be subject to community consultation and we will continue to deliver good quality sports facilities to the people of New South Wales.

#### SERVICE NSW

**Mr KEVIN CONOLLY (Riverstone) (15:18):** My question is addressed to the Minister for Finance, Services and Property. How is the New South Wales Government showing vision and leadership in pursuing its service delivery agenda and is the Minister aware of any alternative approaches?

**Mr DOMINIC PERROTTET (Hawkesbury—Minister for Finance, Services and Property) (15:19):** I thank the member for his question. I start by saying that no other government in the entire world has done more to improve services than the Baird-Grant Government. We all remember the Dark Ages—prior to 2011.

**The SPEAKER:** Order! Government members are not helping the Minister by making noises in the background.

**Mr DOMINIC PERROTTET:** The economy was in ruins, trains were running late, roads were clogged and services were being delivered through an outdated motor registry operation.

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

**Mr DOMINIC PERROTTET:** That was the Labor world—out of date and out of touch and built around bureaucrats and not our citizens. But a new era dawned in 2011: Service NSW was born. I do not need to tell members just how great Service NSW is, but I will. It has one shopfront, one website, one phone number, one

mobile application and a 97 per cent satisfaction rating. Shamefully, Labor has done everything in its power to demonise and derail this important reform. Who would have thought that someone would organise a protest against Service NSW? But someone did—the member for Maroubra. Last year he promised his community that he would bring a petition with 10,000 signatures to this place. We are still waiting. He could not get them because his constituents are busy having a great time at Service NSW. That sums up Labor's approach to service delivery.

**The SPEAKER:** Order! I remind Opposition members that many of them are on their last warning.

**Mr DOMINIC PERROTTET:** Opposition members are fighting to preserve mediocrity. They are the eternal custodians of inefficiency and incompetence. They never look to the future because they are stuck in the past. We need to look at the past to realise that Labor never changes. What did Labor do in 1997 when we were building the M2 for families in north-western Sydney? It opposed it. During a censure motion in this place, one Labor member said:

Today I record my sorrow at the opening of the M2, commonly described as the road to nowhere.

**The SPEAKER:** Order! If the member for Summer Hill is bored she can voluntarily leave at any time.

**Ms Jodi McKay:** Point of order—

**Mr DOMINIC PERROTTET:** Labor calls the M2 the "road to nowhere".

**The SPEAKER:** The member for Strathfield takes a point of order. The Minister will resume his seat.

**Ms Jodi McKay:** Sit down.

**The SPEAKER:** The member for Strathfield will come to order.

**Ms Jodi McKay:** I am sorry, I thought I had been given the call.

**The SPEAKER:** It was not an invitation to tell the Minister to "sit down". What is the member's point of order?

**Ms Jodi McKay:** My point of order is that the Minister is talking about events in 1997.

**The SPEAKER:** Again I ask: What is the member's point of order?

**Ms Jodi McKay:** My point of order relates to Standing Order 129. The year 1997 is completely irrelevant to what is happening now.

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

**Mr DOMINIC PERROTTET:** Not only were those opposite talking in 1997 about the "road to nowhere" but—

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

**Mr DOMINIC PERROTTET:** —I was on the website of the member for Strathfield this morning and, guess what, it is still the "road to nowhere". This is relevant because it shows that nothing changes. As they say, the more things change the more they stay the same. Labor was once a party of principle; it is now a party of populism. Gone are the days of visionaries like Hawke and Keating. Now it has modern leaders like the member for Auburn or, as we call him, Flip Flop Foley, a man who says one thing—

**Mr Guy Zangari:** Point of order: Members should be referred to by their correct title in this Chamber.

**The SPEAKER:** Do you mean rather than "grubs" and "crooks"?

**Mr GUY ZANGARI:** I have not said that. My point of order also relates to Standing Order 129. Services NSW is not relevant to the question.

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

**Mr DOMINIC PERROTTET:** A man who says one thing and then does the exact opposite. He once supported increasing the goods and services tax [GST]—

**The SPEAKER:** Opposition members can voluntarily leave the Chamber if they are bored.

**Mr DOMINIC PERROTTET:** —but when the Premier floated the idea, he said that raising the GST was unfair and unworkable. On radio he said that the shadow Treasurer, the member for motor registries, would never be dumped. Two months later he dumped him. [*Extension of time*]

In March last year he told voters that he supported light rail. The Government announced it, then he said he was against it. In public he calls the member for Bankstown a rising star, but in private he shouts her out of the



party room and tells her never to come back. He claims to be a man of Western Sydney, but on breakfast radio he labels the good people of the Blue Mountains as vandals. This is a man who is all things to all people. He is the Harvey Dent of Australian politics: Two-face Foley speaks from both sides of his mouth.

**Mr Michael Daley:** Point of order—

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

**Mr Michael Daley:** It took me a while to take a point of order because I should never argue with Government members. They drag you down to their level—

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

**Mr Michael Daley:** My point of order relates to Standing Orders 129 and 73.

**The SPEAKER:** Order! There is no point of order. The member for Maroubra will resume his seat. The Minister has the call.

**Mr DOMINIC PERROTTET:** He is a man who knows the politics of everything but stands for nothing. Labor can continue to sharpen its knives, but in reality he is the best leader they will ever have.

**Mr Michael Daley:** Point of order: If this does not transgress Standing Order 73 nothing does.

**Mr Brad Hazzard:** You are right. Sit down.

**Mr Michael Daley:** Let's call the jam off and have a shootout across the table. If you want to do that, then let's go. Put your money where your mouth is.

**The SPEAKER:** Order! There is no point of order. The member for Maroubra will resume his seat. This is the pot calling the kettle black. The Minister has the call.

**Mr DOMINIC PERROTTET:** They are a party that believes in nothing, led by a man who stands for nothing. On this side of the House we see true leadership.

**Mr Clayton Barr:** Point of order—

**The SPEAKER:** Is the member for Cessnock trying to waste time?

**Mr Clayton Barr:** My point of order relates to Standing Order 73.

#### *Personal Explanation*

#### **RUTHERFORD FUMES POLLUTION**

**Ms JENNY AITCHISON (Maitland) (15:26):** By leave: In 2014 an ambulance was called to the Spotlight shop in Rutherford as three workers had been overcome with fumes.

**The SPEAKER:** Is this a personal explanation?

**Ms JENNY AITCHISON:** Yes, I am speaking in relation to a matter that was raised in question time by the Minister for Skills. Three workers had been overcome with fumes from the so-called Rutherford stink. At that time, I was the pre-selected candidate for the seat of Maitland. The Rutherford stink, for those who do not know, has been reported for some 20 years and many members of our community have reported to me and to former members representing Maitland negative health impacts and concerns about this foul smell. Indeed, the former member for Maitland and Minister for the Environment—

**The SPEAKER:** I remind the member for Maitland that personal explanations should be brief and should clearly outline why the member has taken exception to a matter. This explanation is becoming lengthy. I will allow the member for Maitland to continue, but she must be brief.

**Ms JENNY AITCHISON:** It is important to give the context.

**The SPEAKER:** If the personal explanation is too lengthy, the member for Maitland will be ruled out of order. The member for Hawkesbury will remain silent.

**Ms JENNY AITCHISON:** The Minister alleged that I had acted against employees of a company. I make it very clear that I have never named any companies in relation to this stink. In fact, I have worked diligently to protect the workers of the entire estate from the actions of any polluters in that estate. For the Minister to use question time—

**The SPEAKER:** Order! The member for Maitland has made her point. It has now gone further than a personal explanation. The member for Maitland will resume her seat.

*Documents***BUILDING PROFESSIONALS ACT 2005****Government Response: Independent Review of Building Professionals Act 2005**

**Mr VICTOR DOMINELLO:** I table the Government response to the independent review of the Building Professionals Act 2005, dated September 2016.

*Petitions***PETITIONS RECEIVED**

**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**.

**National School of Art**

Petition requesting that a long-term lease be provided to the National School of Art for its site, that it remain independent and that the Government continue its funding, 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 Kevin Conolly**.

**Light Rail Station, Surry Hills**

Petition requesting the construction of a second light rail station in Surry Hills at the Wimbo Park/Olivia Gardens site, received from **Ms Jenny Leong**.

**Route 389 Bus Service**

Petition requesting more reliable 389 bus services, received from **Mr Alex Greenwich**.

**Ferry Services**

Petition requesting new inner city ferries, received from **Mr Alex Greenwich**.

**Social Housing**

Petition requesting that the Sirius building be retained and its social housing function be continued, received from **Mr Alex Greenwich**.

**Inner-City Social Housing**

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

**Local Government Amalgamations**

Petition requesting that the Government reinstate the councils of Great Lakes, Greater Taree City and Gloucester Shire, received from **Mr Jamie Parker**.

**Pet Shops**

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

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

**Ice Smoking Room Proposal**

Petition requesting that the Legislative Assembly rejects any plans for an ice smoking room to be built or operated in the south or south-west region of Sydney, received from **Ms Melanie Gibbons**.

**Wild Horse Cull**

Petition requesting that the culling of horses in Alpine National Park be withdrawn, received from **Mr Gareth Ward**.

*Business of the House***BUSINESS LAPSED**

**The DEPUTY SPEAKER:** I advise the House that, in accordance with Standing Order 105 (3), General Business Notices of Motions (General Notices) Nos 908 to 916 and 918 to 921 will lapse tomorrow.

**WATER SECURITY****Reordering**

**Mr KEVIN ANDERSON (Tamworth) (15:31):** I move:

That General Business Notice of Motion (General Notice) given by me this day [Water Security] have precedence on Thursday 22 September 2016.

This motion should be given precedence tomorrow. New South Wales is fortunate to have world-leading industries operating in this State and we need to provide world-class planning and support to continue to deliver increased productivity and economic growth from the sustainable use of our water resources. The management of water in New South Wales is vital for the ongoing prosperity of the State. The Baird-Grant Government has been undertaking reforms in relation to the management of water, including the merger of the Sydney Catchment Authority and the State Water Corporation in 2014 to become WaterNSW.

Following on from that reform, the WaterNSW Amendment Bill 2016 is another significant step that has been undertaken by the New South Wales Government to improve water management in New South Wales. The bill has enabled functions to be transferred to WaterNSW to streamline and clarify responsibilities between different water managers. This Government recognises that although we have the best people in the country leading water policy and management in New South Wales, we can improve in the area of water management so as to deal with the challenges of the future.

The State Infrastructure Strategy Update 2014 identified the need for critical water infrastructure projects to be delivered in priority areas of New South Wales and is expanding the catchment needs assessment framework to support decisions on infrastructure investment priorities across the State. The strategy gives priority to delivering much-needed water security for communities such as Broken Hill and Cobar and to clearing the backlog of projects in regional New South Wales to ensure that water supplies meet minimum guidelines and that wastewater services meet environmental standards.

An excellent example of investing for future water security is the recent upgrade of Chaffey Dam to 100,000 mega litres. The dam is now at 85 per cent. It has levels of water that were never possible under the old dam size. A measure of that is the high-water mark currently around Antara Island in the middle of Chaffey Dam. Regional New South Wales is growing and the demand for water will increase. We need to keep working on capturing more water so that we can provide security for farmers, residents and industries alike. In addition, we need to find long-term solutions to our local water security, which underpins the social, environmental and economic prosperity of our communities. For those reasons, this motion should be given precedence tomorrow.

**Mr DAVID HARRIS (Wyang) (15:34):** My motion should be given precedence because the unprecedented move to ambush regional communities and privatise their hospitals without any consultation should be debated in this House. On the day of the announcement, I received 165,000 responses on social media, which is an indication why we should debate this motion tomorrow. Leone Edgar says:

Having seen at close hand the total mess the sale of Port Macquarie Hospital caused some years ago & the costs involved to bring it back under state govt control I am totally blown away that any govt would even consider such a ridiculous proposal. It is time Mr Baird sought advice on such matters rather than just looking for \$\$\$ anywhere he can find it.

Shane Palmer says:

How can they sell something they don't own. My nana worked hard to raise the money to buy the land and build that hospital.

Ian Thompson says:

I can remember my father like many others working at Vales Point power station also Munmorah and miners as well going on strike many times to get Wyong hospital built. Harry Moore would be turning over in his grave as he played a big part in the politics that took place to achieve getting the hospital. Even a road on the hospital site is named after him. Mr Baird is the biggest auctioneer in N.S.W.

Lloyd Stevens, who gave an interesting response, says:

David I don't like the ALP presently in fact I voted for Turnbull but I am telling you your voters need to say no. Port Macquarie was screwed by a new privately run base hospital contract twenty yrs ago. Our medical costs outside the hospital skyrocketed by around 30% as they basically established a monopoly by signing up every doctor and buying support services over two-three yrs. If you run the hospital you control everything in that area, there is no alternative, don't agree to the hospitals terms and they screw

you or lock you out. It becomes a licence to print money. At one stage people were refusing to go to the base hospital due to the crap services, it was considered safer to travel outside the area.

The people of Wyong fundraised to build Wyong Hospital and they were not consulted about putting the hospital into private hands. I have read just a few of the thousands of responses. This Government should start listening to the community and understand that it is our hospital, not the Government's. The Government should ask the people before it makes these decisions.

**The DEPUTY SPEAKER:** The question is that the motion of the member for Tamworth have precedence on Thursday 22 September 2016.

