



**New South Wales**

# **Legislative Assembly**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Wednesday, 9 November 2016**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE ASSEMBLY

**Wednesday, 9 November 2016**

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

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

## *Bills*

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

#### **Returned**

**The SPEAKER:** I report receipt of a message from the Legislative Council returning the abovementioned bill with amendments. I set down consideration of the Legislative Council amendments as an order of the day for a later hour.

## *Visitors*

### **VISITORS**

**The SPEAKER:** I welcome to the gallery former member for Blue Mountains Roza Sage and two of her willing helpers from Diabetes Australia. Thank you for all the work you do.

## *Bills*

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

#### **Consideration in Detail**

#### **Consideration of the Legislative Council amendments.**

#### *Schedule of amendments referred to in message of 8 November 2016*

No. 1 **OPP No. 2 [C2016-080B]**

#### **Decisions of Commissioners**

Pages 14 and 15, clause 19, line 27 on page 14 to line 9 on page 15. Omit all words on those lines.

Insert instead:

#### **19 Exercise of Commission's functions**

- (1) Except as otherwise provided by this section, the functions of the Commission are exercisable by a Commissioner, and any act, matter or thing done in the name of, or on behalf of, the Commission by a Commissioner is taken to have been done by the Commission.
- (2) A decision of the Commission to exercise any of the following functions must be authorised by the Chief Commissioner and at least one other Commissioner:
  - (a) a decision under sections 44 (1) (a) and 51 (1), made after taking into account the relevant factors set out in sections 45 and 46, that conduct is (or could be) serious misconduct, serious maladministration, police misconduct, Crime Commission officer misconduct, officer maladministration or agency maladministration and should be investigated,
  - (b) a decision to hold an examination under Division 3 of Part 6 (except where there is a duty to hold an examination into conduct referred by Parliament for investigation under section 196),
  - (c) a decision under Division 3 of Part 6 to hold an examination (or part of an examination) in public,
  - (d) a decision under section 79 (2) that there are reasonable grounds to issue a search warrant,
  - (e) a decision under section 23 (1) to delegate a function of the Commission.
- (3) A decision of the Commission referred to in subsection (2) is presumed to have been duly authorised unless the contrary is established.
- (4) Except as provided by subsection (2), a decision of the Chief Commissioner prevails in the event of an inconsistency in the decisions of Commissioners with respect to a matter.

**No. 2 CDP No. 1 [C2016-074G]**

Page 34, clause 57 (2), line 42. Insert "This subsection extends to any further information, document or other thing obtained as a direct or indirect consequence of the statement, document or other thing produced." after "and (5)).".

**No. 3 CDP No. 2 [C2016-074G]**

Page 41, clause 74 (3), line 6. Omit "is admissible in evidence". Insert instead "may be used".

**No. 4 CDP No. 3 [C2016-074G]**

Page 41, clause 74 (3). Insert after line 11:

This subsection extends to any further information, document or other thing obtained as a direct or indirect consequence of the answer made or document or other thing produced.

**No. 5 CDP No. 4 [C2016-074G]**

Page 124, schedule 5.1 [37], lines 3–14. Omit all words on those lines.

**No. 6 CDP No. 5 [C2016-074G]**

Page 136, schedule 6.16. Insert after line 17:

**[1] Section 15A Disclosures by law enforcement officers**

Omit "alleged indictable offences" and "alleged indictable offence" wherever occurring.

Insert instead "alleged offences" and "alleged offence", respectively.

**[2] Section 15A (1A)**

Omit the subsection. Insert instead:

- (1A) The duty of disclosure arises only if the Director exercises any function under this Act with respect to the prosecution of the offence (including in connection with a law enforcement officer seeking advice from the Director under section 14A of the Criminal Procedure Act 1986 about the commencement of proceedings for an offence).

**[3] Section 15A (6)–(8)**

Omit the subsections. Insert instead"

- (6) The duty imposed by this section does not require law enforcement officers to provide to the Director any information, documents or other things"
- (a) that are the subject of a claim of privilege, public interest immunity or statutory immunity; or
  - (b) that would contravene a statutory publication restriction if so provided.
- (7) The duty of a law enforcement officer in such a case is to inform the Director of"
- (a) the existence of any information, document or other thing of that kind; and
  - (b) the nature of that information, document or other thing and the claim or publication restriction relating to it.

However, a law enforcement officer must provide to the Director any information, document or other thing of that kind if the Director requests it to be provided.

**No. 7 CDP No. 6 [C2016-074G]**

Page 136, schedule 6.17. Insert after line 36:

**[2] Schedule 1 Disclosure certificate (for prosecutions and advisings)**

Insert "or summary" after "indictable" wherever occurring.

**[3] Schedule 1**

Insert "if the DPP is involved in the prosecution of the offence" after "all relevant material" in the matter appearing under the heading "**Acknowledgement**".

**[3] Schedule 1**

Omit "but only to the extent not prohibited by the statutory prohibition certificate" in the matter appearing under the heading "**Certification**". Insert instead "and provide the material to the DPP on request".

**Mr ALISTER HENSKENS (Ku-ring-gai) (10:12):** On behalf of Mr Troy Grant: I move:

That the House agree to the Legislative Council amendments. The Law Enforcement Conduct Commission Bill 2016 is important legislation dealing with two important matters of public policy—firstly, the effective oversight of our law enforcement officers and, secondly, the balancing of the legitimate rights of those officers to be treated fairly with regard to the oversight of them. The first amendment from the Legislative Council deals with the matter of process to be conducted by the Law Enforcement Conduct Commission. It was moved by the Opposition and is agreed to by the Government. This amendment would require certain decisions which currently require unanimous agreement between the commissioners to only require the consent of two out of the three commissioners, but always including the Chief Commissioner.

The decisions governed by this amendment include a decision under section 23 (1) to delegate a function of the Commission; a decision under section 63 (2) and (5) to hold an examination, or part of an examination in public, of conduct that is, or could be, serious misconduct; and a decision under section 79 (2) that there are reasonable grounds to issue a search warrant. The Government recognises the concerns about the potential for delays in certain decisions being made if unanimous agreement from all commissioners is required and one of the commissioners is not available. The rationale for requiring unanimous agreement in certain circumstances was to ensure that the substantial powers of the Law Enforcement Conduct Commission [LECC] were exercised only after high-level internal scrutiny by the three commissioners. The Government has been persuaded, following consultation in the upper House, that this high level of scrutiny will still occur with a decision-making structure in which two of the three commissioners, one of whom is the Chief Commissioner, must agree.

This amendment is also consistent with a recommendation of the recently released report of the Committee on the Independent Commission Against Corruption [ICAC] entitled, "Review of the Independent Commission Against Corruption: Consideration of the Inspector's Reports". The committee recommended a three-member commission for the Independent Commission Against Corruption, which is able to use ICAC's extraordinary powers, by majority agreement of the three commissioners, including the Chief Commissioner. The Government supports this amendment. The amendments from the Legislative Council include a number suggested by the Christian Democratic Party, in particular Reverend the Hon. Fred Nile. These amendments followed constructive consultation in the other place and, having considered the views expressed, the Government also supports these amendments.

Amendments Nos 2 and 4, which were Christian Democratic Party amendments Nos 1 and 3, would prohibit the admission of self-incriminating evidence of a derivative nature against a person where that person was compelled to give evidence. These amendments will provide immunity for those subject to the powers of the Commission in these circumstances. Derivative evidence exists where a person is compelled to provide self-incriminating evidence to investigators and that self-incriminatory evidence leads investigators to discover other incriminating evidence. The United States of America Supreme Court jurisprudence in this area is sometimes referred to as the fruit of the poisoned tree, if the original evidence was obtained contrary to due process of law. It is clear that primary evidence obtained under compulsion, and objected to, cannot be used against the person who was compelled to give that evidence. However, the bill is silent on the issue of admission of derivative evidence—that is, it has been left to the common law.

The admissibility of derivative evidence at common law is currently uncertain, particularly following the High Court decisions in *X7 v Australian Crime Commission* (2013) 248 CLR 92, *Lee v The Queen* (2014) 253 CLR 455, and *R & Anor v Independent Broad-based Anti-Corruption Commissioner* (2016) 256 CLR 459. I note the quote referred to by Reverend the Hon. Fred Nile from Chief Justice, the Hon. Robert French, and Justice Crennan in *X7 v Australian Crime Commission*, that "in the absence of a factor such as the independent sourcing of evidence it is not possible to reconcile a fair trial with reliance on evidence against a person at trial which derives from compulsorily obtained material establishing that person's guilt, or disclosing defences." This does not represent a settled position at common law but it does indicate that of those justices who have commented on the issue a critical position has been adopted.

This is a matter concerning the potential erosion of basic common law rights, including the fairness of a trial, the right to silence and the right not to be compelled to incriminate oneself. As this amendment provides more certainty than the current common law position for those who are subjected to the powers of the commission and because it is more consistent with the ability of individuals to obtain a fair trial, the Government supports the amendment. The third amendment, which is Christian Democratic Party amendment No. 2, replaces the words "is admissible in evidence" with the words "may be used" in section 74 (3) of the bill. This amendment attempts to further limit the circumstances in which self-incriminating evidence is able to be used following an objection. Section 74 (3) is found in part 6 of the bill, which concerns the commission's investigative powers. It provides:

If the answer made or document or other thing produced might in fact tend to incriminate the witness and the witness objects to answering the question or the production at the time of answering or producing the document or other thing, neither the answer nor the document or thing itself (if produced) is admissible in evidence in any proceedings against the witness except:

- (a) disciplinary proceedings, or
- (b) proceedings for an offence against this Act, or



- (c) proceedings for contempt under this Act, or
- (d) as provided by subsections (4), (5) and (6).

This amendment replaces the words "is admissible in evidence" with the words "may be used". The concern articulated by Reverend the Hon. Fred Nile was that under the current drafting the prosecution could still obtain an unfair forensic advantage by using the material to, for example, anticipate the defences that the accused may utilise or plan questions to ask in cross-examination, the effect being that the accused will have been forced to assist in their own prosecution. This amendment aims to address those concerns. The Government acknowledges the concerns raised by Reverend the Hon. Fred Nile and supports the amendment. Amendment No. 5, which is the Christian Democratic Party amendment No. 4, concerns the deletion of words from the principal Act. In the interests of further consultation with stakeholders, that deletion is not pressed by the Government and the upper House amendment is agreed to.

With regard to amendments Nos 6 and 7, which are Christian Democratic Party Nos 5 and 6, they relate to section 15A of the Director of Public Prosecutions Act 1986 and the Director of Public Prosecutions Regulations 2015 which have the effect of increasing the disclosure requirements of the commission to the Office of the Director of Public Prosecutions. The amendments aim to address concerns that have arisen in relation to investigative bodies about the level of disclosure required to the Director of Public Prosecutions. Section 15A of the Director of Public Prosecutions Act currently requires that law enforcement officers investigating alleged indictable offences have a duty to disclose to the director all relevant information, documents or other things obtained during the investigation that might reasonably be expected to assist the case for the prosecution or the case for the accused person.

There are some obvious deficiencies with this section that were recently highlighted by the report "Review of the Independent Commission Against Corruption: Consideration of the Inspector's Reports" from the Committee on the Independent Commission Against Corruption. One deficiency that was highlighted by the ICAC committee and which is addressed in these amendments is the fact that section 15A covers only indictable offences. Fairness demands that those accused of summary offences should also be covered by section 15A. Another deficiency that was highlighted by the ICAC committee and that is addressed in these amendments is that currently non-publication orders can operate to prevent the provision of discloseable evidence to the Office of the Director of Public Prosecutions. This is addressed by Reverend the Hon. Fred Nile's amendments, which provide that "a law enforcement officer must provide to the director any information, document or other thing of that kind if the director requests it to be provided." I note the appropriate amendments also are made to the Director of Public Prosecutions Regulations 2015. The amendments appear to be eminently sensible to the Government, and I think they are worthy of support from all members.

**Mr GUY ZANGARI (Fairfield) (10:23):** I speak in debate on the Law Enforcement Conduct Commission Bill 2016 and the amendments that have been sent to this place from the other place after the conclusion of the debate there last night. I note the amendments put forward by the Christian Democratic Party have been accepted as well as the second amendment put through by the Opposition. I will touch on that amendment and make some comments in order to wrap up the position of the Opposition. We note that all words in clause 19, line 27 on page 14 to line 9 on page 15, were omitted. Part of that amendment was in relation to the exercise of the commission's functions. Clause 19 (1) reads:

- (1) Except as otherwise provided by this section, the functions of the Commission are exercisable by a Commissioner and any act, matter or thing done in the name of, or on behalf of, the Commission by a Commissioner is taken to have been done by the Commission.

Subsection (2) of that amendment reads:

- (2) A decision of the Commission to exercise any of the following functions must be authorised by the Chief Commissioner and at least one other Commissioner.

And there are schedules to that subsection from (a) to (e). Subsections (3) and (4) of that amendment read:

- (3) A decision of the Commission referred to in subsection (2) is presumed to have been duly authorised unless the contrary is established.
- (4) Except as provided by subsection (2), a decision of the Chief Commissioner prevails in the event of an inconsistency in the decisions of Commissioners with respect to a matter.

The Opposition accepts the second amendment. The amendment removes the requirement for a unanimous decision to be made and, instead, enables a majority to make a ruling. This is a make-sense change that I am sure everyone in this House can agree on.

**Mr RON HOENIG (Heffron) (10:26):** I make a contribution to the debate on the amendments to the Law Enforcement Conduct Commission Bill 2016. What I say should be regarded as endorsing the remarks of the member for Fairfield. I will confine my remarks to the concept of the three-commissioner model and the

amendments that have been carried in the other place. As has been pointed out to the House, that model is consistent with the report of the Committee on the Independent Commission Against Corruption—a report which is to be subject to a take-note debate tomorrow.

I joined in the recommendation of the committee for a three-commissioner model in an effort to ensure that the committee's views were bipartisan. The genesis of this three-commissioner model is a recommendation that came from the Premier's department in a submission to the Committee on the Independent Commission Against Corruption. Part of the reasoning for the recommendation was to prevent agency capture. I put on record that I have not seen any evidence that any of these immensely powerful commissions have been subject to agency capture and I do not see this three-commissioner model to be a reflection on any commissioner who has presided on any of these powerful commissions, whether it be the former Police Integrity Commission or the Independent Commission Against Corruption.

The mode of reasoning seems to be, although nobody says it publicly, that if there are three commissioners acting either unanimously or in a majority, it will prevent the misuse of the immense power that Parliament has given these commissions. However, as I said, I have seen no evidence that that has occurred. Secondly, the mode of reasoning fails in that it is the Parliament that creates these powerful commissions, it is the Parliament that gives them enormous power, and it is then members of Parliament who complain when these commissions utilise those powers.

These commissions are presided over by judicial officers, retired judicial officers or members of the bar whose function and duty are to comply with the requirements of the legislation. There is no point in giving these commissions legislation and then complaining if that legislation is used or is used excessively when the commissions are acting in accordance with the law. Secondly, there is no point in saying that the Supreme Court is a protection for the use of the powers of these commissions because the remedies in the Supreme Court Administrative Law Division are almost impossible to achieve due to the nature of the legislation.

This bill provides for a way to moderate excessive use of the powers of the commission, although there is no evidence that even a single commissioner has ever misused these powers and certainly no such submission has been made to the Committee on the Independent Commission Against Corruption. Instead this provision will operate just as Mr McClintock, SC, described in his submission to the Committee on the Independent Commission Against Corruption as "a bit like trust and hope". In my view, it would be far better for Parliament to be cautious in terms of the legislation to achieve what it seeks to achieve, rather than adopting a model that gives the impression of giving some balance when there is no evidence to suggest a lack of balance. This amendment suggests that it is worth a try, but the other place will need to monitor closely the effectiveness of the provision and operate, as Mr McClintock suggested, with trust and hope.

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

**Motion agreed to.**

## **CROWN LAND MANAGEMENT BILL 2016**

### **First Reading**

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

### **Second Reading**

**Mr KEVIN ANDERSON (Tamworth) (10:31):** On behalf of Mr Anthony Roberts: I move:

That this bill be now read a second time.

I ask the House to consider a package of landmark reforms to the management of Crown land in New South Wales. These reforms are a result of a thorough and consultative review of Crown land in New South Wales over the last four years. This bill aims to fundamentally improve the management of Crown land and ensure the Crown estate continues to provide significant social, economic, environmental and cultural heritage benefits to the people of this State. It demonstrates the Government's commitment to protect and preserve Crown land for future generations.

The management of the State's vast Crown land estate has been an important responsibility of the New South Wales Government since the earliest days of the colony. Crown land is land that belongs to the State of New South Wales. It is owned and managed by the State for the people of New South Wales. It should not be confused with other forms of government-owned lands such as national parks, State forests, State rail property and community lands owned by local councils. Crown land is one of New South Wales's most valuable assets. Across New South Wales there are 580,000 individual Crown land parcels covering some 33 million hectares, with an overall value of \$11 billion.

The existing framework governing Crown land in New South Wales is complex and outdated and no longer effectively allows for the wide variety of needs of the community to be realised. For this reason, in 2012 the Government initiated the first comprehensive review of Crown land in New South Wales in 25 years, led by Mr Michael Carapiet. The aim of the review was to determine how to improve the management of Crown land and therefore increase the economic, social, environmental and cultural heritage benefits and returns from Crown land to the community.

The review made a number of recommendations. However, the most significant finding of the review was that New South Wales needs new and comprehensive Crown land legislation, and it is needed now. As a companion to the review, in 2014 this Government published a Crown lands legislation white paper which set out key elements of the bill. More than 600 submissions were received, and since that time the Government has continued to consult and engage with stakeholders on the development of this bill. We have also heard from the community through the recent parliamentary inquiry into Crown land. Similarly, we have reflected on the recent Audit Office report into the sale and leasing of Crown land. The bill responds to and incorporates key findings from these processes. We have listened to what the community and stakeholders have said and these views have culminated in the introduction of this bill and a second bill with consequential amendments which will be introduced next year.

This bill will address the delays, duplication and poor practices of Crown land management, some of which have existed for decades. It will also set our expectations for the management of Crown land for the future. This bill creates a single, modern legislative framework which will be easier to understand and will increase community involvement in major decisions on Crown land. It is the first stage in a process that will consolidate eight pieces of legislation into one clear, modern legislative framework. It will require environmental, social, cultural heritage and economic considerations to be taken into account in decision-making about Crown land. The bill provides for greater local decision-making by allowing locally significant Crown land to be devolved to a local level and by strengthening opportunities for community involvement. It provides for genuine and tailored consultation with the community on important decisions and ensures that the people of New South Wales will have a say on relevant decisions.

For the first time, Crown land legislation will include provisions for Aboriginal management of Crown land, acknowledge the need to facilitate Aboriginal people's use of Crown land, and appropriately reference the rights given to Aboriginal people through the State's land rights legislation and recognised by the Commonwealth Native Title legislation. Importantly, the new bill will not automatically transfer any Crown lands to councils, or to government agencies for that matter. It will not change the Aboriginal Land Rights Act 1983 or the Commonwealth Native Title Act and it will not lead to wholesale or widespread sale or disposal of Crown land. A key finding of the Crown Lands Management Review was that while the New South Wales Government should continue to manage land of State significance, land of local importance should be subject to local level decision-making, which is best achieved by transferring these lands to local councils. This bill will allow this to occur together with a number of safeguards.

Fundamentally, the New South Wales Government will retain Crown land that is State significant. Criteria have been developed to guide decisions on which Crown land is State significant. The criteria are publicly available and will sit outside the legislation to ensure that they are responsive to changing community needs. These guidance criteria will ensure that key infrastructure, iconic land and land that has State significant environmental, social, heritage and cultural value are retained in State ownership. Importantly, the bill effectively presumes that all Crown land is State significant. It does this by requiring ministerial consideration as to whether land is of primarily local significance before it can be transferred to a local council. This is done in the bill by reference to the local land criteria. These criteria, like the State land criteria, have been developed to guide decisions on local significance and are publicly available.

In practice, this means that departmental staff will do a stocktake of each piece of land against both the State and local land criteria before recommending to the Minister whether the land is appropriate for vesting in the local council. Land that is identified as being primarily land of local community value—for example, local parks and libraries—will be able to be vested in local councils through voluntary and staged negotiations. Land that is currently the subject of an undetermined land claim will not be transferred to local councils or indeed other government agencies without the consent of the local Aboriginal land council and the New South Wales Aboriginal Land Council where relevant.

As the House would be aware, the recent parliamentary inquiry into Crown land and the Audit Office report on the sale and leasing of Crown land highlighted the need for new Crown land legislation. The inquiry into Crown land, led by the Hon. Paul Green, was timely as it allowed for further explanation of the community's views about the management of Crown land just as the drafting of this bill was being completed. The Government participated in the inquiry process and the Minister for Lands and Water provided the committee with a high level

briefing on this bill. The committee has now released its report and findings. Importantly, the committee stated that it is generally supportive of this Government's legislative proposals, recognising the importance and timeliness of these changes, and made a number of considered recommendations in relation to the bill.

The committee asked the Government to consider additional legislative protections to ensure local land is retained as public land and managed in the public interest. I understand the reasons behind this recommendation. The Government has listened to the community's concerns that Crown land identified as local land, land of primarily local interest, will be sold by councils if it is transferred to them. I am pleased to confirm that the bill puts in place a number of protections to ensure that this does not happen where the land needs to be retained for a public purpose. The bill does this by requiring that local land vested in the councils will transfer as community land under the Local Government Act 1993 in most circumstances. That Act provides that community land cannot be sold by councils and all community land must be managed in accordance with clear, community-focused objectives and a plan of management.

There will only be two scenarios where land may be vested as operational land under the Local Government Act. The first will be where the relevant land is already being used for a truly operational purpose and is not being used by the broader community. In most cases, this will be where land is used to support council services, such as work depots. The second will be where categorisation as operational is required to allow the current land use to continue. This is required in some important circumstances, such as where Crown land is being used for long-term residential accommodation or cemeteries. As these uses support the community, it is in the public interest to allow them to continue in this manner.

The bill also provides powers to put covenants on title to land. There may be circumstances where it is appropriate to put covenants on title to land that is vested in councils to restrict how the land is used and managed into the future. This will be considered on a case-by-case basis as land is put forward for transfer of ownership. The cost to councils of owning and managing the land transferred to them was also raised by the committee in recommendation 4 of its report. To address this concern, the bill has been clarified to provide that all income from land transferred to local councils will be able to be retained by them. The second recommendation of the committee was that the Department of Industry—Lands prepare a strategic plan that establishes how Crown land will be managed, maintained and resourced. This recommendation has been incorporated in the bill as has the need for broad consultation on the plan, including with local governments.

The third recommendation of the committee was that the bill allow for the appointment of a Crown land commissioner. That was incorporated into the bill. The bill provides for a Crown lands commissioner to be appointed. The commissioner will be able to investigate and report on anything in relation to the administration of the bill, including its implementation and management. Committee recommendation 5 recommends that particular types of land such as travelling stock reserves and showgrounds be classified as State land. This outcome is achieved in the bill. The bill states that all Crown land is State land unless and until the Minister is satisfied, having regard to the local land criteria, that the land is suitable for local use. At the operational level there will be a parcel-by-parcel stocktake against the criteria before any land is transferred to local councils, thereby ensuring appropriate safeguards on land leaving the Crown estate.

In recommendation 6 the committee found that the bill should include the same community consultation methods for plans of management that currently operate under the Local Government Act. This finding is partially adopted in the bill. The approximately 7,800 reserves managed by local councils will need to have plans of management that follow the community consultation requirements under the Local Government Act. For the reserves managed by other groups such as community organisations, the consultation requirements will be set out in the new community engagement strategy. I will explain that in detail.

This strategy will ensure that there is an appropriate level and method of consultation and engagement with the community about the decisions that affect their use and enjoyment of Crown land. In some cases, the strategy will require consultation above and beyond that which is in the Local Government Act. In other cases, such as drainage reserves, detailed consultation may not be appropriate. Where the community is affected, the strategy will allow for flexibility in the context of meaningful consultation. Committee recommendation 18 recommends that the bill recognise prior and continuing Aboriginal custodianship of Crown land and operates together with the Aboriginal Land Rights Act 1983.

