



New South Wales

Legislative Assembly

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Wednesday, 12 October 2016

Authorised by the Parliament of New South Wales

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LEGISLATIVE ASSEMBLY

Wednesday, 12 October 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 from North Sydney Girls High School, which I attended a long time ago. It is a wonderful school.

[Notices of motions given.]

Bills

WASTE AVOIDANCE AND RESOURCE RECOVERY AMENDMENT (CONTAINER DEPOSIT SCHEME) BILL 2016

First Reading

Bill introduced on motion by Mr Mark Speakman, read a first time and printed.

Second Reading

Mr MARK SPEAKMAN (Cronulla—Minister for the Environment, Minister for Heritage, and Assistant Minister for Planning) (10:14): I move:

That this bill be now read a second time.

The Waste Avoidance and Resource Recovery Amendment (Container Deposit Scheme) Bill 2016 forms an important part of the New South Wales Government's commitment to reduce litter and to improve the New South Wales environment. When enacted it will enable the establishment of a container deposit scheme in New South Wales that will allow people to receive a refund when they deliver an eligible beverage container to a collection point. Evidence from container deposit schemes in Australia and many other overseas jurisdictions where such schemes operate indicates that these schemes are highly effective at reducing beverage container litter. They work by providing people with an incentive to hold onto their empty beverage containers for later redemption rather than discarding them into the environment as litter. They also provide an incentive for other people to pick up and redeem containers if they are littered.

Litter is an important issue for New South Wales. According to the Keep Australia Beautiful National Litter Index, which is an annual litter survey undertaken in every jurisdiction in Australia, the volume of litter in New South Wales, at 5.69 litres per 1,000 square metres in 2015-16, is significantly above the national average, which is 4.1 litres per 1,000 square metres. Significant investments in anti-littering programs by the Government over the past four years under the Environment Protection Authority Waste Less, Recycle More initiative and reforms to anti-littering legislation have had some effect. The volume of litter in New South Wales is falling and we are moving towards the Premier's priority goal of a 40 per cent reduction in the volume of litter by 2020. However, these reductions have not been even across all types of litter.

According to the national litter index, beverage containers make up the largest proportion of litter volume in New South Wales and this proportion is growing. In 2014-15 beverage containers made up 44 per cent of the volume of litter in New South Wales, which was almost twice the volume of the next largest category, which was takeaway food containers and cups. The results of the national litter index show that in 2015-16 the overall litter volume in New South Wales fell by 12 per cent, significantly more than the fall in the national average, indicating that the New South Wales anti-littering programs are working. However, the volume of littered beverage containers in New South Wales fell by only 3 per cent, resulting in the proportion of beverage container volume in the overall litter volume increasing.

Drink containers now represent 49 per cent of the total volume of litter in New South Wales. The New South Wales Environment Protection Authority estimates that this represents around 160 million beverage containers being littered across the State each year. Littered beverage containers have a significant impact not only on the amenity value of our public places such as parks, rivers and beaches; they also add significantly to litter clean-up costs. A survey in 2015 of local councils, public and private land managers and community groups

found that more than \$180 million is being spent each year on managing litter in New South Wales. Despite this, a significant amount of litter is not cleaned up and ends up getting broken up and becoming part of the landscape or making its way into our waterways and the marine environment where it can cause environmental harm.

The New South Wales Container Deposit Scheme that will result from this bill will focus on reducing the growing proportion of litter volume resulting from littered beverage containers and therefore preventing environmental harm. In developing the proposed scheme I acknowledge the assistance and advice of the many people who have provided input. In particular, I thank the members of the advisory committee and the implementation working group. These expert panels devoted a significant amount of time to considering all of the issues involved. I thank the advisory committee for its advice and recommendations on the initial design of the scheme and thank the implementation working group for its advice and recommendations on the regulatory framework.

The expert panels included Jeff Angel from the Total Environment Centre and Boomerang Alliance, Tanya Barden from the Australian Food and Grocery Council, Susy Cenedese from Local Government NSW, Brad Gray from Planet Ark, Professor Don Hine from the University of New England, Liz Livingstone and William Murphy from the Department of Premier and Cabinet, Bill Stanhope from NSW Treasury, Stephen Sykes from Sykes Peer Review, Tony Wilkins from News Corp Australia and Tony Wright from Wright Corporate Strategy. I also thank the many people who participated in subgroups that sat under the advisory committee and the implementation working group, including representatives from the beverage industry, the waste and recycling industry, community groups, local government, retailers, and other Australian jurisdictions, among others.

I also thank all the people who attended the public forums and who provided submissions during the consultation period for the draft bill. More than 300 people attended forums around the State and 138 submissions were received providing detailed comments on all aspects of the draft bill and the proposed regulatory framework. Finally, I thank the hardworking and professional officers of the Environment Protection Authority who contributed to the development of this package. I thank in particular Steve Beaman, Executive Director, Waste and Resource Recovery; Alex Young, Director, Community and Behaviour Change; Jerome Koh, Unit Head, Container Deposit Scheme Implementation Team; and Michael McGee, Project Officer, Container Deposit Scheme Implementation Team.

The Government has listened to stakeholder feedback and incorporated much of it in the design of the bill. The resulting Waste Avoidance and Resource Recovery Amendment (Container Deposit Scheme) Bill 2016 establishes a New South Wales container deposit scheme that will allow people to receive a 10¢ refund when they return eligible empty beverage containers to a collection point. The bill does this by placing obligations on the suppliers of eligible beverage containers to participate in the scheme and to provide a refund. Subdivision 1, of division 3 of the bill places these obligations on beverage suppliers. The amount of the refund and the types of containers that will be subject to the refund will be specified in regulation under the legislation. The Government has chosen to go with a refund amount and a scope of containers that largely match the existing schemes in South Australia and the Northern Territory. This will help to reduce costs for industry and also the risk of cross-border arbitrage between jurisdictions. The design of the New South Wales Container Deposit Scheme allows for other States to harmonise processes and operations, allowing for consistent and straightforward processes for beverage suppliers and other participants.

The bill allows for recognition of containers in corresponding jurisdictions; that is, other States and Territories with a similar scheme in place. The Government will ensure that detail of this nature is expressed in regulation. This will enable the New South Wales container deposit scheme to be sufficiently flexible so that future changes, such as other jurisdictions establishing a scheme, inflation, and the changing nature of the beverage market, can be adequately addressed. The bill will also establish a governance structure designed to deliver an efficient and effective scheme. Specifically, the bill provides a power to the Minister for the Environment to appoint and to enter into contracts with a scheme coordinator and with network operators, which together will deliver the scheme. This is addressed in proposed section 24. These contractual arrangements will allow the Government to set obligations for the coordinator and network operators to meet specific performance targets, such as accessibility and recovery rates, to ensure an effective scheme is delivered with contractual penalties if targets are not met.

The Government will also be able to set reporting requirements for those bodies to ensure there is a high level of transparency in the scheme. It is intended that under the agreement between the Minister and the scheme coordinator, the scheme coordinator will be required to enter into contracts with all relevant beverage suppliers and to act as a clearing house for the payment of refunds by those beverage suppliers. A key responsibility for the scheme coordinator in this regard will be validating the number of eligible containers sold in New South Wales to ensure that each beverage supplier is correctly reporting its sales and therefore not obtaining an unfair advantage by avoiding the costs of the scheme. It is intended that the scheme coordinator will also be responsible for

validating the number of containers recovered through the scheme to ensure that suppliers are paying refunds only for containers that are recovered. The contract between the Minister and the scheme coordinator will also aim to incentivise the coordinator to deliver a cost-efficient scheme. The Minister may impose specific performance targets and responsibilities on the scheme coordinator, particularly regarding recovery of containers and, to ensure that people across New South Wales have reasonable access to collection points.

These targets will be established in regulation, but enforced through the contract between the scheme coordinator and the Minister. It is the Government's intention to consult with key stakeholders on these performance targets prior to them being finalised in the regulation. It is intended that the scheme coordinator will discharge its responsibilities by providing an incentive to network operators to set up and to run networks of collection points where people can redeem their containers. The incentive will be in the form of a fee to be paid on a per container basis for each container collected. This approach provides an incentive for network operators to maximise the convenience of their collection network in order to be able to collect as many containers as they can, while minimising costs.

It is intended that each network operator will be obliged under its contract with the Minister to ensure that the community access target is achieved for the region in which it operates. This will ensure that network operators commit to servicing their region and invest for the long term, rather than cherry-picking only the most lucrative spots or moving in and out of the market, causing consumer confusion and significant difficulties for the scheme coordinator to achieve statewide coverage on a consistent basis. The Government is committed to delivering a stable scheme that delivers on community expectations over the long term.

Making sure that the Minister appoints the best qualified candidates to the roles of scheme coordinator and network operators will be critical to the success of the scheme. The bill provides for processes for interested persons to apply and be considered for these roles—see proposed subsection 24 (3). The bill also provides for the Minister to set up advisory committees which can provide independent advice as part of the selection process—see proposed section 36. Advisory committees will also be able to provide independent advice to the Minister on the ongoing performance of the scheme and the performance of the scheme coordinator and network operators once the scheme is in operation.

The development of the Container Deposit Scheme to date, including establishment and operation of the implementation working group, has been guided and supported by an independent probity adviser, Mr Scott Alden of Holding Redlich. Timely probity advice and guidance will continue to play a key role going forward in the implementation of the scheme, including in the establishment and operation of advisory committees and in the selection of the scheme coordinator and network operators. This will ensure decision-making processes are transparent and all potential or real conflicts of interest are regularly declared and dealt with.

From a community perspective, the main interaction with the scheme will be through the collection points. Under the proposed scheme, network operators may own and operate their own collection points. Experience from existing container deposit schemes suggests that network operators are likely to contract with small businesses, retailers, councils, charities and social enterprises to run the collection points. The proposed New South Wales scheme is therefore likely to see significant opportunities flow to these types of organisations and for a variety of collection solutions to be offered that take advantage of local circumstances. This may include, for example, reverse vending machines located at local shopping centres, train stations or retail stores. Collection points may also be mobile operations that are periodically set up to service a large event or in communities that may not have sufficient volume to warrant a more permanent site. Collection points may also be part of a local small business or charity operation.

Network operators are also likely to contract with existing facilities that are already offering similar collection services, such as community recycling centres where people may be able to drop off a variety of other recyclable materials such as paint, batteries, gas bottles, smoke detectors, oils or other materials. Sharing with existing infrastructure has dual advantages. There are lower set-up costs for establishing such sites and people are already used to visiting these sites for recycling purposes. Being able to drop off multiple materials also increases the convenience of the site and is likely to lead to better recovery rates for all materials. The development of these community recycling centres has been highly successful. Since the start of Waste Less, Recycle More, \$12 million has been awarded in grants to develop 101 community recycling centres across New South Wales. To date, 47 community recycling centres are already operational and almost 1,000 tonnes of problem waste have been collected for recycling or safe disposal.

Experience from schemes in South Australia and British Columbia and from other schemes that offer the community the opportunity to drop off multiple types of materials is that convenience is a surrogate for popularity. Some stakeholders, including environment groups and reverse vending machine operators, advocate a "return-to-retail" model. Under such a model, retailers that sell beverages would be obliged to take back empty containers and pay out the refund. Overseas schemes that rely on this model often make extensive use of reverse

vending machines at retail sites. Experience from overseas shows that these types of schemes may result in high recovery rates. However, such an approach could also result in significant costs to consumers, since very few retailers are currently set up to take back empty containers.

Obliging large retailers to provide the collection infrastructure for the scheme is also likely to mean that small businesses, charities and social enterprises would have little opportunity to participate. In the proposed New South Wales scheme, access and convenience are driven by the obligation that can be imposed on the scheme coordinator to achieve recovery and statewide access targets. They are also driven by the obligations on the network operators to achieve regional access targets and the financial incentive the network operators have to maximise the number of containers they can recover.

It should be noted that the proposed New South Wales approach does not stop retailers from participating in the scheme by operating collection points. It just means that every retail site is not obliged to participate. Retailers will still be able to choose to operate collection points and the Government welcomes their involvement. Participating in the scheme could help retailers to differentiate themselves from their competitors, increase foot traffic and deliver a competitive advantage. The Government will work with the scheme coordinator and network operators to encourage retailers, public land managers and shopping centre owners to participate in the scheme.

Ultimately, the bill sets the main obligation for funding the refund on suppliers of eligible beverages—see subdivision 1 of division 3 of the bill placing obligations on those suppliers. While the scheme coordinator and the network operators have responsibilities for delivering the scheme, none of these bodies will exist without the obligation on the relevant beverage suppliers to pay for the refund. It is therefore crucial that all relevant beverage suppliers participate in the scheme. The bill ensures that relevant beverage suppliers participate by prohibiting them from first supplying beverages in eligible containers in New South Wales without meeting three key obligations. First, all eligible containers must be approved by the New South Wales Environment Protection Authority—see proposed section 40. Secondly, all eligible containers must have the specified refund marking—see proposed section 39. Thirdly, there must be a supply arrangement between the supplier and the scheme coordinator covering the approved containers—see proposed section 38.

The supply arrangement with the scheme coordinator will include obligations on the supplier to provide information to the scheme coordinator on the number and types of containers the supplier supplies in New South Wales, as well as an obligation to pay the refund and any costs needed to make this happen. The details of which containers will require approval and the required refund marking will be included in regulation established under the amendment. The Government intends that the refund marking obligation will include a requirement for all eligible containers to have a barcode. The barcode will significantly simplify the container approval and enforcement process, and it may remove the need for suppliers to provide images of each label to the Environment Protection Authority in order for the Environment Protection Authority to be able to verify containers are in the scheme when undertaking compliance activities. This may also remove the need for suppliers to seek additional approvals for any changes to approved labels, allowing suppliers to more easily implement special event labelling and other changes to their artwork.

Barcodes may also assist the scheme coordinator to verify the number of containers that are redeemed and, therefore, to reduce significantly the risk of fraud in the system. The Government acknowledges that it will take time for beverage suppliers to clear existing stocks of beverages that do not have the refund marking. The beverage industry and retailers have indicated that this may take between 12 and 18 months from the time the regulation is made and the refund marking is known. This may mean that stocks have not been fully cleared at the commencement of the scheme. To avoid industry having to liquidate stock, the Government intends to delay the obligation to have the refund marking on eligible containers coming into effect until a date to be proclaimed. The date will be determined once the regulation is made and the refund marking requirement confirmed.

The Government is also working with South Australia, the Northern Territory, and other jurisdictions that have announced an intention to implement a container deposit scheme [CDS] to agree on a common refund mark that suppliers will be able to use across all States and Territories. It is intended that this mark will be designed so it will not need to be changed if other jurisdictions adopt a CDS with the same refund amount in the future. Consistency across all jurisdictions will simplify the process for industry, minimise red tape and reduce the need for any future label changes.

The amendment also sets obligations on collection point operators. These are primarily aimed at maintaining the integrity of the scheme and to reduce the potential for fraud. For example, collection point operators will be obliged to pay the refund to anyone who presents an eligible container and asks for the refund—see proposed subsection 42 (1). However, collection point operators will be allowed to refuse payment under certain circumstances—see proposed subsection 42 (2)—for example, if the collection point operator reasonably believes a container was acquired out of New South Wales, a container was acquired before the commencement of the scheme, or a refund has already been claimed on a container.

Furthermore, the collection point operator will also be able to refuse payment if the container does not bear the required refund marking. However, it is intended that this will only come into effect once the refund marking obligations on suppliers comes into effect and consumers have had a reasonable time to consume the beverage and return the unlabelled container for a refund. Collection point operators will also be obliged to refuse payment of the refund if a person seeking the refund is trying to redeem a large number of containers and refuses to provide a refund declaration or the collection point operator is not satisfied with proof of identification—see proposed subsection 43 (3). The number of containers required to trigger this obligation will be specified in the underpinning regulation.

Cross-border movements of containers could undermine the financial viability of the New South Wales container deposit scheme. If containers are purchased and consumed outside the State and then brought into New South Wales to be redeemed, they would impact on the scheme because they would not have been accounted for in the scheme funding. Offences for redemption of containers purchased outside New South Wales as well as the requirement for proof of identification for large-scale redemptions will minimise the risk of cross-border arbitrage. The amendment also creates offences for people who try to cheat the scheme. For example, it will be an offence for a person knowingly to redeem a container that is purchased outside New South Wales or one that has been previously redeemed—see proposed subsection 44 (1).

There will also be an offence for redeeming a container that was purchased prior to the commencement of the scheme. However, the Government may consider delaying the commencement of this offence to ensure a smooth transition period after 1 July 2017 as community behaviour adjusts to the scheme and to maximise the clean-up of any containers from the environment for a short time at the beginning of the scheme. Those arrangements will be finalised closer to the start of the scheme.

Finally, the Government acknowledges the kerbside recycling services already offer an effective and relatively low-cost system for collecting and recycling containers consumed at home. The aim of the Government has always been for the container deposit scheme to complement the kerbside system. Therefore, the amendment allows for an option for material recovery facilities, where kerbside materials are sorted for recycling after being collected from the kerbside, to be able to claim refund amounts on eligible containers directly from the scheme coordinator—see proposed section 28.

Allowing these facilities to claim refunds will reduce the incentive they would otherwise have to manually separate out containers for redemption at a collection point. That outcome would add significant costs to the system for very little environmental benefit. Instead, material recovery facilities will be able to make use of Environment Protection Authority [EPA] issued methodology to determine an accurate estimate of the number of eligible containers passing through the facility and being recycled and then claim the refund on these containers. How the process will work will be defined in the regulation and in the scheme coordinator contract. The Government's intention with this provision is also to ensure that these refunds are shared with local governments and communities that contract and pay for kerbside services supplying the material recovery facilities through negotiation between local governments and these facilities.

Kerbside services in many cases are provided on a contractual basis, with councils and their ratepayers paying service providers to provide a kerbside collection and recycling service. It is not the intention of the amendment to overturn these commercial contracts. Instead, the Government aims to provide a strong incentive for the relevant parties to come to an acceptable arrangement about how the refunds will be shared. It is intended that the incentive will be that material recovery facilities and relevant local councils must agree on a sharing arrangement within 12 months after the commencement of scheme operations. If the Environment Protection Authority has not been informed and an acceptable agreement has been reached within that period the scheme coordinator will no longer be obliged to pay the refund to the relevant material recovery facility.

Local councils are obliged, under the Local Government Act 1993, to charge only the cost for domestic waste and recycling services and, as such, will be required to pass back their negotiated share of the refunds to residents in the form of a reduced management service charge or the provision of increased waste management services. In this way, households benefit from the scheme, even if they choose to continue to use their convenient kerbside recycling system. Material recovery facilities will not be required to access refund amounts; however it will require very little effort or change to existing processes to access the refund in this way. It is therefore a strong incentive to negotiate a mutually acceptable sharing arrangement with relevant councils. At the same time, councils will be motivated to come to an agreement in order for them to access the refund money from containers going through their kerbside recycling systems.

These requirements are a transitional arrangement to deal with existing commercial arrangements between councils and their kerbside recycling service providers that were entered into prior to the commencement of the scheme. After the scheme starts, it will be assumed that any new kerbside recycling contracts that are entered into between councils and their service providers will take into consideration the value of eligible containers and

bins and therefore will not require a separate agreement in order for a material recovery facility to claim the refund from the scheme coordinator.

As part of consultation on the bill the Government also sought feedback on the regulatory framework that underpins the scheme. Given the extensive consultation on the scheme to date, the bill exempts the requirement to prepare and consult on a regulatory impact statement for the first principal regulation that will be made in the scheme. However, the Government will consult with key stakeholders on the performance targets and the mechanism for material recovery facilities and commercial bottle recyclers that service the hospitality sector to participate in the scheme. The Government, in particular, will consult with small businesses to ensure that implementation of the container deposit scheme for small retailers and small manufacturers will be as seamless and as cost-effective as possible.

The Government has and will continue to engage with businesses, councils and the community on the implementation of the scheme and will continue to engage particularly with small businesses such as cafes, pubs and restaurants and their respective associations, to ensure that they can successfully participate in the scheme. As part of these efforts, the Government has been engaging and will continue actively to engage with the office of the Small Business Commissioner to ensure that small businesses are fully informed and engaged and to facilitate the smooth introduction of the scheme. The EPA will work with small beverage manufacturers and suppliers to ensure that their concerns and issues are addressed.

The implementation of the scheme will be critical to minimise the burden on these smaller players in the industry—for example, by ensuring that application processes are simple and streamlined and that sufficient information is available for these businesses to understand what they need to do. To help ensure that these issues are taken into consideration, the New South Wales Environment Protection Authority will establish a small business working group to provide an opportunity to bring forward and work through issues of particular importance to these businesses.

In addition, the Government will continue to move forward on the implementation of the scheme. This will involve making new principal regulation to support the bill and commencing the selection process for both the scheme coordinator and network operators. The New South Wales container deposit scheme will commence from 1 July 2017. This time frame is ambitious but achievable. To achieve this, the selection process of the scheme coordinator and network operators will proceed concurrently, and will be finalised with sufficient time to enable the roll-out of the collection network across New South Wales. In conclusion, the amendment establishes a framework for the delivery of a container deposit scheme in New South Wales. It sets specific obligations on beverage suppliers that will require them to participate in the scheme and to finance the refunds for containers that are returned to collection points.

It also establishes the power for the Minister for the Environment to enter into contracts with a scheme coordinator and network operators, who will be tasked with delivering the scheme. The Minister will also have the power to set performance targets in regulation that will provide clear guidance to the scheme coordinator and the network operators of the level and type of performance required. The bill also sets enforceable obligations on collection point operators and individuals returning containers for the refund to ensure the integrity of the scheme and to minimise the risk of fraud. Together, these measures are designed to deliver a significant reduction in the number of beverage containers that are currently ending up in litter across New South Wales, and help deliver on the Premier's priority to reduce the volume of litter in New South Wales by 40 per cent by 2020. I commend the bill to the House.

Debate adjourned.

Visitors

VISITORS

TEMPORARY SPEAKER (Mr Adam Crouch): I welcome two former fathers of the House who are with us today—the Hon. Richard Amery and the Hon. Richard Face. It is not often that we have two fathers in the House simultaneously. I welcome them and I hope that they enjoy today's proceedings.

Bills

CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL 2016

Second Reading

Ms GABRIELLE UPTON (Vaucluse—Attorney General) (10:47): On behalf of Mr David Elliott: I move:

That this bill be now read a second time.

As this bill was introduced in the other place on 21 September 2016, and is in the same form—the second reading speech appears at pages 8 to 11 in the proof *Hansard* for that day—I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) (10:48): This morning I speak on behalf of the New South Wales Labor Opposition in debate on the Crimes (Administration of Sentences) Amendment Bill 2016. The object of the bill is to amend the Crimes (Administration of Sentences) Act 1999 in order to make a number of consequential amendments relating to: stop, search and detain powers and procedures for corrections officers; the streamlining of provisions in place for the operational capacity of magistrates in correctional centres; and a number of miscellaneous amendments that will provide greater transparency to the system. I note from the outset that the New South Wales Labor Opposition does not oppose this bill. For the most part, this legislation covers a range of routine operations that take place in our correctional centres, and a number of the proposed amendments have come forth as a result of a review by the Ombudsman in 2005. A number of miscellaneous amendments, including updated and modernised definitions have been added.

Magistrates perform a vital role within correctional centres as they are required to hear charges relating to offences committed by inmates while they are incarcerated. Should the magistrate be of the opinion that the alleged offence could and should be so prosecuted the visiting magistrate may terminate the hearing and order the inmate to be conveyed to a Local Court to be dealt with according to law. However, under the current legislation magistrates are only able to exercise these functions once they have been appointed as a visiting magistrate by a Local Court Chief Magistrate. Section 227 of this legislation rectifies this by bestowing all the powers of a visiting magistrate upon the office of a magistrate thereby eliminating unnecessary red tape.

Part 13A of the legislation sets out the list of offences relating to places of detention and it updates and modernises the definitions for each. New section 253B places the onus to prove lawful authority or reasonable excuses with regard to an offence on the defendant. Any persons who have allegedly committed an offence and who wish to contest a ruling must now prove that they had permission or a justifiable reason to commit the offence. The offences covered under this legislation include trafficking, introduction or supply of syringes, unlawful possession of offensive weapons or instruments, inmate use or possession of mobile phones and a number of other miscellaneous offences including loitering, unlawful entry and unlawful contact with an inmate.

New section 253H provides that any persons visiting a place of detention must place all their items in the storage facility provided except when permitted to do otherwise. Visitors who fail to comply may face a maximum of five penalty units and a correction officer may subsequently confiscate an item that was not left in storage for the duration of the visit. New section 253I confers powers to correctional officers to stop, detain and search a person or vehicle in a place of detention. Officers may exercise the stop, detain and search powers with persons and vehicles in the immediate vicinity of a place of detention if the officer suspects on reasonable grounds that the person has in his or her possession or under his or her control anything that has been used or is intended to be used in connection with an offence under this Act.

Under new section 253I subsections (3) and (4) the corrections officers may request a police officer to conduct a search or a further search of a person or vehicle. The suspect may be detained for the purpose of the search, however, any request to the police must be made as soon as practicable. As part of this search correctional officers are granted the power to seize items for the purpose of providing the items as evidence for an offence. With respect to any offence committed under this provision correctional officers have the same powers to arrest as a police officer. A correctional officer must, as soon as practicable, take the arrested person and property found on the person to a police officer or before an authorised officer as defined in the Law Enforcement (Powers and Responsibilities) Act 2002.

Mr Gareth Ward: LEpra.

Mr GUY ZANGARI: I note the comment of the Parliamentary Secretary. Any correctional officer who is to conduct a search must follow the guidelines as set out under new section 253J, which remains consistent with the guidelines presently in place. This section sets out the conduct of searches performed in correctional centres with new section 253J (4) stipulating that if practicable the search must be conducted by a correctional officer of the same sex as the person being searched. Should this not be possible a non-correctional member of staff may carry out the search under the direction of the correctional officer concerned.

While conducting a search a correctional officer may subject a person to electronic scanning, empty the pockets of the person's clothing, remove any hat, gloves, coat, jacket or shoes worn by the person, empty the contents of any bag or other such object that was on the person or in his or her vehicle. In the event that the person being searched is a child or a person who has impaired intellectual functioning the search must be conducted in the presence of an adult who accompanies the person or child. If there is no such adult the search must be completed in the presence of a search observation staff member.

New section 253M installs new safeguards concerning the detainment of a person. New section 253M (1) sets the maximum duration of detainment to four hours. New section 253M (2) through to (5) sets out measures a correctional officer must take prior to exercising his or her power to stop, detain and search any person and vehicle. The measures include providing evidence that they are a correctional officer, unless they are in uniform; producing evidence of their name; stating the reason for exercising the power; and issuing a warning that failure to comply with a request or direction is an offence. The only time correctional officers do not need to follow that procedure is when the circumstances would render it ineffective or there is urgency that prevents them from carrying out that requirement.

A new addition to the bill is section 257A, which provides the commissioner with the capacity to liaise with other heads of departments and to organise information-sharing arrangements. That will enable the commissioner to disclose and exchange certain information in connection with his or her official functions under this or any other Act with the head of the relevant agency. The bill will make a number of amendments to other legislation that essentially enhances oversight and elaborates on correctional officers' functions and duties within a correctional centre. The nature of the proposed amendments will enhance transparency and implement a number of sensible changes. As I stated at the outset, the New South Wales Labor Opposition will not oppose the bill.

Mr GEOFF PROVEST (Tweed) (10:56): I am pleased to contribute to debate on the Crimes (Administration of Sentences) Amendment Bill 2016. Correctional officers' powers to stop, search and detain staff and visitors inside and in the immediate vicinity of correctional facilities are critical to maintaining the security and good order of prisons. The exercise of those powers assists in preventing the introduction of contraband, such as mobile phones, drugs and any other illicit material. Currently those powers are spread between part 4A of the Summary Offences Act 1988 and the Crimes (Administration of Sentences) Regulation 2014. They often overlap and duplicate each other, which may create confusion not only for correctional officers about the powers they can exercise but also for people about their rights when being searched.

The bill sensibly will eliminate the duplication and overlap by transferring the powers in the Summary Offences Act to the Crimes (Administration of Sentences) Act 1999 and will consolidate them with the search powers that currently are in the Crimes (Administration of Sentences) Regulation. As the Ombudsman noted in his 2005 review of those powers, it is simpler to have them in one piece of legislation rather than in two. The powers of correctional officers and the rights of people being searched will be clearer and more accessible. The amendments do not expand or reduce the existing powers of correctional officers. Our correctional officers, both men and women, do a tremendous job. The Minister for Corrections, Mr David Elliott, takes a great deal of pride in supporting the great work of correctional officers both in keeping our community safe and re-educating offenders.

Correctional officers will continue to be able to routinely search a person in a correctional facility without a reasonable belief that the person is committing an offence relating to a place of detention. Routine searches are essential to prevent the introduction of contraband items in prisons and to maintain security, just as routine searches at airports are essential to maintaining the security and safety of airports and aircraft. Correctional officers will retain power to conduct searches in the immediate vicinity of a correctional facility, provided that they believe on reasonable grounds that a person may be trying to commit an offence relating to a place of detention, such as trafficking drugs.

The amendments maintain the current safeguards that ensure searches are conducted appropriately. A person will still only be detained when there are reasonable grounds to believe the person may be trying to introduce contraband into a correctional facility, or to commit another offence relating to a place of detention. Correctional officers will not be authorised to conduct physical searches. If they reasonably believe a person is in possession of contraband after conducting these searches, they will still be able to detain the person for the purposes of a search by police. As is currently the case, people will be detained for no longer than reasonably necessary and in any event for no longer than four hours. The offences relating to a place of detention in part 4A of the Summary Offences Act will also be transferred to the Crimes (Administration of Sentences) Act.