**The House divided.**

Ayes .....47  
Noes .....31  
Majority..... 16

#### AYES

Anderson, Mr K  
Barilaro, Mr J  
Brookes, Mr G  
Coure, Mr M  
Elliott, Mr D  
Goward, Ms P  
Henskens, Mr A  
Johnsen, Mr M  
Maguire, Mr D  
O'Dea, Mr J  
Perrottet, Mr D  
Provest, Mr G  
Sidoti, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Aplin, Mr G  
Berejiklian, Ms G  
Conolly, Mr K  
Crouch, Mr A  
Evans, Mr L  
Gulaptis, Mr C  
Hodgkinson, Ms K  
Kean, Mr M  
Marshall, Mr A  
Patterson, Mr C (teller)  
Petinos, Ms E  
Roberts, Mr A  
Skinner, Ms J  
Taylor, Mr M  
Upton, Ms G  
Williams, Ms L

Ayres, Mr S  
Bromhead, Mr S (teller)  
Constance, Mr A  
Dominello, Mr V  
Fraser, Mr A  
Hazzard, Mr B  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Ms M  
Piccoli, Mr A  
Rowell, Mr J  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

#### NOES

Aitchison, Ms J  
Catley, Ms Y  
Daley, Mr M  
Finn, Ms J  
Harris, Mr D  
Hornery, Ms S  
Lynch, Mr P  
Mehan, Mr D  
Parker, Mr J  
Smith, Ms T  
Zangari, Mr G

Atalla, Mr E  
Chanthivong, Mr A  
Dib, Mr J  
Foley, Mr L  
Haylen, Ms J  
Kamper, Mr S  
McDermott, Dr H  
Mihailuk, Ms T  
Piper, Mr G  
Warren, Mr G (teller)

Barr, Mr C  
Crakanthorp, Mr T  
Doyle, Ms T  
Greenwich, Mr A  
Hoenig, Mr R  
Lalich, Mr N (teller)  
McKay, Ms J  
Minns, Mr C  
Robertson, Mr J  
Watson, Ms A

#### PAIRS

Baird, Mr M  
Gibbons, Ms M  
Grant, Mr T

Park, Mr R  
Smith, Ms K  
Harrison, Ms J

**Motion agreed to.**

*Motions Accorded Priority***PUBLIC SCHOOLS INFRASTRUCTURE****Consideration**

**Mr JONATHAN O'DEA (Davidson) (15:43):** As Plato said, the direction in which education starts a person will determine their future in life. Public education is a great enabling force that can make a critical difference to all individuals and local communities. It is also an essential investment in New South Wales' local long-term future. Education is a fundamental pillar of our democracy and essential to a well-informed and skilled population. So it is not surprising that it is a critical part of the Baird-Grant Government's mission to provide real opportunity to all children through a well-resourced education system.

**The DEPUTY SPEAKER:** Order! I remind the member for Blacktown that he is already on six calls to order.

**Mr JONATHAN O'DEA:** It is also in the interests of a society that should encourage critical and innovative thinking. Governments must meet the challenge of strongly investing to address future education demand, which is what the New South Wales Government is doing. Under the oversight of the education Minister, Adrian Piccoli, this Government has a record number of teachers in local schools which are empowered to make local decisions. We have delivered \$4.9 billion in school infrastructure and maintenance since 2011. While Labor failed to address growth in demand for public education, since 2011 our Government has committed to providing 32 new or relocated schools and in response to projected growth of some 45,000 students, the Government has allocated \$2.6 billion for capital investment for new schools, upgrades and improved facilities between now and 2020.

The Baird Government has invested a record \$13.7 billion in education in the 2016-17 budget, with a total infrastructure investment of about \$554 million. The current budget also commits \$400 million over the next four years to implement a new Schools Infrastructure Strategy to focus on delivering new capacity for increased enrolment growth. So not only was the New South Wales Government the first to commit to Gonski education initiatives, we are also delivering for New South Wales' future education needs. This motion demands priority.

**LOCAL GOVERNMENT AMALGAMATIONS****Consideration**

**Mr RON HOENIG (Heffron) (15:47):** My motion should be given priority because of the shambles that the Government has found itself in as a result of a court decision yesterday, in which they were hoisted by their own petard by Justice Moore, a former Liberal environment Minister. It indicates what I have been telling the House now for a year.

**The DEPUTY SPEAKER:** Order! I remind the member for Oatley that he is on two calls to order. The member for Kiama will come to order.

**Mr RON HOENIG:** I have spoken about the incompetent way in which the Government has tried to ram through its shonky amalgamation process. This Government would be the only government in history that could not merge councils or reform local government when local government itself sought reform and when it was going to be supported by this side of the House. Members opposite lack competence and compassion and they are dictatorial. A few months ago the Government had the most popular politician in Australia as its leader but look at them now. If members listen to 2GBs Greatest Hits on the Ray Hadley program they will hear "Bye, bye, bye, bye Bairdy, bye bye". They can find the genesis of that hit song in the way in which the Government has approached the amalgamation process. The reason that is the genesis is because when the Government was elected in 2011, the leader of the Liberal Party and the leader of the National Party promised that there would be no forced amalgamations—in writing.

As the candidate for Bathurst, the Minister for Local Government promised that there would be no council amalgamations. The Government has broken faith with the people of New South Wales. It went to an election in March last year that could not be lost. The Government could have asked for a mandate for council amalgamations at that time but chose to squib that and instead push through a rorted process following the election. The Government has been exposed. The reality is that every single act of local government reform has been done without consultation. The Government is embarrassed by it.

If the Government wants to believe it is just one poll concerning the amalgamation process, it will find the results of the local government elections, not only in Western Sydney but in the heartland in Sutherland, illuminating. Ask the member for Oatley about his now marginal electorate. The people of New South Wales do

not want the Government or its arrogance. Franklin Roosevelt stated: "A good leader cannot get too far ahead of his followers". I am afraid Bairdy is in a different lane to the people.

**The DEPUTY SPEAKER:** The question is that the motion as moved by the member for Davidson be accorded priority.

**The House divided.**

Ayes .....47  
Noes .....30  
Majority..... 17

#### AYES

Anderson, Mr K  
Barilaro, Mr J  
Brookes, Mr G  
Coure, Mr M  
Elliott, Mr D  
Goward, Ms P  
Henskens, Mr A  
Johnsen, Mr M  
Maguire, Mr D  
O'Dea, Mr J  
Perrottet, Mr D  
Provest, Mr G  
Sidoti, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Aplin, Mr G  
Berejiklian, Ms G  
Conolly, Mr K  
Crouch, Mr A  
Evans, Mr L  
Gulaptis, Mr C  
Hodgkinson, Ms K  
Kean, Mr M  
Marshall, Mr A  
Patterson, Mr C (teller)  
Petinos, Ms E  
Roberts, Mr A  
Skinner, Ms J  
Taylor, Mr M  
Upton, Ms G  
Williams, Ms L

Ayres, Mr S  
Bromhead, Mr S (teller)  
Constance, Mr A  
Dominello, Mr V  
Fraser, Mr A  
Hazzard, Mr B  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Ms M  
Piccoli, Mr A  
Rowell, Mr J  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

#### NOES

Aitchison, Ms J  
Catley, Ms Y  
Daley, Mr M  
Finn, Ms J  
Harris, Mr D  
Hornery, Ms S  
Lynch, Mr P  
Mehan, Mr D  
Piper, Mr G  
Warren, Mr G (teller)

Atalla, Mr E  
Chanthivong, Mr A  
Dib, Mr J  
Foley, Mr L  
Haylen, Ms J  
Kamper, Mr S  
McDermott, Dr H  
Mihailuk, Ms T  
Robertson, Mr J  
Watson, Ms A

Barr, Mr C  
Crakanthorp, Mr T  
Doyle, Ms T  
Greenwich, Mr A  
Hoenig, Mr R  
Lalich, Mr N (teller)  
McKay, Ms J  
Minns, Mr C  
Smith, Ms T  
Zangari, Mr G

#### PAIRS

Baird, Mr M  
Gibbons, Ms M  
Grant, Mr T

Harrison, Ms J  
Smith, Ms K  
Park, Mr R

**Motion agreed to.**

#### Visitors

#### VISITORS

**The DEPUTY SPEAKER:** I welcome to the Speaker's Gallery the Federal member for Goldstein, Tim Wilson, guest of the member for Hornsby.

*Motions Accorded Priority***PUBLIC SCHOOL INFRASTRUCTURE****Priority**

**Mr JONATHAN O'DEA (Davidson) (15:56):** I move:

That this House:

- (1) Acknowledges the work of the Government in delivering \$4.9 billion in school infrastructure and maintenance since 2011.
- (2) Notes that the Government has committed to providing 32 new or relocated schools since 2011 whilst the Opposition failed to address growth in demand for public education.
- (3) Welcomes the additional investment under the \$400 million School Infrastructure Strategy to increase capacity in high growth areas.
- (4) Notes that at every turn, the Opposition has opposed the Government's plans to deliver new and upgraded schools. In the 2016-17 budget, the Government has invested \$13.7 billion in education. The department's projections indicate that between now and 2020 student enrolments in New South Wales will grow by 45,000 students. In response to this projected growth, the Government has allocated \$2.6 billion for capital infrastructure investment for new schools, upgrades and improved facilities. The total capital infrastructure investment in New South Wales public school education services for this year is almost \$554 million. That represents a 37 per cent increase on 2015-16, based on revised capital expenditure figures for that year. This year's budget commits \$400 million over the next four years to implement the new Schools Infrastructure Strategy [SIS] which will focus on delivering school infrastructure to increase enrolment capacity in growth areas.

As part of that funding envelope, planning for 12 projects will commence this year. At Cammeraygal High School there will be a new senior campus. There will be a new primary school in North Kellyville and a new primary school in Smalls Road, Ryde. Fort Street Public School, Curl Curl North Public School, Oran Park Public School, Rosehill Public School, Willoughby Girls High School, Willoughby Public School, Lidcombe Public School, Marie Bashir Public School and Auburn North Public School will all be upgraded. In addition, around \$75 million is committed for major new works in 2016-17. That includes funding for six new schools, including Ballina High School, two primary schools and a high school in Parramatta, Inner Sydney High School, and Lindfield Learning Village in my electorate.

The construction of a new distance education school on the Queanbeyan High School site will create the Queanbeyan Regional Education Hub. There is planning for a new school at Hawkesbury. We have also seen the introduction of the science lab upgrade program and the commencement of the Schools Infrastructure Strategy. These projects combined will deliver more than 500 new permanent classrooms. Major upgrade projects will also commence at four schools this year: Bolwarra Public School, Pottsville Beach Public School, Farrer Memorial Agricultural High School and Coolah Central School. There are planned upgrades for Ajuga School, Campbell House School, and Glenfield Park School and the selective high school in Glenfield.

In just over five years the Government has announced funding for more than 1,400 new permanent classrooms, which will provide approximately 26,000 additional student places. Funding of more than \$188 million is also provided to continue 26 major building projects and to enhance information technology and business support systems for government schools. There are a number of major building projects continuing in schools. There is ongoing construction of eight new or relocated schools at Bella Vista, Dubbo, Glenmore Park, Narellan, Parramatta, Old Guildford, Ultimo and Wentworth Point. This Government is proud of its achievements in school infrastructure. In just over five years, 32 new or relocated public schools have been funded and 64 major upgrade projects announced.

In my electorate, the star project on the books, to be delivered by 2019, is the Lindfield Learning Village at the former Ku-ring-gai campus of the University of Technology Sydney. I have spoken at length on that project in a private member's statement, so I will not do so again today. I am pleased that across northern Sydney a range of projects are being delivered to alleviate pressures. They include Anzac Park Public School, the redevelopment of Mowbray Public School and Cammeraygal High School. Capacity has increased at a range of other schools. In addition, the Minister for Education today announced the literacy and numeracy strategy. The Government is delivering a huge amount in education in New South Wales.

**Mr JIHAD DIB (Lakemba) (16:03):** I am sure that members on both sides of the House are massive fans of public education. Many of us are proud students of the public system and very proud advocates. We have heard a lot about the record number of teachers. That makes sense. There has been a population boom, so we need more teachers. But Government members have more spin than Warnie at the Sydney Cricket Ground on day five of a test match. They are taking it to a new level. We see more and more self-congratulation from this Government. That is all the Government seems to do. Whether asking a Dorothy Dix question or wanting to make its own map,

this Government is all about self-congratulation. We have seen that today. The Government loves to big note itself. Five years on, it is amazing that Government members are still obsessed by Labor. They keep talking about what our party did in Government.

**Mr Jonathan O'Dea:** It is the best indicator of what you would do in the future.

**Mr JIHAD DIB:** I did not interrupt the member for Davidson; I ask that he not interrupt me in return. Let us talk about the facts. We keep hearing that Labor did not build schools. Here is an interesting fact: between 1995 and 2011 Labor built or opened 85 new schools. That is an average of 5.3 a year. The Coalition, on coming to power in 2011, ripped \$1.7 billion out of the budget. That was the first thing the Government did. It tore the department to pieces. After a while, the Government discovered that it had demographers. The demographers said, "We have a problem. We have a population boom. There will be a tsunami of students. We need to do something about that." So the Minister signed up to the Gonski reforms, of which Labor was the proponent. That became the Government's saviour. But the reality is that the Government did not build the schools that were required.

The Government has been told that it needs to build schools, but it has been far too slow. I said that the average under Labor was 5.3. The average under the Coalition is less than three. We know that by 2031 there will be up to 225,000 new students in the education system. More than two-thirds of them will go to public schools. I am not making this up. The demographers of the department say that up to 10,000 classrooms are needed and that \$10.8 billion needs to be invested in schools. What do we have instead? There was an announcement last week about 40 new classrooms at a cost of \$80 million. That is \$2 million, on average, per classroom. Figure that one out. We saw from the department's own figures that 37 per cent of schools are over capacity. Labor will never argue against support for schools. We would like to see more schools, but this does not even scratch the surface.

The Government has the gall to be self-congratulatory and to have a go at Labor when the reality is that we built more schools, on average, when we were in government. We accepted it as our job. The Government is not the developer's friend, it is the developer's agent. The Government finds a spot, puts up buildings and then thinks, "We need a school. Let us retrofit the building." We know that it will take 45 years to deliver the schools that we need in the next 15 years. The budget announcement was \$1 billion over four years. Government members leave a long pause before they say "over four years". It is \$1 billion over four years and they are making a song and dance about it.

The Government then introduces the topic of maintenance. Let us not get started on maintenance. There is a \$732 million maintenance backlog. They are the department's own figures. There was a \$195 million increase in 2014-15 alone. The Treasurer said she was going to announce \$300 million over two years. That does not cover the increase in the backlog over one year. It increased by \$195 million in one year. There is \$150 million in the budget. That leaves a deficit of \$45 million. Today my friend the member for Davidson talked about plans. There are a lot of plans. We have seen a plan for Wentworth Park for five years in a row. There are plans to upgrade Hunter Sports High School. That was announced in 2014. It was meant to be finished in 2017, but it has been pushed out to 2019. The same thing has happened in Manly Vale. It is all very well to announce upgrades, but the Government has to finish the job. It cannot just say, "We are gunna; we are gunna; we are gunna." It has to do it. There is something wrong with back slapping and being so self-congratulatory.