The bill provides for timely recognition and facilitation of Aboriginal people's rights and interests. It also recognises the operation of the Aboriginal Land Rights Act 1983. In addition to findings directly related to the bill, the committee made other relevant findings. Recommendation 7 states that departmental guidelines be developed to ensure that plans of management and leases are sufficiently flexible to allow for small community-oriented commercial activities to operate for the benefit of both the community and the land manager. This bill explicitly recognises that commercial activities can operate from Crown reserves and allows flexibility for government and Crown land managers to set the terms of leases and licences.

Finally, the bill enshrines comprehensive rebate, waiver and concession provisions to ensure that community benefits will be taken into account when considering rentals. In recommendation 13 the committee recommends that the department explore the feasibility of an independent appeals mechanism for decisions regarding Crown land plans of management, sale and leases. The bill includes a regulation-making power that will confer jurisdiction on the Land and Environment Court or the NSW Civil and Administrative Tribunal to hear appeals arising from decisions made under the bill. This provides flexibility to create an appellate jurisdiction in appropriate circumstances. On 8 September 2016 the Audit Office tabled a report on the sale and lease of Crown land. The Audit Office report makes six recommendations which have all been accepted by the Government. This bill addresses areas in the report that require attention and reform.

Specifically, the Auditor-General recommended that the department improve its consultation with stakeholders regarding the sale and lease of Crown land. It recommended increasing transparency concerning sales and leases. This bill proposes significant improvements to the manner of community consultation. The bill introduces the requirement for a community engagement strategy to be developed and adhered to for dealings with Crown land. The strategy will commence at the same time as the main provisions in the bill. The Audit Office recommended that a number of important administrative arrangements be put in place. These related to compliance, direct negotiations, policies, guidelines and procedures and enhancing transparency of decisions. The Government has accepted all of these recommendations and, consistent with recommendation 12 of the parliamentary inquiry report, will report to the Parliament on progress.

I will now turn to the detail of the bill. The bill is divided into 13 parts. Part 1 of the bill provides preliminary information. Clause 1.3 sets out the new objects for the bill, which are centred on establishing a clear legal framework applicable to Crown land and providing for the ownership, use and management of Crown land in New South Wales. The objects provide a definitive basis for decision-making about Crown land to encompass environmental, social, cultural heritage and economic considerations. The benefits of Crown land to the people of New South Wales are protected through an objective to provide for the consistent, efficient, fair and transparent management of Crown land.

The objects make it clear that the Government is committed to protecting the interests of Aboriginal people in its dealings in Crown land. The objects include facilitating Aboriginal peoples' use of Crown land and emphasise the need to enable co-management of dedicated or reserved Crown land where appropriate. Division 1.3 of the bill defines "Crown land" and makes clear when land is vested in the Crown. It also provides for when land ceases to be Crown land and when land will become Crown land. It provides a simplified approach in deciding what is Crown land and makes clear when land will form part of the Crown estate. "Dedicated" land, which is land that has been dedicated for particular purposes, is clearly recognised as Crown land and part of the Crown estate.

Schools of arts and mechanics institutes will also be recognised as Crown land, with their special uses acknowledged through appropriate reserve purposes to ensure that those uses can continue. Land leased under the Wentworth and Hay irrigation Acts will also become Crown land, facilitating a consistent approach to leasing land owned by the Crown. Crown reserves and dedications are a fundamental aspect of the Crown estate. They are the key mechanism through which the community can manage Crown land. Across New South Wales more than 700 community volunteer trusts look after important areas of Crown land on behalf of their local community and the State. This bill will significantly simplify and improve the way Crown reserves are managed.

Part 2 of the bill sets up a standardised scheme for the dedication and reservation of Crown land. The Minister may dedicate or reserve Crown land if it is for a purpose consistent with the new objects of the bill, or if it is in the public interest. This will broaden the purposes available to the Minister for the dedication of Crown land and will ensure the community can continue to play a significant role in the management of Crown land. Regarding dedicated land, clause 2.7 retains the requirement that any dedication can only be revoked following tabling of the revocation proposal in both Houses of this Parliament for 10 days. This provides the opportunity for both Houses to disallow any amendment to a dedication. This is an important protection and recognises the special status of dedicated land.

In order to cut red tape, clause 2.23 of the new bill confirms that the lands Minister will be taken to have given consent to low impact acts on dedicated or reserved land. Applicable low impact acts are minor, such as repairs and maintenance. This will help to reduce red tape for reserve managers and tenure holders. No longer will hardworking volunteers need to approach the often lengthy and resource-intensive landowner consent process to fix small issues such as public toilets. Part 3 of the bill implements a modern approach to the management of dedicated or reserved Crown land. This is necessary because the current arrangement of three tier trust governance and reserve management system is outdated and complex. The current trust and trust manager system will be replaced with a single incorporated manager responsible for each Crown reserve, known as the Crown land manager. These arrangements will simplify the management structures, enable improved governance standards to

be set for Crown land managers and reduce the overall approvals and reporting required. Ministerial oversight will remain to ensure that reserves are managed appropriately for the people of New South Wales.

Importantly, community groups managing Crown land will continue to play a crucial role in the management of dedicated and reserved Crown land. Existing community reserve managers will continue to manage their reserves, with no changes to existing arrangements. This bill provides new powers to ensure that Crown reserves continue to be managed effectively and are protected. Clause 3.15 enables the Minister to create Crown land management rules that can apply to any Crown land manager. Rules can be made about a number of factors. However, it is significant to note that the bill specifically enables rules to be made about environmental standards that are to be taken into account in decision-making; in relation to public access to and the use of land; and to facilitate the use of land by Aboriginal people. It is intended that rules will be made over time and set strategically. This new framework will ensure that the rules applying to specific Crown land managers can be responsive to changing State and community needs for Crown land reserves.

The Crown lands management review found that the current system for the management of reserves was excessively complex. This bill will reduce that complexity by enabling local council managers to manage dedicated or reserved Crown land as if it were community land under the Local Government Act 1993. This will reduce the duplication and drain on resources experienced by local councils in their management of Crown land. It will also mean that all Crown reserves managed by local councils will have plans of management. Although local councils will generally be managing Crown land under the Local Government Act 1993, the Minister will retain important oversight rights and powers, including the ability to make rules that local councils must comply with. Local council Crown land managers will not be able to sell or re-categorise managed Crown land without the consent of the Minister. Communities will be in a position to influence decisions about how Crown land is managed by local councils through the strong existing processes under the Local Government Act.

Additionally, this bill brings forward new, comprehensive governance provisions to regulate the conduct of non-council Crown land managers and require them to uphold high professional standards. Division 3.5 introduces two new categories of non-council Crown land managers and represents a risk-based approach to the undertaking of functions on behalf of the Minister. Those Crown land managers who have proven themselves capable of meeting the highest levels of professional standards will become category one Crown land managers and will be able to undertake certain dealings without the Minister's approval. Category one Crown land managers will be responsible for submitting comprehensive annual reporting.

All other non-council Crown land managers will be category two Crown land managers. Category two Crown land managers will generally manage single and/or smaller Crown reserves and have fewer resources compared to category one Crown land managers. They will largely be required to seek ministerial approval for all matters in the first instance. Ministerial requirements can then be tailored to fit the circumstances of the Crown land manager until they are equipped to undertake more functions. The Minister will continue to be able to direct a Crown land manager to prepare a plan of management. However, now the manager will be required to undertake consultation, as set through the community engagement strategy.

Part 4 of the bill provides for the acquisition and vesting of Crown land. In addition to the vesting of Crown land in local councils, with all the safeguards as outlined above, the bill provides for vesting in other agencies. These provisions build on the existing powers in the Crown Lands Act 1989 to move land to other agencies. However, there are certain key differences between these existing powers and the new, additional vesting powers. The first is that under the vesting provision the agency does not need to pay for the land. This gives the New South Wales Government more flexibility in allowing for provision of essential public services such as schools and hospitals in appropriate circumstances. It means that health and education do not need to pay market rent for securing land for these essential services.

The second is that the new provision contains express safeguards to ensure that vesting in other agencies takes place only in appropriate circumstances. The provision requires that the Minister be satisfied that vesting the land is in the public interest, and the agency to whom it will be vested is an appropriate owner and manager of the land. This is in addition to the general requirement that applies to all decisions to transfer land under the bill; that is, they must take into account environmental, social, cultural heritage, and economic considerations. Finally, all transfers and vestings will be subject to the provisions of the community engagement strategy, which is a leap forward in community involvement in decisions on Crown land dealings. The application of the strategy means that the community will be engaged where decisions to take land out of the Crown estate affect their use and enjoyment of the land.

Land has continued to be set aside or separated from the Crown estate since the early settlement in New South Wales. Part 5 of the bill will continue to provide for the sale, lease, licence and other tenure of Crown land. The object of the bill requires social, economic, cultural heritage, and environmental considerations to be taken into account in decision-making about Crown land. These decisions include the sale of Crown land. Any

sale would also need to follow the requirements set out in the community engagement strategy required under division 5.3. At the same time, the land-use framework under planning and environmental legislation will regulate what happens on the land, thereby protecting the land from inappropriate development. Combined, this regime goes towards addressing the criticisms of the Auditor-General and ensures that the sale process is transparent when community use is affected.

The current legislative requirements for community engagement for sales, disposals, leases, and licences are limited. Community engagement has been a legacy concern for the public in respect of decisions about Crown land. This Government has responded by including a requirement for a community engagement strategy with regard to the bill when its main provisions commence. The new community engagement strategy is a cornerstone of the legislation and will provide for more meaningful engagement with the public where proposals will impact on the community's use and enjoyment of a parcel of Crown land. The strategy will define the requirements for community engagement on Crown land and when engagement is required. Mandatory provisions specified by the strategy must be complied with. The strategy will enable the move from a traditional and limited notification approach to a modern, best practice approach. This new approach provides for tailored and more accessible engagement so that Crown land decisions of greatest impact will trigger greater public participation.

To consolidate and simplify legislation, tenures under the Western Lands Act will be transitioned to the framework in the bill. However, certain provisions in the bill will apply only to the Western Division of New South Wales due to the unique characteristics of that area. Division 5.4 sets conditions around the ability to sell Crown land in the Western Division. Crown land will not be able to be sold in the Western Division unless it is urban land; required for urban expansion; within a prescribed distance of urban land and will contribute to the economic growth of the region; in a rural area and predominately used for residential, business, industrial or community purposes; or has at least a moderate land and soil capability. This balances environmental considerations with the need to ensure that farmers in the Western Division have the greatest possible flexibility to own and productively manage their land without artificial barriers.

The 2014 Crown land white paper found that the current Crown Lands Act and related Acts and regulations established a network of variable tenures, rent requirements and surrender provisions. Part 5 of the bill includes a standardised regime for the management of all Crown land tenures to the extent possible. This improvement to the Crown land framework will harmonise and provide certainty to all those involved in Crown land leases in New South Wales. The Government needs to be able to enter into flexible and commercial tenure arrangements with proponents to ensure leases are best tailored to individual circumstances.

This bill enables the terms and conditions of a lease to be commercially negotiated—for example, by negotiating individual rent redetermination clauses. However, it recognises that some terms and conditions should be mandatory and will continue to be included in all lease arrangements. The bill also standardises the leasing arrangements on the land in the Hay and Wentworth areas as well as land currently leased and licensed under the Crown Lands (Continued Tenures) Act 1989 to the extent possible. This reduces duplication across the multiple Acts and introduces a consistent approach to tenures. Licence provisions have also been reviewed and updated and are contained in division 5.6 of the bill. The bill allows the Minister to issue licences unilaterally where Crown land is being used without permission but that use would be permissible if an application for a licence had been lodged. This will deal with a lack of understanding of the requirements for a licence for use of public lands. Licences will not be issued in this manner where the relevant activity is detrimental to the Crown land in question.

Rental income has been an ongoing concern in Crown land management and has also been identified as a concern in the Audit Office report. Whilst this can be primarily an enforcement issue, part 6 will standardise the minimum rent and bring together all the rental schemes across the current Acts into one harmonised framework. The objective is to promote equity across all holders of tenures in Crown land. Determination and redetermination of rent is a significant part of lease negotiations. The bill proposes new general principles for rent determinations and redeterminations that will be set with reference to market rent. The exception to this is Western lands leases. Rent redeterminations for Western lands leases will continue to be determined by a set formula as prescribed in the regulations. This recognises the difficulties of establishing an applicable and equitable market in the Western Division. Flexibility is also built in to allow the secretary and the Independent Pricing and Regulatory Tribunal to make recommendations that different rent be applied to a determination. Importantly, the bill will include an ability to object to a redetermination, and will also provide for tenure holders to seek waivers, rebates or concessions for rents payable.

In addition to land claims, the New South Wales Government has obligations to deal with Crown land in compliance with obligations in the Commonwealth Native Title Act 1993. As such, part 8 of the new bill will have additional provisions to facilitate compliance with the native title regime by local councils and certain Crown land managers. Although this obligation already exists, this is the first time it has been made clear in the State's legislation. The provisions include a requirement for local councils and professional Crown land managers to

engage a native title manager. This person will be trained in how to manage land in accordance with the Native Title Act 1993. To assist local councils and Crown land managers in this regard, the Government will pay for initial training to take place across the State. The bill also contains a specific provision prescribing that all vesting of land in councils is subject to native title rights and interests in the land so that native title is not extinguished when land is vested.

A key concern raised in the Crown Land Management Review and the recommendations of the Auditor-General was that the regulatory framework and enforcement by the department was inadequate to protect Crown land. The bill responds to this and includes increased powers to ensure Crown land is appropriately used and managed. Part 9 to part 11 contains a robust suite of compliance and enforcement powers. Stronger enforcement provisions received almost unanimous support through submissions to the Crown Lands Legislation White Paper. The new compliance provisions enable a broader pool of officers to be authorised and empowered to undertake compliance activities similar to those provided for in the benchmark regime in the Protection of the Environment Operations Act 1997. These new provisions include powers to question persons of interest, to seize vehicles and to enter into and search non-residential land, and to deal with offences for obstructing authorised officers in their work. Safeguards to ensure that those powers are exercised appropriately are included.

The Crown Lands Legislation white paper found that the Local Courts are ill-equipped to deal with the full range of complexity of Crown lands prosecutions. Therefore, the bill provides that proceedings for offences can be initiated in the Local Court and also in the Land and Environment Court in its summary jurisdiction for more serious offences requiring greater penalties. The Crown lands review also found that the current penalties established by the Crown Lands Act 1989 are an inadequate deterrent for compliance purposes and are out of step with benchmark penalty regimes. As such, the bill introduces different categories of maximum penalties applicable to the offences in part 9. For more serious offences where intent and significant harm to Crown land can be proven, a higher maximum penalty will apply. The Minister will also now be able to undertake civil undertakings under the new bill. This represents more adequately the value of Crown lands to the New South Wales public and the seriousness with which the Government takes offences against Crown land.

Part 12 of the bill contains provisions designed to ensure that there is an appropriate scheme for administering the bill. This bill includes the new power for the Minister to appoint a Crown land commissioner as recommended by the parliamentary inquiry in recommendation No. 3. The bill also provides for a State strategic plan for Crown land as recommended by the parliamentary inquiry in recommendation No. 2. This plan will set the vision, priorities and overarching strategy to ensure that the objects of the bill are achieved.

The Crown Lands Management Review found that some processes in the Western Division were constraining flexible land management. Schedule 3 provides for the transition of existing Western Division tenures and allows for further enhancements to the Western Division framework. The schedule enables leaseholders to diversify their activities on land under Western Lands leases by removing duplicative and onerous requirements for ministerial consent. The Crown lands review found that there was a need to simplify and modernise the processes under which certain lessees of Crown land can purchase their leases. Schedule 4 to the bill provides a scheme of applications for purchasable leases. This includes incentives for eastern and central perpetual lessees to purchase their land within two years of commencement of the schedule. It also streamlines and simplifies the process to purchase land. For perpetual leases in the Western Division, a different and longer term purchase regime is appropriate.

The Crown lands review found that western lands leases for primary production purposes could be considered for conversion to freehold ownership. Schedule 4 facilitates the purchase of leased land in the Western Division by perpetual leaseholders. This responds to the need to stimulate productivity and growth in the Western Division and balances that need against the importance of protecting the rangelands. It gives lessees opportunities to greatly enhance productivity in many areas that are now perpetual lease tenures while keeping environmental protections in place. The bill allows applications to freehold perpetual leases in the Western Division and, in deciding on these applications, will ensure environmental, social, cultural heritage, and economic factors are taken into account.

There has been extensive consultation with the community and stakeholders in relation to the Crown Lands Management Review and the new bill over the past four years. More than 600 submissions were received on the Crown Lands Legislation white paper and, more recently, some 350 submissions were lodged and seven public hearings of the parliamentary inquiry into Crown land were held. The Government and the Department of Industry—Lands have spoken with numerous stakeholders and community representatives. This has provided a rich evidence base of the issues relating to Crown land that are important to the people of New South Wales. This level of consultation is entirely appropriate given that this is the most significant overhaul of legislation relating to Crown land in more than 25 years.



The Crown estate is an important asset that is entrusted to the responsibility of the Government of the day. For too long New South Wales has operated under an outdated and disconnected series of Acts that have led to inconsistent decisions over Crown land. In response, this Government committed to improve Crown land management. This bill delivers on the important commitment of this Government. In summary, this bill introduces a consolidated framework for the contemporary, efficient, fair and balanced management of Crown land for the benefit of the people of New South Wales. It is the product of the Crown Lands Management Review and the white paper, and has been informed by the parliamentary inquiry and Audit Office report. The bill is the result of in-depth consultation over a number of years by this Government, and is a landmark achievement for the ongoing management of Crown land in New South Wales in the future.

This bill was passed by the other place last night after a number of amendments were agreed to. Key amendments agreed to involve carrying over the principles of Crown land management from the current Act to this bill. This will provide comfort to those who have raised concerns regarding the ongoing protection of Crown land. These amendments will appropriately provide for land management principles to continue as part of the framework for the management of Crown land. Amendments agreed to also deferred the repeal of the Commons Management Act, which will now be dealt with in the consequential bill that will be introduced next year. This will provide time for consultation with affected stakeholders.

The next amendment was a savings and transitional amendment. The amendment will reassure the New South Wales Aboriginal Land Council and the local Aboriginal land councils of the ongoing effect of clause 59 of schedule 8 to the Crown Lands Act 1989, which protects certain land claims. Amendments were also agreed relating to the community engagement strategy. These included providing reassurance to the public that notification procedures can continue to be used where it is appropriate, and also providing for engagement with the public in the development of the community engagement strategy. Finally, amendments were agreed to enshrine the local land criteria in a regulatory instrument. This will provide comfort to the broader community that the local land criteria will be subject to appropriate scrutiny and oversight. The local land criteria are intended to be dynamic and responsive to changes of the day. However, the inclusion of the criteria in the regulations will ensure greater transparency around the process. I commend the bill to the House.

**Mr CLAYTON BARR (Cessnock) (11:17):** I lead for the Opposition in debate on the Crown Land Management Bill 2016. I say at the outset that the Opposition opposes the bill in its current form and that it will also move amendments to fundamental parts of the bill with which it cannot agree. The amendments will be as per the amendments moved in the upper House last night. I refer specifically to amendments Nos 11, 15, and 23 in the first instance, and Nos 16, 17 and 18 in the second instance should the first amendments fail. This bill is some 208 pages long. In the 5½ years I have served in this Chamber as a member of Parliament, it is by far the heaviest, longest and most complex piece of legislation that this House has debated. This bill has a history dating back 10 years, which is appropriate, because Crown lands is of enormous significance and complexity, and 10 years is indeed an appropriate amount of time to spend on its passage.

Progress has been made on this bill over the past five years under this Government's management. Indeed, some of that progress is to be applauded. However, some of it should also be condemned. Applauding that progress means that if it takes 10 years finally to introduce a bill then ultimately it is a good thing. However, it is also noted that this bill was introduced in the other place just 21 days ago. In the broader scheme of things that might seem like a long time, but for a bill as complex as this—a bill which affects literally every citizen in New South Wales and which requires the engagement of thousands of stakeholders—it is anything but sufficient. The former Minister responsible for this legislation gave an undertaking, which was unanimously supported by the key stakeholder groups, that there would be an exposure bill. He also gave an undertaking that that bill would be put out for public comment and that time would be taken to digest its complexities. In addition, feedback and input would be sought, amendments would be made as required, and finally a bill would be introduced in the Parliament for debate.

We have learnt over the past 21 days that because we now have a new Minister that has not happened. There is an irony in respect of community engagement. The proposed community engagement strategy contains a legislated minimum guaranteed consultation period of 28 days. I make it clear that this legislation will fundamentally reform the management of Crown land in New South Wales. It represents the most comprehensive reforms undertaken since 1989, and perhaps the most comprehensive reforms since 1861, but it has been available for public scrutiny for only 21 days. Assuming this bill passes, from now on the most minor or significant of community management plans will have a minimum of 28 days of scrutiny. The bill is 208 pages long and proposes a fundamental paradigm shift in New South Wales. It was available for scrutiny for 21 days, but the changes to management strategies in particular instances across the State will be available for 28 days. In that regard, the Minister has completely failed to satisfy his own criteria.

Last night I took the time—the member for Oxley will appreciate this—to watch the debate in the other place until about 2 a.m. The House of review actually did what it was meant to do last night—it reviewed legislation in a constructive, bipartisan, and amicable way. The legislation before the members of the upper House was dealt with in the appropriate way. We in the Labor Party will accept the referee's decision on most matters, but this legislation will bring about a fundamental change in vesting that we cannot accept. That is why the Opposition will not be supporting this bill today. It was an interesting debate in the Upper house. I took my leave at 2.00 a.m., but I understand that the debate went on until about 4.00 a.m. Now, some seven hours later, we are debating the bill in this House.

Indeed, it was quite an accomplishment for Parliamentary Counsel to be able to incorporate into this bill all of the amendments that were agreed to last night and to be able to table it in this place today. The point was made repeatedly last night that even at 208 pages the bill still has significant gaps or omissions. It was described eloquently by my good friend the Hon. Mick Veitch as another "trust us bill". I have used the term "trust us bill" a number of times in this Chamber. The broad-brush nature of this legislation means there will be plenty of scope for interpretation. In these cases the devil is in the regulation, and the regulation is not on the table. It has not been drafted or, if it has, it has not been published and made available for scrutiny. That is the nature of what I call "trust us bills". All too often—particularly over the past two or three years—this Government has introduced trust us bills. It is then up to the community, the Opposition, and crossbench members to keep their eyes on the *NSW Government Gazette* to check what the regulations might be.

Fundamentally, bills of this type do not enshrine some conditions. That means that in the future any government or Minister—Ministers of any ilk—can make changes. Those changes will not be made in this place, where they can be scrutinised, but simply by gazettal. We all know that the *NSW Government Gazette*, as riveting as it is, is not as closely scrutinised as legislation debated in this place. The point was made in the upper House last night—with all due respect to the Minister—that the State can trust him at the helm. However, we do not know who the future skipper will be or how he will act. New South Wales has had some wonderful Ministers from all sides of politics and some absolutely diabolical, terrible Ministers. If the legislation before the House has so many holes in it that the Government has to ask the community to trust it, members on both sides of the Chamber should be concerned. Government members should also be concerned because although they are in government today, at some stage in the future they will be in opposition. So the concept of trusting them is not ideal; in fact, it is far from ideal.

I mentioned earlier that this legislation has taken 10 years to reach this House, so my next question might seem odd. What is the rush today? The bill was tabled just 21 days ago and it was dealt with by the upper House last night, where the debate did not start until 10.30 p.m. and finished at 4 a.m. Within six or seven hours it has been introduced in this House and the Government is insisting that we complete all stages of the debate today. Why is there such a rush? We have been 10 years at this. We have spent 3,650 days getting it here, so why is this 24-hour or 48-hour window essential to the progress of this bill?