These provisions are important because they deter and punish behaviour that threatens the security and safety of our prisons. Some of these offences have a defence of lawful authority, which enables defendants to claim their actions were lawfully authorised. These offences will be amended to place the onus of proof to establish this defence on the defendant. This implements a recommendation by the Ombudsman, who noted that modern legislation usually requires defendants to bear the onus of establishing this defence. It is important to note that the legislation focuses on the safety of not only correctional officers but also inmates. Undoubtedly prisons are very stressful places and we should ensure legislation does all it can to make operational criteria open and transparent. This will make it easier for those affected to understand the criteria. This bill is an important step forward in removing duplication in our legislation. I commend the bill to the House.

Dr HUGH McDERMOTT (Prospect) (11:01): I speak in debate on the Crimes (Administration of Sentences) Amendment Bill 2016. As we are all aware, prisons are filled with convicted criminals. Sadly sometimes these criminals continue to commit crimes from within the prison, often on fellow prisoners but also on prison guards and staff. The victims within prisons deserve access to efficient and transparent justice. Very rarely are members of this House given the opportunity to see legislation introduced by the Minister for Corrections. Nonetheless, it is pleasing to see some promising legislation in this portfolio. Supporting magistrates and prison officers is something that I agree with, and I am sure the same can be said for all members of this House.

Under new section 227, the bill will streamline the functions of magistrates in correctional facilities. All of the functions of a visiting magistrate will be conferred upon any magistrate who visits a correctional facility in New South Wales. New section 253B of the bill must be treated with caution. This amendment would shift the burden of proof to the defendant, rather than the prosecutor. This Parliament has a responsibility to carefully respond to legislation such as this that would change doctrines within the legal system. I understand that a priority in this legislation is to protect prison officers, but the law must follow due process and justice must be seen to be done. I have concerns that moving the burden of proof to the defendant creates a grey area in the law in regard to dealing with crimes committed within prisons. I believe the legal profession will be concerned about this change.

Under new sections 253H to 253N, further clarification and expansions of the powers of correction officers to perform their required duties is explained as per the intent of the legislation. These powers will include the power to stop, detain and search persons and vehicles in a place of detention and its immediate vicinity. Items may be seized by correctional officers to be used as evidence. Under new section 253I, corrections officers will be granted the powers to arrest with regard to an offence under this Act. An arrested person must be taken as soon as possible to an authorised officer as defined by the Law Enforcement (Powers and Responsibilities) Act 2002. This again is reasonable, as corrections officers are the first on the scene when a crime takes place within a prison. They are at the coalface of having to deal with criminal activity within these facilities.

New section 253J clarifies search powers in correctional facilities. This section provides safeguards on searches on children and what clothes can be directed to be taken off during a search, and requires searches by an officer of the same sex as the detainee. New section 253M increases the time a person may be detained from one hour to four hours. This makes it closer to the maximum detention time as prescribed in the Law Enforcement (Powers and Responsibilities) Act 2002 for people detained by police outside correctional facilities.

It is important to note that major parts of this amendment bill give clearer oversight to magistrates as well as to the administration of sentencing and justice in New South Wales prisons. However, I have grave concerns about whether these incremental reforms in this amendment bill will provide corrections officers with the resources they need. We have seen repeated failures by the Baird Government concerning prisons. Despite being aware of these failures, the Minister has failed to act. I note a recent photograph on the Minister's Facebook page in which he is inspecting prison guards during one of his—

Mr Gareth Ward: Point of order: I take my point of order under Standing Order 79. I do not see what the Minister's Facebook page has to do with the bill before the House. I would ask—

Mr Chris Minns: You're about to find out.

Mr Gareth Ward: You're a member of the Opposition, there is the Temporary Speaker. You will learn eventually.

TEMPORARY SPEAKER (Mr Adam Crouch): Order! I remind the member for Kogarah and the member for Kiama to address their remarks through the Chair.

Mr Gareth Ward: Mr Temporary Speaker, I ask that you ask the member for Prospect to return to the leave of the bill. I know the member has elucidated his argument well, but I think he is detracting from the overall spirit of the bill.

TEMPORARY SPEAKER (Mr Adam Crouch): I ask the member for Prospect to return to the leave of the bill.

Mr Chris Minns: Sit down, you backbencher.

TEMPORARY SPEAKER (Mr Adam Crouch): Order! The member for Kogarah will come to order.

Dr HUGH McDERMOTT: If I am given some latitude, I am speaking about corrections officers and the impact they have. Mr Temporary Speaker, I was about to explain that but the member for Kiama is wasting my time.

Mr Gareth Ward: What was your ruling?

TEMPORARY SPEAKER (Mr Adam Crouch): The member for Prospect will return to the leave of the bill.

Dr HUGH McDERMOTT: I noticed the look of uncertainty on the faces of those corrections officers as they saw a Minister of the Government continue to walk past them in that situation. Under the pressure of public sector layoffs, skyrocketing prison populations and an increasing threat of violence, our corrections officers are being let down by the Baird Government. Furthermore, in June this year the Baird Government announced \$3.8 billion for an extra 2,800 beds in prisons—that equates to \$1.36 million per bed. Of course, the Minister promises that this funding will deliver some 7,000 beds, although ABC reports were rightly sceptical about this claim. Then the Government sacked prison teachers, which will only contribute to the recidivism rate of prisoners in New South Wales increasing.

In July this year tear gas and gunshots were used to control a brawl in Goulburn prison. In fact, Steve McMahon from the Public Service Association said there had been a noticeable increase in prison assaults in the past 18 months, which corresponds with the current Minister's time in the portfolio. Mr McMahon also noted that the overcrowding had led to violence related to religious tensions. Corrections officers are justifiably on the edge, and the Baird Government is doing nothing apart from making the prison population bigger. Then there is the issue of prison escapes. Once again, the Minister needs to step up and take responsibility. Of course, ministerial responsibility is an unknown concept within the Baird Government. In August this year three men escaped from Brewarrina Correctional Centre. In July this year two men escaped from a prison in Ivanhoe. In April, a 45-year-old inmate escaped from a prison in Albury. In September 2015 another inmate escaped from Goulburn Correctional Centre, where he was held under minimum security.

In August 2015 a maximum-security inmate in jail for armed robbery escaped from the Goulburn Correctional Centre. And so it goes on. In September the Brothers For Life gang boss was caught with a mobile phone in Goulburn SuperMax prison. In another blunder last month a New South Wales corrections officer was revealed to have an inappropriate association with a former Penthouse Pet in exchange for allowing an inmate to make telephone calls. There is problem after problem and mistake after mistake by the Minister for Corrections, who is not taking responsibility for his portfolio once again. I commend this bill. This amendment bill has some good parts to it and makes administration of justice within the prison system better and more transparent, but the real failing is the failing of the Minister for Corrections under the Baird Government, and that is having an adverse effect upon the corrections officers and the justice system within New South Wales.

Mr JAI ROWELL (Wollondilly) (11:10): I speak today in support of the Crimes (Administration of Sentences) Amendment Bill 2016. Before I do, I note that debate has focused on correctional facilities. A potential jail in the seat of Wollondilly has been discussed, and I want to make it very clear to all of those who may be listening or who may read this that I have met with Wollondilly Shire Council which shares my 100 per cent view that we do not support a jail in the Wollondilly region.

Dr Hugh McDermott: Point of order: I am just wondering what this has to do with the bill at hand.

TEMPORARY SPEAKER (Mr Adam Crouch): There is no point of order. The member for Wollondilly has the call.

Mr JAI ROWELL: The member for Prospect was talking about correctional facilities, as am I. My message to the Minister is quite simple: We do not support a new jail in Wollondilly. We are a growing region in the Macarthur-Hume region. I note the member for Campbelltown is in the Chamber, who I believe supports that position as well. It is a bipartisan position. With new developments such as Wilton Junction, with 35,000 new people and 11,000 jobs, it is just the wrong location. I note that there has been no announcement by the Government and the department is merely looking around the State for sites for new facilities, but I am letting all know that Wollondilly is off-limits. If it continues, there will be a fight with me, Wollondilly Shire Council and my community to ensure that that does not go ahead.

Having said that, I return to the leave of the bill. I will not cover all the matters that have been discussed, but I will refer to new section 257A which has been inserted into the Crimes (Administration of Sentences) Act 2015 to enable information exchange between the Commissioner of Corrective Services and the Commissioner of Fines Administration. The provision permits Corrective Services NSW to disclose certain details about inmates to help the Commissioner of Fines Administration identify which inmates in custody have unpaid fines. The Commissioner of Fines Administration can then take steps to help these inmates, including by delaying fine enforcement action while the person is in custody or offering appropriate payment options. The exchange of information also enables Corrective Services to make arrangements for inmates to work off the value of their fines while they are in custody through a work and development order. Ensuring that offenders leaving custody do not have outstanding fine debts reduces their risk of reoffending and increases the chances of them being able to reintegrate into the community.

Given the usefulness of section 257A, the bill expands the scope of this provision so Corrective Services will in future be able to enter into similar information-sharing arrangements with other agencies. The agencies that can enter into these arrangements with Corrective Services will be prescribed by regulation rather than listed in section 257A itself. This will future-proof the provision and ensure Corrective Services can enter into information-sharing arrangements with different agencies as appropriate over time. Similarly, the regulation will prescribe the information that can be exchanged under such information-sharing arrangements. This will be a safeguard so only necessary information is exchanged. Each specific arrangement between Corrective Services and a prescribed agency will deal with how information exchange is to occur and how information is to be collected, handled, used, stored and protected. Overall, new section 257A will be an important tool that helps Corrective Services and other New South Wales Government agencies in carrying out their functions.

I recognise and admire corrective services officers, who do a fantastic job. I have met a number of these officers through my time in this role and they do a fantastic job in challenging circumstances. This bill certainly addresses some of the issues that needed to be addressed. Once again I also thank Wollondilly Shire Council for providing a letter to me yesterday, calling on the Government to rule out Wollondilly as a location for a jail site, on which I gave a notice of motion. I reiterate that if there are any plans in relation to a jail in my electorate, there will be one hell of a fight.

Mr STEPHEN BROMHEAD (Myall Lakes) (11:15): I speak in support of the Crimes (Administration of Sentences) Amendment Bill 2016. The object of the bill is to amend the Crimes (Administration of Sentences) Act 1999: to enable magistrates to perform the functions of a visiting magistrate under the principal Act without having to be specifically appointed as a visiting magistrate; to transfer to the principal Act certain powers and associated offences relating to places of detention that are currently contained in part 4A of the Summary Offences Act 1988 and various provisions of the Crimes (Administration of Sentences) Regulation 2014; to ensure that the prohibition on disclosure of information in the principal Act does not criminalise disclosures that are a routine part of the core business of Corrective Services NSW and to increase the penalty for breach of the prohibition; to enable the Commissioner of Corrective Services to disclose for prescribed purposes information obtained in connection with the exercise of the commissioner's official functions; to streamline the information-sharing provisions in the principal Act; to provide for other minor, consequential and ancillary matters; and to enact provisions of a savings or transitional nature.

The bill also makes consequential amendments to the Crimes (Administration of Sentences) Regulation 2014, the Summary Offences Act 1988 and the Summary Offences Regulation 2015. The bill is part of the Government's regular legislative review program. The bill seeks to amend the Crimes (Administration of Sentences) Amendment Act 1999, which governs the administration of most sentences in New South Wales and is the legislation under which Corrective Services NSW operates. As well as enabling all magistrates to perform the functions of a visiting magistrate, and consolidating provisions in relation to detain and search powers of corrective services officers in the Crimes (Administration of Sentences) Act 1999, the bill seeks to provide greater scope for disclosure by Corrective Services to relevant agencies of information that is otherwise confidential.

Section 257 is an important provision in the Crimes (Administration of Sentences) Act which prohibits any person from disclosing information obtained under the Act. This provision ensures that sensitive corrections information is protected, including information about the security of correctional centres, management of inmates and information about individual inmates. Currently there is a limited number of exceptions to the prohibition in section 257. A person may disclose information in connection with the administration or execution of the Act, with consent of the person from whom the information was obtained, for the purposes of legal proceedings, for the purposes of the interstate transfer of an offender, to the Ombudsman or with other lawful excuse—for example, if the disclosure is authorised under another Act.

The limited nature of these exceptions means that many sensible disclosures that Corrective Services wishes to make in the course of its day-to-day functions are prohibited and are in fact a criminal offence. This is the case even when the disclosures are to law enforcement agencies, other New South Wales Government agencies, public sector agencies in other States and Territories or non-government organisations working with offenders. The addition to section 257 made by the bill will ensure that in future the Commissioner of Corrective Services can determine that certain disclosures are made with lawful excuse for the purposes of section 257.

For example, the commissioner would be able to decide that certain disclosures to the NSW Police Force are made with lawful excuse. Similarly, the chairman of the NSW State Parole Authority and the chairperson of the Serious Offenders Review Council will be able to determine that certain disclosures made by their members are made with lawful excuse for the purposes of section 257. Any disclosure that is made with lawful excuse is not an offence under that section. A disclosure of corrections information that a person makes which is not approved by the commissioner or the relevant chairperson, which is not sanctioned by an official policy, or which does not fall into one of the existing exceptions to the provision will be prohibited.

The bill increases the maximum penalty for disclosures contrary to section 257 to ensure that this prohibition is taken seriously. The existing offence is punishable by only 10 penalty units. The bill increases that to 100 penalty units or two years imprisonment or both. Overall, section 257, as amended by this bill, will strike the appropriate balance by protecting sensitive corrections information without hampering Corrective Services NSW in carrying out its functions. This is an extremely important piece of amending legislation dealing with the disclosure of certain information to lawful agencies. I commend the bill to the House.

Mr DARYL MAGUIRE (Wagga Wagga) (11:20): On behalf of Mr David Elliott: In reply: I thank the member for Tweed, the member for Wollondilly, the member for Myall Lakes, the member for Fairfield, and the member for Prospect for their contributions to debate on the Crimes (Administration of Sentences) Amendment Bill 2016. This bill addresses a number of issues. The member for Prospect asked whether the reverse onus on providing lawful authority for an offence relating to a detention facility places an unfair burden on the accused. No, it does not. Generally, legislation that provides for a defence of lawful authority requires the defendant to establish that he or she had lawful authority.

For example, section 417 of the Crimes Act 1900 requires defendants charged with offences under the Act that have a lawful authority or a lawful-excuse defence to bear the onus of proving that they had lawful authority or lawful excuse. This amendment implements a recommendation arising from the Ombudsman's 2005 review of correctional officers' stop, search and detain powers. I hope that clarifies the issue for the member. I thank all members for their constructive contributions to this debate and the Minister for introducing the bill. I also thank members of the Opposition for their support. I commend the bill to the House.

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

Motion agreed to.

Third Reading

Mr DARYL MAGUIRE: On behalf of Mr David Elliott: I move:

That this bill be now read a third time.

Motion agreed to.

INDUSTRIAL RELATIONS AMENDMENT (INDUSTRIAL COURT) BILL 2016

Second Reading

Mr GARETH WARD (Kiama) (11:23): On behalf of Mr Brad Hazzard: I move:

That this bill be now read a second time.

As this bill was introduced in the other place on 21 September 2016, and it is in the same form—the second reading speech appears on pages 11 to 14 in the *Hansard* proof for that day—I commend it to the House.

Mr GEOFF PROVEST (Tweed) (11:24): I support the Industrial Relations Amendment (Industrial Court) Bill 2016. This bill makes minimal changes to user experience of the Industrial Court. It gives effect to the Government's decision to integrate the Industrial Court with the Supreme Court of New South Wales. It amends the Industrial Relations Act 1996 and other Acts to abolish the Industrial Court, to appoint the current president as a judge of the Supreme Court, and to transfer the functions of the Industrial Court to the Supreme Court, to the District Court, or to the commission. It also reconstitutes the commission so that it consists of a chief commissioner and commissioners. As I said, the bill ensures that there will be minimal change to the experience of users of the Industrial Court. It will not change the allocation of functions to the commission or the court, or to the nature of those functions. The only change will be the location at which judicial functions are exercised.

The consequential amendments to the commission will be minimal, and will be aimed at ensuring that it can continue to perform its functions and to deliver services in an effective manner. The Government has consulted with the users of the Industrial Court and the heads of jurisdiction to ensure that the changes to the commission are appropriate. The bill provides for existing fee exemptions to continue to apply before the Supreme Court. This will mean that the vast majority of matters will continue to be completely free for registered organisations. Those organisations are the employee and employer associations and the unions. Referral mechanisms have also been established between the commission and the Supreme Court to ensure that questions of law can be easily referred for consideration by the court. In addition, the commission will be able to transfer matters to the Supreme Court at any point in the proceedings if it becomes clear that the commission will not be able to make appropriate orders.

Importantly, the bill also ensures that existing conciliation arrangements will be maintained after integration so that the parties to the judicial matters are required to engage in conciliation before proceeding to

the Supreme Court. In 2015, 68 per cent of judicial matters finalised by the Industrial Court were finalised by conciliation. That percentage has increased even further to 71 per cent in the year to date. Those dispute resolution skills in the commission will continue to ensure that only a small number of matters will be heard before the Supreme Court. In my previous working life I was the manager of a large club and we regularly relied on the Industrial Relations Commission to resolve issues. I concur with the statistics about mediation and conciliation meetings. In my 17 years in that position, not one matter proceeded; resolutions were reached by negotiation with the relevant employer groups and unions.

There will be minimal change to the experience of parties appearing before the court. A party to proceedings before the Supreme Court will still have the right to appear personally or to be represented by a practising legal practitioner or, with the leave of the court, by an agent who is not a practitioner. The same rules of evidence and other formal procedures of the superior court will continue to apply. Parties will have access to the Supreme Court duty registrar service; that is, applicants will still be able to drop in to receive advice from the duty registrar about forms, processes, and procedures in the Supreme Court. Members of the public will also be able to call the Industrial Relations Commission and the Supreme Court registry to obtain information and advice.

Online registry services will also be available to the users of the Industrial Court. This will mean that parties will be able to file forms online without needing to attend the registry in person. The effect of this bill is minor, but important. It will ensure that there is no change to the commission except for a change to the location at which judicial matters are heard and determined. It will ensure that these matters are handled within a court of equivalent status, but with greater judicial resources. Mr Temporary Speaker, I congratulate you on your birthday today—and there is not a place you would rather be.

TEMPORARY SPEAKER (Mr Lee Evans): I do not feel a day over 74.

Mr GEOFF PROVEST: As I have said in my contribution, there are minimal changes, but they are important. It will provide greater access for more people. I am buoyed by the number of matters that are consolidated and arbitrated through the industrial system. That is a real plus. I commend the bill to the House.

Mr RYAN PARK (Keira) (11:30): A very big happy birthday to you, Mr Temporary Speaker. The member for Kiama and I still classify you as an Illawarra member of Parliament.

Mr Gareth Ward: We do—absolutely.

TEMPORARY SPEAKER (Mr Lee Evans): As I am the only Coalition member of Parliament representing the Illawarra, I acknowledge that.

Mr RYAN PARK: Getting back to reality, I lead on behalf of the Opposition on the Industrial Relations Amendment (Industrial Court) Bill 2016 on behalf of my colleague the Hon. Adam Searle in the other place who has responsibility for this as the shadow Minister for Industrial Relations. Having worked as a barrister on industrial relations disputes and matters, he has a wealth of experience and he is extremely well qualified as an eminent person to give a strong view on this legislation. As it did in the other place, the Opposition will oppose this bill, which essentially abolishes the Industrial Court of New South Wales and transfers its functions to the Supreme Court. In doing so it makes consequential changes to the NSW Industrial Relations Commission.

In August 2016 the New South Wales Government provided a brief to stakeholders and draft legislation to abolish the Industrial Court and move its functions to the Supreme Court. The views of stakeholders were sought and submissions closed at the end of August. Those submissions have not been made public, but I understand from discussions with the Hon. Adam Searle that overwhelmingly the proposals are strongly opposed. On 20 September 2016 legislation was introduced into the other place. Debate on the bill is now taking place here after following on from the other House. The Government proposes the change because the work of the Industrial Court has declined to the point where a separate court should not, in its view, be retained.

While the centralisation of industrial matters in the Federal system obviously diminished the workload of the Industrial Relations Commission, as all members on this side know, the real impact on the work of the court was brought about by the atrocious 2011 changes to the work health and safety laws by which Parliament essentially stripped the court of most prosecution matters. NSW Labor opposed that move in successive parliamentary debates and public speeches led by my colleague and friend the Hon. Adam Searle, and at the 2015 State election it proposed rebuilding the court by reinstating the work that had been taken away from it and investing it with other relevant jurisdiction under New South Wales law. At the time those proposals were determined to be revenue neutral—which, from my point of view as the shadow Treasurer, is always a good thing—by the Parliamentary Budget Office. The Industrial Court hears proceedings involving breaches of industrial instruments, recovery of wages, unfair contracts, the regulation of unions and employer organisations, superannuation appeals and the contravention of dispute orders, among other matters.

Many of us on this side, including some of the members present in the Chamber today, have experience in previous roles working with the Industrial Relations Commission, with unions and organisations representing workers to ensure they get fair hearings at the Industrial Relations Commission, which we believe is a cornerstone of a good democracy. Unions NSW and its affiliates take issue with the proposal on principle and we quite openly say that we listen to people who represent working people. If that makes us bad, that makes us bad, but we are proud to listen to people who stand up for others who often do not have a strong voice and we will never walk away from that. Unions NSW is particularly concerned with the practical impact of trade union regulation and discipline and the contravention of dispute orders being invested in the Supreme Court, which I will address in a moment.

The transfer to the Supreme Court will make proceedings more formal and legalistic—that is not something that has been characterised by the commission to date—and will deter some litigants from taking proceedings, in turn leading to a denial of justice, which I hope none of us in this place wants. This will affect not only individuals but also smaller companies and businesses not represented by unions or employer organisations and will lead to significantly increased legal costs. I would have thought that was something those opposite would be very concerned about. This reduced access to justice will also be brought about by the absence from Supreme Court processes of the important conciliation function now present in the industrial jurisdiction, which facilitates the resolution of about 90 per cent of matters without the need for full trials and formal judgements. The member for Prospect has been concerned about the conciliation function being removed, which he has raised in discussions internally and no doubt will outline to the House.

In addition, the Industrial Court has extensive experience of workplace matters—we know that for a fact. While current President Justice Walton will be appointed to the Supreme Court, there is no guarantee he or the two other Supreme Court justices with similar experience will necessarily get to hear matters that would currently go before the Industrial Court. The legislation also makes changes to the Industrial Relations Commission [IRC], abolishing the position of president and replacing it with a chief commissioner and making other changes to how the IRC operates.

Labor members oppose the legislation and make the case for our policy of a specialist jurisdiction for workers, both a court and a commission. In the case of re-establishing a separate Industrial Court not being feasible, we have moved amendments in the other place and we urge the Government to carefully consider them. Our proposal is about achieving fairness. Our proposal is about achieving access to justice for workers, employers, trade unions and associations. We are very concerned that the Government continues to erode the rights of hardworking men and women in New South Wales. Unfortunately it has become glaringly obvious in discussions with the Hon. Adam Searle and in reading this bill that this is another example of that.

Mr STEPHEN BROMHEAD (Myall Lakes) (11:38): I speak in support of the Industrial Relations Amendment (Industrial Court) Bill 2016. The objects of the bill are:

- (a) to amend the Industrial Relations Act 1996:
 - (i) to abolish the Industrial Court (also referred to in that Act as the Industrial Relations Commission in Court Session), and
 - (ii) to appoint the current President of the Industrial Relations Commission (in his capacity as the only remaining judicial member of the Commission) as a Judge of the Supreme Court, and
 - (iii) to reconstitute the Industrial Relations Commission so that it consists of a Chief Commissioner and Commissioners, and
- (b) to amend certain legislation:
 - (i) to transfer the functions of the Industrial Court principally to the Supreme Court and, in some cases, to the District Court and the Industrial Relations Commission, and
 - (ii) to update references consequent on the reconstitution of the Industrial Relations Commission ... In his second reading speech the Minister explained that the decision to integrate the Industrial Court with the Supreme Court is in response to the significant reduction in the workload of the Industrial Court. The Minister says the reduction in the workload of the Industrial Court is as a result of:
 - (a) referral to the Commonwealth of New South Wales industrial relations powers over private sector employees and employers in 2009;
 - (b) the transfer of occupational health and safety prosecutions to the District Court in 2013.

The Minister explains that New South Wales will mirror the Commonwealth industrial relations framework where the Federal Court and Federal Circuit Court determine industrial relations matters that require judicial consideration, and non-judicial matters are dealt with by the Fair Work Commission. The Minister outlines that the Chief Justice of the Supreme Court and the current President of the Industrial Relations Commission were both closely consulted on the proposals in the bill. An exposure draft of the bill was also released to stakeholders.

Submissions were received from the heads of jurisdiction, the Law Society of New South Wales, the New South Wales Bar Association, various Government agencies, Unions NSW and affiliates in the NSW Business Chamber.

The bill gives effect to the decision of the Government to integrate the Industrial Court to the Supreme Court of New South Wales. The bill amends the Industrial Relations Act 1996. The integration of the Industrial Court is a necessary change, which will remove inefficiencies in the Industrial Relations Commission. Since 2006 there has been a substantial and almost continuous decrease to the workload of the Industrial Court. The removal of the workload of the Industrial Court has been primarily due to changes to the industrial relations framework at the Commonwealth level, which includes laws that removed the unfair contract jurisdiction of the Industrial Court with respect to private sector employees. Legislative changes in 2010 also transferred prosecutions under the work health and safety legislation from the Industrial Court to the District Court. The 2011 New South Wales public sector wages policy also contributed to a reduction in industrial disruption by guaranteeing minimum conditions of employment and imposing restrictions on remuneration increases for public sector employees.

TEMPORARY SPEAKER (Mr Lee Evans): I remind the member for Bankstown of Standing Order 54, which states that members must remain seated in the Chamber while another member is at the dispatch box.

Mr STEPHEN BROMHEAD: As a result of those changes, only 37 judicial matters were commenced in the Industrial Court last year, which is fewer than 5 per cent of the matters that were filed 10 years ago. With such a significant reduction in workload, there has been no need for more than one judicial officer. Since 2013, the sole judge of the Industrial Court has been the President of the Commission, Justice Walton. However, there is not even enough work to fully occupy the one remaining judicial member of the court. Instead, President Walton is predominately engaged in arbitral work, which is well below the requirements of a senior judicial officer and not the most effective use of his experience and expertise.

This means that the Industrial Court is now not operating in an effective or efficient way, which has caused significant challenges for the operation of the Industrial Court. It has meant that the president is unable to take leave unless the Chief Justice of the Supreme Court agrees to assign a Supreme Court judge to the Industrial Court in his absence. It has also created the risk of delays, for example, if the President is occupied with work and unable to take on a new matter. This is clearly an inefficient and unsustainable forum for the resolution of important industrial disputes. By transferring the judicial functions of the commission to the Supreme Court, the Government will ensure that Supreme Court judges will be able to hear matters as demand requires. The judicial functions of the commission will be integrated with the Common Law list of the Supreme Court, so a larger pool of judicial resources will be made available to the current users of the Industrial Court. In addition, Justice Walton will be available to hear other Supreme Court matters in addition to industrial relations matters.

The reform will also ensure that there is judicial diversity in industrial relations matters. This reduces the risks that are inherent in a specialised, single judge jurisdiction, such as insularity and judicial isolation. The integration will deal with the practical issues and inefficiencies that are associated with the Industrial Court. At the same time, it will ensure that the matters continue to be considered before a superior court with appropriate expertise and equivalent status to the Industrial Court. This is a logical and necessary reform, which will ensure that users of the Industrial Court have access to an appropriately resourced, efficient forum for the resolution of their disputes. I commend the bill to the House.

Dr HUGH McDERMOTT (Prospect) (11:43): I speak in opposition to the Industrial Relations Amendment (Industrial Court) Bill 2016. Industrial relations is the key area of difference between the major parties in New South Wales politics. It is an ideological split that is witnessed every time this Chamber sits. It is in fact within the DNA of the Liberal-Nationals Coalition to do everything within its power to crush the rights of workers and make a mockery of the industrial relations system in New South Wales. They continue with this today. This bill is no different. It reflects the slow death of the Industrial Court following the vicious industrial relations reforms of the former O'Farrell Government in 2011. Following those reforms, the Industrial Court was restricted in its scope and operational responsibilities. The Baird Government now wants the Supreme Court to take responsibility for all matters relating to industrial relations law that are not handled within the Federal jurisdiction and subject to the jurisdiction of the Fair Work Commission. This is a lessening of workers' rights by stealth.

The parties involved in industrial disputes will have considerable barriers to access justice and to commencing legal action because of the significant costs involved in Supreme Court cases. Effectively, this is a denial of justice for those individuals who are seeking remedy before the Industrial Court. Individuals and small business employers will be unfairly restricted by the justice system, especially when those represented by large trade unions or significantly large employer associations will have the resources and expertise that a Supreme Court case demands. Furthermore, the Baird Government is looking to undermine efficiencies in the justice system in New South Wales by removing access to important conciliation functions available to the Industrial Court. That

conciliation process resolves 90 per cent of matters brought before the Industrial Court without the need for full trials and formal judgements, therefore, keeping the costs and demands on the parties to a minimum. That is why I am sceptical of the justification made by the Minister in the Legislative Council for these reforms when he stated:

There will be efficiencies of scale associated with handling matters under the larger jurisdiction of the Supreme Court. This will benefit parties through increasing the capacity of the court to attend to urgent industrial matters.