**Mr ADAM MARSHALL (Northern Tablelands) (16:08):** I support my colleague the member for Davidson. I acknowledge the remarks made by the member for Lakemba. I will not be engaging in any back slapping. This debate gives me the opportunity to talk about an interesting foray that the Opposition made into my electorate, as we are talking about education funding and infrastructure backlogs in our schools. The member for Lakemba chastised the member for Davidson for talking about the past but then proceeded to talk about the past. I do not wish to dwell on the past. Suffice it to say that when this Government came to office almost \$1 billion—\$954 million—infrastructure backlog was in the education system, of which \$156 million was maintenance liability and \$798 million was infrastructure backlogs at schools. This Government has reduced that to \$732 million. In April 2016 an interesting press release was issued in my electorate from the Opposition that claimed "local schools are crumbling in the face of multimillion dollar maintenance backlog which Labor says has surged under Nationals MP". My name was not inserted, but nevertheless it was a generic press release with "the local Nationals MP".

**Ms Jo Haylen:** Sorry about that.

**Mr ADAM MARSHALL:** I was wounded by it. The Rural Affairs spokesperson, Mick Veitch, singled out Moree East Public School for having the biggest backlog of any primary school in the State at \$1.8 million. The press release was issued in April 2016. Mr Veitch and the Opposition failed to recognise that Moree East Public School at that time was more than halfway through a \$15 million rebuild. Rather than a \$1.8 million backlog, that school is actually being completely rebuilt and will be finished in October 2016. We hid that upgrade on the Internet and in the local newspaper—where it would be very difficult to find. Glen Innes High School was



also singled out as being a terrible high school—a school that is in the midst of a \$1.1 million upgrade at the moment. Recently I met with the principal at that school. Whilst some people like to hurl invective across the Chamber, it does not hurt to actually talk about the facts. The fact is our schools are getting more investment than they ever have.

**Ms JO HAYLEN (Summer Hill) (16:11):** Like the member for Lakemba, I am a proud product of the public education system. I believe that maintaining the best standards in public education must be the number one priority of government. Unfortunately, the record of this Government when it comes to investing in our kids and our schools just does not stack up. Across New South Wales, we see classrooms falling into disrepair, parents and citizens associations are forced to fundraise for basic maintenance and schools are bursting at the seams. We now know that more than one-third of our schools across the State are at capacity or, indeed, well above capacity. Some schools, including in my electorate of Summer Hill, have students taking shifts in the playground because there is not space for all of them to run around at lunchtime. That is not just capacity; it is well over capacity.

On current figures, New South Wales needs 225,000 new school places by 2031. But if we continue at the rate the Government is investing it will take us 45 years to meet those targets. What about the current kids squeezed into classrooms? We will not meet that target until 45 years later, which is not good enough. Under this Government, we have a staggering \$10.8 billion shortfall in funding for the school places we desperately need for the next 15 years. At the same time as the Government is cramming more and more students into schools, it is also content to let those schools fall apart. The maintenance backlog for New South Wales public schools stands at \$732 million. More than 120 schools in our State have a maintenance backlog in excess of \$1 million.

The Government likes to crow about the money it has invested in schools since 2011, but we know it actually underspent its education budget by \$281 million. That is \$281 million that should have been spent on our crumbling classrooms. And it is the parents, the parents and citizens organisations, that have to pick up the tab. They are the ones who are out there fundraising, baking cakes to do basic repairs, painting and maintenance of our schools. It is not good enough. The maintenance of our public schools should be a top order responsibility. Meanwhile the Government is rezoning and plans to include additional classrooms in areas where schools are currently at capacity.

In my area there are rezoning plans across the inner west which will result in density at an extraordinary scale, but there are no plans for essential community resources and infrastructure like new childcare centres, new hospitals, open space, places for kids to play and no new schools. It does not add up, but Labor has a better plan. We will audit government land to identify sites for new schools. We will task the Greater Sydney Commission with planning for new schools. We will mandate child care, and before-and-after school care in all schools. Every student would be guaranteed 15 hours of preschool before kindergarten. Every primary school student will learn a second language, and we will be put back on top. In contrast to this Government, we have a positive plan. This Government does not at all.

**Mr JONATHAN O'DEA (Davidson) (16:18):** In reply: I thank members representing the electorates of Lakemba, Northern Tablelands and Summer Hill for their contributions to this debate. I believe they are well motivated and want to contribute to a good public education system in this State. However, we have seen a reversion to the Labor mire that is so prevalent on the other side of the Chamber. Labor's policy approach on school infrastructure is to oppose pretty much every step that this Government takes. The Opposition acknowledges that there has been a surge in enrolments, albeit the member for Summer Hill quoted some erroneous figures. As I said, the projected figure is 45,000 new students out to 2020.

This Government is delivering to provide capacity for new students and new classrooms, but the Opposition has been opposing the Government. For example, it opposed the sale of the poles and wires transaction that will provide 171 new additional permanent classrooms and more than 4,000 additional student places. The Opposition opposed the sale of Hurlstone Agricultural High School. The member for Macquarie Fields moved a motion in this House that was defeated by way of example. Funds from that sale will create 180 new classrooms in schools across south-western Sydney and more than 4,000 new public school places. Those decisions mean that this Government can provide additional enrolment places. The policies of the Opposition indicate they would not be able to provide those classes and capacity that is much needed.

The member for Lakemba talked about infrastructure and maintenance backlogs. As the member for Northern Tablelands appropriately pointed out, those audited figures of the backlog have reduced under this Government from almost \$1 billion to \$732 million. Admittedly it has moved a little over time, but it has been reduced by about 25 per cent from what this Government inherited from the Labor Government. Labor also presided over Building the Education Revolution, which was a disaster. That \$3.5 billion investment was mismanaged and was a wasted opportunity with school communities receiving facilities such as halls and libraries that were overpriced or not properly directed, where investment should have been made in new classrooms. If we talking about being above politics, Labor should admit to and recognise the great effort of the Minister for

Education in New South Wales. Let us together commit to provide capacity and serve the public of New South Wales in education in the future.

**The DEPUTY SPEAKER:** The question is that the motion of the member for Davidson be agreed to.

**The House divided.**

Ayes .....46  
Noes .....29  
Majority.....17

#### AYES

Anderson, Mr K  
Barilaro, Mr J  
Brookes, Mr G  
Coure, Mr M  
Elliott, Mr D  
Goward, Ms P  
Henskens, Mr A  
Kean, Mr M  
Marshall, Mr A  
Patterson, Mr C (teller)  
Petinos, Ms E  
Roberts, Mr A  
Skinner, Ms J  
Taylor, Mr M  
Upton, Ms G  
Williams, Ms L

Aplin, Mr G  
Berejiklian, Ms G  
Conolly, Mr K  
Crouch, Mr A  
Evans, Mr L  
Gulaptis, Mr C  
Hodgkinson, Ms K  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Ms M  
Piccoli, Mr A  
Rowell, Mr J  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

Ayres, Mr S  
Bromhead, Mr S (teller)  
Constance, Mr A  
Dominello, Mr V  
Fraser, Mr A  
Hazzard, Mr B  
Johnsen, Mr M  
Maguire, Mr D  
O'Dea, Mr J  
Perrottet, Mr D  
Provest, Mr G  
Sidoti, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

#### NOES

Aitchison, Ms J  
Catley, Ms Y  
Daley, Mr M  
Finn, Ms J  
Harris, Mr D  
Hornery, Ms S  
McDermott, Dr H  
Mihailuk, Ms T  
Robertson, Mr J  
Watson, Ms A

Atalla, Mr E  
Chanthivong, Mr A  
Dib, Mr J  
Foley, Mr L  
Haylen, Ms J  
Lalich, Mr N (teller)  
McKay, Ms J  
Minns, Mr C  
Smith, Ms T  
Zangari, Mr G

Barr, Mr C  
Crakanthorp, Mr T  
Doyle, Ms T  
Greenwich, Mr A  
Hoenig, Mr R  
Lynch, Mr P  
Mehan, Mr D  
Piper, Mr G  
Warren, Mr G (teller)

#### PAIRS

Baird, Mr M  
Davies, Ms T  
Gibbons, Ms M  
Grant, Mr T

Smith, Ms K  
Kamper, Mr S  
Harrison, Ms J  
Park, Mr R

**Motion agreed to.**

#### *Bills*

### EDUCATION AND TEACHING LEGISLATION AMENDMENT BILL 2016

#### First Reading

**Bill introduced on motion by Mr Adrian Piccoli, read a first time and printed.**

#### Second Reading

**Mr ADRIAN PICCOLI (Murray—Minister for Education) (16:25):** I move:

That this bill be now read a second time.

I am pleased to bring before the House the Education and Teaching Legislation Amendment Bill 2016, which will amend the Board of Studies, Teaching and Educational Standards Act 2013, known as the BOSTES Act, the Education Act 1990 and the Teacher Accreditation Act 2004 to give effect to the recommendations of the recent Review of the Board of Studies, Teaching and Educational Standards. In March 2016 I commissioned the review to consider the effectiveness of the 2014 amalgamation of the previous Board of Studies and the Institute of Teachers, and to ensure that the organisation is best equipped to meet emerging challenges. The review considered whether the board is based on contemporary governance principles and standards, has the capacity to leverage the best of national reforms, and has an up-to-date and effective approach to regulation.

An expert panel carried out the review. It was chaired by Professor Bill Loudon, AM, who is the Emeritus Professor of Education at the University of Western Australia and formerly Senior Deputy Vice Chancellor at the University of Western Australia. I thank the panel, which included Ms Lisa Paul, AO, PSM, and Dr Phil Lambert, PSM, for their extensive work in conducting the review. The panel consulted widely and received 43 submissions from organisations, stakeholder groups and individuals, as well as more than 4,700 responses to an online survey completed by principals, teachers, parents and students. The review found strong support from the education community for the work of the Board of Studies, Teaching and Educational Standards and confidence in its ability to maintain high standards. But New South Wales cannot and should not rest on its laurels. We need to set the bar high and support our schools, teachers and students to achieve high standards.

The review made 13 recommendations and 41 sub-recommendations that addressed the need for the board to modernise its governance structures, adopt a streamlined and risk-based approach to regulation, have an outcomes-focused approach, and better leverage national reforms, data and research. Underpinning the recommendations was the need for enhanced accountability and decision-making, and for the board to ensure its processes and structures can best support quality teaching and learning. The New South Wales Government has accepted the recommendations of the review. This bill will amend the Board of Studies, Teaching and Educational Standards Act 2013, the Teacher Accreditation Act 2004 and the Education Act 1990 to enable the necessary changes to the organisation's governance and regulatory arrangements.

I turn now to the specific provisions of this bill. The bill amends section 4 of the Board of Studies, Teaching and Educational Standards Act 2013 to rename the organisation as the New South Wales Education Standards Authority. The name of the Act reflects this change. It will be renamed the Education Standards Authority Act 2013. The new authority will remain a single, independent statutory authority and will retain all of the current functions of the Board of Studies, Teaching and Educational Standards.

A governing board will be established to provide leadership in improving standards of school education across the State and overseeing the authority's performance. This includes the authority's strategic directions, financial governance and legislative functions. I established BOSTES in 2014 to bring the cornerstones of education standards together in one educational body. I expect that the board of the authority will go further, and have a strong focus on integrated policy development and service delivery. In keeping with the board's role in strategic governance, the chairperson of the board and chief executive officer of the authority will be separate positions. This is consistent with good governance practice and will ensure that the strategic leadership and operational functions are at arm's length. The chair of the board will be an independent, part-time position, while the chief executive officer of the authority will be the head of the agency. Both positions will be appointed by the Minister. This marks a change from current arrangements whereby the president of the Board of Studies, Teaching and Educational Standards performs both roles. To ensure board continuity, the legislation will enable the current president to become the board's inaugural chairperson.

The bill amends section 11 of the BOSTES Act to make it clear that the overarching purpose of the authority is to drive improvements in the standard of school education in New South Wales. The authority will take an evidence-based approach to identifying and responding to areas of concern. It will recommend improvements to schools and school systems, and changes to government policy where necessary. The authority will carry out its role with a strong focus on the quality of teaching and learning. It will shine a spotlight on practice across both government and non-government schools, helping to maintain high levels of educational standards for students in New South Wales. The research, policy development and evaluation undertaken by the authority are likely to have a positive and lasting influence on the national agenda and strengthen the position of New South Wales as an education leader.

The governing board will be guided by a charter and an annual ministerial statement of expectation to ensure that the authority is clearly focused and delivers on its objectives. The charter will be an overarching statement, which sets out how the board will meet the objectives and properly fulfil its functions under the education and teaching legislation. The ministerial statement of expectation will set out the Minister's priorities for the authority each year. For example, the Minister may wish the authority to conduct research into the use of

student assessment data to improve teaching practice and student learning. The statement may also include some standing items such as a requirement for the board to conduct a critical self-evaluation of its performance. These arrangements will also ensure that the authority's work aligns with government policies, while providing flexibility to respond to emerging challenges. The authority will be an important means by which key government reforms, including Great Teaching, Inspired Learning, the Literacy and Numeracy Action Plan, and the Rural and Remote Education Blueprint for Action can be integrated into the work of teachers and schools.

The board will be leaner to support effective decision-making, with its size reduced from the current 23 members to a maximum of 12 to 14 members. Although smaller, the board will continue to reflect the breadth of the education sector and appointments will ensure an appropriate mix of skills, knowledge and experience. This will ensure that the board retains its inclusive nature and productive relationships with stakeholders, while also giving it the requisite skills and expertise to be a leader in education policy. Staggered terms and maximum appointment periods will also balance board stability with the need for renewal.

The bill provides that the Minister will appoint six members to be drawn from the three school sectors, two teachers' unions and a member from Aboriginal education. It is envisaged that the Secretary of the Department of Education, the executive director of the Catholic Education Commission of NSW, the chief executive of the Association of Independent Schools of NSW, a senior member of the NSW Teachers Federation, a senior member of the Independent Education Union and a leader from Aboriginal education will be appointed to these roles. In addition, four to six members will be appointed with regard to teachers and school leaders, universities, vocational education and training, parents, early childhood education, special education, business and strategic advisory skills. It is intended that the board will include rural and remote representation. Given the authority's significant regulatory responsibilities, the bill inserts a requirement that board members must act in the interests of the authority and students. The board will also proactively manage any conflicts in line with the best contemporary governance practice.

The board will exercise its core functions through five decision-making regulatory committees. It is important that the board delegate its functions to these committees to ensure that the board can focus on strategic issues, while operational matters are effectively managed by committees. The committees will focus on teacher accreditation and registered professional learning functions, syllabus development and curriculum engagement, technical assessment issues, school registration and accreditation functions, and initial teacher education accreditation functions. One of the five new regulatory committees will replace the current Quality Teaching Council, which will have a reduced membership from the current 23 members to 11 members. We recognise that teachers must continue to have a voice on standards and professional learning. For this reason membership of the Quality Teaching Committee will be balanced to ensure there continues to be professional representation, while also having flexibility to achieve the right mix of skills and strengths.