Last night it was moved in the upper House that the legislation be set aside over the summer and the debate be resumed on the first day of parliamentary sittings in 2017. That seems fundamentally sensible. It seemed sensible last night and it still seems sensible today. Why is there a rush to jam this incredibly important and complex piece of legislation through this Parliament in a 24-hour or 48-hour window after 10 years of preparation? No-one in the upper House was able to explain that last night to any of the crossbench members, and I suspect that there will be no explanation in this House today. So we are left to wonder.

At the moment the media focus is on the United States election. I do not know why that is and it irritates me, but that is the way it is. I wonder if the point of rushing this legislation through in this 24-hour or 48-hour time frame is about doing it under the cover of that election. That may result in the legislation not being scrutinised appropriately, and it will not be attended to by the public of New South Wales because they are also exposed to the US election media coverage. I wonder about that because we debated extremely important workers compensation legislation on the night of the State of Origin Rugby League game. The event in New South Wales that captures the media market more than any other single event took place on the same night that the terrible workers compensation legislation was passed. Is the rush to complete the debate on this bill today linked to other things in the media cycle?

**Mr Gareth Ward:** Come on! It is called "parliament"; we are sitting.

**TEMPORARY SPEAKER (Mr Bruce Notley-Smith):** Order! The Parliamentary Secretary will remain silent.

**Mr Gareth Ward:** We have Agent Mulder, over here, from *X-Files*.

**TEMPORARY SPEAKER (Mr Bruce Notley-Smith):** Order! The Parliamentary Secretary will be called to order if he does not cease interjecting.

**Mr CLAYTON BARR:** You can call me Fox.

**Mr Gareth Ward:** No, I won't—not in a million years.

**TEMPORARY SPEAKER (Mr Bruce Notley-Smith):** Order! The member for Cessnock will continue.

**Mr CLAYTON BARR:** I welcome the interjections from the member for Kiama and I welcome him to the lectern to explain why this bill is being rushed through Parliament. That is fundamental to my question and to the point. I am trying to join the dots.

**Mr Gareth Ward:** It is not being rushed through; it took 10 years.

**Mr CLAYTON BARR:** The member for Kiama is right: It took 10 years.

**Mr Gareth Ward:** Is that a rush, is it—10 years?

**Mr CLAYTON BARR:** It took 10 years to be introduced to Parliament, so why does it need to be rushed through the Houses of Parliament in two days? The member for Kiama can explain that to me when he contributes to the debate.

**Mr Gareth Ward:** You would not agree with the explanation.

**Mr CLAYTON BARR:** I will welcome the explanation because the Minister could not explain it. I refer now to comments made by the Hon. Mick Veitch in the other place, many of which are relevant to the legislation in the form in which it has been presented to this House. While many people may not necessarily realise it, Crown land is a fundamental part of the way of life in New South Wales. It includes our parks and sporting fields, our waterways, beaches, showgrounds, community halls, and a host of sporting and community clubs across the State. From the cradle to the grave, we all interact with and benefit from Crown land. That is why, when it comes to Crown land, the community should, and does, take a strong interest. After all, it is their land.

It is critical for the Government to oversee the management and use of Crown land on behalf of the people of New South Wales, undertake that role wisely and sustainably, and seek balance of the often competing interests brought to bear on the use of public land. The triple bottom line outcome, which is so easy to say, is in effect the meat in the Crown land sandwich. It is this ongoing effort to meet environmental, social and economic needs of the State that is intrinsic to Crown land management in New South Wales. The history of Crown land in New South Wales reflects events since 1788 when the British declared terra nullius and stripped Aboriginal peoples of their stewardship of land and water. Destruction of the connection between people and land and water was one of the most insidious components of the war we waged on Aboriginal people from 26 January 1788 onwards.

Over the past 228 years the State of New South Wales has sold off Crown land, reserved it, or dedicated it to a variety of public purposes. Reservation and dedication powers have always been important. They represent a clear statement by government that certain land should not be freehold or privatised but should definitely be held in public hands for the longer-term public interests of the people of New South Wales. The unfolding of Crown land decisions over two centuries since the arrival of Europeans reflects the concerns, battles and, at times, best intentions of this State.

For example, Macquarie reserved land on each side of the Tank Stream to save Sydney's first source of drinking water; battles took place between the squattocracy and the then Government over the use of vast tracts of land west of the Great Dividing Range; civic areas were established, such as the Domain, Hyde Park and countless civic parks in suburbs and towns across the State; and soldier settlement blocks were allocated to soldiers who returned from the battlefields of World War I. Those examples are all purposes to which Crown lands have been applied historically. They provide an insight into why Crown land is so important to the people of New South Wales.

Those examples constitute the lens through which we should focus on the content of the bill. I noted earlier that the bill has had a somewhat lengthy gestation period and has taken 10 years to progress to this House. The 1989 legislation was the first time that the concept of the triple bottom line of Crown land management was introduced. The triple bottom line was introduced to balance the economic, social and environmental considerations within the broader concept of sustainability. In many ways the 1989 legislation was part of the incremental approach adopted to Crown land legislation stretching back as far as the historic Robertson Land Acts of 1861. This bill is a departure from those Acts. It is a paradigm shift in the management of Crown land in this State. It is a rewriting of some of the underlying principles of Crown land management. For those reasons, this

bill needs close attention and in-depth examination. Sufficient time has not been afforded by the Government, which has sought to rush in the bill at the business end of the 2016 calendar year and the final two weeks of sittings for this Parliament.

By seeking to push through this bill without an exposure draft and without giving the community and a wide range of stakeholders the opportunity to digest its meaning properly, the Government is contemptuous of due parliamentary process. It is the Baird disease—the conviction that it is right until proven otherwise—which breeds hubris and arrogance that the community fully realises and now fully resents. We could look cynically upon the exercise relating to this bill as refurbishing the house for sale; but, in this case, the house is the Crown land of the State. The Government would like to think this bill provides a panacea to solve all its problems relating to Crown lands, but unfortunately that is not the case because most of the problems related to Crown lands are not due to the 1989 Act or regulations but, rather, are due to their implementation and administration.

The problems lie in what The Nationals have done with Crown lands since 2011. First, The Nationals dived up public land management of New South Wales. Development corporations and the Office of Strategic Lands went to Planning, where they withered on the vine. State Property and the Land and Property Information unit went across to Finance, and we are now witnessing partial privatisation of LPI. Poor old Crown Lands got stuck in Primary Industries. The Department of Primary Industries is good at many things, but land management is not one of them. Later, as occurred everywhere in New South Wales, the job cuts came. Crown Lands lost almost 20 per cent of its staff. Those who were made redundant were joined by countless disillusioned staff, many of whom had numerous decades of Crown land management experience.

Job cuts were a key factor behind the Auditor-General's recent report into aspects of Crown land management in which she was scathing. The Auditor-General was not wringing her hands over land assessments; she was not in despair over the existence of trusts. Rather, she pointed to chronic problems with basic land management that have been brought on by underinvestment in staffing and resources in Crown Lands. That is why the Opposition believes the real intent of this bill is to get rid of Crown land and its legislative framework. I personally believe this is a long-term objective of some in the Government.

The bill establishes key provisions that one day, under a future Minister and a future government, may be put to devastating use. That is a significant consideration for all members. The bill will give the Minister of the day substantial power. However, I will address those aspects later. I turn now to the bill. The Crown Land Management Bill 2016 will consolidate into one Act the statutory provisions dealing with ownership, uses and management of Crown land in New South Wales. It reframes many of the legislative underpinnings of Crown land management and will repeal a number of Acts, including the Commons Management Act, school of arts legislation, the Hay and Wentworth irrigation Acts and the Western Lands Act.

While there are some positive aspects to the bill, the Opposition believes the risks far outweigh the advantages. As I said, the problem in Crown land is not with the current legislation. The Minister can talk up the bill, but the hidden snares and the contemptuous lack of community consultation as well as the bill itself—particularly the inability of members of this House to examine it closely—mean that it is impossible to support the bill. As I said, this bill is the product of years of effort by the department, a series of reviews, community consultation and even a parliamentary inquiry. Having undertaken that long journey, the Government now seems to have introduced the bill in its final form—a form that was revealed only 21 days ago—with undue haste to have it pass through Parliament in the remaining sitting days of this calendar year.

Yesterday we were advised by Parliamentary Counsel that all parties, even the Government, had proposed so many amendments to this legislation that it was finding it difficult to get the necessary amendments to the House in preparation for debate. Undoubtedly the fact that the debate continued until 4 a.m. is evidence of the number of amendments that were moved in Committee. When either House of this Parliament cannot get the required legal counsel advice to draft amendments to legislation, parliamentary and democratic processes are undermined.

The Opposition believes there are significant failings in the bill, many of which were addressed by amendments moved in the other place. As was noted by a number of speakers during debate on the bill, there is every chance that all issues were not resolved adequately. There are internal inconsistencies that reflect eleventh-hour changes that were made to the bill, possibly to try to accommodate the recommendations of the parliamentary inquiry into Crown lands. That committee report was only tabled the day that the Minister gave notice of the introduction of this bill. The haste with which the bill was introduced makes the Opposition wonder about the process and whether the Minister made the best use of the inquiry report to inform the drafting of the bill, as notice of the bill was given on the very same day that the report was tabled.

The result is a rushed, sloppy bill that undermines the work undertaken in previous years, as evidenced by the fact that the Government had to introduce its own amendments to the bill. This suggests that the bill was

anything but finalised when it came before the Legislative Council. The collective wisdom of members of both Houses of Parliament is required to go through any legislation line by line. We must ensure that a piece of legislation as complex and comprehensive as the Crown Land Management Bill 2016 passes through all stages of the parliamentary process in an acceptable and practical manner that guarantees the long-established principles of public land management expected by the people of New South Wales.

I turn now to the principles of Crown land management. The bill in its original form failed to include the fundamental principles of Crown land management that were previously covered in legislation. Amendments debated in the other place were moved to ensure that the principles of Crown land management were returned to the legislation, and those amendments were accepted by the Government. That leads the Opposition to wonder why those principles were not in the draft bill in the first place and whether those principles would have been returned to the legislation had there not been bipartisan support for the amendments. This is further evidence that the bill was not ready for debate when it was introduced in the other place.

Similarly, the Opposition is concerned that there was no attempt to embed in the legislation a definition of the public interest test—which could be called the "no public interest test". How is "public interest" defined? The term is used a lot, but we do not necessarily know what it means. When we seek to understand legislation we need a definition of the terms embedded in the legislation to know how they are meant to be interpreted. In the bill before us today there is no definition of "public interest". We understand that serving the broader public interest and balancing competing needs for the allocation and use of Crown land are ongoing challenges in managing Crown land. The Opposition believes it would have been beneficial if there had been a definition of "public interest" in the bill. An amendment seeking to include this definition was moved but opposed in the other place, and "public interest" remains undefined in this legislation. Again, the Opposition believes this was a drafting error due to the bill being introduced in haste.

My next point concerns secondary interests. During debate in the other place, and with bipartisan support of non-government parties, secondary interest amendments were passed. It is important to note that in essence the Government had to be dragged and shamed into accepting the amendments. Ultimately, the amendments were passed because the Opposition parties had the numbers to vote them through. Another issue debated in the other place was the removal of trust from reserve management. The Government has sought to justify its move in this legislation to no longer vest dedicated or reserved Crown land in reserve trusts as reducing red tape. Practitioners in this field have told the Opposition that this assertion is nonsense and will cause confusion and alarm in some sections of the community that accept and quite like the management of dedicated land or land reserves from sale under the trust management system. Indeed, some may see the proposed change as symbolic and without any real rationale.

The Government is seeking to remove the concept of trust from Crown land management. There is no clear explanation from the Government for choosing to go down this path. The Opposition wanted to reinstate the existing provisions of the Crown Lands Act, where Crown land is reserved or dedicated for a public purpose, a trust named and established, and a reserve trust manager appointed to manage the affairs of the reserve or dedication. Unfortunately, there was insufficient time for the amendments to be made in that regard, and they were not considered in the other place.

The bill seeks to move management of Crown land and dedicated land to the Local Government Act. There are several aspects of the bill that impact the relationship between local councils and Crown land management in New South Wales. The first is an attempt to move the management of Crown reserves and dedicated land managed by local councils to the provisions of the Local Government Act. Parliament must tread carefully when there is an attempt to move responsibility from one Act to another, from one Minister to another, or indeed from one government to another. The Opposition is particularly cautious when we know that the Government wants to change fundamentally the operation of the Local Government Act 1993. Parliament needs to be alert to those pea and thimble tricks—and there are quite a few of them in the bill.

While the Opposition supports the assessment of Crown land as either State or locally significant land, it does not support allowing councils to manage Crown land under the provisions of the Local Government Act and, in fact, moving Crown land administration not just to the Minister for Local Government but possibly to the Minister for Planning. Labor believes the community expects that the Minister responsible for the Crown Lands Act should have ultimate authority over Crown land, and that the principles that underpin this authority should apply. While on the surface there may seem to be good arguments for allowing councils to manage Crown land under the Local Government Act, there are also serious questions and we must all be satisfied that adequate checks and balances are in place. The Minister for Local Government is not appointed for his or her land management skills, and the Office of Local Government has been cut to shreds by this Government. The House must be satisfied that the Office of Local Government is able to provide expertise and/or resources to assist the Minister for Local Government to oversee the management of Crown reserves by councils if this part of the legislation is accepted.

Further, the Local Government Act only requires the Minister for Local Government to approve leases longer than 21 years. The management of significant Crown reserves would be left entirely to local councils without the input of the statewide perspective of the Minister for Lands and Water. This change will cause confusion and could lead to disagreements between the Minister for Local Government and the Minister for Lands and Water about the management of a reserve by a council. The bill in its current form is unclear as to which Minister would be the ultimate decision-maker should the two disagree. Perhaps the Parliamentary Secretary representing the Minister in this place could clarify that point when he replies to the debate. Labor believes this is more about the Government seeking to wash its hands of responsibility for Crown land, even when designated as State significant.

I turn my attention to the lack of transparency in plans of management, which are dealt with in division 3.6 of the bill. The Opposition supports the preparation and adoption of these plans of management as central to transparent and strategic use of Crown lands, particularly in situations of high and often competing use. This has the potential to be a strong element of the bill. Labor used plans of management in government and sought to engage the community through the statutory process. In contrast, this Government has resiled from the concept of plans of management, has actively dissuaded councils from preparing them and refuses to adopt many of them, leaving them in limbo with no statutory force. One need only read the report and inquiry transcripts of General Purpose Standing Committee No. 6 to see the community views on this. It is of little surprise that the bill removes many of the prescriptive measures from the existing provisions of the Crown Lands Act 1989 and seeks to hide processes and decisions within the nebulous and ultimately powerless community engagement strategy.

My next point is about Crown land vested in councils. The Act allows for the vesting of Crown land with local government. As I have said before, the Opposition supports vesting with local councils land that is deemed to be of local significance—assuming the council wishes to accept the land. Yet there remains concern about the future of these vested lands. Currently, any land vested with council is vested as community land. This is an important principle to provide safeguards for land gifted to councils. The community is screaming out for an assurance that this will continue, as it does not want Crown land made easier to sell. But the bill gives the Minister discretionary powers to vest Crown land as operational land. The Opposition does not support this at all, because land that is considered operational is able to be sold by the council—which in essence means that Crown land that is handed to local councils as operational land can ultimately be sold. No matter how we describe it and no matter how much we argue about who is responsible, ultimately it is the sale of Crown land. The New South Wales Opposition cannot support that.

Local councils are under significant financial pressure. Before entering this place, I worked in a local council. To make ends meet and to suit the bottom line, efforts were made to extract every cent from every available resource. In many instances, making ends meet led to the sale of what was once council land and property, and in particular operational land. Indeed, I was responsible for a particular block of land that had been recreational but which the council sought to designate as operational land for the sole purpose of selling it. Fortunately, the community outrage and uproar caused the council to turn its back on that idea. That gives a small insight into the broader problem of local council funding and councils' ability to make ends meet. To hand councils Crown land that has the status of operational land simply gives them a piece of real estate they can then sell for financial gain.

The Opposition is concerned about any attempt by this Government to blur the lines between community and operational land. That seems to be the intention of the legislative reform before us, which is also a glint in the eye of the Minister for Local Government. Similarly, we need to legislate to provide not just for the vesting of Crown land to local government as local or community land but also for the State to accept from local councils land that is deemed State significant or land that is deemed no longer appropriate for the council, so that there is a two-way vesting process. Imagine, for example, a small park in the electorate of Oxley that may be locally significant now. When the good member for Oxley retires, after a long and illustrious career representing her community in this place, the council decides to rename the park the "Melinda Pavey Reserve". There may be overwhelming sentiment across the State to give this land back to the State as State significant land due to the wonderful service of the local member in this place and in that community.

It is important for the bill to allow that opportunity for a two-way exchange of ownership of Crown land. The bill allows Crown land to be vested from the State to the local council, but there is nothing that allows it to be vested from the local council to the State. It would have been good for the Government to include that provision when making such dramatic reforms to the Crown Lands Act. I turn now to the issue of vesting to other government agencies, which the Opposition sees as the most disturbing aspect of this bill. I quote the proposed wording of the relevant section of division 4.3, which allows:

- (a) a Minister, or an agency of the State, with express power under an Act to hold land ... including:
  - (i) a State owned corporation, and

- (ii) any other statutory corporation ...
  - (b) an agency of the Commonwealth capable of holding property in its own name ...
- to have land vested in it if, in clause 4.12:

- (a) the Minister is satisfied that:
  - (i) it is in the public interest to vest the land ... or
  - (ii) the agency would ... be an appropriate owner and manager of the land ...

Let us unpack that. Essentially, this could facilitate the transfer of every single parcel of Crown land to another government agency in one fell swoop. Every piece of Crown land could be signed over to Roads and Maritime Services or Transport for NSW, because that is what this division of this bill allows for. Division 4.3 has the potential to empty the Crown land estate of most of its holdings and to enable public land to be managed under provisions far less transparent, far less onerous and far less in the community interest than the current Crown Lands Act. To the Opposition, that is not a step forward but a step back.

Pesky checks and balances will not get in the way. These checks and balances are the red tape that stifles the implementation of the Government's vision to sell, sell, sell—and they are the only thing holding it back from its ultimate vision. These pesky checks and balances—the public scrutiny, the required transparency, the fundamental opportunity for the community to be engaged in the decisions of the government of the day—are not red tape but essential elements of legislation, and in this case legislation dealing with public land known as Crown land.

The net result of division 4.3 could be referred to as the end of the Crown land bill. It would enable this Government, which is not known for its transparency in the first place, to package up discrete parcels of land and move them across to different agencies, such as UrbanGrowth NSW. We all know what is happening at Parramatta and the community's frustration and outrage about the lack of transparency with regard to the relationship between the State body, State-owned lands and UrbanGrowth. The Opposition is also concerned that the Government is trying to exclude certain dealings from community engagement. I note that one of its glossy brochures includes "Considerations and Exclusions" as a heading. This section states that the community engagement strategies are not required on decisions involving transfers to government agencies.

On the one hand the Government is saying that community engagement strategies are important, but in the legislation it is saying fundamentally that it can do whatever it wants with the land by way of selling, investing or handing over without any scrutiny. That shows a certain hypocrisy. This is the escape clause when it comes to vesting land in other government agencies; it allows for no consultation and no notification. It is just a simple, easy transfer of Crown land to elsewhere in the government, including, of course, a State-owned corporation or authority. On vesting, the land ceases to be Crown land and the protections of the Crown land legislation no longer apply. It is pure freehold land that the relevant Minister, who has recently acquired the land from Crown Lands, can now use according to his or her own legislative framework.

What will be lost are the triple bottom line considerations that are so fundamental to the Crown Lands Act, as well as consultation and public oversight. We can easily see the Government setting up a corporation that has similar powers to the Sydney Motorway Corporation: a private entity, outside the Government Information (Public Access) Act and public scrutiny. This is what we fear when we talk about the privatisation of Crown land. To understand the thinking of the Government, I remind members of the sentiments expressed by a member of the upper House, a former Minister for Finance, the Hon. Greg Pearce, who advised a departmental secretary during a recent budget estimates hearing in relation to Crown lands debt, "If you can get that business cleaned up and sorted out, it might well be something that we can add to our asset recycling scheme and sell."

That is the specific language of a former Minister and current member of the Government in the other place. I will repeat his words, which were said just a few weeks ago, "If you can get that business cleaned up and sorted out"—and when he said "business" he meant Crown lands—"it might well be something that we can add to our asset recycling scheme and sell." Perhaps the most insidious impact of this legislation is the way it could be used to thwart the spirit and operations of the Aboriginal Land Rights Act 1983. The legislation itself betrays this, and I note that amendments were moved in the other place last night on this front. As the bill stood yesterday prior to those amendments, clause 4.12 (b) stated that land cannot be vested if it is under claim. For that to occur, there needs to be written consent by the local Aboriginal land council or the New South Wales Aboriginal Land Council. For any other land there is no notification and no consultation, and it can be vested to another part of government. It will no longer be Crown land and no longer claimable.

In effect, that could prevent future claims on what is now Crown land. Once vested to an agency, it will no longer be claimable land. In terms of trying to close the gap with our Aboriginal peoples, the first inhabitants of this land, this legislation, in essence, is putting up a barrier to a future right to claim. In the event that the lands

Minister signs over Crown land to another agency, it would no longer be deemed Crown land and it would no longer be claimable. Even more disturbing is the fact that the Government did not even flag this division during consultation, yet it is perhaps the most radical part of the entire bill. It was not noted in the explanatory note and during debate in the Legislative Council last night the Government gave no explanation for its omission.

We are simply being told to trust the Government and the community engagement strategy regarding these expansive powers. As I have just outlined, the community engagement strategy is window dressing. The Government has not figured out what it really wants to do with the land, so it will allow it to progress to the community engagement strategy. There is every chance that large swags of land will not even make it that far. The Law Society of New South Wales has raised concerns over this division, stating that there are "limited constraints", "insufficient safeguards" and "no ongoing oversight". I repeat, limited constraints, insufficient safeguards and no ongoing oversight. That is the Law Society's view of this division.

I am not being radical or hysterical. In fact, my words are more sensible than those in the bill. The Opposition cannot accept a "trust me" approach on this front, particularly when the bill states that the Minister does not have to be satisfied that any vesting is in the public interest; the Minister only has to be satisfied that the agency or corporation that the Minister has chosen can hold the land—"Here you go; have it." It is scandalous. It is a sloppy provision and it undermines the integrity of the legislation in relation to built-in checks and balances. When the issue was raised last night in the other place, the Government chose to ignore the genuine concerns and opposed a simple amendment that would have closed this hole in the net. The amendment would have ensured that the Minister of the day would need to consider the public interest. It was offered up to the Government and it refused it.

It is pretty clear that this Government does not care about the public interest, it just cares about a small, powerful clique in the State. The Coalition will always back vested interests over public interests and for these reasons, in this House, the Opposition will be seeking again to strike out division 4.3 as a provision that goes against the interest of transparent management of Crown land and against the spirit and workings of the Aboriginal Land Rights Act. We are going to introduce that amendment in this House and in this place to give the Government a second chance, because we feel that an error might have been made last night in the other place.

People might have been tired, there were a lot of amendments being debated, and there was an opportunity to miss this chance in good faith and good will. There might have been some thinking on it overnight, and the Government might want to adopt that amendment to strike out division 4.3 in this place today. If it does not, then we are going to force the Government to come into this Chamber to vote against that, so that we can make a clear and specific statement to the people of New South Wales and, in particular, our original Indigenous peoples that the New South Wales Labor Opposition tried to protect their opportunity for future claims on Crown land and that the New South Wales Coalition Government refused that. We will see what happens in the vote.

I turn now to dealings with no statutory notification. An equally concerning provision of the bill is the loose fashion with which the Minister can deal in Crown land generally. Historically the Minister has been subject to a number of checks and balances when it comes to certain dealings. For example, under the current Act, the Minister must give notice if they wish to sell or lease a parcel of Crown land. However, under this bill, division 5.2 states that subject to the Act, the Minister can do anything with Crown land that a registered proprietor can do; there is no longer a need for the Minister to give notice. There are significant issues with removing statutory notification provisions in the Act and its impact on the transparent dealing in Crown land, as well as subverting the operations of the Aboriginal Land Rights Act.