Anyone who has worked in industrial relations in New South Wales or who has been before the Industrial Court or the Supreme Court will know that cannot be true. The following questions were asked of the Minister in the Legislative Council: How will 90 per cent of parties that currently benefit from conciliation provided by the conciliation function of the court now benefit? How is that less efficient than deferring everything to the Supreme Court? If there are so few cases before the Industrial Court, why would there be a delay in having a case heard? None of those questions were answered. The best justification made by the Government is that the Supreme Court has more judges. It does not matter if those judges do not have the same level of experience as those in the Industrial Court or Industrial Relations Commission. As long as there are more of them in the building on the other side of Macquarie Street, the Baird Government seems to think everything will be okay.

Abolishing the Industrial Court will rob the people of New South Wales of a body with extensive experience in workplace matters. There is no guarantee that two or three of the Supreme Court judges with extensive experience in the Industrial Court will continue to deal with industrial relations matters once they transfer. Furthermore, the bill makes fundamental changes to the structure of the Industrial Relations Commission. Like many other Government bodies ravaged by this Government, the position of President of the Industrial Relations Commission will be abolished and replaced with a Chief Commissioner under subsection 1 (e). Additionally, the offices of the judicial member of vice-president and deputy president of the commission will be abolished. The bill lacks provision for those abolished roles to be replaced, despite promises made by the Minister in his second reading speech in the Legislative Council.

There is a straightforward solution that will restore justice to industrial relations in New South Wales. The Coalition will never agree to it because it will give workers a fair go. That solution is to have specialist appointments for industrial relations. The ideal solution would be to continue to have special jurisdictions at a court and commission level. However, the New South Wales Opposition understands that the Liberal-Nationals Coalition will do whatever it can to destroy the Industrial Court and Industrial Relations Commission to ensure there is no easy return under a future Labor Government in New South Wales.

Dr Geoff Lee: Nightmare stuff.

Dr HUGH McDERMOTT: The member for Parramatta may think it is funny to undermine workers' rights, but the workers in New South Wales do not.

TEMPORARY SPEAKER (Mr Lee Evans): The member for Parramatta will come to order.

Dr HUGH McDERMOTT: It is quite offensive, really, to think that the member for Parramatta has no regard for employees, even those in his own electorate of Parramatta. A very straightforward and ideal solution would be to continue to have specialist jurisdictions—both a court and a commission. Therefore, the Opposition is firmly opposed to this legislation and is justified in standing up for workers to prevent the weakening of industrial justice in New South Wales.

However, there is still more to be uncovered with this bill. In August 2016, the Baird Government commenced consultations with stakeholders, seeking submissions on the proposal. Interestingly, these submissions have not been released by the Baird Government. What is the Government trying to hide? Is it trying to protect the privacy of unions, employer associations and lawyers? I doubt that very much. So much for the transparency that this Government likes to brag about. Perhaps the Baird Government is attempting to cover up the unpopularity of this bill, and is too ashamed to release the submissions opposing the bill. The Baird Government should be ashamed; it is slashing access to the industrial relations system of justice for the most vulnerable people, who can least afford to pay the large legal costs of a Supreme Court action.

Unlike the Coalition, New South Wales Labor stands by its principles. We believe in a fair society that gives workers a chance and we are united in our opposition to the abolition of the Industrial Court. We took our policy of reinvigorating the Industrial Court to the 2015 State election, and we stand by our policy of that time. In fact, when assessed by the Parliamentary Budget Office, it was determined that our plan was revenue neutral, and therefore would not cost taxpayers a cent. So it is clear that the Baird Government's abolition of the court is not based on cost grounds but based on its deep ideological desire to destroy workers' rights in New South Wales. The Opposition opposes this bill and will continue to fight against the Coalition's determined attack on workers' rights.

Ms ANNA WATSON (Shellharbour) (11:51): I make a brief contribution to the second reading debate on the Industrial Relations Amendment (Industrial Court) Bill 2016. I will not be supporting this bill. It is obvious that this Government still has no intention to act with any level of integrity when it comes to transparency. Submissions were sought by the Government; apparently the submissions overwhelmingly opposed this bill. It does not surprise me that the Government is bringing this bill to this place. The bill will abolish the Industrial Relations Court of New South Wales and transfer all of its functions to the Supreme Court. In August 2016 the Government provided to some stakeholders a briefing and draft legislation to abolish the Industrial Court. I understand that their views were sought, but the submissions have not been made public. It is a little bit like Groundhog Day. It is similar to the situation of the KPMG report into forced council amalgamations; we could not get our hands on that, either.

The way in which this Government has gutted workers compensation is disgusting as it relates to the health, wellbeing and safety of workers. The Government ensured that the independent umpire was removed from that process. This bill is not reasonable; nor is it necessary. It has always been the intention of this Government to water down the Industrial Court—the workers court. The Industrial Court in New South Wales is an institution, and Mike Baird is consistent in his *modus operandi*. This move will impact on working men and women who have access to the Industrial Relations Commission [IRC] to have their matters heard. In most cases, these matters are settled through the conciliation process, which is conducted in a timely manner.

I have had firsthand experience in the Industrial Court. I have advocated as a union official in that court, and it worked very well. Workers were able to have their concerns heard in a timely manner and 90 per cent of the matters were conciliated. There was no need for arbitration. By abolishing the Industrial Court and transferring all litigation to the New South Wales Supreme Court this Government will make access to justice more difficult. This bill will impact on workers like nurses, teachers, police, ambulance drivers, administrative staff, council workers and many others. The Industrial Relations Commission, as it stands, carries little or no cost. However, within the jurisdiction of the Supreme Court workers will certainly be unable to afford the high costs. This bill is yet another step towards diminishing an important institution that has protected working people in New South Wales for more than 100 years. It is shameful that this Government is again kicking the workers of New South Wales in the guts. This Government is no friend of the working men and women of New South Wales.

Mr Mark Coure: It is amazing you can say this with a straight face.

TEMPORARY SPEAKER (Mr Lee Evans): Order! The member for Oatley will come to order.

Ms ANNA WATSON: This bill carries the same stench as the slow gutting of TAFE across New South Wales. The Government slowly, slowly tears it down. It is obvious that this Government does not want institutions dedicated to looking after working people. Commissioners of the Industrial Court specialise in employment matters. As we heard the member for Keira say, the Supreme Court is much more legalistic, and the judges are more used to dealing with criminal and commercial matters. The Industrial Relations Commission came about as the result of the failure of employers and unions to use a system of voluntary arbitration. The court had the jurisdiction to hear and determine any industrial dispute or any matter referred to it by a union or the Registrar. Its function was to set minimum wages and make orders.

Removing the Industrial Relations Commission and transferring its functions will deter many litigants from taking proceedings, and this will lead to the denial of justice. This bill will deny many people the justice that they would be entitled to. The bill will impact on workers, but it will also have an impact on small businesses and companies that are not represented by unions or employer organisations. There is absolutely no doubt that it will lead to higher costs. As I have already said in this brief contribution, I will not be supporting this bill; it is yet another kick in the guts to the working-class people of New South Wales. The members on the opposite side of the Chamber should hang their heads in shame. There are no surprises there!

Ms Eleni Petinos: Go and get a legal education and then talk to me about the court. Until then you do not know what you are talking about.

Ms ANNA WATSON: You have a clue?

Ms Eleni Petinos: I do; I was a lawyer.

TEMPORARY SPEAKER (Mr Lee Evans): Order! I call the member for Oatley to order for the first time.

Ms YASMIN CATLEY (Swansea) (11:56): I make a contribution to the Industrial Relations Amendment (Industrial Court) Bill 2016. I state from the outset that Opposition opposes this bill. As has been indicated, the purpose of this bill is to amend the Industrial Relations Act 1996 to abolish the Industrial Court, which is often referred to in the legislation as the Industrial Relations Commission in Court Session; to appoint

the current President of the Industrial Relations Commission, the only remaining judicial member of that court, as a judge of the Supreme Court; to transfer certain functions of the Industrial Court primarily to the Supreme Court but in relation to work, health and safety matters to the District Court and, in some cases, to the Industrial Relations Commission; and to reconstitute the Industrial Relations Commission so that instead of having a president it has a chief commissioner and commissioners.

This is a far-reaching bill that will significantly alter the industrial relations landscape in New South Wales. In essence, the bill seeks to abolish a key institution that has protected working people in New South Wales for more than a century—an institution that has been developed over the past 100-odd years, on the back of hard-fought campaigns to provide access to legal redress for industrial dispute for working people in New South Wales. We on this side of the House are incredibly proud of that long history dating back to the early 1900s. It is an immensely important aspect of the Australian Labour Movement as a collective, that if something happens to you at work, then you should have access to legal redress. It is literally one of the fundamental reasons for which the Australian Labor Party exists today. We on this side of the House believe that this legal redress should not be difficult or expensive to access. It should not require barristers or solicitors. Instead, workers should be allowed to participate in a court of law and advocate on their own behalf if required, or to have their union or employer association act on their behalf.

Following the defeat of the Howard Coalition Government's anti-worker WorkChoices legislation, the Federal Labor Government was compelled to establish the modern award system, centralising much of the patchy State-by-State agreements into the Federal system. The sole justification for abolishing the Industrial Court and stripping the provisions that apply to the Industrial Relations Commission is that they do not have enough work to do. That has happened because of the ideological drive of Government members to strip away the important work of the Industrial Court. If this bill is passed, working people no longer will have access to a specialised court that allows them to pursue redress on a range of matters, such as breaches of industrial instruments, recovery of wages, unfair contracts, regulations of unions and employer organisations, superannuation appeals and violations of dispute orders.

For cashed up companies and well-resourced employer organisations that are well attuned to the law and appear regularly in the courts, it will not make a great difference whether they file in the Supreme Court or in the Industrial Court. However, individual workers, small trade unions and small businesses will be pushed into a court of law that is not designed to be accessed by them. This tactic has been pursued by Liberals at a Federal level for a long time. Through the Workplace Relations Act 1996 Federal Liberals sought to push industrial relations into the Federal Court and out of the Industrial Relations Commission at a Federal level. In this House today we are seeing the exact same thing happening at a State level.

There are a number of things that make Labor members stand in opposition to this bill. This bill diminishes the Industrial Relations Commission as a specialist jurisdiction. It reduces access to justice. It will expose workers to higher costs and make for a more intimidating experience for workers who are looking to have their industrial disputes settled. In various iterations over the past 100 or more years the industrial commission and court have played a significant role protecting and supporting working people in a less formal and legalistic manner. The changes effected by the bill will end that. This bill will expose litigants to the higher costs of the Supreme Court. In the other place last night, the Hon. Courtney Houssos illuminated the cost issue and stated:

It will cost almost \$200 more to make exactly the same application in the Supreme Court than in the Industrial Court under the existing rules. Again, that might not be much to a large, well-resourced company. But how is an individual worker seeking recovery of wages with their trade union acting on their behalf or perhaps representing themselves supposed to stump up more than \$1,000? This bill is making the process more formal and more legalistic. It is causing us to lose the specialised functions that have been developed over the past almost 120 years through our industrial relations court.

As many people throughout this process have pointed out, unfortunately the Government has kept the submissions on this matter under wraps. But it was also pointed out in the other place last night that Alex Grayson, who is an eminent industrial relations lawyer from Maurice Blackburn Lawyers, said publicly that she was concerned that access to justice would diminish under the new arrangements. She said:

It is more intimidating and costly for employers and employees to access litigation in the NSW Supreme Court.

That point goes to the heart of why this bill should not be supported. Because the prospect of approaching the Supreme Court is much more daunting, that will act as a disincentive to many average workers who are seeking redress. Finally I will briefly touch on work health and safety, which is so important to workers in this State. Under the Liberals, the enforcement and prosecution of work safety laws has been significantly scaled back, to use an understatement. Trade unions largely have lost the ability to enforce those laws, except in extreme circumstances. The Opposition thinks the rates of accidents, including fatalities, remain unacceptably high. The 2012 workers compensation changes reduced benefits to injured workers to the lowest level in living memory, which is shameful. Among the harshest changes were the time limits of medical treatment, the removal of coverage

when travelling to and from work, and the retrospective removal of rights from workers who had been injured many years before the changes were implemented. While there has been some more recent winding back of those laws, there has been very little of that indeed.

The Opposition believes that mechanisms are needed so that workers and unions can more effectively enforce work safety—including obligations on employers regarding rehabilitation and return to work, ensuring that any disputes about treatment or compensation are resolved by an independent tribunal—and that all work safety prosecutions should be returned to the Industrial Court but, if that is not to be, then to a superior court of record. That is the context in which the Labor Party approaches this bill. Labor members think that it is a continued attack on the jurisdiction that has protected working people, and we find that unacceptable. Before I conclude I acknowledge the work of the Hon. Adam Searle, the Leader of the Opposition in the other place, who has been forensic in his analysis of the bill. He is an asset to, and true friend of, working people in New South Wales. In conclusion, I reiterate that the Opposition opposes this bill because it will serve only to make more difficult, more expensive and more intimidating the access by workers in New South Wales to adequate redress. New South Wales workers deserve reasonable access to enforce their rights. This bill does not provide that.

Mr DAVID MEHAN (The Entrance) (12:05): At the outset of my contribution to debate on the Industrial Relations Amendments (Industrial Court) Bill 2016 I state that my Labor Opposition colleagues and I oppose the bill. The Arbitration Court originally was established in 1902 under the Industrial Arbitration Act as the forerunner of today's Industrial Court, and it was established for good reason: At that time, Labor and Liberal members of this Parliament recognised the need for a set of laws that would operate outside the existing system of black letter law, such as the law of contract and property law, that governed workplace relations up until that point. The Liberal members of that time were enlightened and social Liberals, who worked with the nascent Australian Labor Party to formulate a set of laws to deal with disputes between employers and employees that were not being adequately dealt with by contract and property laws. Today's Liberals are not descendants of those Liberals.

Dr Geoff Lee: They are not like 100 years ago. You are absolutely right.

Mr DAVID MEHAN: Current members of the Liberal Party are not like the Liberals of 100 years ago, certainly; and they certainly are not social Liberals. Current Liberal members are deeply imbued with right-wing ideology that would have made them more attuned to conservative politicians in 1902. That small group of conservatives opposed the early industrial laws, but were defeated in this House by enlightened Liberals.

Mr Mark Coure: Were you there?

Mr DAVID MEHAN: The member for Oatley has nothing in common with those enlightened Liberals.

TEMPORARY SPEAKER (Mr Lee Evans): Order! I remind the member for Oatley that he already is on a call to order.

Mr DAVID MEHAN: The bill will amend the Industrial Relations Act to abolish the Industrial Court, appoint the current President of the Industrial Relations Commission as a judge of the Supreme Court, reconstitute the Industrial Relations Commission to comprise a chief commissioner and commissioners, transfer certain functions of the Industrial Court to the Supreme Court and in some cases to the District Court and the Industrial Relations Commission, update references consequent upon the reconstitution of the Industrial Relations Commission, and repeal certain other Acts. Labor's principal concern, among those important matters to which I have referred, is that by transferring enforcement functions that currently are undertaken by the specialised Industrial Court to the Supreme Court, additional layers of cost and impediment will be created that will prevent working people from obtaining justice in this State.

Supreme Court fees alone are higher than the low-fee or no-fee system that operates in the Industrial Court. The cost of briefing counsel to appear in the Supreme Court will more financially set back working people, unions and employer associations than does the current cost of briefing counsel to appear in the Industrial Court. The mere formality of the Supreme Court compared to the less formal atmosphere that prevails in the Industrial Court will only make obtaining justice for working people so much harder than it is now. Since coming to power those opposite have slowly hollowed out the space occupied for industrial law to be dealt with by a specialist tribunal in this State, principally by transferring all the workplace safety matters, which used to be dealt with in the Industrial Court and in the NSW Industrial Relations Commission, to the Supreme Court.

The Industrial Court's workload has diminished to the level we find right now after the court's work was hollowed out by those opposite, finally killing the Industrial Court for ever. This has completed the work of the conservative ancestors of those opposite that was started in 1902, which was aimed at getting rid of specialist tribunals to deal with the specifics of workplace relations. Workplace relations matters cannot be dealt with in a black-letter court or in the Supreme Court as envisaged under the terms of this bill. Labor opposes this bill and

this approach to workplace relations. I am glad to say that Labor has a firm policy, which we took to the last election and we will take to the next election.

Dr Geoff Lee: How did that go for you?

Mr DAVID MEHAN: We won a lot of seats on the Central Coast. We are coming back.

Dr Geoff Lee: You lost the election.

TEMPORARY SPEAKER (Mr Lee Evans): Order! I remind members that interjections are disorderly.

Mr DAVID MEHAN: Labor's policy remains firm. We believe that working people need access to a specialist tribunal to deal with workplace relations and to deal with the special circumstances of the relationship between employers and employees. This bill will diminish that for working people in this State. This Government will be remembered for what it is doing to working people in this State. Members of this House should oppose this bill because it is bad law.

Mr DAVID HARRIS (Wyang) (12:11): The Baird Government's proposal to water down the NSW Industrial Relations Commission [IRC] could have significant consequences for working rights in New South Wales. As my colleagues on this side of the House have said, that is why the Labor Opposition opposes the Industrial Relations Amendment (Industrial Court) Bill 2016. The NSW Industrial Relations Commission has operated seamlessly since 1901 as a respected and venerable institution with a proud history of protecting and advancing the rights of workers and employees generally. Over more than a century the commission has made a major contribution through test cases prosecuted by the union movement to improving standard conditions of employment and entitlements that have regularly flowed into the Commonwealth jurisdiction and the jurisdiction of other States.

The IRC has a history of being an important trendsetter with those trends being followed by the Commonwealth and in other States and Territories. Employment conditions in Australia would not be the same without that century of activism. The detail of this proposed amendment bill will see the current president of the IRC, Justice Walton, transferred across to the Supreme Court in a way that protects his salary as a personal occupant only and his seniority from the date he was appointed a judge. I understand this is necessary because the Industrial Court is a superior court of record and for the holder of a judicial office of that kind the Government is required by the Constitution to appoint Justice Walton to an equivalent court.

The Hon. Adam Searle in the other place eloquently outlined that the bill makes a number of ancillary changes to the operation of the Industrial Relations Commission as a tribunal. The lesser position of chief commissioner is modelled on the Western Australian approach and will replace the office of president. The holder of that office will be required to be an Australian legal practitioner but he or she will not be a judicial officer. The office of vice president of the Industrial Relations Commission has been vacant since Justice Walton became President of the Industrial Relations Commission on 3 February 2014 and will be abolished.

The prospect of approaching the Supreme Court is much more daunting and will act as a disincentive to many people seeking redress. The Hon. Adam Searle also said a substantial part of the remaining jurisdiction of the Industrial Court is breaches of industrial instruments and recovery of outstanding wages. In various iterations over the past 100 or more years the Industrial Relations Commission and Industrial Court have played a significant role in protecting and supporting working people in a less formal and legalistic way. The changes in this bill will end that, as outlined by other Opposition speakers in this debate. As has been said, the more formal process will make it more difficult for litigants and discourage them from pursuing litigation because of the higher costs involved. The Industrial Court has the same costs jurisdiction as the Supreme Court but it has tended not to work in the same manner.

Unions NSW Secretary Mark Morey said the removal of the judicial function would be a retrograde step for industrial relations in New South Wales. He said this step is entirely consistent with the modus operandi of the Baird Government, which is to dilute every check and balance on the Premier's power. There is no practical justification for this watering down of the Industrial Relations Commission's longstanding functions. Mr Morey said that it seems that Mike Baird and his Government simply want to remove an institution that specialises in industrial relations law. Instead we will now see industrial matters dealt with by judges, who are more used to dealing with commercial or criminal matters. It will be slower, more unwieldy, and ultimately, more costly. Shifting the judicial function out of the commission would have a detrimental effect on the State's industrial system by removing judicial experience and knowledge from the Industrial Relation Commissions' non-judicial functions.

Alex Grayson, a senior associate who manages the employment and industrial relations practice of Maurice Blackburn Lawyers in Sydney, said she was concerned access to justice would diminish under the new arrangement. She said it was more intimidating and costly to start litigation in the Supreme Court. She went on to say that this jurisdiction is about individuals seeking to litigate matters in relation to their employment and that she thought that there is a psychological barrier associated with the name of the Supreme Court. She said that she also thinks there may be an access-to-justice issue on fees because the Industrial Relations Court has always been a low-fee or no-fee jurisdiction and the Supreme Court has comparatively high fees.

This reduction in the work of the court has been caused by the actions of the Baird Government in taking away work safety prosecutions, as outlined by other Opposition members. There is plenty of work under State law that could keep the court fully occupied but the Government does not want institutions dedicated to looking after working people. Instead we will now see industrial matters dealt with by judges, who are more used to dealing with commercial or criminal matters. As I said, this will be slower, more unwieldy and ultimately, more costly.

The Baird Government recently announced a planned facelift for the Macquarie Street precinct and that may be no coincidence. That redevelopment would include beautiful sandstone buildings in Bridge Street, including the building occupied by the New South Wales Governor and the Industrial Relations Commission on the corner of Macquarie and Bridge streets and the offices of the Department of Education and the Department of Planning located further down the hill. We know those buildings have been sold to private consortiums to be redeveloped as hotels.

The Government may have decided it would be convenient to abolish the Industrial Relations Commission as the space the commission currently occupies could be sold to commercial real estate interests or hoteliers. Government members must be drooling at the prospect of selling one more magnificent Victorian building. We must look carefully at the motivation behind this legislation other than the Government's ideological slant when it comes to industrial relations. It seems this Government's main concern is getting rid of as many public institutions as possible and selling off the real estate they occupy. We know that the Government has already measured up the premises with the potential of moving some Cabinet offices, but as with everything else done by the Baird-Grant Government, commercial interests will win out.

I noted interjections when those on this side of the House were speaking. I point out that the Government should start listening to the Opposition because, as with greyhound racing, we feel the pulse of the community. We understand how the community feels on issues such as industrial relations and workplace safety. We understand what the community thinks about these issues. The Government seems to have lost touch with what the community thinks and it seems to be all about driving a particular agenda that is different to that of the people of New South Wales. Members opposite may be looking over their shoulders come the next election, and not just because of issues such as greyhound racing, council amalgamations and privatising our hospitals. As we found with the WorkChoices campaign, industrial relations is dear to the hearts of people in New South Wales. They want a fair go at work and they want their workplace relations issues looked after. This move by the Baird Government can once again be seen as an undermining of people's rights in the workplace. Come the next election, I think the Baird Government will pay dearly for its unfortunate ideology.

Mr CLAYTON BARR (Cessnock) (12:20): I speak in debate on the Industrial Relations Amendment (Industrial Court) Bill 2016 and, like my colleagues, state at the outset that the Australian Labor Party is opposed to this bill. What an appalling and disgusting piece of legislation it is, brought into this place by a Government that refuses the people of New South Wales the right to justice. The dictates of this Government for the past five years have been to constantly erode the rights of people and to move justice further away from them. One wonders why the Government would want to do that, other than because of its ideological position.

I have said in the past and I say again today that I am embarrassed for Government members. I am embarrassed that they cannot come into this Chamber, go to the community or state proudly and publicly what they truly believe in. If Government members believed that communities wanted justice—in this instance, justice in the workplace—to be further away from them and if they thought it was a wonderful idea that would be supported by the community, we would see slogans, pamphlets in our letterboxes and T-shirts saying, "If you re-elect us, we will make sure you have less opportunity for justice at work. If you re-elect us, we will make sure that we get rid of the Industrial Relations Commission—which currently protects workers and looks after their safety in the workplace—because that is a burden to you as a community and as voters." If the Government truly believed this, it would campaign like that on these issues.

However, after examining a few campaigns across the State in the 2015 election, I can guarantee that not a word was spoken. Not one campaign, not one slogan, not one leaflet and not one newsletter talked about the wonderful opportunities that this Government is seeking to put forward in this bill. That is because the Government knows that the people of New South Wales love the idea that there is an Industrial Relations

Commission. They love the idea that if something goes wrong or is untoward in their workplace, they can take themselves off to the commission and have their matter heard in an informal setting that costs either nothing or a nominal fee. They love the fact that they can seek justice and that it is within reach.

I would love any Government member to do a street poll of the community—people walking through shopping centres or along footpaths; people at the local wharf, beach or winery—and ask, "Are you willing to take your matter to the Supreme Court?" I wonder how many people would answer yes, because the idea of the Supreme Court is an enormous step for the citizens of New South Wales. It is an unthinkable step with enormous rules and responsibilities but also unimaginable potential costs that could destroy the financial capacity of a person or a family. The point of moving industrial relations off to the Supreme Court is deliberately, tactically and technically about moving the opportunity for justice in the workplace out of the reach of citizens.

This Government will not campaign on this. It will not front the community and tell it what a wonderful opportunity this is. It might do it in quiet corridors or at a luncheon at a business chamber meeting, but it will not do it with the general public. Members of the Government deride the union movement and the historical advances it has made for the people of New South Wales and Australia. They do not tell the community, "We think we should get rid of your holiday pay. You should not have access to sick leave. You should not have working hours of 40 hours a week or fewer. You should not have access to leave to look after your family and sick children." Government members do not go out into their communities and say that. They do not say, "We fundamentally do not believe you should have all those conditions that are in your workplace." But those conditions were fought for by the workers who have historically belonged to unions, and the unions delivered them.

If the Government does not believe in the right of people to have these conditions, it should go out and tell the community that. It should campaign on it. It should put it in a newsletter and whack it on a T-shirt: "Here I am, a Coalition candidate. Get rid of holiday pay! Get rid of sick leave! Get rid of your rights in the workplace!" If that is what it believes in, it should be proud of it. The Government should put it out there instead of bringing forward ridiculous pieces of legislation like this under the guise of an efficiency, a cost-cutting exercise or there being no need for this anymore. The Government has set the chessboard to make sure that this industry fails, and already today there is criticism that the Government has done exactly the same to the greyhound racing industry:

The Government structured and applied a set of rules in a way that guarantees failure. This is what the Government has done to the Industrial Relations Commission. Over the past three years, it has deliberately set up rules and put in place conditions and regulations to make sure that the work of the Industrial Relations Commission has diminished. The longer-term plan on the chessboard was that, four or five years down the track, it could say, "Well, it is gone." What happens when it is gone? Justice is further away. If this Government is proud of that, I invite, welcome and challenge it to go into the community and tell the community so. The Government should tell the community that it does not believe in its rights at work and that it wants to get rid of them.

The Government should tell the community that it believes it is okay for justice to be further away. The Government should campaign on it. I am embarrassed for the Government when it brings legislation like this into this place and suggests that it is something it has to do as opposed to something it wants to do. Fundamentally, it wants to do it—but it does not want the community to know that it wants to do it. That is why we have these pieces of legislation. The Industrial Relations Amendment (Industrial Court) Bill 2016 is the latest episode of this Government espousing its true ideology, beliefs, philosophy and personality under the banner of finances. I am embarrassed for it that it cannot be proud of what it truly believes.

Debate adjourned.

Members

LEGISLATIVE COUNCIL VACANCY

At 12:30 the House proceeded to the Legislative Council Chamber to attend a joint sitting to elect a member to fill a seat in the Legislative Council vacated by the Hon. Sophie Cotsis, resigned.

At 12:42 the House reassembled.

TEMPORARY SPEAKER (Ms Anna Watson): I report that the House met with the Legislative Council in the Legislative Council Chamber this day to elect a member to fill the seat in the Legislative Council rendered vacant by the resignation of the Hon. Sophie Cotsis and that John Edward Graham was duly elected. I table the "Minutes of the Proceedings of the Joint Sitting of the Houses of Parliament of the State of New South Wales held on Wednesday 12 October 2016 to choose a person to fill the vacancy in the Legislative Council caused by the resignation of the Honourable Sophie Cotsis". I order that the minutes of proceedings of the joint sitting be printed.

*Bills***INDUSTRIAL RELATIONS AMENDMENT (INDUSTRIAL COURT) BILL 2016****Second Reading****Debate resumed from an earlier hour.**

Mr ANOULACK CHANTHIVONG (Macquarie Fields) (12:43): My colleagues have already voiced their disappointment about the introduction of the Industrial Relations Amendment (Industrial Court) Bill 2016 because it represents a betrayal of working people and their families in New South Wales. Our public institutions reflect our collective values; that is, what is important to us as a society, what we believe constitutes a fair society, and the basis on which we move forward as a nation. Our physical and cultural institutions tell the world who we are and what we believe. Our parliamentary democracy and the principle of the separation of powers have been developed over time and occupy a special place in our national psyche. They also demonstrate our priorities to the world.

When institutions are changed, or in this case abolished, we are telling the world that they are no longer relevant, that they no longer have a place in our society, and that they no longer reflect our collective values. The Labor Party has always valued the Industrial Relations Court, which not only provides a legal process but also reflects our collective view of what is a fair and reasonable basis on which to treat workers. Of course, Australia and New South Wales have some great institutions. However, our strength is based not only on our economic institutions and our high-wage and service economy. One of the greatest institutions in this country is the notion of giving everyone a fair go, and, in particular, a fair go for workers who do a fair day's work. All they want is a fair day's pay in return.

The Industrial Relations Court is not a new institution; in fact, it has been around since the Harvester case, which was decided by Justice Henry Bournes Higgins. That case was the genesis of our industrial relations system. The court embodies our belief in what is fair and reasonable. Australia's industrial relations system is unique in the world because it respects the contributions made by both workers and their families and employers. Employees and employers are not necessarily adversaries. Nor are they independent of each other; they are interdependent in creating a fair working environment that rewards effort. As Justice Higgins said, without a fair and reasonable industrial relations system there is the potential to create a poor working underclass of people who toil for hours, days and weeks for unfair and unreasonable wages.