The bill proposes an amendment to the Teacher Accreditation Act 2004 to provide for five members of the committee to be elected from teaching professionals and for five additional members to be ministerial appointments. All committees of the board with a delegated decision-making function must also be chaired by a non-executive member of the board to ensure continued board oversight. Advisory committees will also be established to provide advice to the board on finance, audit and risk, and on research and technical matters. While the chief executive officer will be responsible for the budget and financial management of the agency, the board will have an oversight role to ensure transparency in relation to budgeting and expenditure, including expenditure of any revenue funds. This is particularly important to ensure transparency of the hypothecated funds generated by teachers' accreditation fees. These governance changes will ensure that membership of the committees and the board will continue to reflect the breadth of the education sector. They will also equip the organisation with a high level strategic focus and greater agility to respond to new challenges. It is my expectation that the new committees will be operational by 31 March 2017.

The bill provides for a streamlined, risk-based approach to school registration, with strengthened and more nuanced regulatory responses. It will enable the authority to shift its efforts from a focus on processes to a stronger emphasis on quality teaching and student learning. The authority will also look to improve its own processes to reduce red tape for schools and sectors. By amending section 69 of the Education Act 1990 the authority will be able to require that each principal certify that his or her school has documentary evidence of compliance. All schools are already required to have evidence of their compliance with registration. Most schools will no longer have to provide extensive documentation to the authority to renew their registration. For the vast majority of schools that are complying with requirements, this will help to streamline the registration processes.

Moving away from a process-driven approach to compliance with school registration requirements will also result in less red tape for the authority, giving inspectors more time to consider the quality of teaching and learning. The new qualitative dimension to registration processes will enable the authority to better support schools to achieve high standards. Section 47 of the Education Act currently lists the requirements for school

registration. The bill amends this section to ensure that those requirements are viewed through a "focus on quality" lens. That means that while the requirements largely have not changed, the way they are interpreted will change. For example, section 47 currently requires schools to deliver the relevant curriculum. If a school does that, the requirement for registration is met. The changes will mean that in deciding whether the requirement has been met, the authority will now look at the quality of student learning. It can examine the standard of teaching of the courses, the student engagement in learning at the school and other relevant matters.

The question for the authority to consider will no longer be: Is the curriculum being delivered? Instead, the question will be: Is the curriculum being delivered in a way that meets the needs of quality student learning? This approach will apply to all of the registration requirements. The amendment will allow the authority's inspectors to consider more deeply whether an individual school is providing a quality teaching and learning environment. The authority will develop guidelines and other materials, in consultation with the sectors, to fully explain the qualitative aspects of registration so that schools will know exactly what the authority will be looking for.

Schools and teachers should welcome this change. It will mean more support through clear advice for those schools identified as needing help, as well as the provision of enhanced quality assurance for schools that are performing well. In order to better identify schools that require assistance, the authority will be able to undertake random and risk-based audits and unannounced inspections. Currently, board inspectors may conduct inspections at all reasonable times. The bill's amendment to section 14 of the Board of Studies, Teaching and Educational Standards Act removes any doubt that the authority has the power to inspect school premises unannounced. The authority will, of course, have suitable rules in place to guide inspectors on the appropriate use of this power. Random and risk-based audits and spot checks send a strong signal to schools that they must comply with the requirements for registration at all times. They are an important element of the risk-based management approach. A risk-based approach also means the authority can better identify schools that are having difficulty meeting registration requirements and the authority can provide support and guidance to schools in order to restore full compliance. However, all schools should be aware that even those assessed as low risk can be subject to a random compliance audit.

With respect to enforceable conditions, currently the only enforcement mechanism available to BOSTES for non-compliance by a school is a reduced period of registration or cancellation of registration. This is a very blunt instrument. The bill inserts a new power into the Education Act to allow for the Minister to impose enforceable conditions on registration. This enhances the authority's regulatory powers by allowing for specific and targeted action and avoids a heavy-handed approach. The change will allow responses to better fit the nature and extent of the non-compliance and to better assist schools to meet all of the registration requirements and their qualitative dimensions. For example, a school could be directed to remedy a problem with the school's physical infrastructure that poses a safety risk to students. The school would be required to demonstrate that the matter has been resolved within a specified time period. Failure to do so would activate the next level of enforcement action, that is, reduction or cancellation of registration.

Schools will also have to disclose to the school community that conditions have been placed on the school's registration and the nature of the conditions. This disclosure is important. It will mean parents, students and teachers can help influence the school to resolve the issues. Disclosure will also act as an incentive for the school to implement the conditions in a timely manner. The changes to strengthen non-government school registration will extend in a similar way to the government schooling system. The government system will now also be subject to random and risk-based audits and spot checks by the authority in the same way that non-government schools and non-government systems are. As with spot checks of non-government schools, the amount of notice will be determined by the authority.

The bill inserts a new section 27A into the Education Act, which will give the authority explicit power to monitor and provide advice to the Minister and the secretary on the government schooling system. If the authority identifies any registration issue at a government school, it will notify the department with clear advice about the problem and provide recommendations of how to remedy the issues. The Minister may also be notified, as occurs with non-government school registration issues.

These changes mean that the authority will be better equipped to provide an independent, external view of the quality of education in the government schooling system. The changes will provide an important additional dimension of external oversight. While there will be greater alignment between the government and non-government sector, I expect the authority to undertake a risk-based approach to its regulation. Parents and students in all New South Wales schools will have greater assurance that their school is meeting high standards. The changes will help to ensure that schools are supporting their teachers in maintaining the highest professional standards. The authority's independent oversight will help to shine a spotlight on problems in any school in New South Wales, be it government, Catholic or independent. The changes to the legislation around registration

of schools mean that the authority will have the necessary powers to work with schools and systems to resolve issues and drive improvements in education in New South Wales.

The move away from a process-driven approach to registration will also free up resources within the authority. The authority will be empowered to conduct reviews in priority areas of education across schools and systems, enabling consideration of localised and systemic issues that may be affecting performance. This could include literacy and numeracy or any other emerging priorities, with the outcomes shared amongst schools to support best practice. The findings from these reviews will support the authority's principal objectives of providing strategic leadership and promoting evidence-based approaches to improve educational standards.

In order to align with Commonwealth requirements, from 2017 non-government schools seeking registration will need to demonstrate financial viability. As this provision already exists in Commonwealth legislation for the purposes of funding, it is sensible that financial viability be considered by the authority at the time of a school's initial registration. The authority will develop rules and guidelines to provide clarity on the requirements and the procedures to be followed. Similarly, the Education Act currently requires that those in positions of responsibility at a non-government school meet a good character test. This will be replaced with a fit and proper person test in order to better align with Commonwealth requirements. This test goes to the issue of capability and expertise, and it is appropriate that the requirement be included at registration. These changes will give parents and students additional assurance that schools are appropriately resourced and managed.

Teacher Accreditation Authorities retain responsibility for accrediting teachers. The authority's new powers to conduct random, risk-based audits and spot checks will also apply to quality assurance arrangements for teacher accreditation authorities. This expands on a process already underway to streamline regulation of Teacher Accreditation Authorities and to move away from a focus on document checking to a risk-based approach. The authority will utilise its new inspection powers to check compliance with and the consistency of the Teacher Accreditation Authorities' processes for teacher accreditation. This is important in quality assurance of teacher accreditation.

The bill provides through amendments to the Teacher Accreditation Act 2004 that the authority will have the sole responsibility to suspend or revoke the accreditation of a teacher. Currently, both Teacher Accreditation Authorities and the Board of Studies, Teaching and Educational Standards can make these decisions. This creates unnecessary duplication and confusion and may lead to inconsistency in decision-making. The amendments empower the authority to be the sole decision-maker to suspend or revoke a teacher's licence to teach. It is appropriate that as the New South Wales regulator of teacher quality the authority makes these significant decisions. To assist in managing such cases, the authority may also establish cross-sectoral panels. Procedures and guidelines will also be developed by the authority to ensure procedural fairness and consistency in decision-making.

Given the critical importance of teacher quality, the bill amends the Teacher Accreditation Act to legally require employers to inform the authority of information that may result in a teacher having his or her accreditation suspended or revoked. The authority's powers will also be enhanced to further quality assure initial teacher training. The authority will have the power to suspend, revoke and impose conditions on approvals to ensure high-quality initial teacher education programs. The bill also provides initial teacher education providers with the right to appeal these decisions. Approval processes for professional learning providers will also be streamlined, with the authority able to conduct risk-based audits of providers and to withdraw approval where required.

The changes in the bill to the education and teaching legislation will also help to further position New South Wales as a leader in respect of the national education agenda and enable key recommendations of the review to be implemented. For example, the authority will, as the review recommended, change how it engages with the Australian curriculum. The authority will proactively include curriculum issues in any national consultation process in order to facilitate efficiency. The authority will maintain a consultative approach in relation to syllabus development and will also focus efforts on streamlining implementation. Better processes will mean that teachers and students have access to new content earlier, and a drive to reduce syllabus overcrowding will mean more time for classes to dive deeply and creatively into content.

In conclusion, this bill provides a series of measured and appropriate elements that will strengthen the New South Wales education system. The changes complement a suite of evidence-based reforms the New South Wales Government is implementing to enhance teacher quality and lift student performance. The New South Wales Government, teachers, school leaders and parents all have a strong investment in New South Wales schools. This legislation provides greater assurance that our schools can continue to deliver high-quality education for all students in New South Wales. I commend the bill to the House.

**Debate adjourned.**

**BUILDING PROFESSIONALS AMENDMENT (INFORMATION) BILL 2016****Bill introduced on motion by Mr Victor Dominello, read a first time and printed.****Second Reading****Mr VICTOR DOMINELLO (Ryde—Minister for Innovation and Better Regulation) (16:50):**

I move:

That this bill be now read a second time

I am pleased to introduce the Building Professionals Amendment (Information) Bill 2016. The Building Professionals Act governs the accreditation and regulation of certifiers. It establishes the rights and obligations of both private and council certifiers and provides a framework for the management of complaints against certifiers and certifying authorities. This bill arises from the statutory review of the Building Professionals Act that was undertaken by former Treasury Secretary Mr Michael Lambert. The review commenced in September 2014 and was completed in October 2015. Earlier today I tabled the New South Wales Government's response to the review. This bill represents the first of a number of priority reforms that the Government will be progressing.

The Government wants to ensure that New South Wales has a world-leading system of building regulation and certification and a building regulatory system that fosters economic growth and improves the design and performance of buildings while at the same time providing protection for consumers by appropriately managing risks to safety, health, amenity and sustainability. Certification is a crucial part of the building and construction process. This bill implements specific recommendations around using certification data as a regulatory tool to improve not only the way the industry performs but also the manner in which it is regulated. This bill represents just one component of the New South Wales Government's broader agenda to improve home building, planning and assessment and dispute resolution.

In 2015 the Government introduced improvements to home building laws and followed this with the completion of a major review of the State's strata legislation. The new strata laws commence on 30 November this year, bringing a raft of benefits to more than a quarter of the State's population. I note that, according to current predictions, by 2040 half the State's population will be either living or working in strata buildings. The Government is also examining reforms to the systems that help protect consumers and subcontractors from risks of builder insolvency, that is, the Home Building Compensation Fund and the security of payment laws. Improvements to the planning system are underway to help build a simpler, modern planning system.

The bill represents further progress by this Government to ensure that the New South Wales building and construction sector is able to continue to grow, while also ensuring there are appropriate regulatory controls so that it produces quality outcomes. The bill inserts a new regulation-making power to allow the department to obtain data from persons who carry out certification work, accreditation holders and certifying authorities to centrally collect building and certification information showing the state of the built environment in New South Wales. The bill also introduces the ability for the department to enter into an information-exchanging arrangement with councils and other agencies that exercise functions relating to certification, building regulation or the provision of statutory building insurance to deliver better and more efficient services to the people of New South Wales.

Similarly, the bill allows for the department to obtain information from other agencies to ensure the certifier accreditation scheme in New South Wales is more robust, responsive and effective at ensuring only appropriate individuals are able to operate in the industry. NSW Fair Trading will work with industry associations and key stakeholders, including local government, on the types of data to be collected. It is proposed to collect information that accreditation holders and certifying authorities already record or report but which is currently fragmented from a data collection point of view. The department will be able to request information about certification work, building work and related matters. Subject to consultation, it is expected that a certifying authority or accreditation holder would be required to provide notification to the department of specific information at their time of appointment on a building project, at one or more key points during the development—possibly following some or all critical stage inspections—and at the end of the development process.

The type of information that could be collected during construction includes the name of the person who appointed the principal certifying authority, the location of the development, the building type and the details of the principal contractor. Existing reporting processes and requirements will inform what information is to be provided and how. Obviously, with any request for data relating to people's homes, the protection of privacy is of utmost importance and is sacrosanct. I wish to clarify that any information provided by private entities such as private certifiers to the Government arising from the provisions within this bill will be shared only amongst government agencies. Once provided to the New South Wales Government, the information will not be shared or exchanged with private entities outside of government.

Consultation will be undertaken with industry associations, local government and providers of business software to develop an efficient gateway for the collection of the information. It is the Government's intention to specify the form, timing and content of the data and to provide a point of collection available to all players but to leave it open to industry, practitioners and councils to determine the most efficient way for them to collect and record the data they need to provide. The data capture process will be as simple and efficient as possible—for example, it will be achievable through a website that can be accessed on a phone or tablet. The OneGov team in the Department of Finance, Services and Innovation will be responsible for designing the certifier data collection gateway and database. OneGov has a proven track record in this area, having already developed and delivered new smart digital tools for Fuel Check and Smart Meters. The benefits of this bill are clear and simple. The Baird Government is the smart government. We know that knowledge and information are exceptionally powerful and we want to harness this power to keep New South Wales ahead of the curve. We want our Government to be agile, fast and smart in the way we operate and deliver services.

The Government must harness data assets to deliver better services for the people of New South Wales. Currently, a lot of data is collected by certifiers and certifying authorities as part of their routine operations. Sadly, this data is being wasted. It is held in different systems and formats and is used for a variety of purposes. This bill seeks to provide a mechanism for bridging the gaps and bringing this rich information set together in one place in order to gain a far greater insight and understanding of the built environment in New South Wales. In 2014-15 certifiers contributed \$34.1 billion of new approved development to the New South Wales economy. In the same period, more than 140,000 certificates were issued by private and council certifiers. Having faster access to this information at a macro level will improve the overall understanding of activity in the building sector and enable issues to be identified more quickly.