Again, the Government hangs its transparency provision on the community engagement strategy, which the land may or may not get to and which grants huge discretionary powers to the Minister as to what engagement is carried out and how it is undertaken. There is also a convenient get-out-of-jail-free card which legitimises any act that contravenes a community engagement strategy. By the way, we have not seen this community engagement strategy. We do not know what it contains. Under this bill, not only could a future Minister vest land with another government agency, he or she could technically sell land to any party without any specific provisions to notify or consult the public. This is too broad a power with too many vague protections. The vagaries of the Government's much-touted community engagement strategies are at hand. I have spoken of the possible exceptions, but clause 5.8 of division 5.3 is a nice get-out-of-jail-free clause. It states:

Any non-compliance with a requirement of the community engagement strategy does not affect the validity of a dealing or other action affecting Crown land use to which it applies unless the strategy provides that compliance with the requirement is mandatory for the purposes of this section.

In other words, "We want you to do the community engagement strategy but you do not need to if you do not want to because there is a nice little provision in clause 5.8 of division 5.3 which allows for it not to be done." That is why we refer to it as a get-out-of-jail-free clause. One wonders why the Government would include that clause. If the Government is so determined to have community engagement, why did it include a



get-out-of-jail-free clause? Why did it not just insist on the community engagement strategy? This clause allows the Government to get away with not advertising the intention to sell and not consulting with the community over a plan of management. This is too loose a protection and there is too much wriggle room, given the broad powers granted to the Minister of the day. There should be no opt-in compliance measure; it should be mandatory. Any dealing must follow the engagement strategy that is in the legislation. There should not be a get-out-of-jail-free clause.

Another pea and thimble trick in this bill is the Western Lands lease conversions. The bill contains a plan for the conversion of Western Lands leases to freehold. The Western Lands Act 1901 was a visionary piece of legislation that sought to protect the fragile landscape of the Western Division. Most land in the Western Division is Crown land held under lease and subject to a range of restrictions that are designed to protect this unique landscape. Historically some leases could be converted to freehold as urban blocks or land required for urban expansion or rural land to be used predominantly for residential, business, industrial or community purposes. The Opposition does not have a problem with that. The Opposition supports farmers who wish to install solar facilities and other such infrastructure to help the operation of their properties. Yet this bill introduces more types of leases and more classes of leasehold that can be considered for freeholding, namely, land with soil types that fall within classes 1 to 6 of the Office of Environment and Heritage land and soil capability assessment scheme.

According to the Office of Environment and Heritage assessment, some of the land being contemplated here is under severe to very severe restrictions on productive capability. Even the science is uncertain. The Office of Environment and Heritage notes that the reliability of its mapping is poor. If we could be guaranteed a robust, statewide legislative framework for native vegetation, then selective conversion could be entertained. Yet we in this Chamber are awaiting the introduction of a new biodiversity bill any day which will significantly impact this particular part of this bill. As we do not know what is in the bill that is coming, it is difficult to argue for or against this particular part of this bill. The safest thing to do would be to make no change until we have seen what the other legislation looks like. But not making a change is not proposed by the Government.

This part of the bill could have a particularly severe impact on parts of the fragile landscape of the Western Division. Furthermore, the conversion will only realise around 3 per cent of the market value of these leases since the remaining government equity is low and leases are bought and sold close to freehold value. This Government wants to consider conversions that include some of the most fragile landscapes in New South Wales and that lack scientific rigour in terms of mapping vegetation. It intends to replace overarching legislative protection of native vegetation with weaker laws and these measures will not even raise much revenue. For these reasons, the Opposition does not support this aspect of this bill. There is too much at risk and not enough certainty.

I turn to the notification of Crown land dealings to the Registrar General. Information about Crown land is vital and the public has a right to know restrictions and dealings involving Crown land. The Government's privatisation of Land and Property Information, which was debated in this place a few weeks ago, has questioned the reliability of that information. Indeed, in the past 10 days, 205 errors have been identified in property acquisitions in just the past four months. We must ensure that the Minister reports dealings and any changes to the status of Crown land to the Registrar General who then must update the land register. The Opposition notes several inconsistencies in the bill in relation to the reporting requirements of the Minister and the Registrar General when dealing with Crown land.

I turn to the management of the commons. I again note that management of the commons was amended last night in the other place. It was a community victory, as the community came bearing arms against the changes proposed by the Government on the one part of the bill that they could identify and were repulsed by. They took up their arms—their pens and their keyboards. They raised petitions and lobbied all sides: the Government, the Opposition and the crossbench members. They were successful last night and they should be congratulated for dragging the Government to agree to an amendment on the management of the commons. Had they not taken up the fight, that part of the bill would not have been amended. It is another highlight of this bill, which has been rushed through both Houses in 48 hours after lying on the table for just 21 days, after a 10-year journey to get here. An exposure bill, which was promised by the former Minister, made perfect sense and had unanimous support from all stakeholders. Issues such as the management of the commons were in the original bill but were removed at the eleventh hour last night.

The Opposition does not oppose the concept of the 10-year State Strategic Plan, although we on this side wonder whether sub-regional plans would be a better use of diminishing resources under this Government. The problem with this Government is implementation. Those on the other side are masters of the glossy brochure but they are not so good at putting ideas into practice. This bill should have included provisions requiring the Minister to report annually to Parliament on the progress and implementation of the strategic plan, or, as we would have preferred, sub-regional plans. When it comes to Crown land, parliamentary reporting and scrutiny are

fundamental, basic and essential. The Opposition is also concerned about the role and nature of the Crown Lands Commissioner.

The Opposition supports the establishment of this position and believes that it will help address conflicts in the use and allocation of Crown land as well as assist in the transparency of decisions around Crown lands. This is an outstanding recommendation from the Hon. Paul Green as chair of General Purpose Standing Committee No. 6 inquiry into Crown lands. The Opposition also believes the role of commissioner could be made more effective if he or she was assisted by a State lands board, to which members could be appointed by the Minister to assist the commissioner in inquiries, appeals or reviews. The Opposition believes that such roles could assist the Minister in making appropriate decisions on the use and allocation of Crown land and afford the public a relatively low-cost mechanism to examine decisions and processes around Crown land. The Opposition believes that the appointment of a Crown land commissioner is a good measure but it could be made better.

I turn now to the issue of Crown land. A change of name from "Crown land" to "State land" would be an historic and monumental move. Fundamentally, it would modernise a legacy from 228 years ago. When I talk to friends about the issue of Crown land coming before Parliament, they say, "Isn't Crown land a Federal issue?" Of course, they have not thought about the formation of the States and then the Federation. As we are dealing with such monumental changes around Crown land and its management, NSW Labor asks why one of the fundamental changes could not be a change of name from "Crown land" to "State land". Why do we continue, 228 years after European settlement, to talk about the land being under the ownership of the Crown as opposed to the people of New South Wales, who pay for, maintain and manage the land?

The Government has had five years to introduce this bill to the House. Five years prior to this Government coming to office, work was done to introduce this bill to the House to give effect to the changes to Crown land. Yet we are at the end of 2016 and the Government is seeking to push this legislation through without giving us adequate time to scrutinise all 208 pages of the bill or to engage the community and fellow parliamentarians. It is perhaps the final insult in a process that has been botched, undermined and ultimately mishandled by the O'Farrell and Baird governments. The timing of this bill is contemptuous of Parliament. It is contemptuous of the public servants who have spent so much time and energy on the introduction of this bill to the House. It is contemptuous of the people of New South Wales who own the Crown land and the Crown land estate. It is contemptuous of the parliamentary inquiry into Crown land and its report, which was tabled in the previous sitting week, the same day that the Minister gave notice of the bill.

On those grounds and given that no-one—the Opposition, the crossbenches, the community, local government and local Aboriginal land councils—has been given time to consider the bill, we cannot support it. This House could resume in 2017 with most of the problems sorted out through public consultation and scrutiny. We would welcome the Government delaying finalisation of this bill until 2017, but its behaviour and conduct in the upper House last night suggests that it will do anything but that. Delaying the bill until 2017 would give all interested parties, including the broader community, time to digest the draft and understand the principles contained in it, and to provide feedback. We can then return to Parliament and engage in a proper, well-informed debate on the future legislative underpinnings of Crown land in New South Wales.

For the past 21 days, people have been trying to digest the proposed bill. We have had six or seven hours this morning to digest the significant amendments that were made in the other place. The bill is being rushed through, and we have not been given an explanation for the urgency. The Minister is asking the members of Parliament to approve the bill, yet we have not seen any of the regulations, the strategic plan has not been developed and the community engagement strategy is not available. We all know that there will be consequential legislation, including on the native vegetation Act and the local government Act. For those reasons, NSW Labor cannot support the bill in its current form. As I noted in my contribution, we will seek to move amendments to division 4.3 relating to vesting of Crown land.

**Ms MELINDA PAVEY (Oxley) (12:24):** It is with great pride that I support the Crown Land Management Bill 2016. I recognise the enormous work that has been done by Minister Blair. The process has been conducted with proper engagement and stakeholder consultation and has included a review, a white paper and a parliamentary inquiry. I am proud that our Government is giving back to the community its voice on Crown land. That is what this is all about. While listening to the member for Cessnock, the shadow Minister for Finances, Services and Property, I was reminded of a Chinese proverb: it was as if he was burning with the righteousness of a thousand suns. I understand his fear and concern because he belongs to a party that did terrible things to Crown land in New South Wales. Who can forget the debacle of the Currawong estate sale by former Minister Tony Kelly in 2011? I understand his genuine concern about inappropriate behaviour and treatment of public land, but this Government will not allow public land in this State to be compromised in the way that the Labor Party did.

The former Labor Government left behind a litany of examples of dodgy backdoor deals, secrets and maladministration of Crown land in New South Wales, and a former Labor Minister responsible for Crown land was found to be corrupt by the Independent Commission Against Corruption. By contrast, since 2011 our Government has created and implemented proper governance arrangements and has set aside the land as a new Currawong State Park. I hear the concern in the voice of the member for Cessnock, but we are not the Labor Party. This Government is prepared to listen to and engage with the community to deliver the best results, as shown by this bill. Effective community consultation on Crown land decision-making is important, yet we do not understate the challenges, especially when considering the vast, spatially diverse parcels of land within the estate and the significance of Crown land to local communities.

The Oxley electorate is littered with beautiful Crown reserve areas from Urunga to Nambucca, Scotts Head and Crescent Head. They are beautiful pieces of Crown land that the community cherishes and for which community volunteers perform thousands of hours of work in order to maintain the community infrastructure. Crown land is used every day by thousands of people, including local show societies, local reserves, parks, surf clubs and community halls. A new approach is needed to effectively engage this large group of stakeholders on important decisions. It took our Government almost four years to create a pathway for surf clubs to have a future with their Crown land tenancy. That is one example of the difficulties, and that type of information has fed into this process.

The bill ushers in a better way of engaging with the community about Crown land. It mandates the development and implementation of a community engagement strategy that will enhance engagement on decisions that impact the community's use and enjoyment of Crown land. We have heard loud and clear from the extensive consultation process that has occurred through the Crown lands review and the recent parliamentary inquiry that the time has come for the laws governing the Crown estate to be modernised. In particular, the approach to community consultation must be reformed. The Crown lands review white paper identified that, on the one hand, current engagement requirements were unnecessarily complex and, on the other hand, they were inadequate. Despite their complexity, they did not do the job.

Submissions in response to the white paper strongly agreed with this assessment. We have listened to the community and we have acted on their concerns. Specifically, the current notification system is not active communication. The community expects to be fully engaged through effective public consultation. The Crown Lands Act requires public notifications through advertisements in local newspapers for a limited range of dealings. Other dealings are recorded in the *NSW Government Gazette* without any notice requirements. Prior notice in the form of an advertisement in the *NSW Government Gazette* or newspaper is only required for sales of certain leases. For certain licences and changes to the reserve purpose, notice is only provided at the time of the decision.

Currently, community consultation involving public submissions is required only for plans of management for reserves. The problem with advertisements in the local paper and notices in the *Government Gazette* is that they are difficult for the average person to find, and where they are found they are hard to understand. The additional concern with notices at the time of the decision is that they do not provide opportunities for members of the community to have their say. The current notification requirements duplicate other notification requirements—such as in land-use planning processes—and they do not distinguish between proposals relating to land in which the public has a genuine interest and those proposals that have no impact on the community.

These problems with the current framework will be directly addressed by the community engagement strategy proposed in the bill. The strategy will apply to dealings and actions on Crown land where the public's use and enjoyment of the land would be impacted. This includes certain sales, leases and licences; changes to the reserve purpose; and plans of management. The strategy will allow the form of community engagement to be tailored to specific situations. This will ensure that proposals that affect the community most are the subject of genuine engagement. This will deliver more effective community engagement than the current system of simply placing advertisements in local papers and notices in the *Government Gazette*.

Other possible engagement tools provided for in the strategy include community forums, online surveys, information booths, community advisory groups, onsite workshops—which are guided onsite workshop tours—and the use of social media. There are ongoing concerns about the transparency of the sale of Crown land. How the new engagement strategy will apply to these sales will be of particular interest to the community. The new strategy could require, for example, at the start of the process, when a sale is being contemplated, calls for submissions from the public on whether to proceed with the sale. During the sale process, it could require calls for expressions of interest and letters to be sent to impacted stakeholders. Following the sale, and assuming that the sale was consistent with prior engagement, it could require impacted stakeholders to be informed in writing.

As I mentioned earlier, plans of management will also be covered by the community engagement strategy. Under the bill, the strategy must be approved by the Minister and must be in place before the new legislation commences. This will ensure that all Crown land dealings occurring under the new framework are

subject to the community consultation requirements from day one. The development of the strategy will be guided by four principles. The first principle is that the impact on community use and enjoyment of Crown land determines the level of engagement. The second is that engagement will be underpinned by best practice principles such as those included in the International Association for Public Participation spectrum. The third principle is improving accessibility and reach of engagement by implementing a greater mix of traditional and innovative engagement techniques. And the fourth is more transparency and accountability.

The bill will require compliance with the strategy by government and Crown land managers other than councils, and increasing the accountability of the Government and 700 community trusts run by more than 3,000 dedicated volunteers or corporations. Councils will be required to adhere to the community engagement regime under the Local Government Act 1993 in all their dealings on Crown land. It is important to note that the community engagement strategy will be a legal document and compliance will be required. The bill provides for mandatory provisions in the strategy. There will be consequences if the mandatory provisions are deliberately ignored. Intentionally failing to comply with the mandatory provisions of the strategy could, in some cases, mean the proposed action on the land is invalid.

The department will develop the community engagement strategy and ensure that it will be ready for implementation by the time the new Crown lands legislation commences. The department has released a document outlining the principles that will guide the development of the strategy. It does not specify its contents, but does include the potential scope of its application and the future suite of engagement methods. The position paper, titled "Community engagement: a new way forward", is available on the NSW Crown Lands website. I encourage all members to download this paper to support their deliberations on this important piece of legislation. In addition to the strategy, the bill will enable the Minister to require Crown land managers to establish community advisory groups. The purpose of these groups will be to represent the interests of the local community. This will ensure the community's needs and desires for the reserve are considered by the Crown land manager. That is a very welcome provision. This bill will see a move to a modern, best-practice approach to community consultation. I congratulate the Minister responsible, the Hon. Niall Blair, and look forward to this legislation passing the House today.

**Mr TIM CRAKANTHORP (Newcastle) (12:34):** The Crown Lands Management Bill 2016 represents the greatest change to Crown land management in more than 120 years, but until just over two weeks ago this Government was the only entity that knew the contents of this bill. In response to this Government just dropping this legislation on the table, I was invited to speak at a community forum on Crown lands not long after. The forum was packed. Literally hundreds of people had come to this event at very short notice to learn something about what the Government was proposing with this legislation. The people there asked me for help. They asked me to explain what was good and bad about this bill.

I have had a chance to examine this legislation—all 209 pages of it—and what I saw deeply concerned me. This bill will make it easier to sell swathes of public land to developers and private interests. There are question marks over the Government's ability to bypass checks and balances and to move Crown land to freehold control. This bill even contains a sneaky clause that enables the Government, without considering the public interest, to transfer public land to other government agencies at the stroke of a pen—automatically robbing it of its status as Crown land. Without these Crown land protections, agencies such as Urban Growth and the Government's real estate agent—Property NSW—will be free to sell the land to the private sector. Further questions linger over the status of iconic public spaces. King Edward Park in Newcastle is a prime example. What will become of this incredibly majestic and valuable piece of land? There is also an unanswered question about the subversion of land claims by the Aboriginal community under the Aboriginal Land Rights Act 1983, as claims can be made only on Crown lands.

Currently, the Government must give the community 14 days during which to comment on any proposal to sell or to transfer Crown land. Crown land includes parks, showgrounds, cemeteries, beaches, sporting ovals, sporting clubs, greyhound tracks, golf courses, skate parks, and caravan parks. What will happen to them? If they are not on Crown land there will be no requirement to allow for community comment. Jacquie Svenson, a local solicitor and clinical teacher, was reported in the *Newcastle Herald* today as stating:

Like tax law, Crown lands legislation is probably something most of us try to avoid: apparently dry and of limited relevance. But as private recreation facilities become more expensive, our beaches and foreshores, parks, sports grounds and budget holiday parks on Crown land are some of the last remaining free or low-cost activities ... Crown land is to be openly commercialised, and fees can be charged for entry.

Under the bill, much of our Crown land will be transferred to councils, and then it could be operationalised and sold under the Local Government Act with little, if any, consultation. Ms Stevenson further stated:

The objects of the bill expressly reflect this move towards use and sale rather than "management" for the benefit of the people of NSW: gone is governance under stated Crown land management principles over choices about suitable and preferred uses, the granting of leases, licences, easements, permits or rights of way, adoptions of Plans of Management over Crown land, or the authorisation of additional purposes on Crown land.

These appropriately stirring ideals of protection and conservation of the natural resources of Crown land, public use and enjoyment, sustenance of resources in perpetuity, and dealing with land in the best interests of the State are replaced by limp reference to undefined "environmental, social, cultural, heritage and economic considerations", to be applied only in decision making generally.

Ms Stevenson also states:

Behind this approach lies the full spectre of the Government's privatisation agenda: the bill turns the NSW Crown Lands Division into a Public Trading Enterprise, with "economic objectives" and goals for how much Crown land is to be disposed of each year. If all of the measures in the White Paper are implemented, the Division will need to be "budget neutral", and any shortfall in expenses for its use and management met by a "Community Service Obligation" ... Crown land will be priced according to its commercial freehold value, and any shortfall between that and the income it generates noted as an "opportunity cost". Effectively, Crown land is being converted into a balance sheet. Almost half of New South Wales land is in the public's hands, and I believe that most people would want it to remain that way, despite the best efforts of Mike Baird to sell it off. I have been liaising with my community organisations and the Friends of King Edward Park specifically on this legislation. The Friends of King Edward Park state:

We are concerned that the time allowed to consider the Bill is ridiculously short and we're asking that the bill lies on the table for at least another 6 months .

In 1989, when the bill was last amended, it was done cooperatively over six months and it was not the radical change to the legislation that this one is. It's imperative that we consider all the implications of the bill.

The Friends of King Edward Park are extremely concerned about clause 2.17, which states:

The dedication or reservation of Crown land under this Part for a purpose that permits or requires its use by members of the public does not:

- (a) prevent the holder of a holding over the land from using it for commercial purposes, or
- (b) prevent the person responsible for the care, control and management of the land from charging fees for the use of the land by members of the public ... or
- (c) entitle members of the public to have unrestricted access to the land ...

"The land" referred to is Crown land, public land—the land of the people. The Friends of King Edward Park fear that this bill represents the death of the Rutledge principle—the principle that dictates that this land is dedicated for public recreation and is accessible to everyone as of right, and not for private profit. The Friends of King Edward Park fought for five long years to establish this principle, among other things. It is a great egalitarian principle which allows everyone free access to our beaches and public space and which prevents radical commercialisation. It guarantees that the most disadvantaged people in our society have the same privilege of access as anyone else. If we want the sort of society we have had in the past, this clause needs to be amended and there needs to be more consideration given to the complexities of the bill.

Certainly in Newcastle there are three areas over which my community has expressed great concern, such as Stockton Crown land, where a service station did not attract any attention from the Minister despite huge alleged breaches of many Acts of Parliament and Crown lands regulations. The Minister did not even visit the area when the service station burnt to the ground. It will be very costly to remediate the land, and I am sure any local council would not want that financial burden. The area also has the Bogey Hole. I have launched a petition and a campaign to fix it. The Government has come up with some money to start the process. While it said that it hopefully would be finished by summer, we have not seen even the commencement of the process.

This problem really is in the too-hard basket for this Government. The Government's philosophy is that if a land problem is too hard, sell the land. It has attempted to give the land to the Newcastle City Council, but the council rejected that, saying, "Actually, we don't want the responsibility for this; nor do we want the cost." Future costs will be enormous. It is in the too-hard basket so the Government has tried to fob it off. It is a problem that will not be easily fixed. The Government is risking the lives of people by not fixing it quickly. A site such as Bogey Hole would be fixed by now if it were located in Tamarama, Bronte or Coogee.

After two years of asking Minister Blair to visit Newcastle, he finally arrived—but his visit did take a restaurant to fall into a lake, a cliff to crumble, and a service station to go up in smoke. It was great to see the Minister in Newcastle, but the community did not have the chance to talk to him about this legislation and its ramifications. The people of my community want that dialogue and the ability to contribute. Government members talk about reforms associated with a reduction in red tape, and they need to be more specific. The Government really does sell, privatise or pass on issues that are too hard. We have seen it selling off the Newcastle public transport system to the highest bidder. If a problem is too hard, the Government throws its hands in the air and passes it on. That does not really work well for my community. If Newcastle is the test case for the whole of New South Wales, it certainly will not work well for other communities in this State.

While the State is in the middle of an amalgamation process, the Government wants to fob off responsibility for Crown land to local councils. I am sure that will go down well with the Government-appointed administrator, who will sell off that land pretty quickly. I have referred to just some of the issues that have been

raised by members of my community. I am certainly very concerned about those issues as well as many others. In conclusion, I reiterate that the Government has taken the opportunity to ram through this legislation without allowing the community or members of Parliament to consider a radical rewriting of Crown land legislation. That is an absolute disgrace.

**Mr KEVIN HUMPHRIES (Barwon) (12:44):** Some members have concentrated on the complexities of the Crown Land Management Bill 2016, but I point out that it has been in the public domain for the past approximately seven years that I know of. When I was the Minister responsible for Crown lands, I attended a large number of community gatherings across the State in lieu of issuing a white paper. I am not sure whether the member for Newcastle is aware that a number of discussions have been held throughout the State, umpteen submissions have been received, and opportunities have been provided to local government authorities, community groups and organisations such as surf clubs, showground societies, community conservation groups, business chambers, farming communities, Crown reserve trustees and people who live in the Far West areas of the State. During my contribution to this debate I will concentrate on Far West areas. It is an understatement to describe consultation in respect of this bill as adequate. Since I have been a member of this House, this legislation has undergone four or five ministerial consultative processes.

The complexity of the bill can be narrowed down to the fact that it is all about making sure that local people are front and centre when it comes to having input into or being given additional responsibility to assist in the management of our lands. Part of the bill describes the fact that when land is of State significance for its conservation, recreation or commercial value—for example, in King Edward Park there may be a kiosk or a penny toilet—people need the opportunity to have a say in how Crown land and public spaces are managed. It is not adequate for governments or bureaucracies to be continually in charge of everything in this State. As most people know, the Crown Lands Act was developed as a way of ensuring an appropriate use of land during the populating of the State. As people took up what could be referred to as Torrens title freehold land and developed the land for residential, business, agricultural or recreational pursuits, it has worked well and has served the State well.

The Acts and regulations covering Crown land are well over 100 years old, but that does not mean that the legislation should not be reviewed constantly. This Government is reviewing the legislation and the complexity of the bill should be narrowed down to the fact that the community will have more say, more responsibility and greater access to resources to ensure that they are in the best position to manage our public space. I support that. Government members who represent rural and regional communities are better placed to make decisions about how Crown land could be better used through community engagement, plans of management and identification of Crown land managers, such as trustees and councils, who want a far greater say in how their communities are operated and run, what should be preserved, and what potentially could be put to better use. Issues relating to stock reserves are always a big issue, particularly for constituents of my electorate of Barwon, and will not be resolved in the short term. Stock of reserve land will remain as State identified lands and will continue under the same management regime.