By abolishing the Industrial Relations Court we will be destroying an institution that reflects our greatest traits and values, which call for fair and reasonable workplaces. Of course, those traits and values are upheld by the court. If we abolish it, we will send the message that these values are no longer important in our system. I fundamentally disagree with that. Working people and their families simply want a fair day's pay for a fair day's work. When that is not available to them, they want redress to an institution that will give them a fair hearing. They do not want to be intimidated, as could happen in the Supreme Court. They want their issues considered by an institution that understands them, and the Industrial Relations Court is that institution. If we remove that avenue of redress, we will make it more difficult for workers to engage in the political process.

We have seen the impact of globalisation, which has resulted in the disengagement of the working majority of the population. This phenomenon is not exclusive to the Australian economy; it has happened across the industrialised world. Many jobs have been lost, and that has generated disenchantment in those who believe in institutions such as the Industrial Relations Court that provide them with a fair platform on which to pursue what is important to them and their families. This bill is unfair and it is unreasonable. It subverts our strong values and one of our most important cultural institutions in New South Wales. I ask the Government to listen to the Opposition and the people we represent. The Industrial Relations Court epitomises the principle of a fair go and a fair day's pay, and it must be retained.

Ms GABRIELLE UPTON (Vaucluse—Attorney General) (12:49): In reply: I thank the Government members for Tweed and Myall Lakes for their contributions to debate on the Industrial Relations Amendment (Industrial Court) Bill 2016. I also thank the Opposition members for Keira, Prospect, Shellharbour, Swansea, The Entrance, Wyong, Cessnock, and Macquarie Fields—who was a late entry—for their contributions to the debate. As we have heard, for many years the Industrial Relations Commission of New South Wales has comprised entities that have performed two functions: the commission, which has non-judicial functions such as the arbitration of industrial disputes and the setting of wages and conditions of employment; and the Industrial Court, which has judicial functions.

The Government believes this model can be improved. By integrating the Industrial Court with the Supreme Court, the superior court of our land, under this bill the Government is ensuring that industrial relations cases will be dealt with as effectively and efficiently as possible for the people of New South Wales. This is a

logical and necessary reform and it creates a sustainable way for the Industrial Relations Commission to continue into the future. It is a reform supported by the Chief Justice and the current President of the Industrial Relations Commission [IRC], Justice Walton, as well as many stakeholders. Contrary to the member for Keira's comments in this Chamber, 23 of 30 stakeholders who provided submissions in relation to this bill—the vast majority—either supported or did not oppose this reform. I thank all those stakeholders for their input in developing the bill which is before the House.

Before concluding I will address some of the particular matters that have been raised by members in this Chamber. In the other place, which sat until late last night and in which the bill was passed, the Opposition proposed a number of amendments. Those amendments were opposed by the Government and ultimately defeated in that House. Yet today Opposition members have again attempted to revive some of those issues in the same way in this House. There was no originality to anything that was raised in this House—just a lot of banging on again and going through the motions.

I understand why members of the Opposition may need to say things such as those the member for Macquarie Fields just said in this Chamber and give us a lecture on industrial relations history. That is all fair, well and good if members have read the bill and understand what we are trying to achieve by this. The bill has majority support from stakeholders including the judicial officer who will be moved to the Supreme Court to continue this work in a forum that will do this work better and more efficiently for the workers referred to by the member for Macquarie Fields.

As I said before, and it was said last night in the other place, the intent of this bill is to make a clean break between the judicial and non-judicial functions of the commission. Identifying the matters to be transferred to the Supreme Court has been the subject of very careful consideration by the Government and stakeholders. It is important not to blur the line between the commission and the court and dilute the original intention of the reform, which is why the Government rejected the Opposition amendments in the upper House. This would mean that some judicial functions would be exercised by non-judicially qualified commissioners in the commission. That would not be appropriate or fair.

The Industrial Court currently has the status of a superior court, as does the Supreme Court, and it is appropriate that the judicial function should remain in a jurisdiction of superior court status to be exercised by judicial officers. That is a matter that seems to be lost on all of the Opposition speakers in this Chamber today. The Supreme Court is already hearing a number of industrial relations matters commenced in the Industrial Court when, for example, Justice Walton is unavailable. I know this because I am notified of the circumstances in which this happens. There are Supreme Court judges with industrial relations experience. The allocation of matters in the Supreme Court is of course a matter for the Chief Justice of the Supreme Court, which is entirely appropriate.

In relation to concerns raised by the member for Keira about conciliation, the commission will continue to be required to endeavour, by all means it considers necessary and appropriate, to settle the matters that are commenced before it. The Supreme Court will be able to refer to the commission matters that are commenced before it for conciliation if it considers that it is appropriate to do so. This will extend to unfair contract matters. The Supreme Court will refer all such matters for mandatory conciliation in the first instance. Similarly, the newly constituted commission will have powers to refer questions of law or even entire proceedings to the Supreme Court. These referral mechanisms recognise and imbed in the change the important relationship between the arbitral and judicial functions of the current IRC.

In response to comments made by the member for Prospect and the member for Shellharbour, who is present in the Chamber, I note that all existing fee exemptions will be maintained. This means that registered organisations—being unions and employee and employer associations—will continue to be exempt from fees for proceedings before the Supreme Court. Supreme Court fees may also be waived, reduced or postponed at the discretion of that court's registrar. Relevant consideration of whether the payment of fees would cause undue hardship already exists. Applicants represented by Legal Aid or pro bono representation in the Supreme Court automatically have fees postponed until after judgement.

In relation to concerns expressed by the member for Keira and the member for Swansea that the Supreme Court will be more formal than the Industrial Court, as I have said, the Industrial Court and the Supreme Court both have status as superior courts of record as they stand at this moment. Litigants also retain the ability to be self-represented in the Supreme Court. The Supreme Court currently supports self-represented litigants with materials, information and access to registry advice. It will continue to do so for industrial matters that will now be heard in the Supreme Court. The Supreme Court has a duty registrar service that operates each day in the registry to provide procedural and informal advice to litigants. No appointment is required to access the service.

As I have said before, the Supreme Court already hears matters falling within the Industrial Court's jurisdiction where necessary. I also emphasise that the large majority of industrial relations matters in New South

Wales are commenced in the commission rather than in the Industrial Court. In 2015, for example, 37 matters were commenced in the Industrial Court compared with 1,017 in the commission. This bill affects only the minority of matters commenced in the Industrial Court, being the most complex, warranting determination by the highest court of our land about matters of law. It means those matters will continue to be heard by a court of superior status but in a more efficient way. The majority of industrial relations matters will continue to be heard in the commission with the benefit of its informal and flexible procedures and conciliation. As has already been said, the number of commissioners will remain unchanged at five.

The member for Prospect queried why the bill will make the handling of industrial cases more efficient. It is really quite simple. The integration of the Industrial Court with the Supreme Court presents a significant opportunity to capture the efficiencies of scale associated with handling matters under the larger jurisdiction and resources of the Supreme Court. It will also enable a larger pool of judges to handle industrial relations cases and enhance the capacity of the court to attend to urgent industrial matters because there will be a greater pool of judges from which to call on. With only one judge, Justice Walton, currently available to hear matters in the Industrial Court, parties can be delayed in getting access to justice and the assistance they need if President Walton is occupied with a lengthy hearing or happens not to be before the courts.

The Government is committed to ensuring that industrial relations matters are adjudicated in the most efficient and cost-effective way, while continuing to allow timely access to the best justice—the justice of the Supreme Court of New South Wales. Contrary to the Opposition's assertions, this bill will strengthen the industrial relations framework. That point was missed by the Opposition in this Chamber today. This bill will promote faster access to justice in the ways that I have outlined, with less disruption for parties who want to see their matters resolved. The member for Cessnock contributed to the debate. We do not like his politics. He waffled on, as did the member for Macquarie Fields, giving us a history lesson about industrial relations. He failed to recognise that the reform implemented by this bill provides justice in a better way for people with judicial industrial relations matters to be determined.

This bill is another improvement to our State's industrial relations framework. At its core the bill is about ensuring that the people of New South Wales have access to conciliation and arbitration in the commission. At the same time, the increased listing capacity of the Supreme Court, as compared to the existing Industrial Court, will benefit those seeking judicial determination of their industrial relations issues. Maintaining the Industrial Court as a separate court since the major decrease in its workload has brought many challenges. The expansion of the Federal jurisdiction and the concurrent contraction of the New South Wales industrial jurisdiction have had a significant effect on its workload, in both its arbitral and judicial roles. The number of matters commenced in the Industrial Court fell from 766 in 2005 to only 37 in 2015.

It is clear that there is now insufficient work in the Industrial Court to occupy the single remaining judicial member and President of the Industrial Relations Commission [IRC], Justice Walton. I take this opportunity to recognise the contribution of Justice Walton, who served the people of New South Wales as a judge and as Vice-President of the IRC from 1998, before being appointed President of the IRC in 2014. I am pleased that Justice Walton will bring extensive industrial relations experience to his role as a judge of the Supreme Court and will continue his important work there. This bill recognises that the judicial functions performed by the Industrial Court are important and must continue to be performed—which is contrary to what members of the Opposition would like us to believe—but that the resources devoted to those functions need to be managed differently so that they are more effective.

One of the advantages of the change is that the online registry of the Supreme Court will become available for matters currently heard in the Industrial Court, allowing applicants to file applications, lodge documents and receive updates about their matters online. This will assist regional and remote communities in particular. The online registry has already been a huge success in other courts, with more than 5,000 people using it every day since it was introduced in 2014. Around a quarter of a million forms have been lodged via the online registry and 80 per cent of all registry transactions in the Supreme Court, the District Court and the Local Court are now done online, often outside business hours. It assists people to seek justice on the terms that suit them. I have every confidence that the reconstituted commission and the Supreme Court, as the new custodian of the Industrial Court's judicial functions, will continue to deliver industrial relations services no less excellent than those of the IRC in its combined roles. I commend the bill to the House.

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

The House divided.

Ayes	48
Noes	31
Majority.....	17

AYES

Anderson, Mr K
 Barilaro, Mr J
 Brookes, Mr G
 Coure, Mr M
 Elliott, Mr D
 Goward, Ms P
 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

Aplin, Mr G
 Berejiklian, Ms G
 Conolly, Mr K
 Crouch, Mr A
 Evans, Mr L
 Grant, Mr T
 Henskens, Mr A
 Johnsen, Mr M
 Maguire, Mr D
 O'Dea, Mr J
 Perrottet, Mr D
 Provost, Mr G
 Sidoti, Mr J
 Stokes, Mr R
 Tudehope, Mr D
 Williams, Mr R

Ayres, Mr S
 Bromhead, Mr S (teller)
 Constance, Mr A
 Dominello, Mr V
 Fraser, Mr A
 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

NOES

Aitchison, Ms J
 Car, Ms P
 Crakanthorp, Mr T
 Finn, Ms J
 Harrison, Ms J
 Lulich, Mr N (teller)
 McDermott, Dr H
 Mihailuk, Ms T
 Parker, Mr J
 Warren, Mr G (teller)
 Zangari, Mr G

Atalla, Mr E
 Catley, Ms Y
 Daley, Mr M
 Greenwich, Mr A
 Haylen, Ms J
 Leong, Ms J
 McKay, Ms J
 Minns, Mr C
 Robertson, Mr J
 Washington, Ms K

Barr, Mr C
 Chanthivong, Mr A
 Dib, Mr J
 Harris, Mr D
 Hornery, Ms S
 Lynch, Mr P
 Mehan, Mr D
 Park, Mr R
 Smith, Ms T
 Watson, Ms A

PAIRS

Baird, Mr M
 Gibbons, Ms M
 Hancock, Ms S

Foley, Mr L
 Hoenig, Mr R
 Smith, Ms K

Motion agreed to.

Third Reading

Ms GABRIELLE UPTON: On behalf of Mr Brad Hazzard: I move:

That this bill be now read a third time.

Motion agreed to.

**CHILD PROTECTION (WORKING WITH CHILDREN) AND OTHER CHILD PROTECTION
 LEGISLATION AMENDMENT BILL 2016**

First Reading

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

Second Reading

**Mr BRAD HAZZARD (Wakehurst—Minister for Family and Community Services, and Minister
 for Social Housing) (13:10):** I move:

That this bill be now read a second time.

I am pleased to introduce the Child Protection (Working With Children) and Other Child Protection Legislation Amendment Bill 2016. The bill supports the commitment of this Government to keep children and young people safe on an ongoing basis. It amends the Child Protection (Working With Children) Act 2012 and the Children and Young Persons (Care and Protection) Act 1998 and includes amendments to the Teaching Service Act 1980 and the Education (School Administrative and Support Staff) Act 1987. Turning first to the amendments to the Child Protection (Working With Children) Act, as members of the House will be aware, this Government has already implemented a number of significant improvements to the Working With Children Check regime.

The most recent amendments introduced last November will ensure that those who have committed serious sexual and other offences and have served a term of imprisonment will never be able to appeal a bar imposed on them. Persons who have been convicted of serious offences and are subject to a current specified bond also cannot appeal the duration of the bond. These amendments were in line with recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and its Working With Children Check report. Other notable improvements were the introduction of a "reasonable person" test to be applied by the Children's Guardian and the NSW Civil and Administrative Tribunal [NCAT] and the establishment of an expert advisory panel to provide general advice to the Children's Guardian in relation to risk assessments.

I can safely say that the New South Wales Working With Children Check regime is by far the most progressive check in Australia and is broadly consistent with the standards recommended by the royal commission in its Working With Children Check report. I note, however, that no legislative regime can ever replace implementing strong child safe practices and strategies that complement the Working With Children Check scheme to provide a child-safe environment in every workplace. This legislation builds on the strong foundations of our Working With Children Check scheme, providing greater clarity in strengthening legislative frameworks and systems that underpin the safety and wellbeing of children in our State. Overall, the amendments clarify certain provisions that have unintended consequences or are ambiguous and provide legislative authority for operations that address community concerns regarding perceived risks to children.

I turn now to the detail of the Working With Children Check amendments. As I mentioned earlier, many of the proposed amendments address inconsistencies within the Act. One such inconsistency is in the treatment of applicants for a Working With Children Check and holders of a Working With Children Check clearance. One of the most notable features of the Working With Children Check scheme is that all cleared persons, that is holders of clearances, are subject to ongoing monitoring for relevant records in New South Wales for the five-year life of the clearance. Some continuous check events will cause a holder of a clearance to be disqualified or it will trigger a risk assessment. In the risk assessment process, both applicants and holders should be treated alike. However, there are some inconsistencies in the treatment of applicants and holders which this bill addresses.

At present, the Children's Guardian can terminate an application if the applicant fails, without reasonable excuse, to provide further information within three months of a request by the Children's Guardian for further information. This does not extend to holders. The bill will allow the Children's Guardian to similarly cancel a clearance if a holder fails, without reasonable excuse, to provide further information within three months of a request by the Children's Guardian for further information. Similarly, applicants who wish to withdraw their Working With Children Check applications cannot do so without the consent of the Children's Guardian, and such consent will not be granted if the Children's Guardian is of the view that the person wishing to withdraw their application poses a risk to the safety of children.

To ensure consistency of practices, the bill will require a holder of a clearance to similarly obtain the consent of the Children's Guardian before surrendering a clearance. Further, an applicant who has been refused a clearance because of pending charges for a disqualifying offence cannot seek review or apply for an enabling order. However, at present, this exclusion does not apply to a holder whose clearance has been cancelled because of a pending charge. The bill makes it clear that a person whose clearance has been cancelled on the ground of pending charges for a schedule 2 offence is also not entitled to make an application for review or an enabling order, as is the case for applicants with a similar pending charge.

Other clarifying amendments are in relation to where a person has been convicted of a specified offence and is subject to a current order under specified New South Wales and Commonwealth legislation. Such persons are precluded from seeking review at NCAT for the duration of the order. No reference is currently made to equivalent orders of another State, Territory or foreign jurisdiction. The bill clarifies that a person who is subject to equivalent current orders from another jurisdiction to those currently prescribed in the Act will also not be entitled to apply for review or an enabling order for the duration of the order, as is the case in relation to persons convicted of certain offences who have served a term of imprisonment regardless of the jurisdiction. The bill also reiterates the present position that a person whose clearance has been cancelled can apply for review only if the cancellation was because the person has been disqualified or poses a risk to the safety of children.

Section 35 of the Child Protection (Working With Children) Act requires reporting bodies to notify the Children's Guardian of their findings that a child-related worker has engaged in sexual misconduct or serious physical assault. The notification period extends to findings made before the commencement of the section, which is 15 June 2013, with no limitation on the age of the findings. This means that all historical matters must be reported regardless of the age of the matter, placing an unreasonable burden on agencies. Under the previous legislation before the Child Protection (Working With Children) Act was enacted, the reporting period was limited to post-1995 matters. The change is understood to be unintended as there was no consultation on this issue. The issue was resolved temporarily by way of a transitional regulation, which lapses on 29 October 2016, not requiring reporting of findings pre-1995 except if required by the Children's Guardian.

The bill legislates for agencies to not be required to report on misconduct matters pre-1995 unless required by the Children's Guardian. The bill also includes reporting obligations for holders of key positions reflecting the findings of the royal commission about the requirement for an agency to report if aware of relevant records, but with no requirement to review or seek out pre-1995 records. The bill also proactively makes provision for the recommendations of the royal commission with regard to exchange of information relating to Working With Children Checks with corresponding bodies in other jurisdictions, subject to ministerial protocols. I seek leave to postpone the commencement of community recognition statements to permit me to conclude my second reading speech.

Leave granted.

This provision is modelled on a similar provision in the Children and Young Persons (Care and Protection) Act, which makes provision for the exchange of assessment information relevant to assessing the suitability of a person to be an authorised carer or adoptive parent. Providing for such an information-sharing provision about decisions relating to Working With Children matters between the Office of the Children's Guardian [OCG] and corresponding interstate bodies is a step towards eventual portability of information between States and Territories, a step that will vastly assist in keeping our children safe from people who pose a risk to the safety of children and use jurisdictional boundaries as a mode of escape. Another recommendation of the royal commission included in the bill is the introduction of the offence of providing false and misleading information when applying for a Working With Children Check or in connection with any inquiry made by the Children's Guardian in relation to such an application.

On the advice of the Solicitor General, the bill also formalises the disclosure of certain probity information to prescribed government agencies. This disclosure limits the need for further probity checking, thus providing significant savings to Government. Lastly in relation to the Working With Children Check amendments, the bill provides clarification that the reasonable person test is to be applied by the Children's Guardian and the NCAT only where the Working With Children Check application to the Children's Guardian has been made after 2 November 2013. All of those amendments, of which some are more significant than others, contribute to making the Working With Children Check scheme in New South Wales an even more effective tool in managing risk in the workplace. I strongly support those amendments. However, I reiterate it is only one of a range of responses not to be relied on in isolation but rather as a necessary adjunct to other child safe strategies and policies.

Moving now to the amendments to the children's employment provisions in the Children and Young Persons (Care and Protection) Act, overall the amendments are intended to strengthen the enforcement options available to the Children's Guardian for the protection of children. The amendments pertain to the regulation of child employment by the entertainment industry. While ethical employers willingly comply and take direction from the OCG, there are increasing numbers of production companies, particularly from overseas, who, for commercial reasons, blatantly falsify information about children employed in their productions to avoid falling within the ambit of the regulation of the OCG. Employers who knowingly and deliberately break the law by employing children without obtaining the necessary authority required under the law are currently under no obligation to provide information or assist the OCG with its inquiries and the OCG has no powers to require compliance.

To this end, the bill proposes amendments to the Children and Young Persons (Care and Protection) Act to provide that the Children's Guardian can: accept a written undertaking from an employer in relation to children's employment as an enforcement option; by notice, in writing, require a person to provide information and documents relevant to their functions relating to employing children; enter and inspect premises other than a dwelling if there is a reasonable suspicion that a child is being employed in contravention of the legislative provisions governing children's employment; and authorise an employee of the Office of the Children's Guardian to serve penalty notices. The types of enforcement options listed above are widely used by Government regulators across a wide array of legislative regimes in New South Wales.

Further, the power of entry is already available in relation to children's employment where the employer holds an employer's authority or exemption. However, for employers who should but fail to hold an employer's

authority, staff of the Children's Guardian do not currently have the power to enter the employer's work premises. This bill amends this gap to allow authorised officers approved by the Children's Guardian to enter premises where there are reasonable grounds to exercise the power on the suspicion that a child is being employed in contravention of the legislation.

Further, appropriate safeguards adopted by other regulators will be adopted by the OCG and included in the Standard Operating Procedures. These safeguards will include authorised officers having widely recognised and appropriate training, for example, a minimum of Certificate V in Government Investigations; the requirement for reasonable belief or grounds to believe that an offence has been or is being committed under the legislation; and the requirement to carry the delegation of the Children's Guardian appearing on the authority identification card which officers must be able to produce when asked.

I am pleased to advise the House that there has been considerable consultation on these proposals from the stage of developing the Cabinet minute through to the development of the bill with industry bodies and government agencies, including the NSW Police Force which is supportive of the proposed changes. Overall, the amendments to the Working With Children Check and the children's employment provisions of the care Act are aimed at acting responsibly and ensuring greater safety for our children. The last set of amendments introduced by this bill relate to education. The amendment makes provision for a person whose Working With Children Check has been cancelled on the grounds of pending proceedings to be suspended or placed on alternate duties pending the outcome of the proceedings, rather than being immediately dismissed.

From the point of view of the Working With Children Check, this change makes no difference as such persons will not be engaged in child-related work. From the perspective of the employee, it would be more reasonable to suspend rather than dismiss an employee while the investigation is still pending. Members on both sides of this House are aware of the tragic outcomes for children where adequate protections have not been put in place to safeguard their wellbeing. Indeed, there can never be too much protection for our children. This bill reflects the Government's ongoing commitment to provide the continuous improvements necessary to protect our children and young people, particularly those most vulnerable in our society. I commend the bill to the House.

Debate adjourned.

Community Recognition Statements

JESMOND LIONS CLUB

Ms SONIA HORNER (Wallsend) (13:21): On 1 October I joined the enthusiastic Jesmond Lions Club as it performed an excellent hands-on community service, which it does every month. The club members travelled around one of the most heavily trafficked areas of my electorate, the boundary of the University of Newcastle Callaghan College Campus, Wallsend, to do an emu bob: picking up rubbish to help beautify our community. My thanks to Bob Forsyth, the Secretary of Jesmond Lions, Chris Bullock, Les Brown and the rest of the Lion's executive and membership for undertaking this excellent service. Thank you for keeping Wallsend beautiful.

MYALL LAKES ELECTORATE RESTAURANT AND CATERING AWARDS

Mr STEPHEN BROMHEAD (Myall Lakes) (13:22): I inform the House that our very own Bent on Food Café in Wingham has been heralded as Café of the Year for Regional New South Wales. Bent on Food took home three awards from the 2016 New South Wales Savour Australia Restaurant and Catering Hostplus Awards for Excellence, including the major award of Café of the Year for Regional New South Wales. Business owner Donna Carrier was also at the evening to accept the awards for Best Café Restaurant North Coast, Northern Rivers, and Best Breakfast Restaurant North Coast, Northern Rivers. The Manning Valley was well represented with Harrigan's Irish Pub, Harrington, winning New South Wales Regional Restaurant in a Pub, Club, Tavern, and Club Taree taking home New South Wales Regional Function-Convention Centre Caterer.

The awards are judged by an independent team of trained judges who anonymously visit the venues to determine the winners. The scores are based on the entire experience from food to customer service by the judges who anonymously dine. Bent on Food will compete with other regional finalists at the National Savour Australia Restaurant and Catering Hostplus Awards for Excellence to be held at Four Points Sheraton, Darling Harbour, in Sydney on Monday 24 October 2016. It has been a successful 12 months for the business as it also took out a number of honours at the North Coast Tourism Awards. The café took out two gold awards in the categories of Tourism Restaurants and Catering and Food Tourism. The café has also been a finalist in the NSW Tourism Awards every year since 2006 and has won a string of gold, silver and bronze awards, and in 2009 the Wingham business took out the National Tourism Award for the Restaurant and Catering category.

MAITLAND RIVERLIGHTS MULTICULTURAL FESTIVAL

Ms JENNY AITCHISON (Maitland) (13:23): The Maitland Riverlights Multicultural Festival was held last Saturday night on the riverbanks of Maitland. The Riverlights Multicultural Festival celebrates our diverse and colourful culture through interactive stalls, dance, food, music and arts. Thousands of residents from Maitland and the Hunter, along with visitors to the region, descended upon Maitland's riverbank on Saturday evening to enjoy the cultural performances and to taste the international cuisine on offer. As night fell, the river came alive, with the lantern flotilla and the illuminated Rainbow Serpent floating downriver for the finale of the evening.

With lantern-making workshops, the Language Lounge, the Global Kitchen and cultural demonstrations, there was something for everyone to enjoy. It was fantastic to see such large crowds coming together to celebrate the diversity of this region. Well done to the Maitland community for supporting this community event, particularly Maitland City Council and our diverse ethnic communities who spent many nights putting this event together. A significant investment of time and effort culminates in this one night, and I thank everyone concerned.

WAUCHOPE CHAMBER OF COMMERCE

Ms MELINDA PAVEY (Oxley) (13:24): I acknowledge the tremendous work done by the Wauchope Chamber of Commerce in my local community. I had the privilege of attending its annual general meeting last Wednesday 5 October, along with Kellon Beard of the NSW Business Chamber. Wauchope has a strong business and enterprise base, which was evident by the energy and participation of community members at the annual general meeting. Its members include businesses such as Hastings Co-op which is about to celebrate its 100th anniversary and Expressways Spares, run by Patrick Cassegrain, which employs hundreds of local people.

I congratulate the ongoing chairman and my mate Rob Hamilton of the Timbertown Motel, who is never shy in confronting or articulating issues affecting the Wauchope community. Particular thanks and acknowledgement to Loris Hendry, the secretary now retired, and who is a great community contributor at many levels. Good luck to the executive, including Gary Rainbow; the effervescent and energetic Tanya Simmons of Bennett Steel; Tim Walker, also of the Hastings Co-op; Gavin Newbound, financial planner; Corey Richardson of Holiday Coast Credit Union; Tracie Sanim, the new secretary of Wauchope golf club; and Ann Perira, who is the ongoing respected Treasurer.

TRIBUTE TO PETER LALOR

Mr EDMOND ATALLA (Mount Druitt) (13:25): I acknowledge the remarkable contribution of Mr Peter Lalor, controller of the Mount Druitt State Emergency Services, for his 49-plus years of volunteer service. Peter is a 2016 nominee for the Pride of Australia Medal. He has many notable achievements, including assisting the Mount Druitt community during the severe hailstorm of 1999, leading the first shift of more than 200 State Emergency Service [SES] volunteers during the landslide at Thredbo and helping the evacuees of Cyclone Tracy. Peter has received many awards during his service, including the New South Wales SES Commissioner's Commendation for Service and Emergency Service medal. I thank him for his dedication and services to the people of Australia and wish him well with his nomination.

TWEED HEADS ELECTORATE PARALYMPIANS

Mr GEOFF PROVEST (Tweed) (13:26): I acknowledge the efforts of Kate Wilson and Bill Chaffey, two local Paralympians in my electorate who recently competed in the 2016 Rio Paralympics. Kate competed in the 50 metre freestyle, the 200 metre individual medley, the 100 metre breaststroke and the 100 metre freestyle and Bill competed in the paratriathlon. They have both done their country proud and are a great example to many people in my area who suffer from a disability. They have overcome their disability and proudly represented their country. Congratulations to all our Paralympians; we are so proud of you all.

TRIBUTE TO BRYCE REGAN

Mr GREG WARREN (Campbelltown) (13:27): It is with sadness that I advise the House of the passing of former Campbelltown Mayor Bryce Regan on 15 September at age 78 years after a battle with cancer. Bryce was a well-respected man with a sharp wit and wicked sense of humour and is fondly remembered by many as a decent and loyal man with a love for his family, Campbelltown and our community. He served on Campbelltown council for 22 years from 1974 to 1996, including two terms as mayor, where he is remembered most for spearheading the establishment of Campbelltown's sister city relationship with Koshigaya in Japan.

Local journalist Mandy Perrin described how Mr Regan had a love of Campbelltown and everything he worked towards was aimed at making our home a better place. Long-term Labor councillor Meg Oates honoured Bryce as a dedicated community man who was thoroughly committed to Campbelltown and never saw himself above our community. Bryce is survived by his wife, Bev, three children and four grandchildren. I ask the House

to join me in offering my sincerest condolences on behalf of the people of Campbelltown and the Parliament of New South Wales.

KIRSTIE FULLER, NSW UNDER 17S APPRENTICE COACH 2017

Mr ADAM MARSHALL (Northern Tablelands) (13:28): I recognise Kirstie Fuller from Glen Innes, a wonderful netball coach, who was recently recognised by Netball NSW for her immense talent as a coach by her appointment to the New South Wales Under 17s Netball Squad as the Apprentice Coach for 2017. For many years Kirstie has been the head coach of the Northern Inland Academy of Sports Netball Program and is very highly regarded by all netballers under her charge. Kirstie is a wonderful inspiration for all young netballers both as a teacher at Glen Innes High School and as a very accomplished netball coach. I congratulate her on this position. She is well on the path of reaching her goal of having a full-time coaching role with Netball NSW and hopefully at one time in the future coaching the Australian Diamonds team. Well done, Kirstie.

BANKSTOWN DISTRICT AMATEUR FOOTBALL ASSOCIATION

Ms TANIA MIHAILUK (Bankstown) (13:29): I was delighted to attend the recent Bankstown District Amateur Football Association [BDAFA] club dinner and presentation day for the Bankstown United Skill Acquisition Program and the Boys Youth teams. It was a pleasure to hand out the trophies to the under-9, under-10 and under-11 girls and boys teams. As the popularity of the sport of football continues to grow in Bankstown, BDAFA is doing a tremendous job to ensure that more and more young children and adults are playing organised football in Bankstown. I take this opportunity to commend the work of the BDAFA general manager Shane Merry and the entire BDAFA board: chairman Glenn Rufford and his team Leanne Millar, Ross Kelly, Dimitri Hursalas, Andrew Forster and Scott Farquharson. I again congratulate all 21 BDAFA member clubs and teams for completing a successful season in 2016.