With the ability to drill down to individual developments, contractors and/or certifiers, the Government will better understand, predict and respond to what is happening in the industry. Better quality and more reliable data will improve targeting of industry and consumer education and information. It will inform evidence-based policy that will allow for better regulation of the industry that is measured, appropriate and well targeted. It will contribute to better identification of and response to problems in the building sector, thereby providing for more efficient allocation of government resources. Analysis of the information will direct government services to where they are needed most. It will improve overall efficiency, service delivery and value to the people of New South Wales.

Through the integration and coordination of government agencies that regulate the building industry the bill will provide better targeting of compliance and regulatory activity. The bill seeks to reduce unnecessary duplication and minimise the regulatory burden on the industry by bringing data together into a single location. It will enable the development of advice and guidance for consumers and builders, allowing better informed decisions. This amendment is the first stage towards delivering a superior system of building and certification regulation in New South Wales. This will be achieved through ongoing open dialogue with those in the certification and building industry, local councils and other government agencies. The Government will work closely with stakeholders to develop the new data reporting requirements. I commend the bill to the House.

**Debate adjourned.**

*Private Members' Statements*

#### **AFFORDABLE HOUSING**

**Ms TRISH DOYLE (Blue Mountains) (17:03):** The housing affordability crisis is evidenced by the numerous requests for housing assistance my staff and I receive from constituents every day. These people are at breaking point. I am compelled to tell some of their stories in this place to give voice and humanity to their pain, anguish, anxiety and distress. Amanda is 62 years old and a cancer survivor. She has severe post-traumatic stress disorder and other mental health issues. She has three adult children but cannot rely on them for help. She separated from her partner at an old age and lives on a single disability pension. In the past the Blue Mountains has been considered affordable, but it is no longer. Amanda is forced to share a house with a stranger. She tells me that she feels at risk of being forced out by him and at times fears for her safety, but where can she turn for help?

Joseph is a lovely older man; his smile once lit up the day. For years I have seen him out and about engaging with the community, having a coffee, attending art exhibitions and catching the train. For the past seven years he has lived with his partner in her home in the Blue Mountains, but due to sudden and deteriorating health issues she was moved into a nursing home by her adult children. Joe was asked to move out of the house and he is now at serious risk of homelessness. His rent is more than 50 per cent of his weekly income. He has searched the country for more affordable housing, travelling to Benalla in Victoria, up the coast, and out to Wellington looking for elusive affordable housing. Nothing has been available to him within his price range. His anxiety is



increasing and he stares homelessness in the face. Now when I stop to say "hello" he cries. It is gut wrenching to see.

A case that is presently being managed by my office concerns a family in crisis and facing eviction. Due to the dire circumstances facing this family, I have written to the Minister and chief executive officer of our local housing provider requesting urgent assistance. Miss L. lives in a private rental property with her four children. She suffers from major depression and an anxiety disorder and each of the children, aged 14, 11, 10 and six, have a range of disabilities. Miss L. escaped a domestic violence situation around four years ago. As a result, the family became homeless and slept in their car. They lost connection to family and support networks. Eventually they relocated to the Blue Mountains where the family has established links to the community and a range of support services.

Since moving to the mountains and enjoying a period of stability free of violence, the children have made friends, their behaviours have settled and they are making progress with their therapies. For this reason, it is important that the family remains in the locality. Miss L. first contacted my office on 10 August. She is on the priority housing list but it could be several months before a suitable property is found. She has been told to attend Housing NSW on the day she vacates. It has been suggested she may be housed in a refuge or other emergency accommodation at that time. She is fearful about staying in a refuge with her children due to their behavioural issues and other special needs. It would prove difficult for them and other people in the refuge. Given her history, Miss L. is concerned that the family will again be homeless and sleeping in a car. This will put at risk the therapeutic intervention received to date and potentially present a major setback for this family.

What to do? I commend a fabulous new local campaign in my electorate initiated by those who work at the coalface dealing with daily crises. We have to hold on to hope when nothing else exists. Last month I participated in the launch of an ambitious project called Heading home—Ending homelessness Here!, which is aimed at the Blue Mountains, Penrith and Hawkesbury districts. The project is led by local homelessness support partners Wentworth Community Housing, Platform Youth Services and Mission Australia and it calls on all members of the community to work together to be the first region in New South Wales to end homelessness. Heading home—Ending homelessness Here! is aimed at helping the most vulnerable homeless people, including families, single adults, couples and young people. I wish it every success, and I will work tirelessly to ensure that it is successful. When one has the lived experience of teetering on the edge of homelessness, one knows that life does depend on heading home.

#### **PORT MACQUARIE-HASTINGS COUNCIL ELECTIONS**

**Ms LESLIE WILLIAMS (Port Macquarie—Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (17:08):** I bring to the attention of the House the results of the local government elections for Port Macquarie-Hastings Council. On Saturday 10 September the community went to polling places to elect a mayor and eight councillors to represent them at the local government level. I thank all candidates for standing and for giving their time to advocate for the community. I congratulate the successful incoming councillors, most of whom were members of the previous council. Mayor Peter Besseling and councillors Robert Turner, Mike Cusato, Lisa Intermann, Justin Levido, Sharon Griffiths and Geoff Hawkins were all returned. I welcome the newly elected representatives, councillors Lee Dixon and Peter Alley.

I am particularly pleased that we now have two councillors from Camden Haven, because I think representation of that town has been missing since the outstanding and long-time former councillor Daphne Johnstone stepped down in 2008. These people have been entrusted with representing our community, and I wish them every success in the future. I also extend my thanks to outgoing councillors Trevor Sargeant and Adam Roberts, both of whom have been passionate advocates for the community. They have worked tirelessly over the past four years.

I said publicly prior to the elections that we need councillors who are prepared to work closely with the State Government so that our region can reap the benefits of the unprecedented investment in regional communities. When all levels of government work collaboratively we can aggressively pursue funding opportunities that focus on local community priorities. I am proud that the New South Wales Government has been able to support council with funding for significant infrastructure projects, including the recently completed improvements to Hastings River Drive through the Local Infrastructure Renewal Scheme. Since I was elected in 2011 the Government has supported council by providing almost \$70 million for local projects, including roads, footpaths and major infrastructure like Stingray Creek Bridge. This has freed up the capacity for council to fund and develop projects that need to be prioritised, including Ocean Drive in Lake Cathie, a solution to ease the rapidly growing congestion on Lake Road, and the Wauchope pool redevelopment.

There will be ongoing opportunities for the State to support local infrastructure projects, which will be maximised by a genuine partnership with elected representatives. The Government has identified \$6 billion

through the Rebuilding NSW plan to make a real difference to regional economies and communities. The development of strong and cohesive working relationships between local and State governments will result in the community being the big winners. I hope to soon meet all the new councillors. I hope to look at council's vision and to discuss with the councillors how we can best work collectively to ensure that we deliver the outcomes that our community expects.

### KIRRAWEE HIGH SCHOOL FIFTIETH ANNIVERSARY

**Mr MARK SPEAKMAN (Cronulla—Minister for the Environment, Minister for Heritage, and Assistant Minister for Planning) (17:11):** Last Saturday, 17 September, I attended the Kirrawee High School open day, held to celebrate its fiftieth anniversary. The day's celebrations included an Indigenous smoking ceremony, speeches from student representatives from each decade of Kirrawee High School's history and the planting of a Wollemi pine. The Kirrawee High School we know today has a record of strong academic achievement, a vibrant and innovative performing arts culture and a reputation for prowess on the sporting field. Of particular note are the school's musical ensembles. Last Wednesday, 14 September, the school hosted a musical extravaganza with James Morrison, who has mentored Kirrawee's gifted musicians for more than 20 years.

I have been particularly impressed that, in addition to achieving success academically and in sport, the arts and vocational education and training, Kirrawee students display a mature awareness of social justice issues, environmental sustainability and the need for advocacy in our local communities. I recently joined with representatives of the Sustainability and Environmental Council for a tree planting ceremony, as part of National Tree Day, and afterwards shared a lively conversation with students. What struck me was not just their level of enthusiasm but, more importantly, their willingness to contemplate challenging issues and to participate in constructive and informed debate. I am sure there are many parliamentarians who could benefit from their example.

It is all too easy these days for young people to become disengaged and apathetic, but Kirrawee High School's culture is one in which students are regularly challenged to push their boundaries, to think outside the square and to be proactive citizens and positive leaders. That is a true marker of excellence. There have been some terrific examples over the past year of the school community mobilising to support important projects and causes. I understand that the Social Justice Council, for example, recently supported the Madiba Project to help empower underprivileged communities in Sierra Leone. It donated 155 schoolbags filled with equipment, 393 notebooks, more than 300 reading books, stationery and two pushbikes. That is a great result in support of a tremendous initiative. In March I spoke about Kirrawee's remarkable success in the World's Greatest Shave fundraising challenge. With more than \$34,000 raised, Kirrawee ranked ninth in Australia.

Over the past 50 years Kirrawee students have gone on to make significant contributions to local communities, professions, trades, sport, the arts, education and science and in many other walks of life. Eleven of the current teachers at the school are alumni, which is testament to Kirrawee's special environment. The Kirrawee High School alumni include a list of luminaries. One name I will mention is that of Indigenous scholar and author Professor Larissa Behrendt. She currently serves as Professor of Law and Director of Research at the Jumbunna Indigenous House of Learning at the University of Technology Sydney. Larissa remains a strong contributor to the Kirrawee High School community—a community she clearly cherishes. Last year she ran a series of workshops with students to investigate, discuss and debate Aboriginal and Torres Strait Islander issues.

In 2016, in a fitting celebration of the school's golden anniversary, a contribution by Larissa and her family enabled two new major prizes to be established: one for exceptional achievement by an Aboriginal and Torres Strait Islander student, and one for reconciliation and social justice. This gesture is a fitting celebration of the school's exceptional students and their commitment to driving ethical social outcomes within the broader community. Larissa's generosity also highlights the important formative role that the school has played in shaping her values. Kirrawee High School can reflect on the record of its alumni with extraordinary pride. I commend all the students, past and present, and teachers and supporters who worked to make the celebration so impressive and successful.

### SHELLHARBOUR HOSPITAL

**Ms ANNA WATSON (Shellharbour) (17:14):** Last Thursday during question time the Minister for Health made the surprise announcement that five hospitals in New South Wales would be built and operated under a private public partnership [PPP]. Shellharbour Hospital in my electorate is one of those that will operate under a PPP. If the Government thought the people in my electorate would greet that news with great enthusiasm it was mistaken. While the Government seeks to promote this new proposal with as much spin as possible, the people in my electorate have worked it out in a heartbeat. The people of Shellharbour understand a private public partnership to mean profits for big business, cuts in services and job losses. The people of Shellharbour smell a rat.

Private public partnerships are a failed experiment in the provision of health care. Recently we have seen a lack of accountability at St Vincent's Hospital over the issue of diluted chemotherapy treatment for patients. The hospital management lied to the public and to the Minister. We saw the failure of the PPP at Port Macquarie Hospital more than two decades ago, when the New South Wales Auditor-General slammed the sham contract arrangements entered into by the Greiner Government. We saw taxpayers pay for the same hospital twice because the Greiner Liberal Government was so blinded by its ideology. We saw an explosion in operating costs for that hospital. The Auditor-General found that the operating costs of Port Macquarie Hospital from 1994 to 2004 were 20 per cent higher than those of peer hospitals. Four years after it opened it had the worst waiting times for elective surgery of any hospital in the State. Ten years after it opened, it had to be bailed out and brought back into public management by the Carr Labor Government. Private public partnerships in health care have a dismal track record. Respected health economist Stephen Duckett said in an article published by the Grattan Institute on 30 July 2013:

Contracts for hospital services face added complications. A contract for services can only be written if the services can be well specified ... Without adequate service descriptors, operators have the opportunity (and incentive) to underperform and game the contract.

The experience with Port Macquarie Hospital should have been a case study of warning, of caution, of tempering the Government's ideological zeal for privatising essential public services such as health and hospital care. I suggest to the Minister and the Parliamentary Secretary for the Illawarra and South Coast that they are in for a world of pain. When this ideological frolic goes pear-shaped—and it will—the failures of the PPP will stick to them like the proverbial to a blanket. Neither the Minister nor the member for Kiama can say that they were not warned.

### COMPANION ANIMALS

**Mr ALEX GREENWICH (Sydney) (17:18):** Pets are important to many of my constituents. Pets give companionship and particularly with dogs, can provide security and encourage exercise. This is particularly important in inner city areas. It has been estimated that pet ownership saves the national health budget more than \$4 billion a year. My constituents are concerned about some of the practices in treatment of companion animals. Data from the Office of Local Government and the RSPCA indicates that more than 36,500 cats and dogs that end up in pounds and shelters are destroyed each year. Other pets get abandoned and end up living on the streets, in parks and in the bush where, if not desexed, they produce generations of litters, and can be subject to cruel culling methods.

Meanwhile, mass breeding facilities that keep animals in appalling conditions churn out cute puppies and kittens to supply pet shops, markets and classifieds on the cheap. I welcome the reports from the Government's Companion Animal Taskforce and the Joint Select Committee on Companion Animal Breeding Practices in New South Wales and hope to see new policies and laws to prevent abandonment, destruction and cruel breeding. Both reports recommended mandatory registration of companion animal breeders, with strong standards, periodic audits and unannounced inspections. Shops, markets, classifieds and online sales of animals would need to identify registration details for animals offered for sale. With the ability to trace all animals sold, inspections could ensure all facilities meet standards.

In response, the Government introduced an online pet registry to make it easier to register companion animals but unfortunately it is not mandatory for breeders and therefore will not stop puppy farming. I share my community view that pet sales must re-home abandoned animals over selling newly bred animals. Dogs and cats should not be bred for sale while healthy abandoned pets get killed because nobody wants them. Impulse buying of pets must be addressed at point of sale. Dogs and cats can live close to 20 years and need a long-term commitment to costs and responsibilities, including veterinary care, exercise, food and toilet training. Time must be spent with prospective owners explaining expected needs, behaviours and costs. Some shelters do not allow walk-in sales, requiring a cooling-off period—a policy all shops, markets and classifieds should adopt.

Unwanted litters are a significant problem and can lead to animals being abandoned in streets, parks and in the bush where they breed. An undesexed female cat and her offspring can produce 420,000 cats in only seven years. While registration fees encourage desexing, too many animals remain undesexed and the Government should explore mandatory desexing of all companion animals before they are sold. The task force recommended a funding program for councils and partner organisations to deliver desexing targets and this should be implemented.