I will now concentrate my remarks more on western New South Wales. Geographically, the Barwon electorate covers 44 per cent of the State and covers an area of 320,000 square kilometres. Western lands leases, which are covered by the Crown Lands Act 1901, cover 42 per cent of the State. Much of my electorate is covered by the Crown Lands Act—for example, areas west of Walgett, out to Brewarrina and Bourke and the South Australian border, and down to the outskirts of Broken Hill and back through places like Wilcannia, Cobar, Balranald, and Wentworth in the south. The largest de facto Crown land managers of the State are western lands leaseholders. There are approximately 6,500 western lands leases. Most of those are pastoral or grazing leases—there are approximately 4,500 of those—and there are a significant number of farming leases, approximately 500. The rest fall under communities such as Lightning Ridge, where there are camps on claims, or White Cliffs, another opal mining area, and these fall under permissive occupancy.

The bill allows for something people in western New South Wales have agitated for, and that is a conversion, not a disposal, of Western lands leases to freehold title. People like me believe it is unacceptable that the largest part of the State still falls under leasehold title. People in the city would not accept that their living arrangements, their urban dwellings and their businesses, should be under what is called a perpetual lease. Even though in the High Court it has been defended that Western lands leases have the same status as freehold, people like me believe that in this day and age it is an anachronism, an out-of-time, out-of-date piece of legislation that needs to be updated.

People in the Western Division of the State need the opportunity to freehold their land. Western leaseholders traditionally have had caveats put on their leases, particularly on the pastoral leases when it comes to issues around tourism development, infrastructure and things like renewable energy where there have been difficulties with large-scale solar programs at places like Broken Hill and wind farming at Silverton, for example. In these places the landholders, even though they have perpetual leases, are not able to deal directly with the

proponents of those large-scale renewable energy programs. That means they are at a disadvantage. The out-of-time, out-of-date status of their land, which falls under too much bureaucratic control, disadvantages not only the landholder in opportunities to diversify land use but also the broader community because large-scale projects, particularly in renewables that are still on the rise in western New South Wales, are difficult to get up.

In some of the farming areas on the eastern side of my electorate, such as in Walgett, there are opportunities based on freehold title that would free up land for additional farming based on soil type, climate conditions, and agronomic conditions using improved conditions and technology. Under Western lands leases that is very difficult because of licensing arrangements, which means farmers must deal with a lot of red and green tape in order to get a farming licence. Freeholding opportunities under the Act will allow for farming enterprises to diversify and to develop their land. There are areas in the southern part of the State, particularly near the Murray River, and in northern Victoria, for instance near Mildura and Swan Hill, that are highly developed largely on the back of freehold title.

On the northern side of the river, basically around Wentworth and to the east, there is very little development largely because of land tenure restrictions. The Act will allow for commercial opportunities based on proximity to urban areas and enable places in southern New South Wales to engage in alternative activities, largely based on subdivision for tourism development and potentially urban intensive agriculture. Residents of Balranald in Wentworth Shire have long wanted to pursue such opportunities. What does this legislation mean for western New South Wales? This bill will update a 1901 Act. It will give our 6,500 landholders far more flexibility in what they are able to do with their land, which will benefit not only themselves and their communities but also the broader community.

The environmental safeguards are still in place, and the fact that The Greens and the Opposition opposed this bill last night shows that they support a restraint on trade and a restriction on the lifestyle of people living in the Far West of the State. Members of The Nationals take exception to that, because it means that certain people in this Parliament have a very poor understanding of what happens in the Far West. They do not understand the capability of the people who live there, they do not understand the respect those people have for the land, and they certainly underestimate the opportunities available in what I would call a pretty remote part of Australia that is second to none.

I am highly supportive of this legislation, which is long overdue. I believe the opportunity for freeholding is enormous, although it will not necessarily affect all of the Western Division. Slowly it may be stepped up to cover additional places and give more people around the State an opportunity to benefit. People have a right to feel secure in their living and business arrangements. I am pleased to say that the Crown Land Management Bill 2016 will realise that opportunity for a significant part of this State.

**Ms JODI McKAY (Strathfield) (12:54):** My contribution to the debate on the Crown Land Management Bill 2016 will be short. Crown land is a significant community asset that I believe we neglect at our peril. The community holds Crown land in high regard, and I believe is always anxious to ensure the government of the day meets the varied and often competing needs placed on it. I think everyone would admit that that requires the controlling authority to balance the social, the environmental, and the economic considerations within the broader context of environmentally sustainable development. Unfortunately, over the last five years Crown land management in New South Wales has been abused by the Coalition. The Coalition has presided over a disaster in Crown land, with a variety of broader public land management agencies being cut up as well as retrenchments and a mass exodus of public sector expertise that has been built up over decades.

These are the reasons for the problems being experienced in Crown land management today. This is the reason the Auditor-General delivered such a scathing report into Crown land management. The Government believes this bill will be a panacea for all these problems, yet it will not. This goes to the heart of my concerns as the member for Strathfield. I believe the intention of this bill, however carefully the Government tries to conceal it, is the overarching goal to sell off, to diversify and to recycle Crown land assets. This is why the Government refused many sensible amendments proposed by Labor in the Legislative Council. The most scandalous of these is the Government's refusal to ensure the Minister of the day considers the public interest when deciding whether to offload Crown land to another government agency. The Government will not even consider a public interest test. For these reasons this bill should be referred to a committee, or at least deferred until the community has had time to digest its contents and to provide important feedback. Yet this is not how the Baird Government goes about its business. The Government is dismissive of the community and derisive about long-established checks and balances.

Crown land is public land, and the community has a right to be properly consulted over any changes to the legislative framework underpinning its management. Open space in my community in the inner west is precious and will be even more so with the population explosion planned by the Baird Government. That is why we need to tread carefully with this legislation. We should be expanding Crown land, not undermining it or finding

ways to destroy it. In my electorate of Strathfield the Government is constructing the WestConnex project, the M4 East. As part of that project a number of lots of land have been acquired to enable construction of the required tunnel. Much of that land will not be required once the project is complete.

The future of Crown land management is of tremendous concern to my community for all those reasons. My community wants parks, community halls and a whole host of sporting and community clubs to continue to serve a wide range of needs in an area that is experiencing enormous population growth. This bill is a radical departure from the incremental approach to Crown land management that has evolved over the last two centuries in New South Wales. The manner in which the Government has gone about ramming this legislation through without an exposure bill and without time for community and Parliament to scrutinise its contents demands that this bill be opposed.

**Mr ANDREW FRASER (Coffs Harbour) (12:59):** I cannot but comment on the contribution of the member for Strathfield in this debate on the Crown Land Management Bill 2016 and her implication that the State is looking to make money out of this land. When Tony Kelly was Minister for Lands and Keith Rhoades was mayor of Coffs Harbour, the area of Englands Park, the whole of the foreshore and an area of Bellambi Beach—all Crown land under the trusteeship of Coffs Harbour City Council—was proposed to be changed to high-rise and medium-density development. If not for the community of Coffs Harbour, that land would have been built on by now, but the community rejected it outright. The hypocrisy in the comments of the member for Strathfield bear no comparison, because it was Tony Kelly and Warwick Watkins trying to make a quick buck out of the land in conjunction with council, which would have not only received rates from that land but also had the capital cost of the purchase of that land returned to it.

One of my concerns with this legislation—and I have sought and received assurances from the Minister on this which need to be put on the record—is that Coffs Harbour City Council has trustee status for all Crown land within its local government area that is vested in the council. The Coffs Harbour Deep Sea Fishing Club was closed because the Coffs Harbour City Council did not know that it had trustee status over it. The council could have approved an extended lease and the conditions that the club had applied for, but instead threw it into the Minister's hand at literally the eleventh hour with two weeks to go, because it was in receivership. The Minister could not make a decision on the basis of what council had already said, which was criticism of the club itself. The bizarre nature of Coffs Harbour City Council being trustee of reserves in our area worries me.

It worries me because of an example I raised in the House only last sitting week in relation to the Pet Porpoise Pool, now known as Dolphin Marine Magic, which is in the foreshore area with a piece of land designated as public open space next to it, also known as Jetty Oval. Pet Porpoise Pool wished to expand onto that land so it could meet regulations set down by the Department of Primary Industries [DPI]—once again, I disagree with that change in regulations—and put a car park on it. What did Coffs Harbour City Council do? Over a 13 year period while Pet Porpoise Pool was trying to lease this land back from the council as trustee—and the councillors did not know they were trustees—the bureaucrats within council arranged for that 20-metre strip to be rezoned as tourism commercial land. They then put a price tag on it of over \$500,000. Council would probably have got only a \$1 lease for the land as a car park that would also have serviced the Jetty Oval, but it would have made in excess of a \$500,000 windfall so that the porpoise pool, which brought \$30 million of tourism money into the town each year, could turn it into a car park and fix up its own facility under DPI regulation.

My worry is that a lot of the reserves that council now manages have caravan parks on them. Historically the reason for that was to cover the reserves in order to raise funds to maintain and increase the amenity of the reserves. For example, Park Beach Holiday Park went from Coffs Creek to Macauleys Headland. In my submission regarding the white paper on 27 June 2014, I stated that while the council gave minimal attention to the reserve area it was basically a matter of mowing, not a matter of improving the reserve. There were issues there with drug users and drunks, and we wanted the area managed properly with lighting put in and so on. Council approved the caravan park and put in cabins. It increased its return from the park but did not manage the reserve that was attached to it which, under the dedication of that land, was the intent of the caravan park. The same can be said for Sawtell, Moonee, Woolgoolga and a number of other parks the council maintains.

I have no problems ensuring that we have recreational values in these reserves. I think it is absolutely fantastic. I have no problems with council managing these reserves, but under no circumstances do I want council to be given the opportunities it has had in the past on the foreshore of Coffs Harbour. At the former Labor Government's request, council rezoned an area of land that we had set aside to improve the foreshore when we were last in Government. That land now has one of the worst blocks of units on it that anyone has ever seen, and council has denied the opportunity for proper access to the jetty foreshore area because the land was the old Banana Growers Federation land and under the former plan a bridge was to be built there.

We are looking at putting all the land around the jetty area under one authority in future—probably Property NSW—and developing the foreshore area in a way that the people of Coffs Harbour want to see it



delivered. They do not want overdevelopment; they want guarantees of access to the foreshore and of amenities that they can utilise. There is no push against any residential or hotel accommodation there; we just do not want development east of Jordan Esplanade. We are looking to take it away from council's authority and put it under an authority that is locally managed and that can advise the Ministers involved and Property NSW to make sure we get a development there that we can be proud of into the future. I would also like to raise some concerns raised with me by people in the central and eastern division in relation to the conversion of their leases. [*Extension of time*]

These people have concerns about the two-year period mentioned in the legislation. I am assured by the Minister and his office that the two-year period is from the commencement of the Act, which will be 2018. If after two years an existing perpetual leaseholder in the central and eastern division has not exercised their right, the existing right of purchase becomes a right to apply the purchase and they will not be burdened with a commercial rate of sale. It would be more along the lines of what had been previously agreed. There is fear that in times of drought or if they do not have the money they will not be able to convert in the short term. They just want an assurance that their ability to convert will not be priced exorbitantly in the future and they still will have that opportunity to convert.

Overall, this legislation has been needed for a long time. As I said, my main concern is that the Minister can and will direct councils to ensure that they will not turn this into a commercial feast—especially Coffs Harbour City Council—where they can use Crown land as a bank to push up their budget bottom line and charge exorbitant rates by rezoning the lands. My criticisms are well known in relation to surf clubs, and the current Minister has fixed their leases. Sawtell Surf Life Saving Club, for example, had a one-year renewable lease which meant it could not get its development application approved because Crown Lands would not allow it because the club did not have a sustainable lease. These are the sorts of problems that local government can create in the management of Crown land. We have to have ministerial oversight during this process to ensure that councils are not going to utilise Crown land as a land bank or a cash bank and are not going to rezone the dedications on those reserves—such as tennis clubs, sporting fields, recreation reserves, show grounds, you name it—take them away from what was originally intended for those lands and sell them off to fix up their budget bottom line. I commend the legislation to the House, and I seek those assurances from the Minister.

**Ms YASMIN CATLEY (Swansea) (13:09):** Crown land is public land and it needs to be managed in keeping with community expectations. Crown lands cover 42 per cent of the State of New South Wales. It is something that we are all familiar with. In my own electorate, Crown land forms the integral part of the environmental, social, cultural and economic fabric. Our beaches and our waterways, parks, marinas and key community facilities are all located on Crown land. We expect transparent and well-resourced management of these lands owned by the people of New South Wales and overseen on their behalf by the old lands department. Yet, under this Government the management of Crown land has withered on the vine. Jobs have gone, resources have been slashed and senior management has focused on internal squabbles, rather than the fit and proper management of Crown land in this State.

For five long years the management of Crown land has drifted. Where once there was a purpose of meeting the many and varied demands placed on Crown land, there is resignation, and desperation within the agency to shut up shop and divest itself of land to councils and other government agencies. Jobs have gone, experts with decades of public land management expertise have retired and the Government has done nothing to address this. Instead, they are doing quite the opposite. I give the example of one of the more prominent parcels of Crown land in my electorate, the former Pelican marina site. The sad and sorry saga which has led to an abandoned site right on the edge of Lake Macquarie is emblematic of the broader problems facing Crown lands.

There is an inability or reluctance on the part of Crown Lands to roll up its sleeves and do the right thing by the community. For month after month I and the rest of my community called for urgent action to address the parlous state of affairs. What we saw was drift and inertia, to the point where the entire building slid into the waterfront. The calamity does not change matters. Again, after months and months of inaction, the Minister refused to take appropriate action and now the future of the site is uncertain, with a land claim to be determined. It is matters like Pelican marina that led to such a scathing report by the New South Wales Auditor-General, who found that the Government had completely bungled the handling of this community asset for years. The Auditor-General's report stated that:

The leaseholder had been in arrears on rental payments since October 2011 and in dispute with the Department over responsibility for the costs of repairs to the marina's piers since 2012.

The report also stated that the series of events surrounding the collapse of the Pelican marina:

... indicates that the Department was aware of serious issues with a lease on Crown land but was not able to resolve these issues effectively.

This bill, despite the hype of the Government, will do nothing to address the more systemic issues affecting Crown land management in New South Wales. All the fancy legislation in the world cannot and will not replace resourcing of jobs—something that this Government does not see as a priority. Instead, we have a bill that puts question marks over the future of a significant chunk of public land here in New South Wales. The community is concerned that this bill, rushed through without care for due process and proper parliamentary oversight, forms legislative code for a renewed sell-off of public land in New South Wales.

The Government is offering vague community engagement strategies that are not enforceable, and indeed, may not apply to the particular dealings, and I note Government glossy brochures which state that vestings in other government agencies, which remove the Crown Land Act and the Aboriginal Land Rights Act, can occur without community notification. The bill may give the Minister powers to move significant Crown land to other agencies. I am sure that the Minister for Finance is keen to get his hands on these community assets. I am sure the Minister for Planning and Urban Growth NSW and some of the development corporations are keen to see what is on the table. The bill, criticised universally, will remove existing statutory notification provisions. It weakens community oversight of these important lands. It leaves open opportunities to move land to any government corporation.

I can see that this bill is the genesis of "Land Incorporated". This will leave precious assets across the State, like our surf lifesaving clubs, our community halls, showgrounds, sporting fields and critical coastal lands, all exposed to greater commercial pressures with less community oversight. Crown land is public land. It is land that should be managed for the broader, longer term interests of the people of New South Wales. We should take the opportunity to remove the term "Crown land" perhaps. It is outdated, reeks of British imperialism and should be updated to reflect a modern approach to Crown lands. That is why Labor has called for Crown land to be called "State land", land owned by the people of this great State of New South Wales. Yet those in the Baird Government continue to show contempt and arrogance over the public interest and over community sentiment. They believe they should manage Crown land as a private enterprise.

**Business interrupted.**

## **REGULATORY AND OTHER LEGISLATION (AMENDMENTS AND REPEALS) BILL 2016**

### **First Reading**

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

**TEMPORARY SPEAKER (Mr Lee Evans):** I set down the second reading of the bill as an order of the day for a later hour.

### *Community Recognition Statements*

#### **NEWCASTLE UKULELE FESTIVAL**

**Ms SONIA HORNER (Wallsend) (13:17):** Playing the ukulele is a global phenomenon with huge social and personal benefits for participants, and did members know that Newcastle is at the forefront? The highly successful third bi-annual Newcastle Ukulele Festival was held on 21 to 23 October, organised and smoothly conducted by volunteers Christine Garvin, Chair, Pam Bradford, Martin Bond, Susan Gleeson, Dianne Murray and Lindsay Freeman. My big thanks to our professional volunteers and for their many hours of kindness. They engaged some of the world's best ukulele artists and provided opportunities for our community-based ukulele players, as well as programs dedicated to showcasing schools and budding ukulele players and songwriters. Special thanks to the creators of the Newcastle Ukulele Festival, teachers Danielle Scott, Jane Jelbart and Mark Jackson.

#### **WALLAMBA FOOTBALL CLUB**

**Mr STEPHEN BROMHEAD (Myall Lakes) (13:18):** The village of Nahiab has another reason to smile—Wallamba Football Club, the local club, was awarded the Newcastle Permanent Northern New South Wales Community Club of the year. There are over 230 clubs and 64,000 registered players within the boundary of northern New South Wales football and, as members can imagine, the competition to win this prestigious award is fierce. The Football Mid North Coast's women's senior competition had decreased to five teams as it was played on a Saturday. A shift to Friday nights saw the teams more than double to 12 women's teams in the area. Wallamba Football Club was successful in gaining the attention of The Nationals, who pledged \$50,000 to upgrade the lights at the Aub Ferris field, Wallamba Football Club's home ground. This fantastic facility improvement will enable the region's very successful Friday night games for women's teams to be expanded.

### BEVERLEY PARK SCHOOL ANNIVERSARY

**Mr GREG WARREN (Campbelltown) (13:18):** I ask the House to join with me in acknowledging the seventy-fifth anniversary of Beverley Park School and the tremendous efforts this school has achieved in its rich history. For the past three-quarters of a century Beverley Park School has served the Campbelltown community with the highest degree of care and attention to its students. On 18 November the school will be hosting an open day for past and present members of the school community to exhibit the prowess of their hardworking staff and students. The work Beverley Park does for students with additional learning needs is invaluable and I express my admiration for the services they provide to the students and their families. I once again thank Principal Jackie Lockyer and her staff for their unwavering dedication to their students and our community and wish this fine institution another successful 75 years of service.

### JASON ENGLISH, CYCLIST

**Ms LESLIE WILLIAMS (Port Macquarie—Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (13:19):** I recognise and congratulate Port Macquarie's Jason English, Australia's most successful cyclist. Jason English excels in the extreme sport of 24-hour mountain bike racing and has seven consecutive world championships to prove it. What makes his achievements even more incredible is that Jason squeezes his training around his full-time job as a teacher in Port Macquarie and juggling family life to spend time with his wife and two young children. The 24-hour mountain bike event sees riders complete as many laps of a dirt track as they can over a 24-hour period whilst also carrying their own lights.

At last year's world championships Jason spent less than one minute off his bike in the 24-hour period—that is less than 15 seconds per transition. It is no wonder he has been described as "inhuman" by his closest rival. Despite his modesty, Jason's success in this gruelling sport is unmatched. He has raced 30 solo races since 2007, winning 27 of them, and 25 consecutively. He has also held the Australian title since 2008. Jason says that he is very goal driven and has a training regime that includes daily 4 a.m. rides, weight sessions and rides of 1,000 kilometres in the week before he contests big events.

### LAKE MACQUARIE CITIZENSHIP CEREMONY

**Ms JODIE HARRISON (Charlestown) (13:20):** Cultural diversity is a wonderful aspect of living in Australia. We have one of the most culturally diverse countries in the world, from our first people of Aboriginal nations to the latest migrants and refuge seekers. This was highlighted at the recent Lake Macquarie City Council citizenship ceremony presided over by the new popularly elected Labor mayor, Kay Fraser. There were people from the United Kingdom, South Korea, the United States of America, Thailand, Sri Lanka, Malaysia, Russia, South Africa, India, Oman and Ireland who all became Australian citizens and members of the Charlestown electorate. It was wonderful to hear their stories about why they chose to become Australian citizens. I wish them all the best for a happy life in Australia and in the electorate of Charlestown. I also congratulate Kay Fraser on being elected Mayor of Lake Macquarie City Council and continuing Labor leadership at that council.

### DANIELLE MCGRATH

**Mr MARK SPEAKMAN (Cronulla—Minister for the Environment, Minister for Heritage, and Assistant Minister for Planning) (13:21):** Yesterday, 26-year-old Danielle McGrath was tragically killed after she was hit by a truck at an intersection in the middle of Caringbah as she was walking to the station. This is a senseless and devastating loss for Danielle's family, her partner Aaron, her friends and the Sutherland Shire community. Danielle went to Menai High School, grew up in Illawong and recently moved to Caringbah. She has been described by those who knew her as "bright, joyful and happy"—a young woman with her whole life ahead of her. No-one's words in this place can come anywhere near describing the overwhelming sense of heartbreak that accompanies the death of a young person, particularly when that person is taken in such horrific circumstances. I extend my deepest sympathies to Danielle's loved ones at this time of unimaginable pain.

### LONE PINE BUSHFIRE

**Ms KATE WASHINGTON (Port Stephens) (13:22):** Over the past five days and nights the Lone Pine fire has threatened the communities of Karuah, Limeburners Creek, Medowie and Swan Bay. The fire has raged through more than 9,000 hectares of bushland. Thanks only to the hard work, courage and commitment of hundreds of volunteer firefighters and emergency service workers, no lives have been lost and no houses destroyed. Firefighters have battled tough conditions of high temperatures and erratic winds with gusts of up to 70 kilometres per hour. At one stage the edge of the fire spanned 120 kilometres. It is hard to find words to express the depth of gratitude I have for all of the courageous men and women who have volunteered their time to protect our community. So I say thank you from the bottom of my heart and on behalf of the residents of Port Stephens to all of the Rural Fire Service [RFS] volunteers, police, Fire and Rescue NSW and National Parks and Wildlife

Service workers. I particularly extend my heartfelt thanks to the Medowie Rural Fire Brigade and the Karuah Rural Fire Brigade alongside all other RFS brigades who protected us from harm again.

#### **NICOLE ROBERTSON, HORNSBY ART PRIZE RECIPIENT**

**Mr MATT KEAN (Hornsby) (13:23):** In 2015, Nicole Robertson was named as one of Hornsby's emerging artists. On that same night, Ms Robertson took a fall, breaking both of her elbows. Falling and tripping up a set of stairs, Ms Robertson's journey took an abrupt turn as she required pins and screws in both elbows and could no longer hold paintbrushes. But this did not stop Ms Robertson from holding an exhibition of her works at Wallarobba Arts and Cultural Centre in Hornsby which took place from 18 to 30 October this year. Broken Wings, Ms Robertson's exhibition, explored her journey of healing from being broken to putting herself back together. Her journey has not been an easy one.

From studying at TAFE for fine arts to mastering her skills with names such as 2002 Archibald winner Cherry Hood and Berowra Waters landscape painter Kasey Sealy, Ms Robertson's journey is both an artistic and a spiritual one. Despite her painting skills, Ms Robertson does not believe that being a good artist requires any fanciness, but creativity. Going back to an HB pencil, the simplification of Ms Robertson's work has in no way decreased its artistic merit. It is astounding to see what people can achieve in times of trial. Ms Robertson is an inspiration to us all. I congratulate her on her exhibition, Broken Wings. I look forward to hearing more of her success in the future.