TIM AND SARAH GORMAN, BUTCHER'S DELIGHT

Mr JONATHAN O'DEA (Davidson) (13:29): I acknowledge the outstanding dedication to service of Tim and Sarah Gorman of East Lindfield Butcher's Delight in my electorate of Davidson. In the early hours of 26 September Sarah went into labour with their first child, but on the way to hospital their commitment to their business and customers saw them first visit the shop to organise meat for the following day. I am pleased that Sarah did make it to the hospital to give birth to Jack Timothy Gorman, and I understand that both mother and child are doing well.

Baby Jack's arrival also meant that the Gormans were unable personally to accept an Australian Meat Industry Council [AMIC] Award for Excellence at the New South Wales finals of the annual Sausage King and Best Butchers Burger competition. They had previously taken out silver for their lasagne and bronze for their beef sausages at the Sydney Royal Easter Show. From 2012 to 2015 they won the AMIC award for Best Traditional Australian Sausage on the North Shore and Northern Beaches. Baby Jack's future appears assured. On his father's side, all the men have been butchers through to his great-great-grandfather. With the dedication and commitment to service shown by his parents, Jack has good role models for success, whatever his work future. I congratulate the Gormans on the arrival of baby Jack and their well-deserved awards.

JOHN SASSINE AND MARY TOMA, EDUCATION EXCELLENCE AWARDS

Mr GUY ZANGARI (Fairfield) (13:31): Today I congratulate two outstanding local students: John Sassine of Patrician Brothers' College Fairfield and Mary Toma of Mary MacKillop Catholic College Wakeley. John and Mary recently had the great honour of receiving the Archbishop of Sydney Anthony Fisher's Award, which acknowledges a student's tremendous contribution to their school and community and their academic achievements. Mary Toma is an active member of the St Thomas Chaldean Catholic Church and was the college vice-captain in 2015. John Sassine is the inaugural college liturgy prefect. He is an extraordinary minister of Holy Communion at both his college and parish communities. This prestigious award was presented to 48 exceptional students throughout the Sydney archdiocese and I am incredibly proud to know that John and Mary have been acknowledged for their incredible contributions to their school and our local community in Fairfield.

MAVE RICHARDSON, WOMEN OF INFLUENCE AWARD

Mr STEPHEN BROMHEAD (Myall Lakes) (13:31): I inform the House that Wingham's Mave Richardson, AM, PSM, has added yet another accolade to her many achievements: that of winner in the *Australian Financial Review* and Westpac 100 Women of Influence Awards for 2016. The list of the nation's 100 women of influence was published on 20 September and Mave has been recognised in the local regional category for her long and tireless devotion to community. Ms Richardson received the award in recognition of a combination of her work as community development officer for the former Greater Taree City Council [GTCC] from 1977 to

2004, two terms as a GTCC councillor, and her continuing dedication to volunteering for the community now that she is a retiree.

Mave was awarded a Public Service Medal [PSM] in 1999 for outstanding contributions to the development of community services through local government and a Member of the Order of Australia [AM] award in 2012 for outstanding contributions to the arts, Aboriginal community development, aged and child care, and numerous other things. Mave is still pressing on; she is currently proactively involved in a staggering 16 different community groups. Mave has been invited to attend a gala ceremony later this month, where the winner of each of the 10 categories will be announced. I wish her all the best on the night and look forward to seeing what she next achieves for the Manning Valley community.

JAKE HIGGINBOTTOM, INTERNATIONAL GOLF CHAMPION

Ms JODIE HARRISON (Charlestown) (13:32): I commend Jake Higginbottom from the electorate of Charlestown, who last week competed in the \$1.5 million Fiji International golf tournament. On Sunday, Jake, at only 22 years of age, finished the golf tournament in a tie for seventh position. Jake's international golf career was launched in 2008, when he represented the city of Lake Macquarie at the International Children's Games in San Francisco and won gold. His career was cemented in 2012 when, at only 19 years of age, he became the first amateur in more than a century to win the 2012 New Zealand Open. Jake is currently ranked 735 in the world and, with many years ahead of him, I am sure we will hear more about what Jake is doing and about the rising golf star that he is. Charlestown Golf Club is proving to be a facility that is renowned for choosing golf champions. Early this year the Charlestown husband and wife team Ryan and Janelle Smith claimed the New South Wales PGA club professional crown. I congratulate Jake, and I have no doubt that Jake's family and friends are very proud of him.

CABA BIG BANG

Mr GEOFF PROVEST (Tweed) (13:34): I wish to recognise the Caba Big Bang—Show Up & Blow Up. Cabarita surfing star and local legend Chris "Chippa" Wilson wants everyone to show up and blow up when the 2016 Caba Big Bang event gets underway on 4 and 5 November. As Chris said, the Cabarita boardriders' event, which is held at Cabarita headland, offers surfers a chance to get their hands on some prize money. The Big Bang's unique format does not accumulate points; it is designed to help promote local talent and give surfers a chance to put their name up in lights. It is all about giving the locals who rip and those who cannot afford to travel around on the Qualifying Series tour a chance to win a competition, to get some money and to learn from the experience. Mr Wilson said, "There's so many local rippers and there's tonnes of people along this coast that can't afford to travel. It's crazy. Everyone can enter, including Mick Fanning if he wants to come down and be part of it."

NEWCASTLE ELECTORATE EDUCATION EXCELLENCE AWARDS

Mr TIM CRAKANTHORP (Newcastle) (13:34): I wish to speak about the Newcastle recipients of the 2016 Minister's and Secretary's Awards for Excellence. I attended the award ceremony during the last sitting week and was very happy to see that four individuals in the Newcastle electorate won in their nominated categories. Ellie Bright and Andrew Gay, both of Lambton High School, won the Minister's Award for Excellence in Student Achievement. Newcastle was also a winner in the Secretary's School Achievement award. Kim Pink and Sarah Reeve from the Hunter School of Performing Arts won their awards for Outstanding Performance in a Music Faculty. I again congratulate these Novocastrians who have made us all proud with their great achievements.

MOREE SECONDARY COLLEGE SISTASPEAK AND BROSPEAK PROGRAMS

Mr ADAM MARSHALL (Northern Tablelands) (13:35): I commend Moree Secondary College's SistaSpeak and BroSpeak programs, which recently received statewide recognition after winning big awards at the recent Mental Health Matters Awards for New South Wales. The school's SistaSpeak and BroSpeak cultural and mentoring programs won the Aboriginal Social and Emotional Wellbeing Award at the 2016 Mental Health Matters Awards. In particular, I congratulate Deputy Principal Angela Health and senior leader of community engagement Janine French, who were both at the awards. I also congratulate all of the students who participated in the program at the Albert Street and Carol Avenue campuses. The 10-week program for Indigenous students covers a wide range of social issues such as drug and alcohol abuse, domestic violence, sexual health and body image. It really does assist the students who participate. This is a wonderful initiative by a wonderful school in the Northern Tablelands. Congratulations to Moree Secondary College.

BATHUKAMMA AND DASARA CELEBRATIONS

Dr HUGH McDERMOTT (Prospect) (13:35): On Saturday 8 October, I was delighted to attend the Bathukamma and Dasara celebrations, organised by Telangana Jagruthi Australia and held at the Sydney Baha'i Centre. In attendance was Indian member of Parliament Mrs Kalvakuntala Kavitha, who is heavily involved with work promoting culture, women, children's welfare and skill development in India. Mrs Kavitha is also President of Telangana Jagruthi India. Those familiar with India will recognise Telangana as a State of India, with Hyderabad as its capital city. Bathukamma is the floral festival, representing cultural spirit and women. Dasheera is a celebration of victory of good over evil. I thank the executive committee of Telangana Jagruthi Australia, Mr Nishidhar Borra, Mr Anil Munagala, Mr Ganesh Bandi, Mrs Samantha Reddy, Mr Kiran Manda and Mr Rajesh Arshanapalli for organising this wonderful event.

IRENE FALCONE, TELSTRA NSW BUSINESS WOMEN'S AWARDS FINALIST

Mr JONATHAN O'DEA (Davidson) (13:37): Davidson electorate constituent Irene Falcone is a finalist in the 2016 Telstra NSW Business Women's Awards. Irene founded the organic personal care e-tailer Nourished Life, and was recently announced as a finalist for the Entrepreneur Award. In a world adapting to changes created by the digital age, innovation and entrepreneurship are vital for growing the economy and delivering new jobs. Irene recognised opportunities available in this new environment and built a successful online business. After working in corporate marketing for many years, Irene identified a market for informing consumers about the ingredients in beauty products. She used a number of marketing strategies to achieve success, including amassing high numbers of Facebook and Instagram followers, and achieving a high organic ranking on Google. Irene has created an online space where people can buy affordable, pure, safe, natural and organic beauty products. I wish her the best in her business life and at the Telstra NSW Business Women's Awards.

CAMPBELLTOWN ELECTORATE VOLUNTEER OF THE YEAR AWARDS

Mr GREG WARREN (Campbelltown) (13:39): I acknowledge the invaluable efforts and dedication of local Volunteer of the Year Award nominees, finalists and recipients residing and working within the Campbelltown community. On Tuesday 11 October I was honoured to have hosted local Volunteer of the Year Award winners and finalists for a celebration and to show appreciation on behalf of the people of Campbelltown for their contribution to our community. I thank Sandra McDonald, who received the overall 2016 Sydney South West-Macarthur Volunteer of the Year Award for her work with the Beautiful Minds Community Committee and with acute mental health units. I also thank Stephen Cantrill of the Campbelltown Collegians Cricket Club, who received the Adult Volunteer of the Year Award, and Paul Norton and Andrew Macdonald representing the legends of the NSW Rural Fire Service Macarthur. What struck me was how humble and appreciative our volunteers were regarding the recognition they received from the community. Campbelltown and our wider region is richer for their efforts, alongside the efforts of all our local volunteers. I thank them all.

TRIBUTE TO LUKE BAILEY

Mr STEPHEN BROMHEAD (Myall Lakes) (13:40): Luke Bailey of Wingham recently won the gruelling wheelchair half-marathon during the combined Greater Sydney Half and Parkinson's NSW Unity Walk and Run fundraiser. After a long hiatus from wheelchair racing with no training or competing, Luke was back as though he had not missed a beat. He was one of only a mere handful of wheelchair athletes racing alongside able-bodied runners in the 21-kilometre race. The wheelchair racers are given a five-minute head start. Luke won the wheelchair half-marathon with a time of 1:08:39. The fastest runner came in at 1:06:26. This win was a phenomenal comeback considering his break from training and competition for nearly a year.

A few days before Luke was due to board a plane to compete in an open international in Japan late last year, a sudden family tragedy meant a drastic change of plans. Broken-hearted, he still competed in the 2016 Summer Down Under three-day meet series in Canberra and Sydney in January; however, he did not place. That race was the qualifier for the Rio Paralympics, which meant the end of that particular dream for then. Things started to pick up a little when he competed in and won the Paraburn at the 2016 Balmoral Burn. Now Bailey's sights are firmly set on the Commonwealth Games on the Gold Coast in 2018 and beyond that to the Paralympics in Japan in 2020. Despite adversity Luke has shown tremendous drive. I wish him luck on his attempt to qualify for the 2018 Commonwealth Games.

TEMPORARY SPEAKER (Ms Anna Watson): I will now leave the chair until 2.15 p.m.

Visitors

VISITORS

The SPEAKER: I welcome everybody to the Chamber for our second question time of the week. First, I wish the member for Heathcote a very happy birthday.

I extend a very warm welcome to Father Chris Yates, who is the NSW Police Force chaplain and who for four years was the Rector of St John the Evangelist Anglican Church in Raymond Terrace. He will move to Eastbourne to be the vicar of the parish of St Saviour and St Peter. He is the guest of the Leader of the House, Minister for Industry, Resources and Energy and member for Lane Cove.

I acknowledge the presence in the gallery of a former member for Port Stephens and welcome him to the gallery. Earlier today there were students from the North Sydney Girls High School—my former school. I welcome them back to the gallery for question time. I also welcome students and teachers from McCarthy Catholic College, guests of the Parliamentary Secretary to the Deputy Premier for Northern New South Wales and for Renewable Energy and member for Northern Tablelands. I also welcome Mr John Kean, who is the uncle and guest of the member for Hornsby.

Question Time

SHARK MANAGEMENT STRATEGY

Mr LUKE FOLEY (Auburn) (14:26): My question is directed to the Premier. Will the Premier put party politics aside and urgently meet with Queensland Premier Annastacia Palaszczuk to discuss options for protecting ocean swimmers and surfers given yet another shark attack today in northern New South Wales waters?

Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (14:26): It is unusual for the Leader of the Opposition to ask a sensible question—in fact, it is so unusual that it never ever happens. In answer to the Leader of the Opposition's question, I note that he would know that this Government is exploring a number of options to protect swimmers and surfers in waters off the coast of New South Wales. We are exploring new technologies as shark mitigation measures. We have consulted experts in this field and are considering a range of options for our coastline. We are doing everything we possibly can on this front and we are rolling out measures to trial options. We have been working with the community affected by shark attacks. The local member and the mayor of this community have expressed strong views, but we have ultimately reached the point where we have to prioritise human life over other considerations.

There is no doubt that sentiment in the local community has shifted following the recent attacks. Previously, the community was against the installation of nets, but now there is a change in that sentiment. We will write to the Federal Government asking for a six-month trial of nets on those North Coast beaches. At the same time we will continue investigating new technologies to ensure we put in place the best possible measures to protect our swimmers. Ultimately that is our obligation. We need to use the best measures to ensure our coastline is as safe as possible. We are unashamedly trialling new technologies to determine what those measures will be. We must respond to the extraordinary incidence of shark attacks on the far North Coast. We will respond, and I have already been in contact with the Federal Government to put in place a six-month trial of shark nets across affected beaches.

HUNTER ECONOMY

Mr MICHAEL JOHNSEN (Upper Hunter) (14:28): My question is addressed to the Premier. What is the Government doing to attract more jobs, investment and major events to the Hunter?

Mr John Robertson: You're up, mate.

Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (14:29): I thank the member for his question. What an outstanding local member: He is an example to all of us of how to serve the community. He is very interested in this issue. Speaking of great communities and great cities, there is no doubt that the Hunter is a beautiful part of New South Wales. We have great Hunter MPs here on this side. Look at Michael Johnsen: an outstanding MP! Newcastle is not just a great city in New South Wales but I think it is one of the great cities in this world. Newcastle—what a great city!

We had an opportunity recently to head up to Newcastle and the Hunter. We had a great time there and were happy to make a number of announcements. This Government understands that cities of the future require jobs, and we are determined to drive the innovation agenda. We have a huge agenda here in this city. Why should Newcastle not have that? It should have the jobs of the future. We announced the Hunter Innovation Project—\$17.8 million in funds from the Hunter Infrastructure and Investment Fund. There is free public wi-fi in the CBD and great opportunities there to attract the best minds from across the Hunter region into Newcastle to help create the jobs of the future. There were many opportunities for those opposite to do it, but it is this Government that did it.

Great cities need tourism. The Government announced a major investment of \$12.7 million to expand the cruise terminal—a great development. As the cruise ships go up and down, they come into Newcastle and go out to the Hunter. People can enjoy the wine country and see the whales and some of the great beaches. We also

know that a great city needs events, and we were very proud to deliver the V8 Supercars—a flagship event that will attract tourism to the great city of Newcastle and to the Hunter. It is going to be great for New South Wales. There was an editorial comment in the *Newcastle Herald*:

Who would have thought then that it would be in Newcastle ... that the Premier would receive his warmest welcome in some time.

It was a lovely welcome. It was beautiful. The editorial continued:

Armed with a slew of funding announcements ... the Premier's whirlwind tour has achieved the difficult task of making just about everyone in Newcastle happy.

That is what we are here for: to make people happy. This is good news. I have seen the bromance developing between the Minister for Planning and the member for Newcastle. The member for Newcastle is a good bloke. This is what he said: "This is a great day for Newcastle. It is a great boost to the economy of Newcastle and the Hunter. It will be wonderful for the future of our region." Crackers! I used to like the old member for Newcastle, but I think the new one is an absolute cracker.

Mr David Harris: Point of order: Standing Order 129. I am wondering whether the Premier saw any amphibious aircraft while he was there?

The SPEAKER: The Premier is being relevant to the question that was asked.

Mr MIKE BAIRD: I went to the Central Coast, and do they not love the member for Terrigal? They love him. Newcastle is great. Thank you.

INTERCITY FLEET TRAINS

Mr RYAN PARK (Keira) (14:34): My question is directed to the Minister for Transport and Infrastructure. Given the Government's admission that it was wrong on greyhounds, will the Minister now admit that his Government was wrong to spend billions of dollars on new trains that are 100 per cent made overseas and do not even fit station platforms?

[Interruption]

The SPEAKER: Members will come to order.

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (14:35): I do not think I need to answer that question, given the response from the Government to Mr Rail Alliance over there. I note that when Labor was last in office it commissioned and procured some trains from China. There is no doubting the hypocrisy of those opposite on this. We all saw the behaviour of both the member for Keira and the member for Port Stephens on this, who were unable to work out whether the trains should have been built in Wollongong or Newcastle; but one thing I know is that this Government is a friend of the taxpayer. In being a friend of the taxpayer, the Government was able to procure not only new intercity fleet trains, new suburban fleet trains, light rail trains and metro trains, but we also have around the corner—very pleasingly for the National Party—a replacement fleet of express passenger trains [XPT]. To be able to do all of that in the time we have been in office, in addition to what we will do in the next few years, is very exciting.

Given that the good member asked a question about the new intercity fleet, I was intrigued to read some comments and a transcript from ABC Radio involving the member for Blue Mountains. If those opposite are going to jump on radio and carry on about public transport, they should never ever take talkback calls when they do interviews. The member for Blue Mountains had some time on ABC Radio, and what was interesting was the response from a talkback caller.

Mr Michael Daley: Point of order: Standing Order 73 prevents the Minister from making personal reflections on the member for Blue Mountains—

The SPEAKER: I am not sure that he has done that at all.

Mr Michael Daley: I will give him 30 seconds and I will be back.

The SPEAKER: The member may be anticipating, but the Minister has not done that at this stage.

Mr ANDREW CONSTANCE: I note that the member for Blue Mountains was commenting on the very issue that the member for Keira has just raised in relation to the new intercity fleet. She should never ever take talkback calls because in response to the member for Blue Mountains, who was attacking the Government over the new intercity fleet, the talkback caller said this, "I'm not a Liberal voter but I just want to tell the member to move on. We had a Labor Government who did diddly squat when it comes to public transport." There it is. I encourage the member for Blue Mountains to spend more time on radio. This Government will deliver a world-class fleet.

The SPEAKER: Order! Opposition members will be removed from the Chamber for an entire day if they do not stop interjecting.

Mr ANDREW CONSTANCE: We will be able continue to invest even more in train procurement across the entire network. An Australian company is involved in the consortium, which will provide more than 300 jobs. Guess where? They will be on the Central Coast. Members opposite attack Hyundai Rotem, Mitsubishi Electric Australia and UGL, who will deliver permanent maintenance jobs on the Central Coast. Guess who is opposed to that? It is members opposite.

REGIONAL ROADS FUNDING

Mr KEVIN ANDERSON (Tamworth) (14:40): I address my question to the Deputy Premier. How is the Government investing in record levels of funding in regional roads?

Mr TROY GRANT (Dubbo—Deputy Premier, Minister for Justice and Police, Minister for the Arts, and Minister for Racing) (14:40): I thank the member for Tamworth for his question. It does not matter whether it is Wilcannia or Cootamundra, everywhere people look across regional New South Wales they will see this Government building, fixing and upgrading the regional road and rail networks. It is totally transforming our regional communities, and that reflects the importance of roads and rail to those communities. As the Parliamentary Secretary for Regional Roads and Rail, the member for Tamworth is doing an outstanding job. Along with other local members, he is bringing those issues to our attention and working well with the Minister for Roads, Maritime and Freight and the Minister for Transport and Infrastructure in addressing vital links and introducing more efficiency in moving paddock-to-port products while ensuring that our roads are safe for travellers. It is important for the people of New South Wales, and particularly members of this place, to understand that over the past 10 years—that is, a decade—

Mr John Robertson: You are a genius.

Mr TROY GRANT: I was making it simple for the member for Blacktown.

The SPEAKER: Order! I point out to the member for Blacktown that the Minister made that comment for his benefit.

Mr John Robertson: It is okay, Madam Speaker. I know that a decade is 10 years.

The SPEAKER: Order! Some of us may have doubted that.

Mr TROY GRANT: It is how long he was not Leader of the Opposition. During those 10 years—

Mr John Robertson: Come on, boofhead! Is that the best you've got?

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

Mr John Robertson: I am told that the biggest job you had in Dubbo was doing the roster.

The SPEAKER: Order! I call the member for Blacktown to order for the second time. He is almost out of control, again.

Mr TROY GRANT: Over those 10 years, members opposite spent an average of \$2.4 billion annually on regional roads. In contrast, since 2011 this Government has spent an average of \$4 billion annually. That is an average increase of 67 per cent. This Government has invested more than \$400 million on projects across the rail network through the Fixing Country Rail program.

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

Mr TROY GRANT: That is a classic example of how this Government is removing freight from our roads to the more efficient rail network. Unlike members opposite, who shut down railway lines, this Government is investing in key rail corridors. The Government is investing \$1 billion in upgrading the rail network. As I said, funds have been invested in rail line at Cootamundra, which complements the Government's investment in the country roads package.

The SPEAKER: Order! Opposition members will find themselves out of the Chamber if they continue to interject. There have been enough interjections.

Mr TROY GRANT: Since 2011 the Government has allocated \$500 million to councils for local roads and bridges and to improve important pinch points to increase the efficiency of the road network. We should be supporting local councils in their efforts to upgrade local roads. Last week I joined the Minister for Roads, Maritime and Freight to announce \$13 million in immediate funding to assist councils affected by the recent natural disaster. Work is required because traffic had to be diverted to relatively unused roads. There is no question

that the Central West is benefiting from that investment, despite the fact that it is happening as a result of the natural disaster. In addition to that funding, \$40 million will be spent on the Goanna Hill upgrade, which has been the subject of many representations by the Molong community over decades.

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

Mr TROY GRANT: Those representations were ignored by members opposite, but this Government is now delivering. In addition, \$36 million will be spent on the Trewilga-Newell Highway realignment, and \$50 million will be spent on the Parkes bypass. I ask members to contrast the \$2.4 billion spent annually on the entire regional road network by members opposite when they were in office with the \$4 billion being spent by this Government. [*Extension of time*]

This Government has improved on the Labor Government's investment in the Princes Highway during its final six years in government by 110 per cent. It has also increased investment in the Great Western Highway by 45 per cent; by 34 per cent on the Kings Highway; by 129 per cent on the New England Highway; by 25 per cent on the Newell Highway; by 42 per cent on the Cobb Highway; and by 44 per cent on the Silver City Highway. Those significant investments are like night and day when we compare them with what members opposite did when they were in government. This Government has spent hundreds of millions of dollars on the Newell Highway, which is the spine of our road network.

That spending is helping rural communities along that 1,060 kilometre road corridor. The Government will continue to deliver road projects. The Bridges for the Bush program will deliver another nine bridges in regional areas. As members whose electorates abut the Pacific Highway know, this Government is proudly undertaking the largest infrastructure project in the Southern Hemisphere in that area. Investments like that not only improve regional communities and their economies but also save the lives of people travelling on our roads. That is a record of which this Government is extremely proud.

HOSPITAL PUBLIC-PRIVATE PARTNERSHIPS

Ms JENNY AITCHISON (Maitland) (14:47): I direct my question to the Minister for Health. Given the Government's admission that its decision about greyhound racing was wrong, will the Minister now admit that the Government was wrong to privatise the operation of Goulburn, Maitland, Shellharbour, Bowral and Wyong hospitals?

The SPEAKER: Order! Members do not need to cheer the question. The Minister should be allowed to start her answer without interjections from Opposition members.

Ms JILLIAN SKINNER (North Shore—Minister for Health) (14:47): I thank the member for Maitland for that question because I have been waiting for her to ask about the new Maitland hospital. She must be extremely pleased that this Government is getting on with the job of building a new hospital at Maitland. Of course, that has been never promised by the Labor Party—neither when it was in government nor at any other time. The Government has called for expressions of interest from the non-government sector to provide a number of hospitals, including at Maitland.

Ms Jenny Aitchison: Point of order—

The SPEAKER: Order! I am perplexed about this. What is the member's point of order?

Ms Jenny Aitchison: My point of order relates to Standing Order 73. The Labor Party did make a commitment to build the hospital during the election campaign.

The SPEAKER: Order! That is not a point of order under Standing Order 73. It was a nice try, but it was not good enough.

Ms JILLIAN SKINNER: The Labor Party had 16 years in office during which to get on with the job.

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

Ms JILLIAN SKINNER: Not only has the Government invited expressions of interest but it has also bought the new site after a major consultation process. The new site is much bigger than the existing hospital site. The Government has invited expressions of interest from operators with a proven track record of running Australian hospitals. It might be for-profits; it might easily be not-for-profits.

The SPEAKER: What is the member for Rockdale doing with that device?

Ms JILLIAN SKINNER: Madam Speaker, could you please stop the clock? He was taking a photograph of me, I believe, and that is totally inappropriate. I do not mind him taking a photograph, but it is in breach of the parliamentary rules. If he had it to show her something, it shows she knows nothing.

The SPEAKER: You are such childish people at times. I call the member for Rockdale to order for the third time.

Ms JILLIAN SKINNER: The truth of the matter is that it could easily be an operator such as the Mater, which operates very effectively in Newcastle. I can give people an assurance that whatever happens, if there is an expression of interest from an operator interested in helping us to build and run the hospital at Maitland, public patient care will be free of charge, just as it is in every other hospital treating public patients.

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

Ms JILLIAN SKINNER: It will be bigger, with a wider range of clinical services than is provided now.

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

Ms JILLIAN SKINNER: It will be built for the future with very good transport links and with opportunities for staff. There will be many more staff required because of the increase in size.

The SPEAKER: I call the member for Strathfield to order for the first time. The member for Strathfield will come to order and cease interjecting. I call the member for Shellharbour to order for the first time. I call the member for Port Stephens to order for the first time.

Ms JILLIAN SKINNER: Jobs for nurses and others will carry forward the conditions that they are entitled to in the public sector. The feedback that we have had when we talk to people on the ground, particularly in relation to the Northern Beaches but also others, is that it is a fantastic deal for New South Wales. We will get bigger hospitals built earlier, a wider range of services, terrific new opportunities for staff—doctors, nurses and others—and a much better deal for patients. I would have expected every member whose constituents rely on those hospitals to join with us to work out how we can better provide for patient care. Those opposite might have a philosophical problem with this. I do not quite understand that.

The SPEAKER: I remind the member for Maitland that this is not a screaming match. The member for Mount Druitt will cease interjecting.

Ms JILLIAN SKINNER: But the reality is that this is the best way to provide fantastic hospital care. It builds on the \$10 billion that the Government allocated over the past two terms. Thanks go to the Premier and the Treasurer for the fantastic economic climate that allows us to do that.

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

Ms JILLIAN SKINNER: I believe that this process, which is worth more than \$1 billion in government commitment, will provide a much better range of services than otherwise could be provided. I thank the member for the question and for her ongoing interest in getting the best care for her patients.

The SPEAKER: The House will come to order.

REGIONAL HOSPITALS

Mr DARYL MAGUIRE (Wagga Wagga) (14:52): My question is addressed to the Minister for Health. How is the Government's record investment in the health system improving outcomes for patients in regional New South Wales, particularly at the new Wagga Wagga hospital?

Ms JILLIAN SKINNER (North Shore—Minister for Health) (14:52): That is how you get the hospital that you need: You are a persistent advocate for it. I first met Daryl Maguire when he was the candidate running for the electorate of Wagga Wagga. Ever since then he has been the strongest advocate for a new hospital there, which had been promised for years by the previous Labor Government with not one cent spent on it. I am very pleased that we have been able to open the new Wagga Wagga hospital, which is worth more than \$450 million and which is the largest regional investment out of many that we have made in New South Wales.

The SPEAKER: The member for Maitland will cease interjecting.

Ms JILLIAN SKINNER: It has been a marvellous contribution to the local community. The first stage that we opened was the mental health facility, which for the first time provided high level acute mental health services, not only for Wagga Wagga but also for the whole district, by reaching out to patients in communities that are further out through an outreach service and telehealth that the Minister for Mental Health is so keen on. We also have opened the new acute services building, which has an expanded emergency department, an imaging department, operating theatres, and a women's and children's department. My goodness, I remember visiting the paediatric ward in the old Wagga Wagga hospital. It was a disgrace and a shame on all of those in Labor who did nothing for years. The new hospital provides a new intensive care high dependency unit and many things besides.

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

Ms JILLIAN SKINNER: The staff was actively engaged in redesigning this hospital. Staff members designed the way they wanted to treat patients and then the builders, the health infrastructure, the designers and the architects came in and consulted with them about how to build around their preferred way of treating patients. Since it has been open, 53 new nurses have been engaged—that is 53 extra nurses just since it has opened—with 24 new registered nurses [RNs], 27 new graduate registered nurses and two enrolled nurses. The hospital also has commenced seven new assistants in nursing, and recruitment is continuing.