In 2014 I introduced a bill to clarify that volunteers who desex street cats under a trap neuter return [TNR] program are lawful. TNR programs involve desexing animals in a specific group or colony of unowned stray animals and returning them to where they were found where they stop breeding, allowing the population to stabilise. Currently TNR could breach abandonment and liberation offences, leaving community groups at risk of prosecution and unable to get council grants. TNR already happens in Sydney and across the world because it is a humane and effective population control method. There is growing evidence that it reduces populations more

than culling animals and TNR attracts animal welfare volunteers who would never kill an animal, therefore it does not replace culling. At a minimum, TNR ensures there are fewer undesexed animals in the community.

In response to a joint letter from the Hon. Mark Pearson in the Legislative Council and me, the Minister for Primary Industries acknowledged that TNR programs can help decrease overbreeding of feral cats. The Government must stop ignoring this humane approach to managing cat colonies. Stray, feral and unowned cats are not defined in the Companion Animals Act. Without legal support, councils are limited in the actions they can take in response to concerns. Provisions are needed to help councils re-home stray cats and protect them from harm. I welcome the Government's introduction of pet friendly model by-laws in strata apartments and I hope this leads to more pet friendly buildings.

The need for pet friendly retirement villages must also be addressed, with many people being forced to abandon their beloved pet at a time when they need companionship. We should help people be responsible pet owners by making it easy for them to take their animals out or to the vet. But pets are still banned on trains and light rail, and bus drivers and ferry operators can refuse to let them on. This is a major concern in my electorate, which has low rates of car ownership. Animals give so much to people but we must take better care of the companion animals in the community and I ask the Government to make this a priority.

### LOCAL GOVERNMENT AMALGAMATIONS

**Ms JULIA FINN (Granville) (17:22):** It has been just over three months since this Government forcibly carved up and amalgamated councils, and in my area this has been even more shambolic and confusing with parts of Parramatta merged with Auburn and Holroyd councils and parts of Holroyd merged into Parramatta. Some things are going really well—generally things that were great successes before, but there are a lot of messes too. It was a solution in search of a problem; they still have not found the problem but certainly a whole lot more problems have been created. One of the problems created by the establishment of Cumberland City Council is having a city with five swimming pools and very little commercial or industrial rate base. It is one of the poorest local government areas in Sydney, so ramping up the rates would be really difficult.

The administrator is "reviewing" the pools and I am very concerned that some of them will close—and not from want of patrons. But he is a Liberal appointee and there is nothing Liberals hate more than public swimming pools. We saw it in Mount Druitt, we are seeing it in Parramatta, and they tried it in Holroyd before. They are obsessed with the idea that if people do not live at the beach and cannot afford their own pool, they should not be swimming. We were all traumatised by the sight of Tony Abbott in his Speedos, but that is no reason to stop people in Western Sydney going for a swim. And with the State Government closing Parramatta pool, there could well be an influx of swimmers this summer at Wentworthville, Granville and Merrylands pools. This will be the third time people have looked at closing Wentworthville pool, but previously the community had democracy on its side so when people collected petitions with thousands of names on them, they were listened to. And they will fight again, and I will support them.

But it is not just the pools. There have been huge challenges with information sharing on projects for the parts of Parramatta transferred to Cumberland, and the parts of Holroyd transferred to Parramatta. Recently I went to a site meeting about traffic calming that residents had sought for more than five years. Parramatta City Council finally approved and funded it then the amalgamations happened and they are back at square one. Similarly, Holroyd City Council contributed to a Community Building Partnership project with its tenants, the Maltese Community Council and the Consortium of Tamil Associations, to extend a council building at Mays Hill to create a large meeting room as, being a former headmaster's cottage, all the rooms are small. Now it is in Parramatta and no-one seems to know what is going on.

Meanwhile the President of Malta came to a reception there recently during her visit to Australia and it was really obvious how much a large meeting room is needed. On top of those examples, not a week passes without someone contacting me about confusing and conflicting advice being given by their new council about their development application for anything from a small extension to dual occupancies and unit blocks, which really should not be happening as the planning instruments have not changed. The residents of Parramatta and Cumberland councils will be without elected representatives for 16 months. My office is inundated with local government complaints these days as residents do not know who else to ask for help. So what is going well? It is only the things that have not changed since amalgamation.

Cumberland Council's recent Pet Fest was a great day out for families and their pets, a tradition started by the needlessly sacked Holroyd City Council. I went with my husband and my dog, and the member for Prospect was there too with his young family. Holroyd Council started Pet Fest 14 years ago as part of a strategy to promote responsible pet ownership and it is incredibly popular. It is also really successful. The former Holroyd Council achieved a very low kill rate for pets taken into pounds, at less than 7 per cent, which is much lower than most other areas. That was achieved by promoting desexing to avoid unwanted kittens, puppies, rabbits and other pets,

microchipping and registration and making it easier for people who lose a pet to get their pets back if they are impounded.

My dog Knox had a fantastic time meeting other dogs and being fussed over at Pet Fest—he is a massive Great Dane and was probably the biggest dog there. He had more people asking to take photos with him to put on social media than any member in this place could dream of. And he does not even have a team of social media advisers! I was one of the judges for the best dressed pet, won by bride and groom dogs; the most unusual pet won by a budgie called Mop with really long feathers; the best trick was won by a kelpie; and my favourite, the owner and pet lookalike competition, was won by a man with an uncanny resemblance to his very cute pit bull Knuckles.

Of course I cannot mention the great work of the former Holroyd Council on responsible pet ownership without noting the irony that at one of its very last meetings before being sacked, a motion was moved to express its extreme disappointment at this Government's woefully inadequate response to the Companion Animals Breeding Practices inquiry. Holroyd was one of the few councils to make a submission and it strongly supported breeder registration and improving the operation of the antiquated companion animals register.

There should have been elections for both Parramatta and Cumberland councils two weeks ago, but looking at the other results in Western Sydney, it is clear why the Government avoided them. Across the west, people rejected the Baird Government's agenda for almost everything. They are sick of being talked down to and having their basic services neglected. So one can only imagine how much worse it will be next year when whole communities that had their much loved local councils sacked get to vote. I cannot wait for that.

### **ROSE BAY JUDEAN SCOUTS**

**Ms GABRIELLE UPTON (Vaucluse—Attorney General) (17:29):** On Sunday 18 September I attended the 3rd Rose Bay Judean Scouts celebratory ceremony at the Bondi Beach Scout Hall for Daniel Rotenstein who was awarded the prestigious Queen's Scout award. The 3rd Rose Bay Judean Scouts group is a very special community within my electorate and is the only remaining Jewish Scouts group in Sydney. Sydney Jewish Scouts was founded in 1908 only one year after scouting was established in England. The group is led by Group Leader Leon Waxman and Assistant Group Leader Phillip Hynek.

It was an honour to celebrate the occasion with Daniel, his parents Mark and Jane Rotenstein and proud grandparents; Regional Commissioner for International Scouting Tom Wolf; District Commissioner of Fairfax District Ben Politzer; NSW Association of Jewish Ex-Servicemen and Women's [NAJEX] Wesley Browne, OAM, and his son Garry Browne, AM; Jewish House Chief Executive Officer Rabbi Mendel Kastel; Reddam House Head of Senior School David Pitcairn and Primary School Principal Dee Pitcairn; Emanuel Synagogue Rabbi Jacqueline Ninio; and Waverley Councillor Leon Goltsman and a Woollahra councillor as well. Despite the cold and rainy afternoon, the celebration drew many local community members together with the Rotenstein family and their friends from far and wide.

The Queen's Scout Award is the highest youth award in Australian scouting and is bestowed under the patronage of Her Majesty Queen Elizabeth II. It represents Daniel's strong commitment to Scouts and his many years of hard work in a wide range of activities including gaining proficiency in leadership, personal growth, outdoor activities, significant demonstration of citizenship and service to others. The event marked the first time in 13 years that the 3rd Rose Bay Judean Scouts group has had the honour of celebrating the bestowing of a Queen's Scout award. It was clear from those who gave speeches at the celebration that Daniel has had an outstanding scouting journey and has consistently demonstrated ongoing dedication, enthusiasm and maturity in his pursuits.

The 3rd Rose Bay Judean Scouts play an active part in community events such as the recent City 2 Surf where they stood atop "Heartbreak Hill" and handed out drinks to participants and at Anzac Day ceremonies such as the NSW Association of Jewish Ex-Servicemen and Women service in Darlinghurst and the dawn service at North Bondi RSL, my local club. I have strongly valued being a part of the important milestones of the 3rd Rose Bay Judean Scouts over the years, including the celebration of their fiftieth anniversary on 23 November 2014. Those celebrations also marked 106 years of Jewish scouting in New South Wales. The 3rd Rose Bay Judean Scouts must be commended for their service to the local and broader communities, which I know is deep and enduring.

In 2012 I assisted the 3rd Rose Bay Judean Scouts to secure funding from the New South Wales Government Community Building Partnership program to repair and upgrade the kitchen at their Bondi Beach scout hall. I saw the upgraded kitchen in action at Daniel's celebration and know how it is benefiting the group in their activities each week. Youth from the ages of six to 18 use the scout hall throughout the week, holding meetings on different nights depending on their age group. Joey Scouts are aged six to eight, Cub Scouts are aged

eight to 11, Scouts are aged 11 to 15 and Venturers are aged 15 to 18. The kitchen upgrade will continue to benefit all those young people and their families as well as future generations of Scouts.

I thank Group Leader Waxman for his kind invitation to join the Queen's Scout award celebration last Sunday. I was truly delighted to be presented with the 3rd Rose Bay Judean Scouts group scarf at the end of the occasion. What an honour that was! I look forward to returning to the 3rd Rose Bay Judean Scouts to present the next Queen's Scout award in the near future. I commend the work of the 3rd Rose Bay Judean Scouts and my private member's statement to the House.

#### AG VISION 2016

**Ms KATRINA HODGKINSON (Cootamundra) (17:32):** I give full credit to Junee High School for hosting another wonderful Ag Vision, which I attended on 7 September. It takes a long time to organise an agricultural expo such as Ag Vision, which is held each year at Junee High School. I am pleased to say that I have attended all of them. It is a wonderful example of the agriculture industry interacting with an educational facility. Students from all over New South Wales attend Ag Vision. In fact, this year more than 500 students attended, making it quite a production. It is easy to imagine the level of coordination required to put on such an event. More than 50 exhibitors from across the spectrum of agricultural services attended Ag Vision this year.

Agronomists, people from AGnVET Services and representatives from Murrumbidgee Landcare were there. Jessie Davies from *The Land* newspaper in Orange came along to give a presentation. Jasmine Nixon from Teys Australia in Wagga Wagga also gave a presentation. Of course, Jasmine is a Crookwell girl and was the 2012 Royal Easter Showgirl. It was great to see her doing so well. Ashley Norval from Australian Pork Limited in Canberra was in attendance, as was Derek Schneider from the University of New England, Armidale. So many wonderful exhibitors came from all over the place to show students what it is to be involved in agriculture in all its wonderful shapes and forms whether in the city or the country.

The Department of Primary Industries representatives gave a great presentation. Joshua Becker from ABC Radio at Bega spoke about being a country journalist and conducting interviews in a sincere and meaningful way. It was a great presentation. Allie Hendy from Riverina Local Land Services at Yanco was in attendance and so too was Bill Kimber. Michael Slater from Casella Family Brands gave a wonderful presentation about how they make their award-winning wines at Yenda. Of course, Casella Family Brands is the major employer in that township and the producer of Yellow Tail. That is an amazing New South Wales wine with a massive export market, especially into America. Jock Munro from Zoetis Australia Pty Limited at Wagga Wagga also made a wonderful presentation.

All members have students in their electorates who are interested in agriculture. I encourage students who want to learn more about a future in agriculture to get along to Ag Vision in September 2017. Many people deserve special praise for organising this year's event. The first is the wonderful Scott Frazier, who is the amazing principal of Junee High School. Scott is the sort of principal who will get out and kick a footy around with the kids at lunchtime or go and play handball. He has only been there for a short time but he knows everybody by name after coming to Junee from Temora High School and settling in so well. I congratulate him on a great Ag Vision 2016.

I congratulate school leaders including Hayley Hocking, who showed me around for the day. It was great to see her again. I say a big thank you to Hannah Turner, Nastarsha Miller, Thomas Snudden and all of the students who were responsible for shepherding the VIPs around on the day. I thank the amazing Sandra Heffernan, who is the key organiser of Ag Vision each year and does an amazing job. It really is a huge production. All of the presenters and students and the volunteers who made lunches and so on did an outstanding job. Suffice it to say that Ag Vision is a wonderful initiative. I encourage students to participate next year and in following years.

It would be great to see a few more city schools represented. Some members from metropolitan electorates are in the Chamber. I encourage them to look up Ag Vision and Junee. It is easy to get there by flying from Sydney to Wagga Wagga and taking a short half an hour drive. Alternatively, there are buses. I encourage everybody to get involved in Ag Vision 2017. Once again I thank everyone who presented workshops or participated in any way, including the students and the volunteers. I also thank the Department of Education, the Department of Primary Industries, Charles Sturt University and the Royal Agricultural Society of NSW for their sponsorship.

**Mr ADAM MARSHALL (Northern Tablelands) (17:37):** I thank the member for Cootamundra for making the House aware of another successful Ag Vision. I add my congratulations to Junee High School on hosting the event earlier this month. I acknowledge the wonderful partnership between Charles Sturt University, the Royal Agricultural Society of NSW, the NSW Department of Primary Industries and the New South Wales Department of Education. Those of us from country New South Wales know that we need to encourage more

young people to think about getting jobs in agriculture. It is not just about having a farm and tilling the soil or about sheep husbandry or running a feed lot. With mechanisation and the impact of world commodity prices agriculture is an incredibly complex industry and there are many different jobs in the sector. I again thank the member for Cootamundra for bringing this matter to the House.

### HOMELESSNESS

**Mr ALISTER HENSKENS (Ku-ring-gai) (17:39):** Today I speak about an issue that is of great importance to the electorate of Ku-ring-gai because it affects the quality of our government and the character of the central business district of Sydney where many people in my electorate work. The current opposition to the sale of the Sirius building is a good example of the important ideological battle that is going on between the Labor and Liberal parties over asset recycling. At the last State election asset recycling of the electricity poles and wires was wrongly called by the Labor Party to be a privatisation, which it opposed. Labor was wrong to call it a "privatisation" because asset recycling involves the sale or lease of a public asset with all of the proceeds to provide different and better public assets. Asset recycling is a public asset improvement policy, not privatisation. That brings me to the context in which the Government's asset recycling policy operates in relation to the Sirius building.