#### **MOUNT KEIRA DEMONSTRATION SCHOOL**

**Mr RYAN PARK (Keira) (13:23):** Mount Keira Demonstration School is a primary school located at the foot of the Illawarra escarpment overlooking Wollongong. After learning about deforestation in Indonesia and Malaysia caused by the palm oil industry, year 5 and year 6 students from this great school set out to make a difference. First the students wrote to numerous companies that use palm oil in their products and asked them to use alternative ingredients to support sustainable palm oil production. The students wanted to go further so they adopted a Sumatran orangutan, Gokong, through the Orangutan Project initiative. The students' teacher, Rosalyn Saunders, says the students set out to create a ripple effect and chose activities that would raise money towards food and veterinary care for Gokong and support his release back to the wild. These vigilant students have learned the power we have as consumers to choose where our money goes and our responsibility to discover the global impacts of our everyday actions. I commend these year 5 and year 6 students from Mount Keira Demonstration School and their wonderful teacher, Rosalyn Saunders.

#### **FEAST DAY OF OUR LADY OF PENAFRANCIA**

**Mr STUART AYRES (Penrith—Minister for Trade, Tourism and Major Events, and Minister for Sport) (13:25):** I congratulate Jose Relunia and members of the Filipino community for their contribution to ensuring the success of the celebration of the 2016 Feast Day of Our Lady of Penafrancia. The Australian Devotees of Our Lady of Penafrancia, based at the St Nicholas of Myra Parish in Penrith and founded by Jun, first began its public devotion in Australia when the replica of Ina arrived in 2006 from Penafrancia Basilica in Naga City in the Philippines. The magnificent Nepean River plays host to the re-enactment of the fluvial procession. This year marked the eleventh anniversary of the procession in our area. It was another fantastic opportunity to take part, as I have for many years, in that procession as well as in the singing and other festivities that take place on the Nepean River. This celebration is a festive medley of religion, tradition and culture which highlights the Filipino community's dedication to their faith and their commitment across Western Sydney.

#### ***A TAIL OF TWO DIGGERS***

#### **MAITLAND BLACK AND WHITE COMMITTEE**

**Ms JENNY AITCHISON (Maitland) (13:26):** Today I recognise John Gillam and Yvonne Fletcher on the release of their new book, *A Tail of Two Diggers*. The book teaches children about post-traumatic stress disorder in Anzac soldiers through storytelling and illustration using dogs to help explore this important issue. It is incredibly important that children are made aware of the wounds inflicted upon our brave service men and women, both visible and invisible. The book will be launched in the Anzac Rooms at South Newcastle Leagues Club on 26 November. This is an innovative and vital work and I congratulate the authors and the illustrator, Paul Durrell.

I also recognise the Maitland Black and White Committee for Vision Australia. A significant component of Vision Australia's funding comes from the support of committed volunteer groups run by tireless, long-serving volunteers who generously give their time to raise funds to support Australians who are blind or have low vision. One such group is the Maitland Black and White Committee which hosts three functions a year. I commend the

group for its success which meant that Vision Australia received approximately \$25,000 from the group's Garden Ramble event alone.

#### **SUTHERLAND HOCKEY CLUB**

**Ms ELENi PETINOS (Miranda) (13:27):** Today I acknowledge the Sutherland Hockey Club premier league team on their efforts in reaching the Sydney Premier League grand final on 17 September. It was a tough grand final and Sutherland put up an impressive fight against Moorebank Liverpool. However, they conceded two goals in the first 12 minutes and despite being the better side in the second half were unfortunately unable to come back and win the game. This year is also the last year with legendary coach Grant Hollyman at the helm, first grade captain Peter Mulcair and first grade players Blake Sandford and Gavin Bobyk. I acknowledge the premier league team—Brady Anderson, Mitchell Wray, Rhys Bobyk, Jono Scott, Luke Noblett, Jack Hayes, Cameron Parsons, Nathan Bourke, Matthew Bennett, Matthew Johnson, Cameron Buesnel, Zac Nyrrhinen and Max Hughes—and team manager, Peter Singh. Congratulations again to Sutherland Hockey Club on a fantastic season. I wish all retiring players the best of luck for the future.

#### **ANGIE BALLARD, PARALYMPIAN**

**Ms JENNY LEONG (Newtown) (13:29):** I draw the attention of this Parliament to the fantastic achievement of Paralympian and Camperdown resident Angie Ballard. In September she represented Australia at the Paralympic Games in Rio. Angie competes in wheelchair racing and first represented Australia in 1998. She has competed at Paralympic Games in Sydney, Athens, Beijing, London and now Rio, where she won two individual bronze medals in the 100 metres and 400 metres T53 track events and a silver medal as part of the 4x400 metres relay team. I congratulate Angie on her success, along with all the athletes in the 2016 Australian Paralympic team.

#### **SHELLHARBOUR STATE EMERGENCY SERVICE LADIES NIGHT**

**Mr GARETH WARD (Kiama) (13:29):** On Monday 14 November the Shellharbour City State Emergency Service [SES] Unit is hosting a ladies night from 7.00 p.m. This is a great opportunity to learn more about how people can protect their houses from extensive damage and be prepared for whatever Mother Nature throws at them. Shellharbour City SES is inviting ladies of all ages living in the Shellharbour city area to visit the unit for this information night. They will learn skills such as how to sandbag doorways to protect against flooding, how to shore broken windows in the event of high winds affecting their property, and what to do if an emergency situation arises, such as a car accident. The Shellharbour city area has been affected by storms extensively this year, with Shellharbour City SES committing more than 1,962 hours responding to requests for assistance. NRMA Insurance is sponsoring the event and has contributed funding for home emergency kits for attendees to take home. These kits have all the relevant information needed to best prepare for extreme weather and natural disasters.

#### **SUN VALLEY PONY CLUB**

**Ms TRISH DOYLE (Blue Mountains) (13:30):** In a beautiful and protected valley in the Lower Blue Mountains you will find a small pony club with a very big heart and some talented young riders. I congratulate the members of the Sun Valley Pony Club on their achievements in the State championships in April and July of this year. This little club, with only nine riders, won multiple awards in both championships. Congratulations to the Wild Things mounted games team of Rebecca Moss, Georgia Foley, Isabella Witchard, Clare Jessup and Evie Norris on their achievements.

A very big thank you to president Sheryn Phillips, also to Kelly Heckenberg and Britt Moss for coaching and mentoring their young members and bringing out their abilities. I also recognise the support provided by the parents who volunteer, assist with the set-up and pack down as well as transporting gorgeous young riders and animals alike. It was an honour to visit the club last weekend and present to the girls prestigious New South Wales representative certificates signed by the Premier and me. Well done on a fabulous team effort.

#### **CENTRAL COAST GARDEN COMPETITION**

**Mr ADAM CROUCH (Terrigal) (13:31):** I congratulate Irene Bryant, a resident of Booker Bay, on her recent announcement as winner of the 2016 Best Patio/Balcony Villa Courtyard Display category in the Central Coast Council's Garden Competition. Her courtyard has evolved from two squares of grass with house bricks set in the ground as a footpath to what is now a magnificent courtyard of sandstone pavers, raised garden beds, carefully placed urns and plantings, giving the clever appearance of a blend of Tuscan-Australian design. Her cottage home is 100 years old, and Irene ensured that the courtyard was designed sympathetically to compliment the heritage value and the traditional surrounds. Her background in architectural design is reflected in the beauty of her landscaped courtyard and she is to be congratulated on her award-winning design. Well done Irene.

### THE BOWER REUSE AND REPAIR CENTRE

**Ms JO HAYLEN (Summer Hill) (13:32):** The Bower Reuse and Repair Centre in Marrickville has been awarded the 2016 NSW Premier's Award for Environmental Excellence and the Community Leadership Award in the 2016 Green Globe Awards. The Bower collects and up-cycles furniture, spare parts and other waste, literally turning trash into treasure. For more than 18 years the centre has changed the way we think about rubbish, salvaging and repurposing much-loved items and saving countless tonnes of usable materials from landfill.

The centre continues to grow and to evolve, inspiring environmental and social justice activism, including through its recent House to Home Project in partnership with Mums 4 Refugees, which sources furniture for recently arrived asylum seekers. I am proud to represent a community that boasts community leaders in sustainability such as the Bower, Reverse Garbage and the wonderful Addison Road Community Centre. I congratulate the Bower's staff and volunteers on this magnificent win and on all they do in the inner west community.

### NSW FARMER OF THE YEAR AWARD

**Mr STEPHEN BROMHEAD (Myall Lakes) (13:33):** I inform the House that a crop of outstanding primary producers has made the final round of this year's NSW Farmer of The Year award, including Taree's Peter Matuszny. Representing the livestock, aquaculture, honey and egg industries, this year's finalists include Casey Cooper, Nick Arena, Jock Nivison and Peter Matuszny. Taree's Mr Matuszny owns and operates seven egg farms under the banner of Manning Valley Free Range Eggs in the Manning Valley. He supplies eggs to more than 700 supermarkets and local independent stores. He also breeds and finishes 400 beef cattle.

The award is supported by NSW Farmers, NSW Department of Primary Industries, *The Land* and SafeWork NSW. I echo the sentiments expressed recently by Primary Industries Minister Niall Blair and NSW Farmers President Derek Schoen that these farmers have proved their ability to explore new measures of farming and were great ambassadors for the agricultural industry. The State's \$12 billion primary industries are in good hands, reflected by the high calibre of finalists we have in this year's competition. The winner of the 2016 Farmer of the Year will receive \$10,000 and finalists will each receive \$2,000. The winner will be announced later this year.

### SPORTS STARS AWARDS

**Dr HUGH McDERMOTT (Prospect) (13:34):** I acknowledge the tenth Junior Sports Stars Awards held at Toongabbie Sports Club on Sunday 6 November 2016. The awards are designed to recognise the achievements of local sporting stars within their own fraternity and the broader community, and to encourage and support their development with prizes to ensure their ongoing access to local sports. All children are recognised on the day and many had fantastic stories to share. Toongabbie Sports Club directly supports nearly 2,500 local sporting participants, with no less than 10 different sporting bodies. The club invested \$150,000 in sports in 2016.

Access to sports can be difficult for many in the community and this event is designed to encourage our local community to remain engaged. I recognise the tireless volunteers who keep our local sporting bodies functioning for the benefit of our community. A great many people give significant time to enable regular competitions to get off the ground. Without them many would not have access to a local sporting team. I congratulate and thank the board, staff and members of the Toongabbie Sports Club for their dedication to our community.

### SURF LIFE SAVING CHAMPION

**Ms LESLIE WILLIAMS (Port Macquarie—Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (13:35):** I congratulate St Joseph's Regional College student Sarah Stewart on her gold medal performance at the recent Surf Life Saving NSW board riding championships. Surf lifesavers from across the State took advantage of the winter sunshine to compete. Despite small surf conditions, which made scoring points difficult, Sarah showed great wave selection and her board riding abilities saw her place first in the under 13s division. Sarah's success has made her a New South Wales State champion in board riding. I take this opportunity to congratulate Sarah and wish her all the very best for her future endeavours with surf lifesaving. I congratulate the Wauchope Bonny Hills Surf Life Saving Club.

### ST JOSEPH'S PARISH, ENFIELD, 100TH ANNIVERSARY

**Ms JODI McKAY (Strathfield) (13:35):** I bring to the attention of the House the 100-year celebration of St Joseph's Parish, Enfield. A century ago Father John Considine bought a plot of land on Liverpool Road that was previously an open air cinema. The first building on the site was finished in 1917 and extended in 1922 to serve as the church and school until 1931, when the current church was constructed. The church was designed by Clement Clancy in the style of inter-war academic classical architecture and is admired and appreciated in Enfield.

Beside the church is St Joseph's Catholic Primary School, which was auspiced by the Sisters of Saint Joseph who continue to play an important role in the life of the church. To understand the parish community one need only look to St Joseph, who was a master craftsman and a patron of human work. This commitment to human endeavour is reflected in the congregation's dedication to social justice and to building a loving, supporting and respectful faith community. I congratulate St Joseph's Parish on its 100-year celebration and recognise Father Anthony Mifsud who guides the parish as it enters its second century of service to God.

#### **GYMEA COMMUNITY PRESCHOOL**

**Ms ELENi PETINOS (Miranda) (13:36):** I acknowledge the GyMEA Community Preschool, which recently celebrated its seventieth birthday. GyMEA Community Preschool was established in 1946 and is licensed to care for up to 60 children between the ages of three and five. The preschool aims to provide a safe environment for children to develop ideas and skills through play in the company of other children. It was wonderful to see the former board members and teachers joining in to celebrate this momentous occasion, and I thank them for their investment in local children over the years. Special mention goes to former board members Rachel Glasson and Jenna McGarrity and past staff members Lorri Schreuder, Chele Cooper, Cheryl Glasson, Vera Diacomis, Dianne Bullen, Belinda Crimmins and Pam McDowell.

I acknowledge the current board members and staff: president Mel Botha, vice president Donna Barlow, Sarah Rose, Melissa Pilgrim, Alex Hatherly, Stewart Robinson, Tamara Mitanski, Tricia Brown, Jennifer Barker, Angela Gibson, Alison Donkin, Narelle Allen, Rachel Leggett, Jennifer Moglia, Justine Humphrys, Erin Hewett, Raquel Holland, Renee Whitaker, Allie Holmes, Jackie Iliff, Colleen Redwin, Rebecca O'Neill and Emily Chapman. I congratulate GyMEA Community Preschool on 70 years of dedicated child care and thank the staff for their commitment to the community.

#### **UMINA BEACH PUBLIC SCHOOL TREE PLANTING**

**Mr ADAM CROUCH (Terrigal) (13:37):** I congratulate the students from Umina Beach Public School who took part in the community tree planting day. Fifteen students from the primary school planted 10 mature native trees in Brisbane Avenue, Umina Beach. This street is extremely long, with few trees and very little shade. Thanks to the Central Coast Council grant and the hard work of the Umina Beach Public School students, Brisbane Avenue, Umina Beach, now has a tree-lined vista that will look beautiful in the next few years. It will have trees to provide shade for the footpath and help the local environment as a habitat for birdlife. Well done to the students of Umina Beach Public School.

**TEMPORARY SPEAKER (Mr Lee Evans):** I shall now leave the chair. The House will resume at 2.15 p.m.

#### *Visitors*

#### **VISITORS**

**The SPEAKER:** I extend a very warm welcome to His Excellency Mr Gu Xiaojie, Consul General of the People's Republic of China, and his colleagues Mr Lyu Guijun and Ms Tian Lin, guests of the Speaker and member for South Coast.

I welcome also Jason Rofe and his parents, Arthur and Maureen Rofe, to the Chamber, guests of the member for Tweed. I acknowledge and welcome to the gallery today Gary Parker, Bill Parker and Liz Ferguson, guests of the member for Wallsend. I extend a very warm welcome to World Youth Day pilgrims from Cerdon College, Merrylands, and St Paul's College, Greystanes, guests of the member for Granville. I acknowledge and welcome students and teachers from Belmore Boys High School, guests of the member for Lakemba.

I welcome to the Chamber Roza Sage, the former member for Blue Mountains, who was present earlier in the day also, and representatives of Diabetes NSW and ACT, and their partners the Royal and New Zealand College of Ophthalmologists, whose fellows have volunteered to be part of the MP Diabetes Health Check Day this year in the lead-up to World Diabetes Day to be held on 14 November. This year's theme is Eyes on Diabetes. I remind members that in Australia diabetes is the leading cause of blindness. It is important to have regular eye checks to ensure early diagnosis of type 2 diabetes and treatment to reduce the risk of serious complications. I welcome you to the Chamber and thank you for your ongoing efforts.

#### *Governor*

#### **ADMINISTRATION OF THE GOVERNMENT**

**The SPEAKER:** I report receipt of the following message from His Excellency the Lieutenant-Governor:

T. F. BATHURST

Government House

Lieutenant-Governor

Sydney, 5 November 2016

The Honourable Thomas Frederick Bathurst AC, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, His Excellency General the Hon. David Hurley, AC, DSC, (Ret'd), being absent from the State, he has assumed the administration of the Government of the State.

### ADMINISTRATION OF THE GOVERNMENT

**The SPEAKER:** I report receipt of the following message from His Excellency the Governor:

DAVID HURLEY  
Governor

Government House  
Sydney, 5 November 2016

General David Hurley, AC, DSC (Ret'd), Governor of New South Wales has the honour to inform the Legislative Assembly that he has re-assumed the administration of the Government of the State. [*During the giving of notices of motions*]

### Notices

### PRESENTATION

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

### Question Time

### DUBBO WATER QUALITY

**Mr LUKE FOLEY (Auburn) (14:25):** My question is directed to the Deputy Premier and Leader of The Nationals. Why did the Government wait almost a week to alert 9,000 residents in north Dubbo that there was E. coli in their drinking water? How long will it be before those residents can drink water again?

**Mr TROY GRANT (Dubbo—Deputy Premier, Minister for Justice and Police, Minister for the Arts, and Minister for Racing) (14:25):** I thank the Leader of the Opposition for his question. I can bring the Parliament and the State of New South Wales up to speed on the E. coli issue with the Dubbo water supply. So that the Leader of the Opposition understands clearly, I need to point out that the notification responsibility for those alerts lies with the regional council. When an incident with E. coli or other problems with the water supply are detected, procedures are undertaken in accordance with strict health guidelines, which have been adhered to in this case. On Thursday of last week staff of the Dubbo Regional Council became aware of an issue and took a sample of the water. The sample was tested, which showed the presence of E. coli.

What then happens according to the strict protocols, which is the case with all water supplies whether they be State or regional water bodies, is that a second sample is tested. More often than not the first sample comes back positive and the second sample is negative. I have spoken to the administrator at the Dubbo Regional Council. He told me that the first sample was taken on Thursday. It was tested and showed positive. On Monday, the second sample also came back positive. Appropriate alerts are then issued immediately and the community is advised. The same procedure that has been in place for a significant period of time was followed strictly in accordance with the necessary requirements. I have every confidence that the Dubbo Regional Council will rectify this issue and the water supply will continue to be one of the best in inland New South Wales.

### REGIONAL ROAD FUNDING

**Ms KATRINA HODGKINSON (Cootamundra) (14:28):** My question is addressed to the Deputy Premier. How is the record investment of this Government in regional New South Wales improving local roads?

**Mr TROY GRANT (Dubbo—Deputy Premier, Minister for Justice and Police, Minister for the Arts, and Minister for Racing) (14:28):** I thank the member for Cootamundra for her question. She knows, as do all regional members across New South Wales, how important the road network is to each of those communities not only from a social but also from an economic point of view. We are currently watching fires that are ravaging parts of our State, but it was not long ago—and it is still the case—that floodwaters across regional New South Wales were an issue in the Orange electorate, the Barwon electorate, the Cootamundra electorate, through to the Wagga and Murrumbidgee electorates and across many local council areas.

We had record rainfall—more winter rain than we have had in 20 years. That rainfall is welcomed by the majority of landholders and farmers in the regions because it has given them bumper crops. There has been amazing grass growth and other benefits. It looks like a garden of Eden in the Central West and even out to Bourke at the moment. But that much rain has had other consequences. The amount of rain has had a significant impact on the local road network. It is very difficult to assess the entirety of the damage, but we can anticipate what is likely to come. The member would know the major arterial roads very well, particularly the Newell Highway; it is a major spine of transport infrastructure in New South Wales. It has been cut off and only opened recently—at 9.30 on Friday. As a result of that road closure, traffic was diverted across many of the shire council roads. The



Lachlan shire—out Condobolin way—took a big impact from increased heavy vehicle traffic, as did Cowra, Cabonne and Cootamundra. Even Dubbo took a lot of the diverted traffic.

Rather than waiting for all the water to subside so that we could do the full assessment in accordance with the natural disaster announcements that we made and the declarations that occurred, Minister Duncan Gay, who has such a close understanding of the impacts on local roads, has announced immediate funding for the 21 councils that have been impacted. The six most affected council areas will have immediate access to \$1 million so that they can crack on and get work done immediately on the most important local roads that have been impacted. The remaining councils will receive \$500,000. I was very privileged to be standing in Molong, next to Mayor Ian Gosper, when the Minister made the announcement, and I noted that that announcement was welcomed. This is the first time that this quantum has been made readily available to local governments to improve roads—some \$13 million in total—and it is a very welcome investment.

There is a lot of work to do, and the Government is working with the local government sector and Roads and Maritime Services to make sure that there is an understanding of the broader need. The feedback—the good news—that we received from the community was, "Thank goodness you have been in Government for the last six years, because if the investment had not been made in our regional road networks we would be in dire straits." The rain has had a massive impact. Prior to the flooding, \$754 million had been invested in the Great Western Highway to bring it up to a great standard. That is some 45 per cent increase in the funding that it received from those opposite. There has been \$400 million spent on the Newell Highway. That highway has another challenge on the one section that is flood prone—an area that has become known as "Ducks Crossing", because of the number of ducks in the area. That is a 25 per cent increase on the money that was invested previously in the Newell Highway. The Government has committed to more funding under the proceeds of the leasing of the poles and wires.

The community at Guanna Hill metaphorically came out with pitchforks and demanded investment in the Mitchell Highway. A \$40 million upgrade is occurring on that very important part of road. Along with Cootamundra, the Orange electorate has probably been the most heavily impacted. The \$2 million to fast-track the Southern Feeder Road has certainly taken the pressure off the councils and Roads and Maritime Services to keep the traffic flowing. Cargo Road is another road that acts as a link, and \$2 million has gone into that road. As well, \$2.8 million will help upgrade the Forest Road Rail Bridge. This is vital infrastructure spending because we understand and appreciate that this needs to be made, and the communities across regional New South Wales are very grateful for that.

#### WESTERN SYDNEY SWIMMING POOLS

**Ms JULIA FINN (Granville) (14:33):** My question is directed to the Minister for Local Government. I refer to the Government's decision to demolish the Parramatta pool and the plan by its hand-picked administrator at Cumberland Council to close pools at Wentworthville and Guildford. With these pools closed, where exactly do you recommend Western Sydney residents should go to cool off on a hot summer day?

**The SPEAKER:** Order! This is a serious question. Members will come to order.

**Mr PAUL TOOLE (Bathurst—Minister for Local Government) (14:34):** I thank the member for her question; it gives me a great opportunity to update the House on local government here in New South Wales. As the member would know, councils are responsible for the services and infrastructure that is provided in their local communities. The decision that was alluded to by the member is not a decision for the Minister; that is a decision that is made by individual councils.

**The SPEAKER:** Order! The member for Bankstown will come to order. This is not an opportunity for her to yell at the Minister. The Minister has the call.

**Mr PAUL TOOLE:** The Government is strengthening the system of local government for communities across the State of New South Wales. In New South Wales we have created 20 new councils. There have been structural reform and changes in the Local Government Act. The Government is creating joint organisations and helping communities in the far west of the State. This Government is also looking at regulatory reform and at governance and integrity.

**Mr Michael Daley:** Point of order: My point of order is that I am not sure what part of "Where will the residents go to cool off on a hot summer day?" the Minister does not understand.

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

**Mr Michael Daley:** My point of order relates to relevance.

**The SPEAKER:** Order! I will listen further to the Minister for Local Government, who has been relevant in terms of councils making decisions about pools. The Minister has answered that part of the question.

**Mr PAUL TOOLE:** The last time the Opposition was in Government it did nothing to fix the system of local government here in New South Wales. Those members sat back and watched infrastructure crumble. They sat back and watched councils become dysfunctional.

**Mr Guy Zangari:** Point of order: My point of order relates to Standing Order 129.

**The SPEAKER:** Order! I just ruled on relevance. The member for Fairfield will resume his seat. The Minister has been generally relevant to the question in terms of local government responsibility for pools and other facilities. The Minister will return to the leave of the question.

**Mr PAUL TOOLE:** Communities deserve facilities like swimming pools. In Parramatta they are currently considering the construction of a brand-new pool at another site. The member for Granville has asked this question but the member will have the opportunity to go to that pool and do her triple pike, somersaults and bombs and whatever she likes in that new pool.

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

**Mr PAUL TOOLE:** In New South Wales our new councils are providing more services out in the community.

**The SPEAKER:** Order! The member for Rockdale will come to order. This is neither funny nor a game.

**Mr PAUL TOOLE:** Savings are being made in council areas and those savings are being passed back to communities. Those savings mean that more infrastructure can be built in local communities. What is the Opposition's plan to fix councils in this State?