I thank the staff for the absolutely marvellous results they have achieved because in recent times they have made major improvements in having their patients seen, treated, discharged or admitted from the emergency department. Remember the four-hour rule? Back in 2011 when I became the Minister, 58 per cent of patients at Wagga Wagga emergency department were treated within four hours. In 2016 it is 73 per cent. I congratulate all of the doctors, nurses and others on helping to make that possible. In 2011 the percentage of patients who underwent elective surgery on time at Wagga Wagga was 86 per cent. That is not too bad, but now 95 per cent of patients who undergo elective surgery are seen within the clinically appropriate times for their categories—clinically appropriate times that are determined by doctors at a national level.

The SPEAKER: The member for Cessnock should listen to the Minister rather than interject.

Ms JILLIAN SKINNER: We have so many of those hospitals. Wagga Wagga is a prime example of what happens when we invest as we should in our regional hospitals. Other hospitals that we have invested in include Tamworth, \$211 million; Dubbo, \$84 million so far and continuing; Parkes, \$73 million—a beautiful, brand new, state-of-the-art hospital; and Forbes, \$41 million—a much-needed facility now in a time of great stress for those local families suffering the effects of the flood. Peak Hill Multipurpose Service is just one of a number—one of my favourites, though—in which we have invested \$6 million. It is one of my favourites because of engagement with the local community, largely comprising an Aboriginal community. That hospital has been designed around their input, so even the outlook of the hospital was changed to meet the requirements of the Aboriginal community.

We also have invested in Kempsey hospital, \$81 million; Bega hospital, \$187 million; Byron Bay, \$88 million—and what a beautiful hospital it is up at Byron Bay. I was up there quite recently. In general we have had much greater investment in the building but also in the budget, of course, with more money than ever going to the regional recurrent budget. With the workforce there are more doctors, nurses, allied health workers and others, and there is a greater share of those going to regional New South Wales than ever before. I congratulate all of the staff working in our hospitals.

COMPULSORY PROPERTY ACQUISITIONS REVIEW

Ms JODI McKAY (Strathfield) (14:57): My question is directed to the Minister for Finance, Services and Property. Given the Government's admission that it was wrong on greyhounds, will the Minister now admit that the Government was wrong to suppress the Russell review for two years while it was acquiring hundreds of homes from residents?

Mr DOMINIC PERROTTET (Hawkesbury—Minister for Finance, Services and Property) (14:58): As I said, we will release the Russell review shortly with our response. I am very excited because it will be a great response. The Russell review was initiated by the Government and the response will come accordingly. It is interesting that those opposite harp on about issues around land acquisition when they sought to do nothing when they were in government. We will not be lectured by those opposite when it comes to infrastructure, property or acquisitions. I know they have always had a keen interest in property. I know the member for Strathfield has a very keen interest in a Newcastle post office. I am getting more and more information about a Russell review and the Newcastle post office.

Ms Jodi McKay: Point of order: My point of order is under Standing Order 129. We are not harping on about land acquisition. The question was about fair process and due process for residents whose homes are being acquired.

Mr DOMINIC PERROTTET: The Newcastle post office is a sensitive issue for the member for Strathfield, but I do not have all the information yet; it is coming in. Interestingly, it is not coming in from sources that we would expect; it is coming in from members opposite.

Ms Kate Washington: Point of order: My point of order is under Standing Order 129. The question relates to the Russell report. It has nothing whatsoever to do—

The SPEAKER: I am waiting to see if the Minister's answer is relevant.

Mr DOMINIC PERROTTET: Russell report, property: Newcastle post office, property sales.

The SPEAKER: That is a little far-fetched at this stage. I will continue to listen to the Minister.

Mr David Harris: Point of order—

The SPEAKER: Is it the same point of order?

Mr David Harris: No, it is under Standing Order 73. If the Minister is seeking to cast aspersions on a member in this place, he should do so by way of a substantive motion.

The SPEAKER: When the Minister does that, then the member for Wyong can take a point of order. I do not know that he has done that yet. The Minister will return to the leave of the question.

Mr DOMINIC PERROTTET: I am trying to do that. I remind members opposite that whilst they do not disclose their diaries, Government ministers are under an obligation to disclose our diaries. So if they are going to give me information in relation to some of these issues, they should put it in the post rather than seeing me personally because I might have to disclose my meeting with members opposite about the member for Strathfield. That could get a little awkward.

When Labor was in office it had a massive infrastructure program over 16 years that produced one rail line, so acquisitions should not be a problem for them. I was advised recently that those opposite had an infrastructure project and they received \$125 million for the acquisition of homes. It surprised me, \$125 million, but they did not build anything. I asked which project it was and I was told it was the Rozelle Metro. Labor is the only party that acquired homes to build nothing. Interestingly, there was a report relating to that project and they released the report but edited out all the bad parts. We know that Ryan Scissorhands was the head of the Transport Department at the time—chop, chop, chop, cut, cut, cut.

Mr Michael Daley: Point of order: My point of order relates to Standing Order 129. This is unedifying rubbish coming from the Minister.

The SPEAKER: The Minister was being relevant to the question.

Mr Michael Daley: If he does not want to release the report and if he does not want to answer the question, he should sit down.

The SPEAKER: No, the member for Maroubra should sit down.

Mr DOMINIC PERROTTET: We commissioned this review. We are finalising the response and, unlike Labor, we will release the report with our response, in full, shortly.

BUSHFIRE RISK MANAGEMENT

Mr GREG APLIN (Albury) (15:03): My question is addressed to the Minister for Emergency Services. Given that the bushfire season recently commenced, how is the Government ensuring our emergency services agencies are well equipped to keep communities safe this summer?

Mr DAVID ELLIOTT (Baulkham Hills—Minister for Corrections, Minister for Emergency Services, and Minister for Veterans Affairs) (15:03): I am grateful to the member for Albury for his question. We are all too familiar with the devastating impact that emergency events such as bushfires can have. In New South Wales, our Rural Fire Service [RFS] volunteers attended more than 27,000 grass fires or bushfires in the past five years alone. Some are more confronting than others, but nevertheless it is a clear demonstration that we live in one of the most bushfire-prone countries on earth.

The SPEAKER: Members on the Government frontbench will keep quiet.

Mr DAVID ELLIOTT: The New South Wales Government is committed to building the State's capacity to effectively respond to bushfires and to recover from the impact of disasters. We have backed this commitment with an investment of \$1.23 billion in 2015-16 for Fire and Rescue, the Rural Fire Service [RFS] and the State Emergency Service [SES]. I take this opportunity to once again voice my sincere thanks, respect and gratitude to emergency services workers and volunteers who do extraordinary things to protect and improve communities throughout the year, often in the most arduous conditions.

Last Friday the member for Murray, the Minister for Education, and I officially opened the Maley Rural Fire Brigade to help keep our regional communities safe this summer. Most of New South Wales has now entered into the bushfire danger period. I am delighted to inform the House that today our emergency services are prepared, armed and ready. During the cooler months of 2016-17, the budget will ensure our rural firefighters in local communities are appropriately equipped and that vital hazard reduction is undertaken. An amount of \$37.9 million has been invested in hazard reduction works protecting almost 600,000 homes over the next four years. Although we cannot change the weather, the Government is determined to ensure that the NSW Rural Fire

Service is properly resourced to ensure that bushfire risk continues to be managed effectively, and that firefighters can respond quickly and effectively to bushfire incidents when they arise.

The Government also has invested \$2.5 million for fire behaviour analysts and bushfire awareness, providing for four new fire behaviour analysts to be deployed locally. The rollout of mobile weather balloons and portable weather stations will enable the RFS to conduct real-time assessments of weather conditions on a fire front, which will pay dividends this bushfire season. We also have engaged 10 full-time mitigation crews to increase the level of hazard reduction work across the State by enhancing the ability to undertake midweek burning. Regional communities are well protected this summer, thanks to the investment by this Government of \$34.1 million for new tankers and logistics support vehicles, which will enable the development of a large, safe, modern and effective fleet that supports more than 2,000 rural fire brigades and around 74,000 members.

We recently welcomed back *Thor* to assist with hammering fires from the sky this bushfire season. The large air tanker will join our aerial firefighting force of more than 100 aircraft. This season we also look forward to welcoming back the large air tanker *Southern Belle*, which will provide valuable assistance to our firefighters as they battle bushfires. The Government has committed \$9.8 million to the RFS to trial large air tankers over two years, fulfilling an election commitment. Over the 2015-16 fire season, *Southern Belle* operated from Richmond Air Base and flew 17 missions over nine fires. Last season *Thor* flew 34 missions over 14 fires in Richmond, Palembang in Indonesia, Albury, Dubbo and Avalon. Among their significant achievements, the aircraft proved their worth in Maddens Plain near Wollongong which burnt beside the Princes Highway; the Beecroft Peninsula fire near the Shoalhaven where a retardant line was laid to protect Currarong Village; and the Terrabora fire in Hawkesbury.

I am pleased to advise the House that the Government has delivered on another election commitment to ensure the establishment and maintenance of fire trail networks across the State. We have equipped the RFS with new legislative powers that are designed to ensure that fire trails are constructed and maintained to the right standards. The new legislative regime will ensure up-to-date and detailed information is readily available to the NSW Rural Fire Service and other emergency services as well as land managers who need to gain urgent access to fire trails during the bushfire season.

In Parliament House this morning the Deputy Premier and I had the great honour and privilege to present the NSW "Get Ready" Community awards and the NSW Resilient Australia awards. The "Get Ready" community awards is a New South Wales initiative that recognises and celebrates New South Wales communities that have come together and done exceptional work to make their community more prepared and better able to recover from disasters. Winners of those awards are showing how communities and emergency services can work together to get ready for bushfires. The "Get Ready" Community award was won by the remote New South Wales town of Baradine, which had a lucky escape during Warrumbungle fires when 95 per cent of the national park was destroyed. It was a close call and was the catalyst for the award-winning community project that transformed Baradine into a leading light in disaster resilience in New South Wales. [*Extension of time*]

I congratulate today's award winners and commend their outstanding achievements. The Government is proud to support the RFS and all of our emergency services across the State. During the bushfire season, the RFS public awareness campaign Prepare. Act. Survive will once again help communities assess their risk. The Government is delivering ongoing funding, new equipment and new powers to arm our emergency services workers, and the community can rest assured this Government is protecting their safety this fire season. Last weekend I attended the NSW Volunteer Rescue Association [VRA] awards and presented medals and accolades to our VRA volunteers. It got me thinking about accolades. Are we presenting enough awards to people?

I looked at some of the accolades that could be offered. I saw that one offered in the United Kingdom is the Freedom of the City of London. That accolade is given to people like Michael Caine, Winston Churchill, Benjamin Disraeli, Ulysses Grant, Nelson Mandela and Theodore Roosevelt. I thought, "How do you become a Freeman of London?" I looked it up. Apparently a Freeman of London can carry a naked sword in public. If the police find a Freeman drunk they will bundle him into a taxi and send him home. I wondered who would get an award like this. I looked at the parliamentary website and found that the member for Prospect is a Freeman of London. How does one become a Freeman of London? One pays £100.

Mr Paul Lynch: Point of order—

The SPEAKER: The Minister has completed his answer. There is no point of order.

FERRY SERVICES

Mr JAMIE PARKER (Balmain) (15:10): My question is directed to the Minister for Transport. Considering the scale of the Barangaroo and the Bays Precinct proposals, when will the Government move to expand the ferry network to include wharves at Glebe and Pyrmont?

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (15:10): That is a good and sensible question. I am glad that the member for Balmain asked about ferries. His question reminds me of what those opposite did when they were in office. The former Minister for Transport, the member for Blacktown, seems to be the only one on the opposition benches who is excited this week. He slashed 233 services when he was in office. When the Treasurer was transport Minister she introduced 220 new ferry services.

The SPEAKER: The member for Rockdale should remember that he is on three calls to order.

Mr ANDREW CONSTANCE: The Government already has delivered 11 new ferry wharves. We have eight more planned. McMahons Point wharf is about to open. Barangaroo ferry wharf is well and truly advanced. I am pleased to confirm for the member for Balmain that I am working with the Minister for Planning and looking carefully at a transport master plan across the Bays Precinct, particularly following the release of UrbanGrowth's transformation plan last week. I can confirm that this issue is under consideration. At this time we are investing significant dollars into ferry infrastructure across the harbour.

Very pleasingly, we are about to receive brand new ferries. We will start to receive six brand new ferries over the course of the summer months. Another major investment is happening in relation to the Parramatta RiverCat. We have four new boats on the way. There is a \$100 million plan to deliver 80 new weekly services across the harbour. I say to the member for Balmain that he should keep up his great advocacy. The Government is listening to that as part of the planning process. With the development across the Bays Precinct it makes sense for the Government to look closely at ferries as a means to provide transport solutions to that community.

EDUCATION REFORMS

Mr STEPHEN BROMHEAD (Myall Lakes) (15:12): My question is addressed to the Minister for Education. How is the Government continuing to deliver education reforms for school students and the essential skills that they need to succeed? Are there any alternative policies?

Mr ADRIAN PICCOLI (Murray—Minister for Education) (15:12): It is fantastic to be able to go to schools right across New South Wales—including Forster and Taree in the electorate of Myall Lakes—and to discover that at every school—including public, Catholic and independent schools—people are singing the praises of the New South Wales Government. They are praising the leadership of the Premier, the Deputy Premier and local members because of the great work this State is doing. Opposition members mouth criticisms but it is close to one year since I have been asked a question about education. Government members have to ask their own questions.

The SPEAKER: There is too much noise in the Chamber.

Mr ADRIAN PICCOLI: In a moment I will get to the question about whether there are any alternative policies. I remind the House of a couple of major announcements that have been made in the past month or so. Stronger Higher School Certificate [HSC] standards were announced by this Government—a new literacy and numeracy standard that students will need to meet by the time they finish year 12 in order to obtain an HSC.

Mr Jihad Dib: Half have failed, Minister.

Mr ADRIAN PICCOLI: I will get to the member for Lakemba in a moment.

Mr Jihad Dib: I look forward to it because you dodged it in budget estimates.

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

Mr ADRIAN PICCOLI: We have introduced minimum literacy and numeracy standards because in New South Wales the Opposition did not do a thing in the 16 years that it was in office. Labor courted the unions. The only thing that Labor did in regional New South Wales was to give half of the funding away—half to coal seam gas [CSG] miners and the other half to Eddie Obeid to run a few goats.

The SPEAKER: The member for Kogarah will cease shouting. The member for Summer Hill will come to order.

Mr ADRIAN PICCOLI: He still has his bid in for Hurlstone. He said, "I want to run a few goats on Hurlstone. Can you give it to me for a couple of grand?"

The SPEAKER: There are too many interjections coming from Opposition members. The member for Rockdale should be mindful of his behaviour or he will be asked to leave the Chamber for the rest of the day. He will be out until tomorrow.

Mr ADRIAN PICCOLI: We are making these kinds of tough decisions because we want to see improved student performance.

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

Mr ADRIAN PICCOLI: We have heard what employers have been saying. Students have been coming out of school with insufficient literacy and numeracy skills. TAFEs and universities are saying, "Students are coming to our institutions and they do not have sufficient basic literacy and numeracy skills."

The SPEAKER: I ask the member for Londonderry to come to order.

Mr ADRIAN PICCOLI: If we do what the Opposition says—which is not to do anything—the problem will continue. We are going to make a difference in this State in the time that we are in office. That is why we are making these kinds of changes.

The SPEAKER: I ask the member for Maitland to come to order.

Mr ADRIAN PICCOLI: Opposition members say that 50 per cent of kids in year 9 fail but we are talking about a minimum literacy and numeracy standard. When students do not meet that minimum literacy and numeracy standard there is a problem. The member for Lakemba says that we have made this up because the space is vacant.

The SPEAKER: Members should cease interjecting.

Mr ADRIAN PICCOLI: If the member for Lakemba had read some of the material—the research and the evidence—he would know that Western Australia has been doing this for about three years.

Mr Jihad Dib: Point of order: My point of order relates to Standing Order 73. I did not make this up. The Minister knows it was in the National Assessment Program – Literacy and Numeracy [NAPLAN] published results.

The SPEAKER: There is no point of order. The member will resume his seat. I remind the member for Lakemba that this is not a debate.

Mr ADRIAN PICCOLI: The member for Lakemba said in the *Sydney Morning Herald* on 30 September:

The announcement was made because it sounds good but there was no thought behind it.

Other States and jurisdictions around the world are doing this and they are performing better than we do. I am sure that members would expect us to look at places like Finland, Canada and New Zealand. However, we do not look at the United States or the United Kingdom because they are not performing well. Western Australia's NAPLAN results for years 7 and 9 improved markedly over the past few years after it introduced these reforms. This means that students are doing better in year 7 and year 9 NAPLAN literacy and numeracy tests. Those opposite can try to explain it away as much as they like but they should have a look at the test. It tests students' ability in literacy and numeracy. The results in Western Australia are improving so why would we not do the things that Western Australia is doing? Reforms were made recently to the NSW Literacy and Numeracy Action Plan which achieved the same success. St James Catholic School, a primary school in Muswellbrook, achieved a fantastic result. [*Extension of time*]

Let me give members a few statistics. In writing, 83 per cent of year 3 students were placed in the top two bands last year—an increase of 26 per cent since 2014. In reading, 62 per cent of year 3 students were placed in the top two bands compared to only 35 per cent in 2013. In writing—this school serves a pretty disadvantaged community—no students have placed in the bottom two bands for the past two years, which is a fantastic result. One would have thought that Opposition members would have been applauding those kinds of results.

The SPEAKER: The member for Lakemba will come to order. The member for Lakemba should stop shouting.

Mr ADRIAN PICCOLI: I thought that there would have been applause. Prior to the 2011 election the Government announced a \$261 million NSW Literacy and Numeracy Action Plan. This Government delivered. This Government looked at the results and added the \$340 million investment in education over the next four years. The Government is expanding the funding to reach more schools. The shadow Minister's response to that is that we need more schoolteachers and fewer people walking around with clipboards. What an insult that is to all instructional leaders to say that all they are doing is walking around with clipboards. I will tell the teachers at St James' at Muswellbrook that that is what the shadow Minister thinks they do. The Government is making difficult decisions in all areas of public policy, particularly in education, to improve students' results in this State—something of which the Government is very proud.

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

*Business of the House***DAYS OF SITTING FOR 2017**

Mr ANTHONY ROBERTS: I move:

That unless otherwise ordered the House meet during the 2017 autumn and spring sittings as follows:

Autumn Sittings: February 14, 15, 16, 21, 22 and 23; March 7, 8, 9, 28, 29 and 30; April 4, 5 and 6; May 2, 3, 4, 9, 10, 11, 23, 24, 25, 30 and 31; June 1, 20, 21 and 22.

Spring Sittings: August 1, 2, 3, 8, 9 and 10; September 12, 13, 14, 19, 20 and 21; October 10, 11, 12, 17, 18 and 19; November 14, 15, 16, 21, 22 and 23, and November 28, 29 and 30 as a potential reserve week.

Motion agreed to.

*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**.

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**.

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** and **Mr Thomas George**.

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**.

Inner-City Social Housing

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

Low-Cost Housing and Homelessness

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

Pet Shops

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

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

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**.

Social Housing

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

*Business of the House***EDUCATION RESOURCING****Reordering**

Mr ADAM MARSHALL (Northern Tablelands) (15:22): I move:

That General Business Notice of Motion (General Notice) given by me this day [Education Resourcing] have precedence on Thursday 13 October 2016.

I respectfully request that the House grant precedence to this motion.

The SPEAKER: Order! I respectfully request that Government members cease having private conversations. The member for Northern Tablelands has the call.

Mr ADAM MARSHALL: As I was saying, I request the House to give precedence to this motion so that tomorrow we can properly recognise the wonderful work that has been done by our teachers and staff in our local schools with the extra resources they have, thanks to Gonski education reforms. Every member of this House knows, particularly Government members, that when they visit local schools, like I do regularly, they are confronted with stories and examples from principals and teachers of how extra resources have been applied to their schools and used to benefit their students. For example, at the Tingha Public School the services of a speech pathologist have been engaged, the Moree Secondary College is running the Bro' Speak and Sista Speak program and many schools are running breakfast clubs. The additional funding is providing extra resources, extra training for teachers and is supporting students with learning disabilities or other disabilities—those who most need support.

For the first time in this State we have a resource allocation model that dedicates not only existing educational funding but also new educational funding that has been delivered by Gonski on a needs basis. As a parliamentary representative of a country electorate, I am particularly proud to support those reforms. For the first time ever, country schools have a funding model that delivers funding based on student needs. That gives country schools the best chance they have ever had of significantly reducing the gap in student educational outcomes between country students and their metropolitan counterparts.

Dr Hugh McDermott: You can thank Labor for that. You can thank Gillard for that.

Mr ADAM MARSHALL: There is a gap between the educational outcomes for country students vis-à-vis city students. We must ask ourselves why. It is not a case of country students being less intelligent than their city cousins. The reason is very obvious. For years and years country schools have not had the resources or the ability to offer equity of educational opportunities, but the Gonski model, which the Liberal-Nationals Coalition was the first Government to sign up to, will deliver \$5 billion of extra resources to this State over the next six years. That is the key to giving country students—indeed, all students across the State—the best start in life. As a proud member of the Government, I ask that the House give precedence to this motion tomorrow so that we can discuss the importance of Gonski, but also celebrate the work that already has been done in our schools because of the provision of extra resources.

Ms JO HAYLEN (Summer Hill) (15:25): My motion must be debated tomorrow because the Government has had more than two years and eight months to respond to the recommendations of the Russell review into compulsory acquisitions. Since that time, the Government has spent billions of taxpayers' dollars on acquisitions and wilfully ripped off families and businesses to the tune of hundreds of thousands of dollars. In August, a leaked letter revealed that the Premier and the Minister for Finance, Services and Property knew that the acquisition process was unfair. In fact, the Premier admitted that he got it wrong. But despite admitting that he made a mistake, he continues to sit on the report and he continues to rip off residents.

I make it absolutely clear: There is no doubt that this Government has ruined people in pursuit of its WestConnex project. Many of the people adversely affected are hardworking families in my electorate. Some are elderly couples who have lived in their homes for 50 or more years, raised their children, helped to build their communities, and worked to build a business. But those people now have been denied fair and proper process. They and the people of New South Wales are owed an explanation for why this Government turned its back on them. The people deserve nothing less than a full and transparent process—full transparency and accountability from this Premier—and they deserve to know what has happened. They also deserve to know that it will never happen again to another citizen in this State.

The cost of acquisitions for WestConnex has blown out to over \$1.5 billion. The Government is expected to spend a further \$1.8 billion on acquisitions for its Sydney Metro City and Southwest project. Hundreds of acquisitions are yet to be completed for both projects. As WestConnex spirals out of control into Rozelle and other suburbs, increasing numbers of people will be affected adversely by compulsory acquisitions. The only way the Government can provide certainty and fairness to those residents and businesses is to release the Russell report; but instead the Government has delayed and delayed. The Government has sat on this report for two years and eight months. A leaked letter revealed in August that the Government suppressed the report. It has been months and months since the Premier offered his mea culpa, apologised and shed some crocodile tears. The Premier is good at apologising and he is good at saying he got it wrong, but so far he has done nothing to fix the problem. I am sorry, but saying sorry is not good enough. It is time the Premier did something about it and released the report on the Russell review.

The SPEAKER: The question is that the motion of the member for Northern Tablelands have precedence on Thursday 13 October 2016.

Ayes48
Noes34
Majority.....14

AYES

Anderson, Mr K
Baird, Mr M
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

Aplin, Mr G
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

Ayres, Mr S
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

NOES

Aitchison, Ms J
Car, Ms P
Crakanthorp, Mr T
Finn, Ms J
Harris, Mr D
Hornery, Ms S
Leong, Ms J
McKay, Ms J
Minns, Mr C
Piper, Mr G
Warren, Mr G (teller)
Zangari, Mr G

Atalla, Mr E
Catley, Ms Y
Daley, Mr M
Foley, Mr L
Harrison, Ms J
Kamper, Mr S
Lynch, Mr P
Mehan, Mr D
Park, Mr R
Robertson, Mr J
Washington, Ms K

Barr, Mr C
Chanthivong, Mr A
Dib, Mr J
Greenwich, Mr A
Haylen, Ms J
Lalich, Mr N (teller)
McDermott, Dr H
Mihailuk, Ms T
Parker, Mr J
Smith, Ms T
Watson, Ms A

PAIRS

Gibbons, Ms M
Grant, Mr T
Hancock, Ms S

Doyle, Ms T
Hoenig, Mr R
Smith, Ms K

Motion agreed to.

*Motions Accorded Priority***REGIONAL JOBS AND INFRASTRUCTURE****Consideration**

Mr GEOFF PROVEST (Tweed) (15:34): Many motions have been brought forward in this place to be accorded priority, but none is more important than this motion that is before the House concerning the continuing significance of the contribution by regional New South Wales to this State's economy.

The DEPUTY SPEAKER: Order! The member for Rockdale is already on three calls to order. The member for Tweed will be heard in silence.

Mr GEOFF PROVEST: Regional New South Wales plays an important role in feeding our metropolitan areas and in providing raw materials for our industries. In return, regional New South Wales requires support. Recent statistics show that over the past 12 months regional New South Wales was responsible for 60 per cent of regional jobs creation nationwide. This jobs growth was a result of clear financial planning by the Baird-Grant Government since it came to power. That is why this motion should be accorded priority.

This Government is fast-tracking infrastructure projects in regional New South Wales. It behoves this Parliament to inform the public of the great development currently underway in regional New South Wales—new roads, schools, hospitals, police stations, and the list goes on. This development is creating jobs and wealth in regional areas as well as attracting people to these regional areas. In turn, this wealth flows back to our cities. The increase in wealth of our cities and regional areas is evidence of this Government's record investment in infrastructure. This motion needs to be accorded priority because economic wellbeing and financial stability are the greatest priorities for any State.

Too often we have heard negative stories about our great regions such as job losses, factories shutting down and businesses going broke. But because of the responsible economic position this Government has taken, which includes some hard decisions that it has had to make, the regions are benefitting from its fiscal management. The regions are prospering and in many instances leading this great nation in jobs growth and economic viability. That is why we need to debate this motion and it is why this motion should be accorded priority. Without the regions our cities would not prosper or flourish as they currently do. This prosperity is evident in tourism and in investment to upgrade our roads such as the Pacific Highway, the Princes Highway and the Hume Highway. That record investment should be recognised by members of this House.

GREYHOUND RACING INDUSTRY BAN**Consideration**

Ms SONIA HORNER (Wallsend) (15:37): My motion involves a tale of two country towns of which I have fond memories because I lived and worked in them. They both have sad stories with happy endings and both feel let down by this Government. The two towns are Walgett in the Barwon electorate and Kempsey in the Oxley electorate where I taught at Kempsey High School. The member for Barwon works very hard for his electorate, as does the member for Oxley, but he took a very different stance on the Government's proposed greyhound racing ban. Both members had to vote on the legislation to enact the ban and show their support for their community, greyhounds and racetracks, such as the ones at Coonamble and Coonabarabran. We saw the member for Barwon cross the floor and stand up for his electorate.

I remember that when I taught at Walgett High School the member for Barwon was Wal Murray, who was also the Deputy Premier. In contrast, the electorate of Oxley has a sad story to tell on the issue of the greyhound racing ban. The people of Kempsey feel that they have been let down on this issue by their hardworking member. In fact, I had one conversation with somebody I know. I rang some Kempsey people today and spoke to a woman named Vicki Byrnes. Vicki Byrnes, president of the Kempsey greyhound track, had a couple of messages for the Premier today—and happy birthday to Vicki, because it is her birthday today.

The DEPUTY SPEAKER: Will the member please stick to the leave of the motion?

Ms SONIA HORNER: Vicki had this message for the Premier and the Deputy Premier: If you are supposed to be the Minister for Racing, step up and look after the greyhound racing industry like you should. Vicki felt very let down. She is from a family and community with very strong links to the National Party. Kempsey is a town that always votes for The Nationals. I handed out how-to-votes for the Labor Party there for years and hardly anybody voted for us. It is a National Party stronghold but people have been feeling let down. Thanks to the backdown—*[Time expired]*

The DEPUTY SPEAKER: The question is that the motion of the member for Tweed be accorded priority.

Ayes47
 Noes34
 Majority.....13

AYES

Anderson, Mr K
 Baird, Mr M
 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
 Sidoti, Mr J
 Stokes, Mr R
 Tudehope, Mr D
 Williams, Mr R

Aplin, Mr G
 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
 Skinner, Ms J
 Taylor, Mr M
 Upton, Ms G
 Williams, Ms L

Ayres, Mr S
 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
 Rowell, Mr J
 Speakman, Mr M
 Toole, Mr P
 Ward, Mr G

NOES

Aitchison, Ms J
 Car, Ms P
 Crakanthorp, Mr T
 Finn, Ms J
 Harris, Mr D
 Hornery, Ms S
 Leong, Ms J
 McKay, Ms J
 Minns, Mr C
 Piper, Mr G
 Warren, Mr G (teller)
 Zangari, Mr G

Atalla, Mr E
 Catley, Ms Y
 Daley, Mr M
 Foley, Mr L
 Harrison, Ms J
 Kamper, Mr S
 Lynch, Mr P
 Mehan, Mr D
 Park, Mr R
 Robertson, Mr J
 Washington, Ms K

Barr, Mr C
 Chanthivong, Mr A
 Dib, Mr J
 Greenwich, Mr A
 Haylen, Ms J
 Lalich, Mr N (teller)
 McDermott, Dr H
 Mihailuk, Ms T
 Parker, Mr J
 Smith, Ms T
 Watson, Ms A

PAIRS

Gibbons, Ms M
 Grant, Mr T
 Roberts, Mr A

Doyle, Ms T
 Hoenig, Mr R
 Smith, Ms K

Motion agreed to.