The number of people living rough on our streets is a barometer of our social compassion. It is a symptom of how we are dealing with important social issues like mental health disease, drug and alcohol abuse, domestic violence and other problems that homelessness reflects. I spoke about wanting to do something about homelessness and mental health issues 18 months ago in my speech asking Liberal party members to preselect me as a candidate for this Parliament. As a young man travelling to Europe, the United States of America and Canada, I saw a level of homelessness that far exceeded Australia's. At that time we were doing much better than other Western countries in the way in which we looked after our vulnerable people.

For more than 30 years I have regularly attended the central business district of Sydney and in that time the number of people visibly living around Queens Square, Martin Place and Macquarie Street has gone from almost zero to becoming very large in number. In that 30-year period nothing significant appears to have been achieved by the local, State or Federal governments in halting the growing number of people living rough in our city. Just as the Labor Government did nothing about improving infrastructure in its 16 years in office, it had a similar record of inaction on social disadvantage. But in many countries in Western Europe, the United States of America and Canada there has been significant improvement in the number of visible homeless people over the past 30 years.

If our homelessness has become worse while other Western countries have less visible homelessness, I cannot fathom why the Australian Labor Party, the union movement and Clover Moore are opposed to the proposed sale of the Sirius building. How can we, as an affluent country, allow our vulnerable citizens to be cold and uncomfortable, often needing medical treatment but not receiving it, as they live on the streets of our city? Considering that most of our homeless have previously paid taxes, or come from families that pay taxes, there is a social contract to look after our vulnerable citizens. The Government's job is to use its limited resources to provide the greatest good for the greatest number of people. Usually that is done by the Government getting out of the way, but sometimes it has to step into the void.

The Sirius building is one of the great 1970s eyesores of Sydney located on very valuable land. This Government has a policy to sell the building and to use that money to provide up to 600 more homes for vulnerable people than will be provided if the Sirius building remains in public hands. Instead of supporting the provision of extra housing for thousands of people, the Labor Party would prefer to protect the harbour views of a handful of people who live in public housing in the Sirius building. At its foundation the Labor Party used to be against elitism in Australia, but its policy on the Sirius building is a form of modern elitism, favouring those within the public housing system against those vulnerable people outside it.

As all of the proceeds from the Sirius sale will go to government housing assistance, the Sirius building will do more for the vulnerable if it is recycled by the Government than if it is retained in public ownership. But for political reasons and not community benefit, the Australian Labor Party and its union masters want to oppose any recycling of this public asset, to put a green ban on the site and to run a fear campaign. On this they are returning to familiar ground. No economist in Australia thought that there was any basis for suggesting that Medicare could be privatised. Medicare distributes massive amounts of government welfare and has no income-generating asset that could be commercially exploited through a privatisation. But because many people do not understand the ins and outs of privatisation, the Australian Labor Party misled and scared people for political gain at the recent Federal election about the possible privatisation of Medicare.

Labor is now trying to run a misleading anti-privatisation line with the Sirius building. Not only is it misleading but it is also disingenuous because Labor has privatised many government-owned assets, including

Qantas, the Commonwealth Bank and many State-owned insurance companies. Homelessness is too important for this kind of hypocritical cynical politics. The real issue is how many more people will be helped with the sale of the Sirius building. Recycling the Sirius building is something that genuinely compassionate people should support and not oppose. It is time that Labor's actions matched its rhetoric. The action of this compassionate Government to protect vulnerable homeless people in our city is in contrast to the hypocritical inaction of Labor.

#### **CAMPBELLTOWN LOCAL AREA COMMAND**

**Mr GREG WARREN (Campbelltown) (17:43):** Today I commend the Campbelltown Local Area Command for its hard work in keeping our community safe and in helping to make Campbelltown a community for all. Since the early years of settlement the Campbelltown Local Area Command has been on the community frontline, and it has worked to ensure that all residents can feel safe and well protected from harm. Over the past 100 years the command has grown significantly from its humble beginnings to being one of the largest local area commands in this State. The Campbelltown region has one of the largest populations in New South Wales and this makes the work of our local police all the more challenging. The diverse community of Campbelltown is matched by a very diverse local area command, which ensures that everyone feels that our local area command is an accurate representation of our society.

Superintendent Wayne Benson leads the Campbelltown Local Area Command. He and his senior team, including, but not limited to, Detective Inspector Greg Inger and Detective Senior Constable Justin Gallagher, have worked hard over the past few years to reduce the crime rate in the Campbelltown region—as have others before them. The latest statistics from the NSW Bureau of Crime Statistics and Research show that from the end of 2014 to the end of 2015 the overall incidence of crime fell by 3.5 per cent. This is the result of the local command's hard work in policing crime and creating a positive environment in the Campbelltown region. The Campbelltown Local Area Command has also been at the forefront of domestic violence prevention across the region.

Campbelltown has one of the highest rates of domestic violence in Sydney—and the third-highest rate across New South Wales. Domestic violence is a scourge on our society and we must continue to strive to do more to protect victims of domestic violence. The Campbelltown Local Area Command has been doing everything it can to reduce these rates across the region. Police have put in place vital early prevention schemes to ensure that domestic violence is stopped as early as possible. The local command has also been heavily involved in the Campbelltown Domestic Violence Committee. This community-led group, which is comprised of representatives from more than 20 organisations across the region, aims to drastically lower the rate of domestic violence in the region.

The Campbelltown Local Area Command has also been involved in the White Ribbon organisation, a group in which members from both sides of the political divide in this Chamber are also heavily involved. Our local police are working closely with the White Ribbon organisation to help stamp out domestic violence in our community. I commend both groups for their hard work. The tireless efforts of our local command in this regard are paying off. The latest crime statistics show an 11 per cent drop in the number of domestic violence incidents over the past 24 months in the Campbelltown region. We need to do much more to lower the rates of domestic violence, but I have every confidence that Superintendent Benson and his team will continue their tireless work and this rate will fall.

The NSW Police Force works incredibly hard, often in difficult circumstances and under increasing scrutiny. It is vital that we provide them with the funding and resources they need to confront these challenges in the future. Indeed, the work they do in our community often goes unnoticed and unheralded. In fact, it is only when we need their assistance that we truly appreciate them. I commend the work of the NSW Police Force and the Campbelltown Local Area Command led by Superintendent Wayne Benson and I ask all members of this Chamber to join me in doing so.

#### **COMPULSORY THIRD PARTY INSURANCE PREMIUMS**

**Mr ADAM MARSHALL (Northern Tablelands) (17:48):** Tonight I inform the House about an issue that no matter where one goes in country New South Wales—whether it be a beer at the local pub on a Friday afternoon, a gathering with a group of people at a local football match, or jumping into a local taxi heading home for the evening—it is a burr under the saddle of many, and their anger and frustration is reaching fever pitch. I am, of course, talking about compulsory third party insurance premiums. For too many years country motorists have been robbed blind by insurance companies that are gouging and involving themselves in super profits, along with many of the legal fraternity. It has now got to the point where approximately 45¢ in every dollar involved in the compulsory third party insurance scheme is seen by those motorists involved in making a claim.



That bloated pricing structure hits our country taxidriviers the hardest. Right across the Northern Tablelands electorate I have been meeting with taxidriviers and cooperatives in Armidale, Glen Innes, Guyra, Inverell and Moree. I am grateful to have had a recent meeting with a group of taxidriviers in Moree, led by Carl Brumfield, who has been in the taxi industry for more than 20 years, Grant Custance and Phil Hardman. Ten cars and 10 owners form the cooperative in Moree and they presented their latest compulsory third party [CTP] green slip insurance premium information. On 16 December 2015 the CTP green slip insurance premium on a new vehicle was \$3,065.76. In June 2016, some six months later, that had jumped to \$3,688, and in July—the very next month—that had suddenly risen to \$4,600. That is an increase within 12 months of \$1,600, or a 50 per cent increase. It is little wonder that our taxidriviers in country New South Wales are at breaking point.

Insurance companies will say that the premiums are so high because taxidriviers are approximately 12 times more likely to make a motor accident claim than ordinary drivers. But the three taxidriviers I met at that meeting in Moree had collectively been driving cabs for nearly 50 years and not one of them had ever made a claim. The problem is not only the gouging and the super profits but also the way that the insurance companies calculate the premiums. Taxidriviers in Armidale, Glen Innes, Guyra, Inverell and Moree are being measured against the claim history of taxidriviers in Newcastle and Wollongong, which are much bigger centres with a lot more traffic. The claim history in those centres does not bear any resemblance to the risk factor of driving a taxi around those country communities where, on average, they are charging less than \$10 a fare. They are running Mrs Brown from her house down to the service club or they are running Joe from his house down to Balo Street, Moree, to the barbers shop to get a haircut. They are largely dealing with pensioners or disadvantaged people in our community. The fares are low and the propensity to have an accident is extremely low.

These drivers are being ripped off blind, which is grossly unfair to those who are trying to make a decent living. Some have invested hundreds of thousands of dollars into that livelihood and they are being driven out of the industry by these unscrupulous insurance companies that are simply profit-gouging. I make it quite clear that while ever I stay in this place I will make it my business to try to help those taxidriviers and try to make sure that we see proper reform of the CTP green slip sector so that we can see those taxidriviers, and indeed all country motorists, paying a premium that properly reflects their claim history, their risk factor and the nature of the business, and that they are not judged against accident history or risks in Sydney, Newcastle or Wollongong. They just want a fair go and it is a fair go that they should have.

#### ALBURY CIVIC FIRE STATION

**Mr GREG APLIN (Albury) (17:53):** On 6 September people gathered at Albury Civic Fire Station for three events. First, to celebrate its centenary, with the unveiling of a commemorative plaque; secondly, for the presentation of medals for service; and, thirdly, for the handover of keys to a new \$450,000 Hazmat fire vehicle. I was proud to attend as the local member, but I also represented the Hon. David Elliott, the Minister for Emergency Services, at this very special occasion. Dedicated in 1914, the fire station opened on 18 June 1916—its building is listed on the State Heritage Register. One of the most fascinating historic photographs at the celebration was that of an old fire cart—a low timber horse-drawn trolley with seating along the sides for two rows of firefighters. The trolley had two huge wheels, one on each side, like a Mississippi paddle steamer or perhaps like a gun carriage. Many other items of historical interest were also on display, with a commemorative booklet prepared by the heritage team at the Museum of Fire.

But the day was not just about the past. One of the themes, to my mind, was the increasing use of technology in firefighting. Of course, the brass helmets have long gone, but the latest helmets, released this year, have gained good reviews from local firefighters. These helmets incorporate communications devices, built into the structure of the helmet. Firefighters wear yellow helmets, while captains wear red. Many would remember the old dark-cloth jackets traditionally worn by firefighters. Interestingly, those jackets were made without hems along the lower edges so that water could fall away more quickly along loose threads. One can guess how heavy the cloth jackets would become without that feature. New outfits are made from water-repellent materials, with a bubble lining to improve insulation. Their bright mustard-yellow colour helps firefighters stand out.

I was pleased to announce the arrival of a \$450,000 hazardous materials firefighting tanker. This vehicle increases the capacity of Fire and Rescue NSW to deal with large incidents, particularly those involving hazardous materials. The Hazmat tanker is a four-wheel drive vehicle that allows firefighters to access fires and other emergencies in difficult terrain. It has specialist equipment, including storage bins for hazardous materials, fully encapsulated suits, special tools for monitoring the atmosphere for chemicals, and much more. For example, when the going gets hot, firefighters can roll down heat shields to cover the windows, providing greater protection from radiant heat. Further, if the vehicle is caught out in the open by a sudden change of direction of the fire, or by a flash fire, there is a feature to provide an in-cabin water spray to cool the interior of the vehicle.

Albury Civic's Open Days have been enormously successful in recent years. The Open Days have incorporated other emergency services such as the Albury and Border Rescue Squad, the police and the Rural Fire

Service, as well as Fire and Rescue NSW. Activities have been put on for children, who might get to sound a siren or hold a fire hose—under low pressure, of course. So many people come to the Open Days that, as I recall, last year's sausage sizzle was fully consumed by 12 o'clock. These are signs that Albury Civic has succeeded in becoming part of its local community, and has been using this opportunity to get important safety messages to a wide audience of adults and children.

A centenary is a great achievement and, as one might expect, colourful stories build up the rich history of a fire brigade. It should not go without notice that two of the fire captains have carried the names Sparks and Byrnes; another has the surname Gerrard, which is of German origin and means "hard" or "brave spear"—quite appropriate for the job of fighting fires. When asked recently whether any staff had perished while fighting fires, the captain was able to boast that they had never lost a firefighter—although one nearly drowned, as he had been caught in an excavation space filling with water.

It is also of note that the fire station is adjacent to Albury council's high-rise building, both of which have risen, literally, from what was once a swamp. Remarkable things can come from humble beginnings. Albury Civic's 20 firefighters play a crucial role in our community and this celebration was the perfect opportunity to thank them for their service. I thank captains Vandeven and Brosolo and all the firefighters, past and present, from Station Number 209, Albury Civic, who have protected our community. I also thank Jim Hamilton, AFSM, Acting Commissioner, Fire and Rescue NSW; Acting Assistant Commissioner Ken Murphy, AFSM, Director of Regional Operations; and Acting Chief Superintendent Garry Tye, Acting Area Commander for Region South, for joining the celebrations and showing their support.

The brass helmets formerly worn by firefighters in New South Wales were decorated with the image of a dragon. In a sense this was a talisman for those who bravely risked their lives for others in scenes of sometimes unimaginable danger. Over 2014-15, Albury Civic's firefighters responded to more than 332 fire and emergency calls. Whether it is to an exploding bookshop, a burning belltower, rescuing a cat or, most recently, a callout to a smoking roast in the oven of Mims Takeaway at 11.20 p.m. on a Sunday night, the firefighters of Albury deserve our thanks and gratitude for protecting our community for more than a century.

#### AFFORDABLE HOUSING

**Mr DAVID MEHAN (The Entrance) (17:58):** Shelter is the most basic of human needs. Shelter in the form of a secure home is fundamental to our ability to participate in the economic life of our society. To be secure, housing must be affordable; it may be rented or owner occupied, but affordability is key. There is now an abundance of evidence that secure, affordable housing is beyond the reach of many in this State. I note the very fine address given earlier tonight by my colleague the member for Blue Mountains when she spoke about the housing stress being experienced by people in her electorate. The problem of secure housing is evident on the Central Coast and in particular in my electorate of The Entrance. It was illustrated well by a recent report in the local media. Clare Graham, the real estate editor for the *Central Coast Express Advocate* newspaper reported:

The Central Coast's booming real estate market has soared to new heights with a massive 36 suburb price records smashed during the past 12 months.