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

**Mr PAUL TOOLE:** The Opposition's plan is to jack up rates. The Opposition's plan to increase rates for the mums, dads, families and pensioners in New South Wales. The Opposition wants to give councils free range to go out there and increase rates and provide no additional services or infrastructure.

**Mr Guy Zangari:** Point of order—

**The SPEAKER:** Order! I hope the member's point of order does not relate to relevance because the Minister has been referring to pools.

**Mr Guy Zangari:** No.

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

**Mr Guy Zangari:** My point of order relates to Standing Order 129, relevance. The Minister was not being relevant to the question asked, which was about pools closing and residents of my electorate being unable to swim on a 40-degree summer's day.

**The SPEAKER:** Order! The Minister has been generally relevant to the question. The member for Fairfield will resume his seat.

## REGIONAL HEALTH INFRASTRUCTURE

**Ms MELINDA PAVEY (Oxley) (14:39):** My question is addressed to the Minister for Health. How is the Government's record investment in health infrastructure delivering better outcomes for regional patients?

**Ms JILLIAN SKINNER (North Shore—Minister for Health) (14:39:5):** I thank the member for Oxley for her question and acknowledge her fantastic work in lobbying for investment in health infrastructure in her electorate. It was a great pleasure to join her at the opening of the \$82 million Kempsey hospital earlier this year. People should know that \$10 billion has been allocated to health infrastructure over the two terms of this Government, which is more than the former Labor Government spent in 16 years.

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

**Ms JILLIAN SKINNER:** Of that amount, \$4.5 billion goes to rural and regional hospitals. Opposition members should know that when I became the Minister 50 per cent of the State's hospitals were more than 50 years old and when Labor was in office capital expenditure was cut in seven out of the 16 years of Labor government. It is no wonder the current Government had such a lot of catching up to do. Labor promised but failed to deliver a number of hospitals in rural areas of New South Wales, such as Port Macquarie, Tamworth, Bega, Wagga Wagga

and Dubbo, and this Government has built them all. In addition to that, in the Central West of the State this Government built the Parkes Hospital, at a cost of \$72.8 million, and the Forbes hospital, at a cost of nearly \$50 million. In January this year I was thrilled to be joined by the Premier to open those hospitals.

Over the term of this Government \$7 million has been allocated for subacute beds at Orange hospital. The Government has also allocated almost \$3 million for much-needed equipment. Recently the Government announced the allocation of \$1.6 million for 160 ground-level car parking spaces that will be free of charge to staff and to the public. That represents a 15 per cent increase in existing car parking spaces. Seventy-seven will be opened early next year and there will be 83 car parking spaces to follow. For Bathurst, \$700,000 has been allocated to Daffodil Cottage. The question is how the Government's record investment in health infrastructure improves patient care. I inform the House that when I became the Minister for Health 40 per cent of cancer patients had to travel to Sydney for treatment. That has now decreased to 7 per cent.

**The SPEAKER:** Order! I call the member for Rockdale to order for the first time. I call the member for Rockdale to order for the second time. There is too much audible conversation in the Chamber. Opposition members will come to order. They are not interested in listening to the Minister's answer.

**Ms JILLIAN SKINNER:** I am not surprised that Opposition members do not want to hear about this good news. In 2011, when I became the Minister for Health, only 64 per cent of emergency department patients at Orange hospital were able to be seen, admitted and treated within four hours. The most recent figures show that now 77 per cent of patients are seen, admitted and treated within four hours—which represents a dramatic improvement in emergency department performance. Of the patients who attended that emergency department, 88 per cent who needed to be admitted were admitted within four hours. There has been a 140 per cent decrease in the number of patients who remained in the emergency department for 24 hours.

The statistics show how bad things were when Labor was in government. That has also been a 24 per cent decrease in the average length of hospital stay. In other words, previously patients were taking longer to get better. There has been a 3 per cent reduction in readmissions, which means that NSW Health is getting it right the first time. Regardless of the measure that is used, patient care has improved dramatically in towns such as Orange and in other places in the Central West of the State. In addition to all that, the Government is investing in smaller hospitals in the Central West district. The Government has allocated \$740,000 to upgrade the emergency department at Canowindra Hospital, and that is expected to be completed in the middle of next year.

One of my favourite examples of an effective multipurpose service is the one at Peak Hill, which was opened earlier this year at a cost of \$12 million. It is one of my favourites because Peak Hill is a town that is largely populated by Aboriginal people, who in the past were not using the hospital when they needed to. Health infrastructure and the local health service engaged with the Aboriginal community, who helped to design the hospital and build the grounds. The Aboriginal community now has a sense of ownership of the hospital. At Molong hospital, the Government has allocated \$15 million. A multipurpose service centre will be upgraded and will be ready to open next year, with an additional allocation of \$1.5 million for a kitchen block. The story of health infrastructure is good news all round.

#### **THE HILLS SHIRE COUNCIL TRADITIONAL OWNERS ACKNOWLEDGEMENT**

**Mr DAVID HARRIS (Wyang) (14:44):** My question is directed to the Minister for Aboriginal Affairs. Will she exercise leadership and condemn Liberal councillors of The Hills Shire Council who described acknowledgement of the Darug people, who are the traditional owners of the area, as "politically correct tokenism"?

**The SPEAKER:** Order! Members will come to order. There is too much audible conversation in the Chamber. I call the member for Oatley to order for the second time.

**Ms LESLIE WILLIAMS (Port Macquarie—Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (14:45):** I thank the member for Wyong for his question. I am sure that he will agree with me that acknowledging the traditional owners of land is important. He has attended many events with me and acknowledged country, as I have, because we need to recognise that, like the land on which the House assembles today—the land of the Gadigal people of the Eora nation—Aboriginal custodianship is extremely important. It is part of our heritage, part of our history, and it is an extremely important part of Aboriginal culture and heritage.

I will continue my practice of acknowledgement, as I know all members who represent Government and non-government parties will. I am very proud to be the Minister for Aboriginal Affairs because the Government's plan for Aboriginal Affairs—Opportunity, Choice, Healing, Responsibility, Empowerment [OCHRE]—is unique and is regarded by many other States as a program that absolutely recognises that Aboriginal people must have a say in decisions made by governments. This Government absolutely embraces every available opportunity to

ensure that Aboriginal people, regardless of where they live in the State, have a say in decision-making. For example, as a part of OCHRE, the local decision-making model is working extremely well, particularly in western areas of New South Wales, such as Murdi Paaki.

**Mr David Harris:** Point of order: My point of order relates to Standing Order 129, relevance. I am reluctant to take this point of order because I agree with the Minister, but the question relates to the conduct of the Hills shire councillors and whether she will show leadership by asking them to do an acknowledgement of country.

**The SPEAKER:** Order! I am sure the Minister understood the question and will come to that part of it. So far the Minister has been relevant to the question asked and I am sure that she will deal with the specific details. The member for Wyong should be patient.

**Ms Yasmin Catley:** She hasn't yet.

**The SPEAKER:** Order! The Minister deserves respect not least for the reason of the subject matter she refers to. The Minister will be heard in silence. Members who continue to interject will be removed from the Chamber without further warning. The Minister has the call.

**Ms LESLIE WILLIAMS:** It is extremely disappointing to hear Opposition members' interjections. I will continue to lead by example and I expect all those on this side of the Chamber will do so as well. The Leader of The Nationals, Troy Grant, was the first person in this Chamber to speak Wiradjuri. I acknowledge that he is showing leadership, as I am and will continue to do. I would hope that those opposite will show similar respect—

**Ms Jodi McKay:** I think it is the Liberals who are not showing respect.

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

**Ms LESLIE WILLIAMS:** As I said, I am enormously proud to hold the position—

**Mr Michael Daley:** Point of order: I raise my point of order with the greatest reluctance four minutes into the Minister's answer. Liberal councillors have called a welcome to country "politically correct tokenism". We think this is a serious issue and we want the Minister to show political leadership and not waffle on about her portfolio for five minutes.

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

**Ms LESLIE WILLIAMS:** It is extremely disappointing to hear comments about the Aboriginal Affairs portfolio. I am very proud to lead an amazing team in the Aboriginal Affairs portfolio, an Aboriginal Affairs team.

**Ms Jodi McKay:** Point of order: My point of order is taken under Standing Order 129. The Minister's answer is not relevant to the question. The question related specifically to her leadership and condemning councillors in the Hills.

**The SPEAKER:** Order! The member for Strathfield will resume her seat. There is no point of order.

#### CENTRAL WEST EMERGENCY SERVICES INFRASTRUCTURE

**Mr DARYL MAGUIRE (Wagga Wagga) (14:50):** My question is addressed to the Minister for Corrections, Minister for Emergency Services, and Minister for Veterans Affairs. How is the Government's investment in emergency services infrastructure and capability supporting stronger and safer communities in the Central West?

**Mr DAVID ELLIOTT (Baulkham Hills—Minister for Corrections, Minister for Emergency Services, and Minister for Veterans Affairs) (14:51):** I thank the member for Wagga Wagga and the Parliamentary Secretary for Emergency Services for his interest and ongoing support. Our emergency services workers and volunteers are the lifeblood of our communities. In the face of bushfires, floods and storms, they selflessly put themselves in harm's way for the community. The Government is committed to supporting regional communities so that they have the resources they need to increase their resilience against fires, floods and other emergencies. It is the least we can do

I have visited the Central West, particularly Parkes, Forbes and Orange, on three occasions in the past six months, most recently last Wednesday with the hardworking Nationals candidate for Orange, Scott Barrett, to see further investment in the region's emergency services. In the past week alone, the Parkes, Coobang, Cumnock and Washpen fire brigades welcomed new tankers and equipment and the Parkes State Emergency Service [SES] a new rescue vehicle to ensure that the people of Orange are protected by state-of-the-art vehicles and the most advanced technology in times of crisis. In the past week, Scott Barrett and I handed over the keys to a new category

6 tanker to the Cumnock Rural Fire Brigade, worth \$404,600; a new category 1 fire truck to the Washpen Brigade, worth \$101,772; a new category 1 fire truck to the Coobang Rural Fire Brigade, worth \$312,000; and a new SES medium rescue truck to the Parkes SES, worth \$213,375.

**The SPEAKER:** Order! Opposition members will come to order. They are behaving disrespectfully. This is a serious issue. The member for Rockdale will come to order.

**Mr DAVID ELLIOTT:** This will give the region's capacity a huge boost to respond to emergencies and to battle disasters, as we have seen already with the recent flooding in Forbes, storms in Parkes and bushfires over the past weekend. The brigades also welcomed new thermal imaging cameras at the start of this bushfire season to help our firefighters accurately locate hotspots at bushfires and reduce the likelihood of any fires reigniting. I know this is something that Scott Barrett identified as a must for the brigade during his time volunteering with the emergency services of the region. We are building Fire and Rescue NSW's capacity to respond to emergencies and to fight fires by ensuring that stations are well equipped with state-of-the-art facilities, ample space for training and a location central to the community.

This is particularly important to the Parkes Fire Station, which is integral to community in times of disaster. The brigade experienced a major storm only last month and attended 221 incidents in the 2015-16 financial year. For those reasons, the Government has announced a new \$1.2 million fire station for Parkes, with land to be purchased in the 2016-17 financial year and construction to be completed in the 2017-18 financial year. The Baird-Grant Government has prioritised the needs of our firefighters and continues to deliver for the people of New South Wales, with a total of \$77.3 million invested in Fire and Rescue NSW in 2016 alone. This includes seven new fire and rescue stations opened in 2016 and 51 fire trucks handed over to our firefighters this year. The NSW Rural Fire Service is the largest volunteer fire service in the world. Its members are trained to the highest level of competence to ensure that they can respond to a range of emergencies.

In 2016 the Orange Fire Station and surrounding brigades received upgrades to appliances, equipment and infrastructure at a total cost of \$485,000, with another \$2.1 million allocated for the 2016-17 financial year. The Nationals candidate for Orange, Scott Barrett, and I visited beautiful West Parkes earlier in the year to officially open the new West Parkes Rural Fire Brigade and hand over two new fire tankers, at a total cost of \$449,000, with the NSW Rural Fire Service Commissioner, Shane Fitzsimmons. This means not only that the brigade has the space and equipment it requires to respond quickly to fires but also the team can continue to engage the community in awareness programs for behaviour and development students, Indigenous students and students with disabilities. I have met the very bright cadets of the West Parkes brigade and the brigade should be commended for its successful cadet program, which it has conducted for the past five years at local schools including Parkes High School, with approximately 20 students participating each year.

The Baird-Grant Government is a strong friend and supporter of the NSW Rural Fire Service, and this is backed by a record budget of \$1.3 billion for Emergency Services in the 2016-17 financial year. I am delighted to inform the House that in 2016 alone our accomplishments for the volunteer Rural Fire Service included: the construction of 75 new brigade stations, costing a total of \$11.7 million; the construction of airbases in Tamworth and Tumut, costing a total of \$875,000; the installation of solar panels, generators, upgrades to communication equipment and shelving, costing a total of more than \$800,000; upgrades to eight fire control centres, costing a total of \$1.8 million; upgrades to 49 brigade stations, costing a total of \$42.1 million; and the delivery of 117 firefighting appliances, costing a total of \$29.9 million. [*Extension of time*]

It is no secret that the SES volunteers of Orange, Forbes and Parkes have faced great adversity recently, with major flooding and storms affecting the region. Our SES volunteers are highly skilled and trained professionals who provide emergency assistance to the people of New South Wales 24 hours a day, seven days a week. This work would not be possible were it not for the staff and approximately 9,000 volunteers across this great State. They include the volunteers of the Parkes SES unit, who have responded to more than 200 urgent requests for assistance since July this year, including storm tasks and flood rescues. To show our appreciation for their incredible work in assisting the community and to ensure that they can continue to provide this service to the people of Orange, Scott Barrett and I visited the unit last week to announce funding for a new storm vehicle and new rescue kits to save livestock in the region.

This is one of many initiatives the New South Wales Government is investing in to ensure that our SES volunteers can keep up their tremendous work. Following recent flooding, affected communities in the State's Central West have been thrown a lifeline, with \$13 million from the New South Wales Government to provide immediate funding relief for councils to fix local roads destroyed by floodwater. In addition, \$1 million will be invested to investigate options to improve the flood resistance of the Newell Highway at Tichborne to help keep the highway open between Forbes and Parkes during heavy flood events.

Whether it is responding to floods, storms or any other emergencies, the community can be assured that the Baird-Grant Government is working with the New South Wales SES, local councils, not-for-profit organisations, primary producers and others to ensure that the people of New South Wales are supported before, during and after emergency events—be it with educational programs, state-of-the-art vehicles and facilities or disaster welfare services. The voice of the people of New South Wales will be heard loud and clear.

### ILLAWARRA JOBS GROWTH

**Ms ANNA WATSON (Shellharbour) (14:58):** My question is directed to the Deputy Premier, Minister for Justice and Police, Minister for the Arts, and Minister for Racing. Given the New South Wales Government to date has relocated only 38 public sector jobs to the Illawarra, can the Minister outline the Government's response to the Opposition's commitment to relocate the headquarters of Liquor and Gaming NSW—

**The SPEAKER:** Order! Members will come to order. I need to hear the question.

**Mr Gareth Ward:** The office of liquor—is that your idea?

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

**Mr Mark Coure:** We did this yesterday, did we not?

**The SPEAKER:** Order! I call the member for Oatley to order for the third time. The member for Shellharbour will be heard in silence.

**Ms ANNA WATSON:** —to Wollongong?

**Mr TROY GRANT (Dubbo—Deputy Premier, Minister for Justice and Police, Minister for the Arts, and Minister for Racing) (14:59):** I thank the member for Shellharbour for her question. I think there is 3 per cent jobs growth in the Illawarra under this Government, which is a great result. There should be more jobs created in the Illawarra and the only way that is possible is if we run a strong, stable economy that gives the community of the Illawarra the confidence to invest and create jobs. That task does not always sit solely with government. The Government's job is to create the economic environment and landscape to encourage confidence in businesses to invest. I am not across the full details of Labor's commitments because they are usually scant on detail—

**Mr Ryan Park:** Point of order: I refer to Standing Order 129. The question is about the Minister's own department and whether or not he agrees it is to be relocated.

**The SPEAKER:** Order! The member for Keira will resume his seat and cease arguing. There is no point of order.

**Mr TROY GRANT:** The Parliamentary Secretary has assisted me with my answer, telling me that 22,500 jobs were created under this Government in the Illawarra, which is great news. I support any measures that will create more jobs in the Illawarra, and I will do all I can in this regard. At this stage, I have no plans to relocate that department to Wollongong, but I will always consider any options put to me. I have not had any discussions with the secretary of the department at this time.

### RURAL AND REGIONAL EARLY CHILDHOOD EDUCATION

**Mr STEPHEN BROMHEAD (Myall Lakes) (15:01):** My question is addressed to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. How is the Government investing in children's futures in rural and regional areas?

**Ms LESLIE WILLIAMS (Port Macquarie—Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:02):** I thank the member for Myall Lakes for his question because I know that he cares passionately about early childhood education. On this side of the House we know that a quality early childhood education is one of the most important investments a government can make, but we also know that in regional areas barriers to accessing early childhood education are often greater. I have visited many early childhood education services across New South Wales, but most recently I have visited Orange, Forbes, Parkes and Dubbo, to name just a few. As a regional member of Parliament, I know how important these services are to our regional communities and I know the value our communities place on them.

Research tells us that children who participate in a quality early childhood education program in the year before school develop stronger cognitive, social and behavioural skills which help them to succeed at school and in later life. We also know that an annual average of 600 hours or 15 hours per week is considered the baseline level of participation. That is why both the Premier and I recently announced that this Government will invest a further \$115 million to make sure that New South Wales families have affordable access to 600 hours of early childhood education in the year before school. This funding announcement, Start Strong, is the largest single fee

reduction initiative in New South Wales history. Funding will be tied directly to the provision of more affordable early childhood education for families in New South Wales.

The Government will also invest \$30 million in funding for long day care centres as well as supporting our community preschools with an additional \$85 million in funding. From next year, community preschools will receive increased subsidies from the Government for children enrolled for 600 hours in the year before school—up to \$6,600 for the most disadvantaged children. This will allow our community preschools to reduce fees for all families by an average of 30 per cent and remove nearly all fees from Aboriginal and low-income families. I continue to hear interjections from the shadow Minister on the other side. It is intriguing, is it not, that she is so good at interjecting?

**The SPEAKER:** Order! The member for Maroubra should not be disrespectful. If he continues to interject he will be removed from the Chamber.

**Ms LESLIE WILLIAMS:** The member for Port Stephens has been the shadow Minister for Early Childhood Education since January this year. That is almost 50 question times. How many questions have we heard from the Opposition on early childhood education? Not a single question from the shadow Minister for Early Childhood Education.

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

**Ms LESLIE WILLIAMS:** On that side of the House, members pretend to care about early childhood education, but they go to our community preschools to spread a scare campaign. Labor is good at that. The member for Port Stephens attended the Orange community preschool; I was there the week after her visit. In an attempt to spread a scare campaign, after her visit to the Orange preschool she said—

**Mr Michael Daley:** Point of order: I refer to Standing Order 73. The Minister cannot even take one of her own Liberal councillors to task. We will not be lectured by her on Aboriginal affairs.

**The SPEAKER:** Order! The member for Maroubra is doing a bit of lecturing himself.

**Ms LESLIE WILLIAMS:** After the shadow Minister visited the Orange preschool she said, "The fees will have to be raised." This Government has just invested \$85 million in additional funding, and the shadow Minister concludes from that that the preschool would have to raise its fees. I will inform members what some of our community preschools are saying. The shadow Minister might be interested in this. [*Extension of time*]

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

**Ms LESLIE WILLIAMS:** Neville, from the Griffith Central Preschool, contacted my office and said, "This will make a huge difference to families in our community, especially those in greatest need." He estimates that fees will be reduced by half. When I was at Girrawong Preschool in the electorate of Myall Lakes, I was told that it would reduce its fees to less than \$5 for its Aboriginal students. If that is not an affordable preschool, I do not know what is.

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

**Ms LESLIE WILLIAMS:** The New South Wales Government has said that it will deliver \$30 million for long day care centres as well as the \$85 million for our community preschools. As I have just outlined, this funding will allow our community preschools to reduce not just fees for all families by an average of 30 per cent but nearly all fees for children from Aboriginal and low-income families. As I said, this is good news for our community preschools across the State, particularly the Orange preschool. The shadow Minister might like to go back and check on the views at that preschool. From January 2017, the Orange preschool received a massive increase of almost \$2,500 for each eligible child enrolled there. When I met with Sonya, the director of Orange preschool, last Friday she was delighted with the injection of funding provided by this Government. She was, in fact, already working hard to ensure that any additional funding that they receive will be passed on to their families through lower fees.

## RECIDIVISM RATES

**Mr GREG PIPER (Lake Macquarie) (15:09):** My question is directed to the Minister for Corrections. Minister, given the number of people incarcerated in New South Wales prisons rose by 18 per cent in the five years to 2015 and is still rising above the rate of population growth, can you advise what the Government is doing to reduce recidivism, keep people out of jails and reverse this trend?

**Mr DAVID ELLIOTT (Baulkham Hills—Minister for Corrections, Minister for Emergency Services, and Minister for Veterans Affairs) (15:10):** I thank the member for Lake Macquarie for his genuine interest in this particular portfolio. The New South Wales Government is committed to reducing adult reoffending

by 5 per cent. The Government has announced a \$237 million investment in a new plan to tackle the rate of reoffending in New South Wales. This focuses on the high-risk offenders and persistent domestic violence offenders who are responsible for a disproportionate amount of crime. The Government will get prisoners and parolees into more programs, improve staff training and target persistent domestic violence offenders. With this investment, the Government can make a real and lasting difference to the people of New South Wales. This means reducing the number of victims and helping to keep our communities safe.

As the Minister for Corrections, it gives me no joy to visit correctional centres across the State knowing that almost half of those inmates will reoffend within two years of release. That is unacceptable and this Government will not turn a blind eye to it. This funding seeks to punish offenders for their crimes whilst simultaneously intervening to rehabilitate them and put them back on the right track. The Government's \$237 million strategy against reoffending will expand participation in violence, addiction and sex offender programs for prisoners and parolees in the community. It will introduce one-on-one case management and intervention for priority domestic violence offenders after they have been charged but before they are sentenced. It will also improve training for staff.

Inmates serving sentences of six months or less for any crime will for the first time have access to rehabilitation programs. These inmates do not currently participate in programs to address their behaviour. An additional 345 psychologists, community corrections officers and other skilled staff will be employed by Corrective Services as part of this record spend on rehabilitation. Current staff will also receive more training. Ten high-intensity program units will be established to deliver rehabilitation programs to about 1,200 prisoners each year who are serving short sentences of less than six months. Higher risk offenders will be subject to increased supervision at all stages of their sentences. Currently, large numbers of high-risk offenders may not participate in reoffending programs until they are in prison because there is limited intervention available in the community.

Targeting this group earlier and at all points of their contact with the justice system will have the greatest impact on reoffending and increasing community safety. There is also funding to improve exit planning and reintegration support, such as housing and employment for offenders leaving prison on parole. This Government takes a holistic approach to corrections and seeks to get on with the job. It would be reckless of a government not to invest in infrastructure to increase the New South Wales prison capacity and relieve the current bed pressure. But we on this side do not want inmates just to return to prison; we want them to be rehabilitated, literate, skilled and ready to contribute to society upon their release. That is why we have invested \$3.8 billion in infrastructure to provide immediate and ongoing relief to the current bed pressure.

**The SPEAKER:** Order! The interjections are demonstrating members' levels of ignorance. Members will cease interjecting.

**Mr DAVID ELLIOTT:** This is why we have recommissioned Berrima Correctional Centre. Since the beginning of this year, we have added new beds to the Metropolitan Special Programs Centre at Long Bay and the Metropolitan Remand and Reception Centre and at Dillwynia, Silverwater, Glen Innes and Kariong correctional centres. At Cessnock Correctional Centre an extra 1,000 beds will be built, creating 450 jobs during construction and 430 permanent jobs when complete. The Junee Correctional Centre will be expanded to house an additional 480 inmates, adding 130 jobs to the local economy. In the longer term, the construction of the new Grafton Correctional Centre will provide over 2,350 beds and hundreds of jobs to the region during and after construction.