REGIONAL JOBS AND INFRASTRUCTURE

Priority

Mr GEOFF PROVEST (Tweed) (15:46): I move:

That this House:

- (1) Notes that regional New South Wales was responsible for 60 per cent of regional jobs created nationwide over the past 12 months.
- (2) Notes that the Government's record investment in regional New South Wales is fast-tracking infrastructure projects the regions need and deserve.
- (3) Welcomes further evidence that this record investment is driving business growth, private sector investment and continuing to unleash the economic potential of regional New South Wales.

New South Wales has the largest and most diverse regional economy in Australia. Regional New South Wales is home to about 2.9 million people, representing 41 per cent of the New South Wales population. It contributes \$138 billion, almost one-third, of gross State product. Since April 2015 over 72,000 jobs have been created in regional New South Wales. The latest Australian Bureau of Statistics [ABS] data show that last year alone 44,100 jobs across the region were created. North Coast employment has increased by 12,000 people, and I am proud to say that over 60 per cent of that outcome is from my own backyard, the Tweed. Central West has 7,200 more jobs; Southern New South Wales has 2,800 more jobs; the Illawarra has 6,500; and New England and North-West have more than 8,200. Without a doubt this growth is off the back of the New South Wales Liberal-Nationals Government's unprecedented infrastructure agenda.

Let me go back a few years. In 2011 we inherited a State that struggled to keep its title of premier State. Under Labor, New South Wales had the slowest jobs growth of any mainland State during the last decade, according to the ABS figures of 2000-10. We were stuck in reverse; we were dead. This particularly hurt regional communities. Regional infrastructure, services and roads were declining. There was a lack of progress on the Pacific Highway and Princes Highway upgrades, plus many others around the State. Regional health infrastructure services were declining, particularly at Dubbo, Forbes, Lismore, Parkes, Port Macquarie, Tamworth and Wagga Wagga. Education figures from the Organization of Economic Cooperation and Development showed that children in Australian rural schools were 1.5 years behind city students. We rolled up our sleeves and got back to work, and New South Wales has never been the same since.

The New South Wales Government supports initiatives that create jobs, drive economic growth, and deliver services that will unleash the economic potential of regional areas of this State. It encourages businesses in this State to become more competitive and to diversify. Thanks to Jobs NSW, businesses have created an additional 150,000 jobs over the past four years. In addition, the Government invested 30 per cent of its funds in regional areas. It also invested \$32 million in the Murray-Darling Basin Regional Economic Diversification Program's Energise Enterprise Fund in the Young region. The Jobs Action Plan includes a payroll tax rebate designed to help businesses to create more jobs by reducing the cost of employing more staff. Small business grants, similar to those delivered through the Jobs Action Plan, also will assist small businesses that do not pay payroll tax to employ staff.

The Government is committed to addressing the tyranny of distance facing regional businesses through better connectivity. It has delivered on its election commitment to provide better mobile phone coverage for those living in regional areas. It has done so by leveraging \$92 million from the Australian Government and mobile phone carriers to address 795 mobile phone black spots. The Government has committed \$93 million from the Fixing Country Roads program for local councils to undertake 127 road projects. It also recently announced a pilot round allocation of \$15 million through a \$400 million investment from Rebuilding NSW. On the North Coast, the Government has allocated \$1 million to boost the infrastructure at Southern Cross University. It has also allocated more than \$1.5 million for the upgrade of vital infrastructure at Lismore Airport through the \$110 million Regional Tourism Infrastructure Fund.

In addition, Ballina Airport has received \$6 million to upgrade its facilities, and Taree Airport has received more than \$700,000. A multimillion dollar investment also will be made in the automotive and multipurpose facility at the Kingscliff TAFE Campus. The Government has recognised that more must be done, and it has plans to continue to build the infrastructure that this State needs. It will invest \$3.7 billion in regional roads, \$1 billion in water security, \$400 million in rail freight infrastructure, and \$300 million in regional growth. Members opposite have contributed nothing. They are an opposition by name and by nature. They are the roadblock stopping regional New South Wales receiving the infrastructure it deserves and needs. Shame, shame, shame.

Mr DAVID HARRIS (Wyang) (15:51): Members of the Opposition love jobs; we support them and we are buoyed by their creation. However, the devil is always in the detail. During a budget estimates committee hearing, I asked the Minister for Regional Development how many jobs were created in regional New South Wales. The answer sounded good because he advised me that over the past 12 months 79,300 jobs have been created. However, when I asked how many of them were full-time jobs, I was told that that number increased by only 400. Over the past 12 months, regional areas have had an increase of only 400 full-time jobs. That means 78,900 part-time jobs were created. This Government creates jobs for part-time workers. We know that people in regional communities need full-time jobs.

Mr Geoff Provest: That is not right.

Mr DAVID HARRIS: These are the figures I was given by the Minister during a budget estimates committee hearing. I suggest that the member for Tweed consult his Minister because those are the answers he provided. The Government must assure the people of regional New South Wales that they will be treated equitably and that they will not have difficulty getting a home loan or a car loan. People with part-time jobs have difficulty

getting those sorts of loans. This Government is rolling out part-time jobs that will disappear when infrastructure projects are completed. What will regional communities do then? There will be nothing left. The Government has attacked TAFE, and that has made it difficult for people to undertake training. The member for Tweed lauded the payroll rebate scheme. I point out that 77 per cent of the grants went to metropolitan New South Wales and only 23 per cent went to regional areas. We should deal with the detail.

During question time, the Premier talked about his great trip to Newcastle during which he announced great projects and job creation. However, he did not talk about his trip to Warnervale on the Central Coast. He proudly announced a \$100 million manufacturing plant for the Warnervale Airport on the Central Coast. He said that it would be the site of the first aircraft manufacturing company to be established in Australia since the Second World War. He also said that the most exciting thing was that the company intended to move its entire United States operation—

Mr Clayton Barr: All of it?

Mr DAVID HARRIS: Yes, all of it. It is moving from the United States to Warnervale. I was excited that 245 full-time jobs and thousands of other jobs would be created. However, I hoped the company involved was not one that I had been researching. I wish someone had told the Premier before he made his announcement that, sadly, the company's United States operation consists of two certificates. The company will move those two certificates from the United States to Warnervale. But it gets better. It has never worked on an aircraft. My excitement diminished because it no longer sounded good. In fact, it will be the third aircraft company to be established in this country since the Second World War; there are two companies in Victoria that produce aircraft. Interestingly, the Premier said there were strong orders—the company said that it had eight hard orders and 270 soft orders.

There are only 114 of these aircraft in the world, and the majority of them are in museums. They will be rolled out of museums in the United States and will be brought to Warnervale by a company that has never worked on an aircraft. It will then try to make them airworthy. Unfortunately, the Premier has been sold a pup. That is why I asked how many Albatross aircraft were involved. Of course, Albatross is an appropriate name in this case. When Government members talk about jobs, we should keep in mind that only 400 full-time jobs have been created. All those part-time jobs will ultimately disappear when the projects are completed. The Premier made a \$100 million announcement about an aircraft company that has never worked on an aircraft, and most of the aircraft involved are in museums. We cannot get too excited about what the Government says about jobs in New South Wales.

Mr MICHAEL JOHNSEN (Upper Hunter) (15:56): I have great pleasure in supporting the motion moved by the member for Tweed. We should not forget that the Liberals and The Nationals understand that New South Wales requires a strong, diverse, productive, and thriving regional economy. Under the Labor Government, New South Wales had the slowest jobs growth of any mainland State between 2000 and 2010.

[Interruption]

Yes, members opposite were in charge and they were slow because they did not know what they were doing. This Government has turned the State around. It is back to number one, and it has increased the number of people employed by 274,100 since April 2011 off the back of investment in key economic drivers. The latest Australian Bureau of Statistics data indicates that in the year to August 2016, 34,100 jobs were created in regional New South Wales. The unemployment rate in regional areas is now 5.5 per cent, which is below the national average of 5.6 per cent. The Hunter region is also performing extremely well. Of course, members opposite talk down our regions rather than promote the hard work and success of thousands of small business owners. They should show some interest rather than laugh.

In the year to August 2016, 13,400 jobs were created in the Hunter, and the unemployment rate is down to 5.5 per cent. Members opposite could not give two hoots about that. Since April 2015, more than 10,600 jobs have been created through the Jobs Action Plan. An additional 365 positions have been created through the small business employment incentive program, which encourages businesses to take on more staff and to support their local communities. When asked about regional job figures, the member for Maitland—who is unfortunately not in the Chamber—was reported in the *Maitland Mercury* of 14 January 2016 as saying that as far as she was aware they had not changed.

It is obvious that those opposite are out of touch and they continue to talk down our regions. We on this side are actually building the roads, the schools and the hospitals that this State deserves. Through fiscal responsibility, we have brought New South Wales back to black—clearly something those opposite would not understand. Through visionary leadership we have a \$73.3 billion infrastructure agenda. Where there are cranes in the sky, clearly there are jobs on the ground. Like the rest of regional New South Wales, the Hunter has benefited

from this State's record infrastructure spend. In relation to Resources for Regions, the shadow Minister, Labor's own Mick Veitch, has admitted that Labor— [*Time expired.*]

Ms ANNA WATSON (Shellharbour) (16:00): I have been listening to the hypocrisy on that side of the House. I have never heard so much hypocrisy in all my life. Those opposite talk about regional jobs, record investment in regional New South Wales and fast-tracking infrastructure. Well, I have a few facts and figures here. Particularly in the Illawarra there have been job losses across the region. For a start, in New South Wales 5,200 TAFE teachers have lost their jobs. Those opposite gutted Dapto TAFE like a bluefin tuna so that it has now completely closed down. No more classes are being run out of Dapto TAFE.

We have seen the loss of jobs from Pillar Superannuation. We have seen trains being built in South Korea. We have seen the sale of Port Kembla and a huge loss of jobs there. And the worst—last but not least—is BlueScope Steel. The refusal by the Government to back Australian steel in all publicly funded projects is absolutely criminal. If those opposite were fair dinkum about ensuring that the regions grow and survive and do not end up as the Detroit of New South Wales then they would support Australian steel in all publicly funded projects—but they will not do that; they cannot do that.

The Albion Park bypass and Shellharbour public hospital have been talked about for years and years. There is \$800 million of infrastructure sitting there still being planned. We are still waiting for that to happen. That will bring jobs and investment, and we are still waiting for those two projects to get off the ground. I have called for start dates for both of these projects. The member for Kiama and the rest of those opposite voted against setting a timetable for these two important pieces of infrastructure. The lifts at Unanderra have not been built. Where is the West Dapto infrastructure plan? It is one of the fastest growing areas in New South Wales and those opposite have not even done any land procurement for primary and high schools. The list goes on. There is a school maintenance backlog that we all know about, and that is in every electorate in New South Wales.

As the member for Port Stephens has just said, commercial fishers are now being put under pressure with changes to the way that they work. In my electorate there is not even a Roads and Maritime Services [RMS] office. There are no State services in the electorate of Shellharbour. They were moved out to somewhere else. The Minister said it was very close on a map, so that was all okay. And let us not forget this cracker—do we all remember that thought bubble—the regional relocation grants, which allowed people to move from Wollongong because that was metro—across the bridge? [*Time expired.*]

Mr GEOFF PROVEST (Tweed) (16:03): In reply: I thank all members for their valued contributions to the debate. I am amazed at certain things that were said here today. The member for Wyong was here when I first came into Parliament and there were a lot of promises made. I believe that at that time Labor policy did not insist on Australian steel in government projects. It is quite easy to see that the newbies in this place forget the Labor of old, but I do not. I can remember that not one centimetre of rail track was laid in 16 years under Labor. I can remember a lot of glossy brochures. I can remember all of that, but virtually nothing was done. I can remember the metro and the waste there.

We on this side have been clear about our record in regional New South Wales. We know that there is always more to do. We have a vision and strong leadership for building the regions into the economic powerhouse they were always meant to be, had Labor not abandoned them. This Government has a clear mandate and a legacy with which to grow this great State. We on this side will continue to build infrastructure in the regions, create the skilled workforce of the future, support businesses to grow and thrive and keep New South Wales number one.

If we look at those opposite and their legacy, we see a long list of disappointment and despair for the people of New South Wales. Under Labor, New South Wales was last in the nation for economic growth and highest for unemployment for more than a decade—so much for caring about the working class people! Labor has an atrocious record. In 2010 New South Wales was ranked last in the nation on economic growth for the January, April, July and October CommSec State of the States reports. Labor's record is one of broken promises and economic mismanagement. Under Labor, New South Wales was the highest taxed State in Australia. Labor could not organise a chook raffle let alone \$43 billion of infrastructure investment. Under Labor, regional employment growth plummeted. Between 2000 and 2010 New South Wales had the lowest jobs growth of any Australian State.

Labor's Jobs Action Plan meant a koala park, which would have cost more than 3,000 jobs on the North Coast of New South Wales. Labor's pledge of \$211 million for the Tweed Hospital—another empty promise made by Walt Secord—was an attempt to fund the project by ripping \$5.5 billion out of the hands of hardworking small businesses. The Australian Labor Party is the greatest threat to regional New South Wales. Our remarkable record on growth has been underpinned by New South Wales Government policies to support a strong business environment, a skilled workforce and building infrastructure for the future in our regions. [*Time expired.*]

The DEPUTY SPEAKER: The question is that the motion as moved by the member for Tweed be agreed to.

The House divided.

Ayes47
Noes29
Majority.....18

AYES

Anderson, Mr K
Barilaro, Mr J
Conolly, Mr K
Crouch, Mr A
Evans, Mr L
Greenwich, Mr A
Henskens, Mr A
Kean, Mr M
Marshall, Mr A
Patterson, Mr C (teller)
Petinos, Ms E
Provest, Mr G
Sidoti, Mr J
Stokes, Mr R
Tudehope, Mr D
Williams, Mr R

Aplin, Mr G
Bromhead, Mr S (teller)
Constance, Mr A
Dominello, Mr V
Fraser, Mr A
Gulaptis, Mr C
Hodgkinson, Ms K
Lee, Dr G
Notley-Smith, Mr B
Pavey, Ms M
Piccoli, Mr A
Roberts, Mr A
Skinner, Ms J
Taylor, Mr M
Upton, Ms G
Williams, Ms L

Ayres, Mr S
Brookes, Mr G
Coure, Mr M
Elliott, Mr D
Goward, Ms P
Hazzard, Mr B
Johnsen, Mr M
Maguire, Mr D
O'Dea, Mr J
Perrottet, Mr D
Piper, Mr G
Rowell, Mr J
Speakman, Mr M
Toole, Mr P
Ward, Mr G

NOES

Aitchison, Ms J
Car, Ms P
Crakanthorp, Mr T
Harris, Mr D
Hornery, Ms S
Leong, Ms J
McKay, Ms J
Minns, Mr C
Robertson, Mr J
Watson, Ms A

Atalla, Mr E
Catley, Ms Y
Dib, Mr J
Harrison, Ms J
Kamper, Mr S
Lynch, Mr P
Mehan, Mr D
Park, Mr R
Warren, Mr G (teller)
Zangari, Mr G

Barr, Mr C
Chanthivong, Mr A
Finn, Ms J
Haylen, Ms J
Lalich, Mr N (teller)
McDermott, Dr H
Mihailuk, Ms T
Parker, Mr J
Washington, Ms K

PAIRS

Baird, Mr M
Berejiklian, Ms G
Gibbons, Ms M
Grant, Mr T
Hancock, Ms S

Daley, Mr M
Doyle, Ms T
Foley, Mr L
Hoenig, Mr R
Smith, Ms K

Motion agreed to.

Private Members' Statements

CARERS NSW

Ms JO HAYLEN (Summer Hill) (16:13): Caring for a loved one who is sick, elderly or disabled is a powerful act of love and compassion. Carers NSW reports that more than 850,000 people in New South Wales are carers. That is approximately 12 per cent of the New South Wales population. Of those, more 250,000 are primary carers. Members from both sides of this House have spoken about carers and the important role they play in New South Wales. I take this opportunity to speak about a key challenge for Government, and that is the increasing pressure of intergenerational care that affects those caught between caring for their children and elderly

parents, often while working full-time jobs. This challenge is not a new one, but the phenomenon has particularly affected the boomer generation. They are now often caring for their frail parents while supporting adult children who cannot afford to buy their own home.

As the cost of living increases and the population ages, a growing number of Australians in their forties and thirties are caring for multiple generations. They face the additional pressure of unaffordable housing and child care. For Government, the challenges are stark. First, ensuring carers are acknowledged and supported; secondly, guaranteeing adequate funding and resources for child care at one end and aged care at the other; and, thirdly, working to make housing affordable. The less we invest in these critical services the greater the pressure will be on generations caring for their parents and children. I was approached recently by a constituent facing this challenge.

This lady is in her early forties and has worked ever since she left university, putting away superannuation to pay for her retirement. She met her husband, they married and they now have two gorgeous kids, both of whom were in regular day care until recently. Her family was going along well, but then her father passed away and her frail mother moved in with her, requiring round-the-clock care. For the past year she has balanced working from home with caring for her mother and her children. It has been tough. She was forced to work from home and she had to cut back on the days her kids were in care. That meant she had to cut back on her work, reducing her income and productivity. To make things harder, she needs a larger home, but cannot afford to buy one because of the cost of housing. Her family feels every increase in the cost of living acutely.

Government must do more to relieve the pressure on those in those circumstances. Hardworking Australians are caring for multiple generations. Unfortunately, the Federal Turnbull Government is moving in the opposite direction. Recently, it cut \$1.2 billion from aged care in this year's budget alone. In New South Wales funding for child care is so low that it ranks dead last in preschool enrolment, which is worse than any other State in the country. The recent Government announcement about childcare funding is too little and has come too late for many families. It also will not apply to long day care centres, which provide 77 per cent of the services for kids in care. We need transformative policies to address housing affordability like the proposed changes to negative gearing suggested by Federal Labor. Of course, these are opposed repeatedly by conservative governments.

Mr David Elliott: So you are in favour of that?

Ms JO HAYLEN: I acknowledge the interjection by the member opposite. Yes, I support the proposed changes to negative gearing suggested by Federal Labor. They are the transformative policies we need to address the housing crisis, not only in New South Wales but also across this country. We cannot afford to ignore the cost-of-living pressures any longer. We also must look at innovative approaches. At Mount St Vincent in Seattle, a nursing home has introduced an Intergenerational Learning Center, where residents and children intermingle in dance classes, story time, meals and other activities.

On a basic level, this integration of care makes economic sense. It lowers the overheads for both aged care and child care and puts downward pressure on costs. Most importantly, it makes sense from a social and welfare perspective. Often elderly residents feel isolated and ignored. The approach is backed by researchers at Griffith University in Queensland, which is running the first trial in Australia. By bringing nursing home residents and young children together, everyone can benefit from feeling part of a society that cares deeply for both and understands that we all have a part to play—from the cradle to the grave. We must consider new and innovative approaches, and transformative policies now if we are to meet the many challenges facing our caring generations.

LOFTUS TAFE

TEMPORARY SPEAKER (Mr Thomas George): I call the member for Heathcote, Temporary Speaker and birthday boy.

Mr LEE EVANS (Heathcote) (16:18): Thank you.

Mr John Robertson: How old are you?

Mr LEE EVANS: How old do I look? I have had a hard life for a 30-year-old. That is all I can say.

TEMPORARY SPEAKER (Mr Thomas George): That you are not 70?

Mr LEE EVANS: I take this opportunity to dispel the mistruths spread by the Opposition about my TAFE at Loftus. The Opposition spokesperson for TAFE sent me an invitation via Facebook. Within a week, the paper copy invitation arrived in my office. I apologise for not responding, but the invitation was overlooked due to an issue in my office. Having said that, my diary was booked a month ahead and I suspect the Opposition spokesperson does not have as much to do as I do. She is trundling around the 'burbs, whipping up hysteria about

TAFE. To top it off, the TAFE spokesperson held a meeting about TAFE in Heathcote, in another electorate—not even in my electorate. The member for Miranda has an outstanding TAFE in Gympie in her electorate, but she did not receive an invitation to have a debate about that TAFE. Instead, I was invited to a debate at Tradies, the trade union club at Gympie.

Let me set the scaremongering of the Opposition spokesperson straight. In the Loftus campus of TAFE, year-to-date enrolments are up 60 per cent. There were 237 fee-free scholarships for students—74 per cent were delivered at TAFE—many of whom came from social housing. This represents roughly \$1.2 million of Government investment into the education of students in the Heathcote electorate, and saved students an average of \$53,000 in fees. The good news about the Loftus campus is that in childcare studies there are increased traineeships due to partnership with the Sutherland Shire Council. Currently the Sports Training and Strength Statement of Attainment is an extremely popular course, and there is a waiting list for the next offering.

Awards have been received by students studying in the tourism, hospitality and service industries faculty. Felicia Soultados, who is studying for the Advanced Diploma of Hospitality, received a highly commended in the Raymond Barrington Memorial Award for Excellence in Tourism and Hospitality. Georgia Doherty, an apprentice and Tasting Success graduate, was a finalist in the Fonterra Proud to be a Chef competition. Georgia also spent three days in Melbourne participating in a master class with famous chefs. Julie Webster, a full-time teacher in Commercial Cookery received the President's Training Award from the Tourism, Hospitality and Catering Institute of Australia.

I am very proud of Loftus TAFE. In fact, I was a TAFE teacher of hospitality at Loftus TAFE. This is Labor scaremongering at its finest. Where there is a TAFE today, there will be a TAFE in the future. TAFE NSW is developing a strategic asset management plan to ensure training is matched with the changing needs of students and employers. Where vacant land or underutilised facilities are sold, every dollar will be reinvested into modernising and improving TAFE facilities and learning platforms for the benefit of students. TAFE NSW will recycle underutilised assets to ensure that TAFE facilities meet industry standards and are efficient and fit for purpose. TAFE will not be privatised. TAFE will remain the public provider for vocational education in New South Wales. Anyone who says otherwise is lying.

Ms Prue Car: I am not lying; you will not rule it out.

Mr LEE EVANS: You, as the Opposition spokesperson, came out to my electorate and said that Loftus TAFE was closing. That is a complete lie and I call you out. You lied.

Mr John Robertson: Point of order: I think it is now normal practice that the term "liar" is considered unparliamentary.

The DEPUTY SPEAKER: Order!

Mr John Robertson: I ask that the member for Heathcote withdraw that reference to the member for Londonderry because on numerous occasions it has been determined that that is unparliamentary.

Mr Alister Henskens: To the point of order: The member did not call any person a liar; he said it was a lie. To say that something is a falsity can surely not be unparliamentary. There is a difference between the issue at hand and personal character. He was debating the issue, not the personality.

Mr John Robertson: He was not. He said, "I call you out."

The DEPUTY SPEAKER: Order! The way the member for Ku-ring-gai described it is the way that I thought I heard it. He called it a lie. He did not refer to the member.

Mr LEE EVANS: I will clarify it. I will withdraw if there has been any misapprehension of what I was meaning. You misled the public. How is that?

MID NORTH COAST ZONE RUGBY UNION FOOTBALL CLUBS

OXLEY HIGHWAY

Ms MELINDA PAVEY (Oxley) (16:24): I am pleased to report another strong year for all the Rugby football clubs in the Mid North Coast zone. There are two competitions—the Upper Mid North Coast, which runs from the Hastings to the Clarence; and the Lower Mid North Coast, which runs from the Manning River south to the Hunter. Both competitions have had games in their first grades, reserve grades and a range of under 14s, under 6s and under 18s. There was also a women's competition. It was another great day of rugby union in the Upper Mid North Coast grand finals, with Hastings Valley Vikings claiming another first grade premiership when they beat the energetic and fabulous Kempsey Cannonballs at the picturesque seaside Oxley oval. The Vikings again took out the reserve grade title.

The Wauchope Thunder club, in its second year back, performed valiantly, while not actually winning a game. That will change, in time, I am told. Congratulations to all the 2016 award winners in all grades, as well as the players of the day in all the grand finals. Well done. For most of the season, all teams from the seniors down to the under 14s, under 16s and under 18s play on the same day when possible, and at the same venue. This educates the younger players about the culture of the club and the spirit of rugby union. I acknowledge and thank the sponsors of the 2017 season, especially the major sponsor, Telstra, which has been a tremendous support for rugby.

The Mid North Coast Rugby Union President is Mark MacKay; the treasurer is David Owen, and the executive officer is Bob Wilson. Successful sporting competitions reflect the energy and experience put in by the local administrators. It requires many hours of work and dedication. We cannot overlook the "men in the middle". Without them games cannot occur. They do a great job, despite all the "advice" from the experts on the sideline. The Mid North Coast Rugby Referee Association secretary is Richard Rogers. The Mid North Coast entered teams in the 2016 NSW Seniors and Colts Country championships that were played in Armidale. Adam McCormack from the Hastings Valley Vikings represented New South Wales Country once again, and performed well for the Country Cockatoos.

The Mid North Coast Juniors has continued to grow and develop again in the 2016 season, and thanks go to all those who make Junior Rugby happen—the coaches, managers, committees, all the referees and the parents, as well as the supporters and volunteers at Port Macquarie Junior Rugby Union and Coffs Harbour juniors. Junior Friday night competitions have been strong and successful. To cap off all this effort, the Mid North Coast Rugby Union will be hosting the 2017 New South Wales Championships for seniors, colts and women at Port Macquarie in April, next year. Finally, the credit for a successful season falls to all the players, coaches, officials, referees and volunteers from all the clubs who have given so much throughout the year.

I turn now to the Oxley Highway, so named for early explorer John Oxley. Since it was built in 1838 the highway has always been an important freight link from Armidale, Port Macquarie and through to Tamworth. It is also a major tourist attraction for motorcycle clubs from all over Australia. In 2013 the Centre for Road Safety [CRS] and Roads and Maritime Services [RMS] carried out a route safety review of the Oxley Highway. The Oxley Highway Safety Review report contains a number of recommendations that focus on an integrated approach to improving road safety along the length of the highway. The recommendations included adjusting existing barrier systems, relocating or removing some roadside hazards, improving line-marking practices, improving and widening road shoulders, upgrading road junction treatments, improving road alignment, and reviewing speed zones and their lengths. The New South Wales Government has since committed \$10 million over two years to implement these recommendations.

Work so far has included shoulder widening, guardrail improvements and intersection improvements, including the widening of the approaches to the "doughnut" on the Pacific Highway, which is an important pinch point during peak traffic periods. I am pleased to say that that was one of the first issues that I tackled as the member for Oxley. I pushed that issue very hard because the peak-hour traffic from Wauchope was unsustainable. At the 2015 election, the New South Wales Liberal-Nationals committed a further \$50 million toward the Oxley Highway Corridor Strategy. RMS, in collaboration with Transport for NSW, has prepared this strategy to address the long-term needs of this important corridor.

Most recently, RMS has completed a route safety review of speed limits along the length of the highway and, after extensive research and analysis of crash statistics, has recommended some decreases. However, this has caused some angst amongst some sections of my community, particularly the motorcycle community. Recently, I facilitated a meeting at Ralph Clissold's Mount Seaview Resort. Approximately 16 people attended the meeting, representing road users, and community and business interests from the Oxley Highway corridor. There were many people from my electorate of Oxley and some from the electorates of Tamworth and Port Macquarie. The meeting considered and discussed the proposed zone changes, and a senior RMS representative addressed the meeting. He offered and agreed to press the pause button to allow time for further consideration of all the issues that had been raised, both at the meeting and in recent community commentary.

Mr Adam Marshall: Hear, hear!

Ms MELINDA PAVEY: I acknowledge the interjection and support from the member for Northern Tablelands whose electorate is also affected. Tourism is a very big industry. Tourists enjoy the beautiful mountain scenic routes that our electorates offer. The meeting was very civil and professional. I congratulate all participants. I am proud that the Government both listens to the community and responds with genuine fairness and consideration.

CONTAINER DEPOSIT SCHEME

Mr JOHN SIDOTI (Drummoyne) (16:29): I often speak about being one of the most privileged members of this House to have such a great electorate as Drummoyne. I mention in particular the Parramatta River foreshore and the joy it brings to so many people who live in my electorate. Along its western end, industrial waterfront has been converted to residential space and the need for open space has become more important than ever. A walk along the wonderful Bay Walk in my electorate of Drummoyne shows the great deal of rubbish that has been left along the foreshore. Initiatives have been adopted over a long period, such as Keep Australia Beautiful, and have worked wonderfully; but, unfortunately, the initiatives have not worked 365 days a year. As a result, it is often left to the residents and visitors who are strolling around the edge of the bay to jump in and collect some of the rubbish that has been left behind.

I get together with many residents of my street on a regular basis to clean up a lot of the rubbish that is washed down by stormwater and plastic bottles that have been discarded. That is why this morning I was excited to hear the Minister for the Environment introduce the Waste Avoidance and Resource Recovery Amendment (Container Deposit Scheme) Bill 2016, which will lay the foundation for a container deposit scheme to begin next year. That is a great first step, especially considering that most of the rubbish dumped along the foreshore is plastic bottles. The creation of a container deposit scheme in New South Wales is long overdue. Once the legislation is enacted, I am sure it will be effective in reducing litter and cleaning up our environment. There is plenty of evidence to suggest that container deposit schemes work. Similar schemes have been operating in jurisdictions such as South Australia, the Northern Territory and in many overseas countries. The schemes work because they give people an incentive to retain their empty containers for later redemption instead of discarding them in the environment where they simply pile up.