She went on to say:

Sydneysiders are behind the overwhelming majority of the sales, enticed by great value-for-money and strong investment potential, according to local agents.

Here is the important point:

Seventeen of the 36 ... properties were snapped up by Sydney buyers; six bought by local purchasers, five by interstate investors, four by overseas buyers and four unknown.

A local estate agent is reported as saying:

With the interest rates as low as they are, and the perceived value that out-of-area buyers see, it is just pricing everyone out.

And when that real estate agent made that comment he was referring to the locals—the locals were being priced out of our local market. Consider this: Median sale prices for all dwellings in the Greater Sydney region, which includes the Central Coast, increased by 8.7 per cent over the 12 months to June this year. Rents over the same period increased 4 per cent, but wages have increased only 2.1 per cent. When one considers this it is easy to see why there is, in the words of the Community Housing Federation, "a chronic undersupply of affordable housing in New South Wales".

Since winning government in 2011, the Coalition's approach to housing affordability has rested on a simple strategy: Build more houses. The Treasurer has stated in this place and elsewhere, "The most effective way we can tackle housing affordability is to increase supply." Prime Minister Malcolm Turnbull has backed the strategy. He said in May, "Now, this is how you address housing affordability." As an aside, I ask: How many

houses does he have? He has three I think. He went on to say, "Housing affordability is the result of there being an insufficient supply of housing. You need to have more supply of housing." Despite what has been referred to as a "five-year boom in housing supply", house prices and rents have continued to climb in this State at a greater rate than wages or general inflation. As the Committee for Sydney chief executive officer [CEO] has said:

Homes are unaffordable, not because we are building too few but because the market is flooded with cheap credit. Increasingly, access to this has been channelled to existing home owners over first-time buyers, leading to many Sydneysiders owning one, two and three properties while the average 30-year-old cannot get into home ownership. We cannot build our way to affordability in such a market.

A reminder—or should I say, another reminder—that the classic free market theory does not work in the real world. Outside the fantasy world occupied by those opposite, there is broad acceptance that something has to change to address the problem. A group of prominent organisations recently penned an open letter urging the Government to go beyond supply as its sole strategy for moderating house prices. The signatories to the letter were: Wendy Hayhurst, CEO, NSW Federation of Housing Associations; Katherine McKernan, CEO, Homelessness NSW; Professor Peter Phibbs, Faculty of Architecture, Design and Planning, Sydney University; Professor Bill Randolph, Director, City Futures, University of New South Wales; and Dr Tim Williams, CEO, Committee for Sydney.

They urge the following: first, inclusionary zoning and affordable housing targets for privately owned development sites; secondly, use of government land destined for housing development to provide affordable housing instead of a dividend to government; thirdly, incentives to trigger private and not-for-profit investment; and, lastly, working with the Commonwealth to create an Affordable Housing Financial Intermediary. I would add the following: This State needs a housing Minister to properly address the housing problem. The current Minister for Social Housing is responsible only for public housing. We need one Minister responsible and accountable for providing housing to all of us in this State. I enjoin all members in this House to add their voices to the need to do more to address the housing problem.

#### *Bills*

### **LAND AND PROPERTY INFORMATION NSW (AUTHORISED TRANSACTION) BILL 2016**

#### **Returned**

**TEMPORARY SPEAKER (Ms Melinda Pavey):** I report receipt of a message from the Legislative Council returning the abovementioned bill with amendments. I order that consideration of the Legislative Council's amendments be set down as an order of the day for a future day.

#### *Matter of Public Importance*

### **WORLD ALZHEIMER'S DAY**

**Mr STEPHEN BROMHEAD (Myall Lakes) (18:05):** World Alzheimer's Day, held on 21 September, was launched in 1994. The decision to increase it to a full month was taken to enable national and local Alzheimer's associations worldwide to extend the reach of their awareness programs and events. Someone develops dementia every three seconds and in 2016 there are almost 47 million people with dementia worldwide. This number is expected to double in the next 20 years. The global theme for World Alzheimer's Month 2016 is "Remember Me". The concept is to encourage people around the world to remember loved ones who are living with dementia or who may have passed away, by submitting a message or a photograph during September. Alzheimer's associations and other stakeholders around the world are encouraged to organise advocacy and information provision events as well as memory walks, media appearances and fundraising days.

Dementia has a profound life-changing impact on the person with dementia, their carers, family members and friends. For these individuals dementia imposes all manner of stresses and costs—personal, lifestyle and financial, including loss of opportunities related to careers, education, retirement and over time the loss of a partner, family member or friend. The Myall Lakes electorate has the second highest rate of dementia in New South Wales and that will increase significantly over the next few years. Locally we have decided to look at what the electorate of Port Macquarie has done in relation to dementia friendly towns. The member for Port Macquarie introduced dementia friendly towns and produced a document with steps to make an area dementia friendly. With an organised steering committee in Forster-Tuncurry charged with making Forster-Tuncurry dementia friendly towns, we have put together a steering committee to also make Taree and Wingham dementia friendly towns.

As a community we must not put our heads in the sand; we must recognise the fact that a tidal wave of dementia will come our way in the future and we can prepare for that now. The way to do that is to get the community on side, to raise awareness, to get the businesses on side, in both the public and private sectors, and to look at ways of improving our towns to make them dementia friendly places where people with dementia can

still participate actively in the community and feel valued by their community. Dementia is not something that just starts one day. It is a 15-year process and it progresses down that path ultimately leading to death.

But if we can make those earlier years of dementia more friendly and more accepted by the community so that sufferers can live in the community, it is better for them, for their carers, for the community, for our society and for our health system. In my electorate we have embarked upon that process. Forster-Tuncurry is slightly ahead of Taree and Wingham. Forster-Tuncurry had its first few meetings of the steering committee. Focus groups have been held with people with dementia and with their carers to ascertain those things in the Forster-Tuncurry area that need to change and the things that we are doing well in that area. We are now collating that information. We visited nursing homes and retirement villages to get further information.

In October the Taree-Wingham community will have focus groups looking at what the community is doing well and what needs improvement. From that we will be able to work out strategies. For a business that means training staff to be more accepting of people who may be fumbling at the cash register or who may be a bit vague about what they want. Businesses will not have to spend money on training. The training is a 10-minute DVD. It discusses things such as trip points and the fact that people with dementia sometimes have difficulty when they go into public toilets. If the toilet is all white—white walls, white seats, white doors—they go in and cannot find their way out. The solution can be as simple as changing the colour of the toilet seat.

**Ms KATE WASHINGTON (Port Stephens) (18:09):** I am pleased to recognise World Alzheimer's Day today, which conveniently coincides with Dementia Awareness Month. Alzheimer's is a matter of public importance because it impacts on the lives of so many people across my electorate of Port Stephens, New South Wales and Australia and worldwide. Before entering this place I was invited to attend a dementia carers support meeting in Raymond Terrace, a great town in the Port Stephens electorate. At the meeting were dementia sufferers and their carers, who generously shared their stories with me. It was an experience I will never forget. A woman spoke of the upsetting challenges in caring for her mother and described the distressing moment when her mother no longer recognised her or knew her name.

The experience reinforced for me that awareness and understanding of Alzheimer's disease is important, but it is equally important to ensure that we are caring for the carers and loved ones of the people suffering from dementia. Longevity runs in my family, but we lose our minds well before the end. I have seen the decline of my grandfather. He lived alone for as long as he could and used strategies to maintain his lifestyle. My favourite was a note he taped to the back of his front door. The catalyst for it had been an awkward experience at the local pub. The note said, "Check your fly".

Due to my personal experiences and professional experience as a health lawyer and the older demographic of Port Stephens, I have been pleased to serve as deputy chair of the Parliamentary Friends of Dementia group since coming to this place. Over my short time in this role, I have gained enormous respect and admiration for the work undertaken by Alzheimer's Australia NSW, led by its hardworking chief executive officer, the Hon. John Watkins. Alzheimer's Australia is working hard in New South Wales, providing support to people suffering from dementia, supporting research into the disease, raising awareness and understanding and reducing stigma whilst also supporting carers and families.

Alzheimer's is a condition that can affect anyone. In fact, the prevalence of dementia is rising at an alarming rate. The odds of acquiring the disease are high. The demographic for my electorate, which borders that of the member for Myall Lakes, means the prevalence is higher. Port Stephens is a very popular retirement destination, and for good reason—it is a great place to live. Alzheimer's Australia estimates that there are 1,355 cases of dementia in Port Stephens. That means that in Port Stephens almost one in 10 people over the age of 65 suffers from dementia. From 2050 it is anticipated that those odds will increase to almost two in 10.

On the north shore of Port Stephens bordering the electorate of Myall Lakes are the townships of Hawks Nest, Tea Gardens, Pindimar and North Arm Cove, and in those towns around 40 per cent of the population is over 65. This area is an example of what other regions are heading towards with Australia's ageing population. The older residents are a wonderful asset to our community in so many ways. They bring significant experience, knowledge and energy to a variety of volunteer roles. To demonstrate the vibrancy of the area we need look no further than the magnificently named, "Grey and Thespian Mardi Gras", which was held in Tea Gardens-Hawks Nest during Seniors Week this year.

However, those who retire here later in their lives often leave their families and support networks behind. As they age, they find it difficult to access health services and public transport in regional communities. For those with Alzheimer's and their carers, this can present a significant challenge both with making appointments and accessing them. I recently met with the Hunter services team of Alzheimer's Australia NSW. The amazing work undertaken by the team in the Hunter includes supporting people to connect with the National Disability Insurance

Scheme [NDIS], encouraging dementia friendly cafes and connecting with men's sheds. The team supports the many dementia sufferers and carers within our region.

Alzheimer's Australia impressed on me the importance of creating dementia-friendly communities, such as the member for Myall Lakes mentioned in his contribution to the discussion. Creating dementia-friendly communities is about breaking down barriers by reducing stigma, social isolation, discrimination and disablement. It includes a commitment to strive towards community inclusion with a view to improving the quality of life for people living with dementia. In reaching this goal, there is an important role for us all, particularly local government and business. I urge every member in this place to do all they can to support the creation of dementia-friendly communities in their electorates, as the member for Myall Lakes has embarked upon. Whilst I have spoken today about older people and dementia, younger onset dementia is also prevalent in our communities. I am inspired by dementia sufferers and their carers. On World Alzheimer's Day, during Dementia Awareness Month, I pay tribute to them and their loved ones and carers who support them to find the courage to face each new day.

**Ms ELENi PETINOS (Miranda) (18:14):** I join the member for Myall Lakes and the member for Port Stephens to speak about World Alzheimer's Month. Someone in the world develops dementia every three seconds and in 2016 there are almost 47 million people with dementia worldwide. This number is expected to double in the next 20 years. The global theme for World Alzheimer's Month 2016 is "Remember Me". The concept is to encourage people all around the world to learn to remember loved ones who are living with dementia or who may have passed away by submitting a message or a photo during September. Alzheimer associations and other stakeholders around the world are encouraged to organise advocacy and information provision events, as well as memory walks, media appearances and fundraising days. World Alzheimer's Day was launched in 1994. The decision to increase to a full month was taken to enable national and local Alzheimer's associations worldwide to extend the reach of their awareness programs and events.

Dementia has a profound and life-changing impact on the person with dementia and their carers, family members and friends. For these individuals, dementia imposes all manner of stresses and the costs are personal, lifestyle and financial. There is a loss of opportunities related to careers, education and retirement and over time the loss of a partner, family member or friend. For people with dementia, the burden of disease is significant. In 2011, dementia was estimated to be the fourth leading cause of the overall burden of disease and the second leading cause of the burden of disease for people over the age of 65 in Australia. Dementia contributed to 6.3 per cent of all deaths in 2010. With the ageing of the population, the number of people with dementia will increase rapidly over the next 40 years. The decade to 2020 is expected to see the largest growth as the baby boomer generation reaches the older age group.

In 2011 the estimated number of people with dementia in New South Wales was 101,800, and by 2020 it is expected to rise to 132,100. For this reason, Dementia Awareness Week is Alzheimer's Australia's annual national week for holding activities that promote awareness of dementia in the community. The theme this year is "Brain Health: Making the Connections". This theme gives organisations and individuals an opportunity to get involved in promoting brain-healthy lifestyles, promoting early detection and raising awareness of dementia. During this month it seeks to raise awareness of this illness. I join all members in acknowledging the contribution of the professionals, organisations and carers who deliver advocacy, research and care for the growing number of people suffering dementia in our community.

**Mr STEPHEN BROMHEAD (Myall Lakes) (18:17):** In reply: I thank the member for Port Stephens and the member for Miranda for their contributions. I thank Alzheimer's Australia and in particular I thank Gary Thomas from the Port Macquarie office who has been leading both the steering committees in Forster-Tuncurry and Taree towards establishing dementia friendly towns. I thank the volunteers on those steering committees who give up their time to assist. I thank those with dementia and their carers who have taken part in the focus groups and meetings and completed the surveys that will form the basis of the strategy going forward. In another life I was a registered geriatric nurse, as they were formerly known. In all the different areas of nursing, that area was very fulfilling. Some of the wards I worked in were home to those at the end of their dementia journey, which could be challenging but was always rewarding. When I visit the nurses who work in aged care facilities, retirement villages and nursing homes they all say how rewarding the work is.

I am sure that it is the same in Port Stephens. The growth area for employment in my electorate is in the health and aged care sector. At Taree TAFE campus the construction of the nurse education and training facility is almost complete. Students there are enrolled in certificates in aged care and are training as assistants in nursing to fill positions as they become available. The National Disability Insurance Scheme has also created a demand for trained staff. Some retirement villages these days are like international five-star hotels. They provide care for many people, for those without dementia and those in the early stages of dementia. On World Alzheimer's Day and in Dementia Awareness Month I urge all members to look at the projections for their communities. Rather

than being overwhelmed by the coming tsunami, I urge members to start thinking now about what their communities can do for people with Alzheimer's.

*Bills*

**HEALTH LEGISLATION AMENDMENT BILL 2016**

**Returned**

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

**The House adjourned, pursuant to standing and sessional orders at 18:21 until Thursday  
22 September 2016 at 10:00.**