According to the Keep Australia Beautiful National Litter Index, New South Wales leads the State in terms of litter control and is well above the national average. Each year the volume of litter in this State is 5.69 litres per 1,000 square metres whereas the national average is 4.1 litres per 1,000 square metres. According to that index, beverage containers constitute most of the litter in New South Wales and account for 44 per cent of total volume, which is absolutely staggering. When I consider the investment by the current Government and previous governments to control litter in areas such as the Bay Run in Drummoyne and Russell Lea, litter control is a credit to the people of electorates that adjoin the Drummoyne electorate—indeed, to people right across New South Wales—who use those leisure and recreation facilities.

Last year, the Government made a substantial commitment to build a bridge valued at \$2 million in the City of Canada Bay to widen the footpath and provide a designated bike path that is separate from pedestrian access to enhance safety. The seven-kilometre Bay Run has many benefits for cyclists, pedestrians and sporting enthusiasts, and every year it is the site of numerous charity events. The container deposit scheme will bring great benefits to areas right across the State, but particularly in my electorate. My constituents are very passionate about recycling. The City of Canada Bay Council does a wonderful job of maintaining a clean environment through many recycling initiatives. In the past five years the council has been the recipient of many New South Wales Government awards as well as grants related to environmental sustainability.

I take this opportunity to congratulate the Mayor of the City of Canada Bay, Councillor Helen McCaffrey, on her election as mayor. I know she will do a remarkable job. In the short time in which she has been the mayor, I have observed the council to be operating in a no-fuss and low-publicity environment to deliver the results the residents want to see. I add that it is the first time that my area has had Liberal local, State and Federal representatives; all of us are of the same political persuasion. I congratulate Councillor Helen McCaffrey on her election and urge her to continue doing what she has been doing because the community really appreciates it.

BROADMEADOW PRECINCT MASTER PLAN

Mr TIM CRAKANTHROP (Newcastle) (16:34): In 2009, under the former Labor Government, a Broadmeadow precinct concept master plan was commissioned. A draft was produced by the former Hunter Regional Sporting Venues Authority. In 2011, the Liberal Government was elected. The draft was never translated into a master plan and for four long years, nothing was done. In 2015, I began asking questions of the Minister for Sport. In the past year I have directed nine questions on notice to the Minister and received the vaguest of responses. In the most recent example, questions were asked of him during budget estimates but, again, he gave no definite timeframe or plan.

Having failed with the sports Minister, I began asking questions of Janett Milligan, who is the executive director of Venues NSW. I met with her on three occasions, including once at the Newcastle District Park tennis club, whose members also are looking for answers on where their future lies with the plan. Over the past year I have met with various sporting groups, including skaters who would like improved facilities. It is deeply concerning that the chairperson, Janet Milligan, says that the master plan "will be going to the Government very

soon" when the skating fraternity in Newcastle is yet to meet with the Government on site with regard to their plan for a regional skating facility at Broadmeadow.

Earlier this year I met with the Newcastle Knights Chairman, Brian McGuigan, and the chief executive officer, Matt Gidley, who agree that the Broadmeadow site needs upgrading. A world-class training facility, such as the proposed centre of excellence, would be a benefit to upcoming athletes in not just the Hunter but in all of northern New South Wales. I also invited the shadow Minister for Sport up to Newcastle to show that Newcastle deserves and needs investment in and around the Hunter Stadium. For that, it needs a master plan. As members can see, after working on the campaign for the past year it is good that it is back on the agenda, following some recent Hunter Infrastructure Investment Fund announcements. But it saddens me that we are still moving at a snail's pace.

The investment of \$10 million in the Newcastle International Hockey Centre and \$5 million for the Broadmeadow Basketball Stadium is a great start, but it also shows that investment is desperately needed in the sport precinct. We need an overarching master plan for Broadmeadow—not the ad hoc patchwork approach that is being adopted by this Government. Sports fans in the Hunter region have every right to start demanding some attention from the Baird Government after having been left out for far too long. Newcastle is the State's second-biggest city. Newcastle has premier sporting teams, including the Newcastle Jets and the Newcastle Knights, and Newcastle contributed a large contingent of athletes to the Olympic and Paralympic Games. Newcastle punches well above its weight in international sporting events, and deserves some recognition from this Government.

The Broadmeadow precinct has enormous potential and a master plan should be finalised by this Government as a priority. Newcastle needs a regional sporting hub that could service all of northern New South Wales. The Broadmeadow precinct concept master plan would deliver that. With the Baird Government's announcement earlier this year of more than \$1.5 billion to be invested in Sydney stadiums over the next decade and the sale of the Newcastle port for \$1.75 billion, it is time for the Government to reinvest in Newcastle. For that to happen, we need a master plan. I call on the Government to finish this long overdue plan and back it up with funding to provide Newcastle with a world-class sporting precinct.

COMMUNITY RESERVE TRUST BOARDS

Mr ADAM MARSHALL (Northern Tablelands) (16:38): I never underestimate the important role played by community reserve trust boards in our communities and the value they bring to all small communities not only in my electorate but also in areas right across the State. Most of those Minister-appointed trustees are volunteers and together they manage many hundreds of Crown land properties and buildings, most in country New South Wales being well over a century old. Without those volunteers giving up their time, life in a country town would look starkly different—the old memorial hall or grandstand would likely be forgotten or sold off and so the town would no longer have that important landmark. The local sportsground or arts pavilion may not even exist. Crown reserve trustees are the lifeblood of many of our communities.

In the Northern Tablelands electorate the hardworking staff at the Armidale Crown Lands office help to facilitate the management of around 110 Crown reserve trusts, one of the highest number of trusts anywhere in the State. To keep the infrastructure shipshape and accessible to the public, hundreds of trustees volunteer their time and energy to ensure those halls, showgrounds, sports fields, tennis courts, theatres, pavilions, racetracks and many other buildings weather the passage of time in good order. The volunteers involve their communities to fundraise, organise working bees, mow lawns, paint walls, erect fences, control weeds and so many other responsibilities. It would be impossible to undertake these tasks if we had to pay staff to do them. The volunteers undertake this work because they care.

Recently I had the pleasure of visiting one such iconic reserve trust in the Northern Tablelands, the Tent Hill Public Hall. The hall has been the focal point for all community activities since it was built in 1887. It is a humble little hall made from local timber hand cut in the community and it remains almost entirely in its original condition, which is probably the main reason for its historic charm. It does need a ceiling though as it has lost its ceiling, and during my visit I was pleased to announce a \$15,500 grant from the Public Reserves Management Fund. No doubt community members will triple the value of that grant by doing a lot of the necessary work themselves.

The hall was built across the road from the tin smelting works and I have been told the Tent Hill population at one stage consisted of about 4,000 workers living in tents, thus the name of the settlement. The hall has been used for various events over the years—travelling shows, dances and polling booths for State and local elections. One of the longest running events held in Tent Hill Public Hall commenced in the early 1940s—the annual village Christmas party that focuses on the children and Santa's arrival in the community. I commend to the House the wonderful trustees who keep the hearts of many communities beating, especially those in Tent Hill.

Judith Seagrove has been a trustee for 40 years and her husband, Ambrose, has been involved with the hall since he was 19. He is now 91 years old. Officially he has been on the trustees' books for more than 56 years, since the lands department began keeping records of trustees, but he was helping out at the hall well before then.

Ambrose has been president, secretary and treasurer many times over those years and at the age of 91 is still the treasurer. His lovely wife, Judith, is now the president of the trust, and like her husband has fulfilled the roles of secretary and president. Like most community-minded people in these small communities, there are not many organisations in which the couple have not been involved. To make up for their inability to help out at workdays and charity events, Ambrose and Judith bake over 100 fruit cakes a year and donate them to various charities. Other wonderful people who help out there are Celia and Robert Sutton, who recently moved to the district. Robert is a great handyman and is ready to put his hand up when needed. From sampling Celia's food during my visit, I can say that she is one of the best cooks I have ever met. I commend to the House the wonderful trustees at Tent Hill and right across the Northern Tablelands electorate.

Mr JOHN SIDOTI (Drummoyne) (16:43): Contributions by the member for Northern Tablelands always reveal his outstanding commitment to his community. I have been told that he is known in his electorate as the "rural package". Tent Hill must be an amazing place, and I hope to visit it. I did a Google search for it and found that it is so small and remote that its postcode includes a decimal point, which is not to say it is not a wonderful place. I congratulate Judith and Ambrose Seagrove on their dedication to their community. They are obviously remarkable people who were childhood sweethearts and who have been together for many years. Between them they have given some 96 years of community service. The volunteers are the backbone of our communities. [*Time expired.*]

STATE EMERGENCY SERVICE AWARD CEREMONY

Mr GARETH WARD (Kiama) (16:44): On Monday 26 September 2016 I was pleased to attend the New South Wales State Emergency Service [SES] Shellharbour City Unit Awards Ceremony in Albion Park to recognise the distinguished contributions of a number of remarkable and incredibly dedicated community heroes and volunteers. I also was pleased to represent the New South Wales Minister for Emergency Services by officially presenting 17 awards to volunteers from the Shellharbour City SES Unit. The awards included national medals and long service awards ranging from five to 35 years of service to the New South Wales SES. I acknowledge and congratulate those who received a five-year long service award including Craig McNerney, Angus Easton, Wayne Caines, Sabine McPaul, Brayden McPaul and Andrew McPaul.

A 15-year long service and national medal was presented to Ron Miller. A 25-year long service and national medal was presented to Bradley Irwin. A 35-year long service and national medal was presented to David Berry. Unit citation—vulnerable facilities awards—were presented to Terrie-Ann Hurt, Ron Miller, Martin Sewell, Richard Hart, Shane Gauci, Graham Kirk, Matthew Norris and Tom Nicolls. The awards are given in recognition of the outstanding efforts shown by these wonderful members who have dedicated many years to volunteering for the New South Wales SES and to helping the people of New South Wales in their times of need. Between them, the recipients have accumulated 105 years of service.

The New South Wales SES Shellharbour City Unit is one of 14 units that operate in the Illawarra-South Coast region. The unit has four vehicles and two flood rescue boats. Unit members meet on a Monday evening for training and to perform other necessary administrative, operational and planning functions. Members also meet on other weeknights and weekends for additional unit management, training or exercises. I acknowledge and thank those in attendance at the awards ceremony including New South Wales SES director of finance and asset management, Julie Hatley, Illawarra RFS district manager, Greg Wardle, Fire and Rescue NSW zone commander, Brian Smart, and region emergency management officer, Warren Goodall. I also acknowledge and thank region controller Greg Murphy, local controller Terrie-Ann Hurt and deputy local controllers Brad Irwin, David Berry and Marianne McTiernan.

While all volunteers in the New South Wales SES show an extraordinary level of commitment to their communities, award presentations such as this provide special recognition to those volunteers whose accumulated wisdom and experience is irreplaceable. Volunteers do not do it for the awards; they do it to serve our local community. It is a fantastic achievement that in 16 of the units 62 volunteers are being presented with those awards. This reflects the deep commitment that members of the Shellharbour SES have to our community. The volunteers of the New South Wales SES Shellharbour City Unit have done a wonderful job over the past year, responding to more than 400 calls for help in their local community and responding to floods, storms and other emergencies as well as participating in training and community events. On behalf of a very grateful local community, I thank each and every member of the Shellharbour City SES Unit for their tireless and ongoing contributions to protecting our local communities and keeping families safe during their hour of need.

Having acknowledged those champions of our community I also will make some brief remarks about people taking some responsibility for their own actions when it comes to floodwaters. Every time there is a major wet weather event, members of the SES respond to many flood-related events including those caused by people who recklessly drive through floodwaters. Many of those drivers get stranded, thus risking their own lives and the lives of their volunteer rescuers. It is time for the Government to fine those who, without reasonable excuse, drive into floodwaters to deter drivers from taking these risks, with the funds going back to the SES and Rural Fire Service [RFS]. Fines for those who drive through floodwaters should be in place to deter drivers from taking risks. Drivers need to think twice before entering floodwaters and putting lives at risk.

Recently in Victoria a man was rescued from floodwaters twice in two days. Clearly the message is not getting through. We have callout fees for ambulances and Fire and Rescue NSW. Why do we not have some form of disincentive for those who take unnecessary risks and thus need to be rescued, with those funds going back to the SES and RFS? In fact, in Japan and the United States, people have to pay the full cost of the rescue in many circumstances. I am not recommending that by any means but rarely would people drive knowingly, wantonly, into a bushfire. Why they do so in regional communities, risking their own lives and indeed those of others, is beyond me. Obviously one can understand people who have reasonable excuses to assist family, livestock or other things; I am talking about those who have no excuse. We need to send a strong message so that people are safe at home with their families. I commend the New South Wales SES and its service to the House.

TRIBUTE TO EMERITUS MAYOR CHARLES LOWLES

Mr EDMOND ATALLA (Mount Druitt) (16:49): I commend Emeritus Mayor Charlie Lowles, OAM, of Blacktown City Council for his 40 or more years of dedicated service to the community of Mount Druitt and his 27 years of service as a councillor. During his time on Blacktown City Council, Councillor Lowles served as mayor from 1995 to 1999 and from 2008 to 2010 and as deputy mayor on many occasions since 1989. Councillor Lowles recently retired from public service, and it goes without saying that he will be sorely missed by the community in which he has become a mainstay and a supporter of the people. In 27 years as a councillor, Charlie has helped to develop many community projects, including the Mount Druitt library and the Mount Druitt Hub, basketball courts, the Emerton Youth Centre and the Emerton Leisure Centre.

During his time as mayor, Councillor Lowles initiated the debt-free policy, which has resulted in council being debt free to this day. Councillor Lowles is also responsible for the introduction of the personal alarms issued to our senior citizens for their safety and security. Councillor Lowles is a passionate soccer supporter and has in the past 20 years served as president, coach and manager of the Mount Druitt Town Rangers Football Club. The Rangers is a successful club that supports the local area and over the years has provided football with many talented players. These are just some of Charlie's achievements: There are far too many to list. In 2013 Charlie was honoured for his more than 40 years of service to local government and to the community when he received a well-deserved Medal of the Order of Australia. In receiving his OAM, Charlie said:

I love Mt Druitt I think people here are the salt of the earth ... Even if I won the Lotto, I'd still live here. My friends and family and memories are here.

In my earlier years when I became a councillor at the Blacktown City Council, Charlie was an invaluable source of information and advice. I could never thank him enough for taking me under his wing. Charlie has been a fierce advocate for his belief in equality for all and for services that allow everyone to have a decent quality of life. Although he is retiring from the council, I am sure that Charlie will continue to serve the Mount Druitt community he loves so much. I wish him all the best in the future.

TRIBUTE TO GLORIA PINNINGTON

Mr CHRIS PATTERSON (Camden) (16:52): I speak today in remembrance of Mrs Gloria Pinnington who, sadly, passed away last night. Mrs Pinnington's son, Greg, his wife, Alex, and their family are close friends of ours, and I offer my condolences to all the Pinningtons in their time of grief. Gloria Pinnington dedicated her life to her family, her friends and to cricket within my community. Mrs Pinnington was a wonderful woman who will be sorely missed by all who knew her. She leaves a lasting legacy within the cricketing community, and her many years of service have laid the groundwork for and ensured the growth of cricket in our community for future generations. Mrs Pinnington's dedication and contribution to the Camden Cricket Club has been so extraordinary that she is the first female non-playing member to be honoured with life membership in the club's long history.

Paul Pinnington and Mrs Gloria Pinnington saw cricket as being about friendships, teamwork, fun, exercise, club development, community engagement, service to the game, promotion of the game as a vital part of national identity, helping people achieve ambitions via training programs, and an acknowledgment of the role all clubs play at the local associations level and how this feeds into Cricket Australia. Gloria transformed the club into a friendly, fun, and family oriented club. She recruited players and hosted fortnightly barbecues at the family home. Wayne Shaw, Paul Pinnington and Gloria Pinnington formed the club's committee, with Paul being elected

president, and set about laying the foundations for the club's successful future. They formed an action plan to keep the club alive, and sponsorship was secured along with fundraising competitions such as "seven a side" and "double wicket day". Gloria worked tirelessly, organising and leading all involved, to make sure financial stability was achieved. She raised around \$30,000 more than four decades ago. One can just imagine what that would be worth in today's terms.

Because of the family atmosphere created by Gloria at the club, talk soon turned to participating in the junior competition. The three teams that were initially established—under 11s, under 13s and under 15s—were under Gloria's duty of care while she scored and replicated her role with the senior team. The success of the club's one day carnivals and the expansion of the senior and junior teams necessitated a review of community grounds. Gloria took on a massive task: She did the relevant research regarding legislation, council regulations and council applications and liaised between stakeholders so that Paul, along with the Royal Agricultural Society's Camden Show Committee, Camden Public School, Camden High School and the football clubs, could approach Camden Council about the development of the sporting fields at Onslow Park and the establishment of fields at Kirkham. Two more playing fields also were developed by the council. Now able to support home games, the club was able to field more teams and membership grew.

Gloria and Paul spoke about grade sides and wanted to create a pathway for players. Paul raised this idea at regional and district association meetings and found a great supporter in Noel Laming. Gloria, Paul and Noel put three years of hard work into a successful application to Cricket NSW to be granted the status of the Fishers Ghost Club at the Campbelltown Grade Club. The club's first season was in 1985 but, sadly, Paul did not live to see it and died in 1981. Gloria's involvement at every level of cricket administration is peerless. The partnerships she forged with and for the people in her community and beyond have enabled many to enjoy the club and cricket. Gloria served Camden Cricket Club for 46 years, was a patron for 35 years, was an official first grade scorer for 14 years and was present at 40 annual general meetings and presentation nights. Only ill health prevented her from attending all 46 meetings.

Gloria fulfilled 13 roles out of a possible 16, with the exceptions of president, chairman of selectors and coaching coordinator. Players and officials of the club—my sons, Tom and Matthew, included—will be wearing black armbands this Saturday as a show of respect to Mrs Gloria Pinnington. I thank all the players and send my thoughts as they remember Mrs Pinnington, and I thank the Camden Cricket Club for providing me with the exact details of this statement. I could speak for hours about what a wonderful woman Mrs Pinnington was and about the legacy she has left. I offer Greg, "Pinno", Alex, and the young Pinno my heartfelt condolences on the loss of such a great woman. Mrs Pinnington will be sorely missed. May she rest in peace.

Matter of Public Importance

COOTAMUNDRA ELECTORATE FLOODS

Ms KATRINA HODGKINSON (Cootamundra) (16:58): Today I speak about the impact of recent flooding in the Central West and Riverina and highlight the support that has been provided to flood-affected communities by emergency services personnel and local, State and Federal governments. The Central West and Riverina have experienced above average rainfall throughout winter. With a saturated water table, recent spring rain has wrought havoc in the regions, flooding many towns and villages located along major rivers and tributaries. In my electorate of Cootamundra, which stretches from the Lachlan River and the Belubula River in the north through to the Murrumbidgee River in the south, the impact of this wet weather has been felt right across the 35,000 square kilometre area that I represent.

The constituents of Bland, Cowra, Coolamon, Junee, Temora, Narrandera and Weddin shires, as well as the Cootamundra-Gundagai regional and Hilltops councils, have been isolated by rising floodwaters, have had crops and fencing destroyed, and have seen hundreds of kilometres of local roads washed away or severely damaged. The impact of subsequent road closures across the district has been difficult for commuters and business owners alike. When I drove to Arianah Park last weekend to unveil the wheat lumper statue, I was challenged by working out how to get there and back to Grenfell. I had to travel south through Wollumbin and north again for a couple of hours.

The closure of the Newell Highway between West Wyalong and Forbes has been extremely challenging for the local community. It is normally a very busy time of year for small businesses at West Wyalong and the Bland shire, with long-weekend travellers, families on school holidays, and visitors heading to major regional events streaming through their doors. The closure of the highway has placed an enormous amount of pressure on the Olympic Highway, with heavy vehicles dominating the route and other arterial roads at Cowra and Cootamundra. Many of the roads have been severely damaged and are under significant pressure. The strain on local infrastructure as a result of flooding in my electorate and throughout the Central West to the Riverina and to Harden and Young and through to Narrandera, Collaman, Junee, and Gundagai is clear, as is the devastation for

primary producers. Much of their land is under water and has been for the better part of four weeks. Multimillion dollar crops have been destroyed, and the damage bill will amount to billions of dollars across the district.

Lake Cowal is on the boundary between Bland, Weddin and Forbes shires. Bland Creek covers a catchment area that includes the Temora, Cootamundra, Young, Cowra, and Grenfell districts, and it flows into Lake Cowal. As the country flattens out, the water level builds and flooding often occurs at Ungari, as it has twice already this year. Farmers are a resilient lot and do not like appealing for help. However, this is a real disaster for our area. On that note, I acknowledge the tremendous boost that has been provided to our farmers and all those who have been impacted by recent flooding from the declaration of Natural Disaster Relief and Recovery Arrangements [NDRRA] status for the Cowra, Temora, Bland, Hilltops, and Cootamundra-Gundagai local government areas.

I am pleased to advise the House that as of today Weddin, Narrandera, Coolarnon, and Junee shires in my electorate have been included in that declaration. That makes my entire electorate a natural disaster area. I thank the Federal Minister for Justice and the Deputy Premier for acting so swiftly to see these applications for disaster assistance come to fruition. The declaration will allow local councils to commence the enormous task of repairing local roads, and to provide welfare assistance and other support to residents and primary producers who have experienced the very worst of nature.

I make special mention of Forbes. The people of Forbes have experienced a rough time from the end of winter and into spring. Their crops were looking amazing—the chickpeas were up, the wheat was growing, and the canola was strong. Everything was going gangbusters for Forbes and the Central West. We had never seen crops looking so good. A decade-long drought broke with floods in 2010, and we had more floods in 2012. However, who would have thought that we would experience such devastation to what promised to be such a beautiful bounty for our wonderful farmers. I extend my best wishes to the people of Forbes and the western part of the Weddin shire. As I said, our farmers are resilient, but the mental stress caused by this disaster is starting to show. I thank the House for giving me the opportunity to discuss this matter of public importance, which is one of the most significant issues facing regional New South Wales.

The DEPUTY SPEAKER: I do not think anyone would dispute the significance of this matter of public importance.

Mr GUY ZANGARI (Fairfield) (17:03): I speak on behalf of the Opposition on this matter of public importance raised by the member for Cootamundra. The Opposition stands in solidarity with the communities that were recently impacted by the catastrophic flooding that has left the central Riverina area devastated. I support the heartfelt words of the member for Cootamundra and share her sentiments. I know how difficult it is for people on the land to suffer such a disaster. They are resilient, but they need our support, thoughts and prayers during this extremely stressful time. Unfortunately, the floodwaters are not receding quickly enough. The Lachlan River reached its peak at Forbes and did not recede for several days, and it is still moving very slowly.

Significant damage has been caused by flooding in recent weeks. The floods have had an enormous impact throughout the Riverina. However, the community has rallied to assist those who have been affected. Some people remain cut off and will be for a few weeks; in fact, it is estimated that it will be several weeks before the water dissipates from the area. A natural disaster zone has been declared, and as a result the State and Federal governments are providing disaster recovery funding. That assistance is welcomed by the affected communities, which are now faced with the difficult task of rebuilding and moving forward. I note the comments of the member for Cootamundra about the mental scars that are left in the wake of floods and the loss of an expected bountiful harvest after many years of drought.

Thousands of calls were made to the NSW State Emergency Service, and the response has been remarkable. Hundreds of volunteers from throughout New South Wales have arrived in the region, ready to assist in any way they can. I told the House yesterday that I visited Forbes and had the opportunity to speak with members of the local community. I also had the opportunity to thank volunteers, emergency service workers and residents for their unwavering bravery and diligence in the face of adversity. There is no doubt that these communities are resilient. I spoke to a local mechanic whose workshop was inundated. Despite that, he stood outside providing pink slips to people who wanted to do the right thing and re-register their cars. That is remarkable. When we speak to locals and farmers we realise their gumption. I place on the record the Opposition's admiration for the entire community for the way in which it has risen to the challenge presented by the floods.

I also thank the NSW Rural Fire Service, the NSW Police Force, Fire and Rescue NSW, and the Australian Defence Force, who have all chipped in. Of course, that is what Aussies do—we get together and knuckle down to assist our fellow citizens when they are in strife. Words alone cannot do justice to the volunteers and emergency service workers who deserve enormous praise. Now that the flood is over, we must look ahead. Of course, communities are still facing the challenge of picking up where they left off, but we know about the

resilience of the people of this State. I wish them well in the coming months as they regroup and get their lives back on track. Again, on behalf of the Opposition, I thank the member for Cootamundra for raising this matter of public importance.

Mr DARYL MAGUIRE (Wagga Wagga) (17:08): I thank all members of Parliament for their support. I thank Ministers for visiting the flood-affected areas and members of Parliament for their words of comfort to those people who have been affected by this flood emergency—in fact, there have been several. Right across regional New South Wales we have been afflicted by floods but the member for Cootamundra's electorate has suffered the most. Some would suggest that these have been the biggest rains since about 1956 when New South Wales experienced similar conditions. Water is now flowing into and running in creeks that have not run for many years and lakes are filling. The damage and the cost of that is enormous. There is an environmental benefit in all of it because aquifers are replenished and those wetlands are wet, but that comes at a cost to the landholders whose fences and stock are affected and to communities that have to wear the cost of flooded buildings and recovery from the floods. Not only that, events have been cancelled by the dozen because of the terribly wet conditions.

Many communities were lucky enough to dodge the high floodwaters. Sadly those communities mentioned by the member for Cootamundra did not. Today we again express to them our support. In conjunction with the Federal Government, the State Government is giving that support in the form of disaster funding for which councils have applied and which has been approved very quickly. Some councils are still collating the damage, including Tumut, Wagga Wagga and others, as the floodwater moves on. I am told that today in Hay the levy bank has been breached. It is a low levy bank but there is an issue there as the floodwaters move down the Murrumbidgee. In the weeks to come those councils will be able to assess the damage to the roads and put in their claims. They may be a little slower but they will be considered. I am sure any funding that is made available will be greatly welcomed by those landholders and councils.

I place on record our sincere thanks to all of those volunteers—the State Emergency Service and all of those mentioned by the Opposition spokesperson. Again, we thank them for the enormous contribution that they make in situations such as this. These things test communities from time to time. I never cease to be amazed at the resilience of our communities and their ability to recover. In 2010 and 2012 the electorate of Wagga Wagga was devastated by similar events. Through the good management of State Water and others we were lucky enough to manage the river flows so the levy banks were not breached. I feel sympathy for those communities that have suffered these floods but I know that together we will pull them through it and they will come out the other side as stronger communities. I thank all members of Parliament for their ongoing support for those communities.

Ms KATRINA HODGKINSON (Cootamundra) (17:12): In reply: I thank the members for Fairfield and Wagga Wagga for their contributions on this important issue this afternoon. As I said earlier, the Federal and State governments have come through with natural disaster declarations for much of the Central West and the Riverina following recent flooding. The efforts of local emergency services personnel are to be commended, as pointed out by both the member for Fairfield and the member for Wagga Wagga. Members of the Lachlan and Murrumbidgee State Emergency Service [SES] teams also are to be commended. It is exhausting and relentless work and I thank them for it. Along with the Riverina, Central West and Central Tablelands Local Land Services they have worked incredibly hard to keep the community up to date and provide emergency assistance, advice and support where required.

At the end of this week I will be driving to West Wyalong near Forbes. It is one of the worst-affected towns in my electorate. I will be meeting with the Bland Shire Council and small business owners who are very concerned at the prospect of the Newell Highway being closed for some time to come. As I mentioned earlier, this has had a significant impact on the town with some local businesses even having to close their doors. Bland shire also has the second-largest network of locally managed roads in the State. It is hard enough for the council to maintain the roads in dry weather but with this inundation the Bland shire Mayor, Tony Lord, councillors and council staff face extreme challenges ahead. There is a lot of work to do but the community is buoyed by the recent disaster declaration as well as some terrific and greatly welcome announcements from the Minister for Roads, Maritime and Freight, the Hon. Duncan Gay, of an additional \$1 million for the Bland shire on top of disaster relief to help them repair roads.

Hilltops Council will also be receiving an additional \$1 million and the Cootamundra Gundagai Regional Council, Cowra shire and Temora shire are set to receive an additional \$500,000 to support road repairs. I thank all Ministers for their continued support. I am looking forward to working particularly with the Minister for Roads, Maritime and Freight as work gets underway to repair the Newell Highway. It has been a very tough few weeks in my electorate and the broader region, but the support that has been forthcoming from all levels of government has been very welcome.

This is obviously an issue that will continue for some time. With Christmas around the corner, now is the time for retailers to bring in their Christmas stock and look forward to the summer sales, but that will simply

not be happening in many parts of my electorate. I spoke to the Minister for Small Business about this and the Small Biz Bus visited West Wyalong late last week—I thank them for that. I encourage all Ministers to remember that this 35,000 square kilometre region that is the electorate of Cootamundra is facing some real challenges at the moment. Any visits that they can make to the region and any additional services that they can provide will be gratefully accepted and are much needed.

The DEPUTY SPEAKER (17:15): As a resident of Lismore and its representative as the member for Lismore, I offer our thoughts of support. We have been reared with floods—it is a part of our lifestyle. However, the floods in this case and in the south-west are totally different. Lismore's floods come and go within 24 to 48 hours or over three or four days. To have to sit and wait, knowing the flood is coming, must be an unbelievable experience and must place pressure on the people who have to do that. As indicated in the House yesterday, I am sure every member of this House is thinking of what the people of the Cootamundra electorate and the south-west are facing at present and what they are going to face in the future.

Bills

SOCIAL AND AFFORDABLE HOUSING NSW FUND BILL 2016

Returned

The DEPUTY SPEAKER: I report receipt of a message from the Legislative Council returning the abovementioned bill without amendment.

**The House adjourned, pursuant to standing and sessinal orders, at 17:16 until Thursday
23 October 2016 at 10:00.**