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

**Mr DAVID ELLIOTT:** There is no silver bullet for reoffending but a \$237 million reoffending strategy targeting persistent offenders at all points in their contact with the justice system will have the greatest impact on reoffending and increasing community safety.

**The SPEAKER:** Order! Members will come to order. They are showing a lack of basic manners and a lack of respect for each other. The member for Prospect will come to order.

#### REGIONAL EDUCATION INFRASTRUCTURE

**Mr KEVIN ANDERSON (Tamworth) (15:14):** My question is directed to the Minister for Education. How is the Government investing in regional schools and ensuring our kids receive a world-class education?

**Mr ADRIAN PICCOLI (Murray—Minister for Education) (15:15):** I thank the member for Tamworth for his question. I know everybody is distracted by the United States election but let me bring members back to New South Wales politics. We have a by-election this weekend; it is going to be huge and it is going to



be beautiful. We are going to make Orange great again. Let us have no more distractions about the US election; our by-election is going to be huge and beautiful. I have breaking news: Following the US election results, the Canadians have announced that they are going to build a wall on their side of the border.

**Mr Ryan Park:** Give him an extension.

**The SPEAKER:** Order! The member for Keira will cease interjecting. He is not funny.

**Mr ADRIAN PICCOLI:** Enough of these distractions, and there are so many distractions today. I was going to talk about Orange, and if we have time I will talk about Ryan Park's open letter to the former Director General. There is a by-election this weekend.

**The SPEAKER:** Order! The member for Fairfield will cease interjecting.

**Mr ADRIAN PICCOLI:** Members of the Government have been out there, in places like Parkes and Forbes, reminding the people of the electorate of Orange about the great work that this Government has done supporting that community and the whole regional community. People have said, "Have you pork-barrelled Orange?" And the answer is, "No, we have pork-barrelled the entirety of regional New South Wales." We went there and put in all the stuff that those opposite took out over 16 years. It is something I am very proud of. All members on this side are very proud of supporting regional New South Wales.

When I was there a couple of weeks ago I went to Anson Street Public School, which is a special school. It is a great school; it is fantastic. The Premier opened it a few years ago. It was rebuilt using Building the Education Revolution [BER] money that we on this side renegotiated with the Commonwealth to be used properly. For \$2.8 million we have rebuilt that special school for those children in our care in New South Wales who need the best facilities. We did that. Compare that to the Tullamore tuckshop which those opposite built when they were handling the BER. It cost \$600,000 for a room that you could not swing a cat in. They could not fit a fridge in that tuckshop. That is the record of those opposite on delivering to regional New South Wales.

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

**Mr ADRIAN PICCOLI:** Look at what this Government did at Anson Street and compare that to what those opposite did with the Tullamore tuckshop. Under the Building Grants Assistance Scheme, the Government has been able to contribute \$1.3 million to the construction program at James Sheahan Catholic High School, another great school in Orange. Under the Resource Allocation Model, schools in that electorate are getting \$7.5 million more than they were getting four years ago under those opposite. If the impossible had happened in 2011 and Labor had been elected, they would not have got \$7.5 million extra.

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

**Mr ADRIAN PICCOLI:** It is all about literacy and numeracy. Early Action for Success provides additional support to instructional leaders, particularly around literacy and numeracy. I note the wi-fi upgrades of \$46 million to make sure country kids have access to the best technology. On the matter of literacy and numeracy, I come to Ryan Park's open letter to Ken Boston. He said, "Dear Ken, my name is Ryan Park". I know that because it is at the top of the letter. He has problems with literacy. I have marked a few things, circled some bits and pieces. He also has problems with numeracy.

**The SPEAKER:** Order! The member for Keira will come to order. He is embarrassing himself.

**Mr ADRIAN PICCOLI:** He is not restricted to literacy problems; he has numeracy problems too. He talks about problems in education at both—when he says "both" one presumes two—"a State, national and international level." He says, "It baffles me how we have leaders of our school who barely even know what the word 'change agent' means"—

**The SPEAKER:** Order! I will call the member for Keira to order if he does not cease interjecting.

**Mr ADRIAN PICCOLI:** "Change agent" should be two words. [*Extension of time*]

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

**Mr ADRIAN PICCOLI:** Mr Foundation Capital over there who wants to be in control of a \$75 billion budget does not know that "change agent" is two words. Would you trust him with a \$75 billion budget? I would not at all. In his letter, which I am happy to table, he talks about money. He gives a list of things he is seeking. He talks about "monetary benefits for teachers (like myself)"—

**Mr Guy Zangari:** Point of order: I have two points of order. The first relates to Standing Order 129.

**The SPEAKER:** Order! There is no point of the order. The Minister is being relevant to the question.

**Mr Guy Zangari:** My second point of order is under Standing Order 73.

**The SPEAKER:** Order! I cannot rule on the point of impugning improper motives because I could not hear the Minister.

**Mr ADRIAN PICCOLI:** I simply make the point that he could have gone to a regional school to get a better education. His letter says, "monetary benefits for teachers (like myself)"—I hate to say that I take a personal interest in the letters he writes—"who have gained postgraduate qualifications." Did you gain those postgraduate qualifications?

**Mr Ryan Park:** Yes, Master of Education.

**Mr ADRIAN PICCOLI:** Master of Education. You wouldn't know it, would you?

**Mr Guy Zangari:** Point of order: The Minister knows full well to address his comments through the Chair and not across the table. I refer to a former Speaker's ruling.

**The SPEAKER:** Order! I uphold the point of order. The time for questions has expired.

### *Petitions*

### **PETITIONS**

#### **Wyong Hospital Public-Private Partnership**

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

Petition requesting that the Government reject any moves towards privatisation of the grounds or service delivery of Wyong Hospital, received from **Mr David Mehan**.

**The SPEAKER:** I set down discussion on the petition as an order of the day for a future day.

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

#### **Powerhouse Museum Ultimo**

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

#### **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**.

#### **Surry Hills Light Rail Station**

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

#### **Route 389 Bus Service**

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

#### **Inner City Ferries**

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

#### **Social Housing**

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

#### **Pet Shops**

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

**Plastic Bags Ban**

Petition calling on the Government to introduce legislation to ban single-use lightweight plastic bags at retail points of sale in New South Wales to reduce waste and environmental degradation, received from **Mr Alex Greenwich**.

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

**National Art School**

Petition requesting that a long-term lease be provided to the National Art School received from **Mr Alex Greenwich**.

**RESPONSES TO PETITIONS**

**The CLERK:** I announce that the following Minister has lodged a response to a petition signed by more than 500 persons:

The Hon. Brad Hazzard—Sale of Public Housing—lodged 15 September 2016 (Mr Alex Greenwich)

*Business of the House***BUSHFIRE FIGHTING SERVICES****Reordering**

**Mr DAMIEN TUDEHOPE (Epping) (15:24):** I move:

That the General Business Notice of Motion (General Notice) given by me this day [Bushfire Fighting Services] have precedence on Thursday 10 November 2016.

The motion of which I gave notice earlier today deserves to be given precedence tomorrow because it behoves this House before it rises for the summer holidays to reflect on the danger of bushfires in this State and to pay tribute to those who give their time and service to fighting bushfires on our behalf. As of yesterday, there were 42 fires still burning in New South Wales, 14 of which remain out of control. A significant loss of property has resulted from bushfires, which are still raging, principally in Cessnock, Port Stephens, Shoalhaven and Penrith.

It is of significant concern that at least three persons have been arrested in relation to the potential deliberate lighting of fires. I raise that point because that poses a significant risk to the potential impact on property and on the lives of people whose homes abut those bushfire-prone areas. However, as great as that risk is, it also poses a significant and potential risk to those who volunteer their time to fight those fires. This House ought take note of the risk to those firefighters and the work that they do. It is clear that those persons face significant jail time when they are caught but the fact is that people still light fires deliberately and engage in activity that places people and property at risk.

This motion will provide the House with an update of the work done by volunteer bushfire personnel. On the weekend, over 200 people from Sydney were engaged in volunteer bushfire fighting. We all acknowledge the work they do. In fact, we should reflect on the amount of resources that we invest in bushfire fighting activities. The fighting of fires requires a significant contribution from volunteers. We could not do without volunteers who fight fires on our behalf. Not only do they fight fires, they spend significant time preparing for them. We should reflect on that and pay tribute to them by way of this motion tomorrow.

**Ms PRUE CAR (Londonderry) (15:27):** Before I speak to why my motion should be given precedence, I acknowledge the important motion of the member for Epping. It goes without saying that 100 per cent of the members in this place acknowledge the incredible work that all of our emergency services workers do in keeping us safe. I place that on the record as the local member of an area that was ravaged by fires last Friday. I speak about another important issue that relates to the most under pressure and overworked hospital in the State where the majority of patients wait more than four hours for treatment in the emergency department, and this has happened on this Government's watch. I speak of the much-neglected Nepean Hospital at Penrith.

Last week I was pleased to be able to walk through this hospital with some of our State's finest medical health experts. They work day in and day out to save lives but their desperate pleas are being ignored by this health Minister. What they showed me on that day would put this Government, indeed anyone, to shame. In the middle of the night people are often lying on the floor in the emergency department waiting for treatment. The triage room has one bed and a woman in labour had to wait in the television room. Worst of all, women who have lost babies were being put next to women with newborns. That broke my heart.

We are not giving women the dignity they deserve on the most devastating day of their life. How is that acceptable? What is the local member, who is also a Minister, now doing about this offensive situation? This Minister seems able to get in the Premier's ear to obtain a pedestrian bridge, but he is not able to obtain enough money for a hospital. We have an extraordinary situation in that he feels the need to petition his Government for the upgrade. What good is it to have a local member who sits around the Cabinet table but who cannot speak up to fix the biggest issue in the entire region? Imagine the shock of local residents when they received this petition in their letterbox arguing for the upgrade of the hospital. What upgrade? This Government will not commit to an upgrade. Residents have been asking me, "Isn't the local member a Government Minister? Can't he sit next to Mike Baird in Cabinet and get this done? Why can't we fix this?" The longer this Government continues to drag its feet on this hospital, the worse it gets for our patients, our doctors, our nurses, and our community.

**The SPEAKER:** The question is that the notice of motion of the member for Epping have precedence on Thursday 10 November 2016.

**Motion agreed to.**

*Motions Accorded Priority*

**REGIONAL JOBS AND INFRASTRUCTURE**

**Consideration**

**Mr KEVIN ANDERSON (Tamworth) (15:32):** My motion should be accorded priority because we sat through Question Time and heard six questions from the Opposition each of which was loaded with smear and fear while members opposite tried to denigrate the good job that this Government is doing. The other questions that were asked came from members who are genuinely interested in regional growth and economic development and the Government's record investment in regional New South Wales. They are interested in improving local roads, delivering improved outcomes for regional patients, investing in emergency services infrastructure, investing in children's futures in schools in regional and rural areas, and ensuring that jobs and our kids can come together to make it happen. We are the only ones who can deliver and we are the only ones who are delivering, which is why we have developed the regional development framework for New South Wales. It is the first of its kind and provides an overall vision across government for regional development, and it builds on the previous regional plans.

While looking into the regional development framework for New South Wales and the whole-of-government approach, its focus and the Government's game-changing opportunities for regional communities in order to maximise investment and fast-track delivery, I came across an article in the *Central Western Daily*. The article included a photo of the Minister for Regional Development, and Minister for Skills standing with The Nationals candidate for Orange Scott Barrett and Verto Chief Executive Officer Ron Maxwell. It was outstanding to see that Verto was named Trainer of the Year in 2015 and received State Government funding under the Jobs for NSW program, which is encouraging new and existing businesses. We believe we can build diversity and resilience in the economy. We are the only ones who can deliver economic growth in regional New South Wales. As we go forward, we are the only ones who can continue to deliver in construction, jobs, health, tourism, housing, corrective services, and education. My motion must be accorded priority today.

**INTERCITY TRAIN FLEET CONTRACT**

**Consideration**

**Ms TRISH DOYLE (Blue Mountains) (15:34):** It is critical that this Parliament set aside time to debate the Baird Government's intercity train procurement project. Over recent weeks and months it has become clear to me and my colleagues that the Minister for Transport is incompetent and that we are hurtling towards a point of no return with a doomed project that will cost taxpayers billions of dollars. Members opposite like to style themselves as low-spending economic rationalists. In fact, they are presiding over waste and mismanagement of epic proportions. The fault for this lies at the feet of Minister Constance, who should have taken my advice months ago and re-examined the intercity fleet project because there are glaring issues and problems with it.

If the Minister had spent more time examining procurement documentation instead of trying to line up a job in Canberra, we might not be in this situation, but here we are. We are being forced to accept low-quality trains built overseas to an off-the-shelf design, with seats that face the wrong way and inefficient winter heating systems. The list goes on. The price tag is \$2.3 billion. Apparently this is a 25 per cent saving. I sat down and did the homework that Andrew Constance clearly force-fed to his dog and found that the cut-price trains he is buying do not fit the tracks. Given that, we must work out what the total cost of the project will be once the tracks and the tunnels have been made wide enough for the trains to fit. It is little wonder that Minister Constance has refused

to go on the record about this project, other than to state that the trains will eventually reach Lithgow, but they will not do that from day one because they are too wide. This is absurd.

We have Minister Constance and the member for Drummoyne, his Parliamentary Secretary who does a lot of his heavy lifting in this Chamber because the Minister is too afraid to debate me. The two are like Laurel and Hardy trying to push a piano up a flight of stairs, but they have not bothered to work out how wide it is or whether it will fit. I am calling on the Minister to debate me on this issue and to take ownership of his failure, mismanagement and incompetence so that we can go back to the drawing board and buy a new train which is fit for purpose, which fits the tracks, and which our local commuters are happy with.

**The SPEAKER:** The question is that the motion of the member for Tamworth be accorded priority.

**The House divided.**

Ayes .....46

Noes .....32

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  
Maguire, Mr D  
Patterson, Mr C (teller)  
Petinos, Ms E  
Roberts, Mr A  
Skinner, Ms J  
Taylor, Mr M  
Upton, Ms G  
Williams, Ms L

Aplin, Mr G  
Barilaro, Mr J  
Brookes, Mr G  
Coure, Mr M  
Elliott, Mr D  
Goward, Ms P  
Henskens, Mr A  
Johnsen, Mr M  
Notley-Smith, Mr B  
Pavey, Ms M  
Piccoli, Mr A  
Rowell, Mr J  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

Ayres, Mr S  
Berejiklian, Ms G  
Conolly, Mr K  
Crouch, Mr A  
Evans, Mr L  
Gulaptis, Mr C  
Hodgkinson, Ms K  
Kean, Mr M  
O'Dea, Mr J  
Perrottet, Mr D  
Provest, Mr G  
Sidoti, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

#### NOES

Aitchison, Ms J  
Car, Ms P  
Crakanthorp, Mr T  
Doyle, Ms T  
Harris, Mr D  
Hornery, Ms S  
Leong, Ms J  
McKay, Ms J  
Park, Mr R  
Smith, Ms T  
Watson, Ms A

Atalla, Mr E  
Catley, Ms Y  
Daley, Mr M  
Finn, Ms J  
Harrison, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mehan, Mr D  
Piper, Mr G  
Warren, Mr G (teller)  
Zangari, Mr G

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  
Robertson, Mr J  
Washington, Ms K

#### PAIRS

Gibbons, Ms M  
Hancock, Ms S  
Lee, Dr G  
Marshall, Mr A

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

**Motion agreed to.**

**REGIONAL JOBS AND INFRASTRUCTURE****Priority**

**Mr KEVIN ANDERSON (Tamworth) (15:43):** I move:

That this House notes that only the New South Wales Liberals and Nationals can drive jobs growth, and deliver the record investment in infrastructure and services that the Central West and regional New South Wales needs and deserves.

We heard today from Ministers across the portfolios about how the Government is investing in regional New South Wales and about some of the fantastic opportunities that we are delivering by creating jobs. We must continue to push to create jobs. Local employment boosts are on the way as a result of the Regional Jobs Now program. I was in Orange recently to discuss the Canowindra Hospital upgrade, to which the Government has allocated \$740,000 in funding. We also announced the provision of \$300,000 to upgrade the Ages of Fish Museum, which is attracting tourism dollars. I ask members to consider the investment that this Government has made in roads, health, corrective services, and police stations. I particularly draw members' attention to the Government's investment in roads. It has allocated \$56 million for the Mitchell Highway, \$33 million for the Newell Highway, \$600,000 for roads in Parkes, and \$300,000 to widen the MR350. It has allocated \$96,000 for the Cabonne Cumnock bends, and \$676,300 for other roadworks that are now underway.

With respect to education, the Government has invested \$2.8 million in the Anson Street School at Orange, and \$3.9 million for the Aboriginal Learning Centre at Orange. This Government is continuing to invest in TAFE, quite unlike those opposite, who are wilting. We have seen them wilt. They were wearing little badges, but those badges have been coming off and are being slipped into the members' pockets on the back of the United States election result. The Government has allocated \$72.5 million for the new Parkes Hospital, which was completed in 2015. It has also committed \$1.7 billion in the Central West for rural and regional health infrastructure, and \$135 million for the Bridges for the Bush program. In addition, \$132 million has been spent on upgrades to fire, police and ambulance stations, and \$70 million has been spent on upgrading educational facilities.

A significant proportion of the \$6 billion regional infrastructure funding available through Rebuilding NSW is being spent on infrastructure to support essential government services such as the regional road freight corridor program, the regional roads program, water security, and many of the other areas that we have already mentioned. For far too long members opposite ignored regional New South Wales. They did not do the work and that is why enormous capital works and maintenance programs are being rolled out. The Opposition left New South Wales behind. The sandstone curtain was very real while the Labor Party was in power and members opposite did not do the work that was required.

I have outlined what this Government has done over the past five years on the back of the Regional Development Framework. The Deputy Premier outlined this Government's extensive roads infrastructure program earlier this afternoon. There has also been investment in emergency services, including in new tankers for NSW Fire and Rescue, the NSW State Emergency Service, and the NSW Rural Fire Service. This is all about regional growth and economic development. We are achieving that not only in the Central West but also across regional New South Wales. I also point out that Gonski and resource allocation model [RAM] funding will continue to be provided across regional New South Wales. The geography of this State brings enormous opportunities and people should not be deterred from choosing where they live. This Government is creating the right economic conditions and growth with a clear rationale for investment. This is about making sure that people in regional New South Wales feel that they are part of the entire State economy—and they are. This motion should be supported. [*Time expired.*]

**Mr DAVID HARRIS (Wyang) (15:48):** This debate gives me an opportunity to speak about the great job creation abilities of the Liberal-Nationals Government. However, unfortunately for regional New South Wales, the jobs that the Nationals and Liberals create are for their mates at the big end of town. There is no better example of that than in a program called Jobs for NSW, which should be renamed "Jobs for the Boys". An examination of Jobs for NSW over the preceding 12 months—a program that is supposed to deliver massively in the creation of jobs for regional areas of New South Wales—indicates that a chief executive officer [CEO] has been appointed.

I must explain that its board members are the Government's private sector mates. The Department of Industry's job is to facilitate companies moving to regional areas of New South Wales. The public service did that very well, but the Government put its own mates on the board of Jobs for NSW because it was said that the public sector could not do it properly. That is interesting because Government members do not want people to know that the CEO for Jobs for NSW is paid \$410,000 a year whereas the Premier of New South Wales is paid only \$358,000 a year. We have a CEO of a board that was appointed by the Government who is paid \$410,000 a year. One might say that a CEO being paid that amount would have to do a really good job. Budget estimates tell us

that in the 12 months from when Jobs for NSW was set up in 2015-16, the board met six times and approved nine applications. That is a really hardworking board!

For attendance at six meetings a year and approving nine applications, the chairman of the board is paid \$80,000. Other members of the board are paid \$40,000 a year extra. We know this Government's record of creating jobs—they are jobs for the boys, not jobs for real people. The figures also clearly show that although the Government boasts about having created 58,000 jobs in regional New South Wales, only 500 were full time. I obtained this information from answers to supplementary questions asked during budget estimates hearings, and the answers were provided by the Minister. But, according to the member for Tweed, my information is wrong. He does not know what he is talking about.

Recently when I was in Orange and preparing to drive back to Sydney—I had a good chat to the member for Tamworth about pre-poll voting there—I saw that the Minister for Regional Development, Minister for Skills, and Minister for Small Business had tweeted, "Regional Jobs Now. In Orange with Scotty Barrett to announce \$57 million for regional NSW." I thought the tweet was 12 months late because it was not new money. Originally that amount was announced in the 2015-16 budget. When I phoned the reporter I asked, "Did the Minister tell you this is not new money but is money that was announced 12 months ago?" The reporter said, "No. He said it was new money." Now the Opposition is looking for the source of that \$57 million. When I read the press release I found it was 30 per cent of \$190 million that was promised as part of Jobs for NSW. The Nationals Minister was trying to fool the electors of Orange into believing that the Government is putting new money into a program which has been running for 12 months, which is operated by someone who is receiving \$410,000 a year, and which is overseen by a board chairman who receives \$80,000 and board members who receive \$40,000—and the organisation has approved only nine applications. I move:

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

"this House notes that only the New South Wales Liberals and Nationals can create jobs for their colleagues in the corporate sector. "

**Mr GEOFF PROVEST (Tweed) (15:53):** I support the motion moved by my good colleague from Tamworth the Parliamentary Secretary for Regional Roads and Rail. Before I deal with the motion, I make the preliminary point that it is rather hypocritical for Opposition members to talk about jobs for the boys. As a member who was elected to this House in 2007, I am relatively new in this place. However, I lived through the Eddie Obeid, Ian Macdonald and Eric Roozendaal era and witnessed their appointments to every board anyone would like to name. They blatantly were jobs for the boys, as we have seen from all the follow-up rulings of the Independent Commission Against Corruption. They were blatantly ripping off the good people of New South Wales. Against that background, I find it extremely hypocritical for Opposition members to present themselves as pure as driven snow and to say, "That never happened. We are moving forward."

The Minister for Regional Development, Minister for Skills, and Minister for Small Business has created 58,000 jobs in the Central West region. That is an enormous achievement. When Labor was in government, there was something called Country Labor, which had approximately three members. Country Labor could have held its meetings in a telephone box. How many times did Country Labor ever meet? I cannot recall that it met even once. Even my good mate the Hon. Walt Secord does not know where the Central West of the State is. He confines his interest to areas along the coast and is a frequent visitor to my electorate. The Hon. Walt Secord does not even travel to the western areas of the State. The Government has delivered so many great things, including the interchange at Orange worth \$4 million, which is currently underway; the Burrendong Dam, which is worth \$3.8 million; and the Molong ambulance station, which is worth \$2.5 million.

At Canowindra, the Devonian Fossil Research and Storage Facility, which is referred to as a fish fossil museum, has been allocated \$300,000. New South Wales is the first State to have an official fossil emblem. The Forbes Shire Council has been allocated \$1 million and the Parkes Shire Council also has been allocated \$1 million. The facts cannot be denied. Everywhere we go in the Central West we see new infrastructure such as new hospitals, new dams, and new roads being constructed.

**Mr David Harris:** What about a swimming pool at Orange?

**Mr GEOFF PROVEST:** Let us not discuss Labor's attempt at building the Bathurst hospital. Do members recall that exposé? Labor built a hospital that had doors that were too narrow for beds to pass through. That was a great Labor project! It was a great example of jobs for the boys under Labor. I fully support the motion that this Government is delivering to the Central West and regional New South Wales. [*Time expired.*]

**Ms TRISH DOYLE (Blue Mountains) (15:56):** It is a joke that this motion has been accorded priority, and what a sad joke this Government has become. There must be a by-election in Orange this weekend, but I do not know what the Government thinks this motion will do for it. Voters in Orange already have switched off from the nonsense this Government peddles. That is why Bernard Fitzsimon is giving The Nationals a run for their

money in an area that usually delivers 65 per cent of the primary votes to The Nationals. That primary vote is in tatters. The member for Tamworth is deluding himself by moving this motion.

**The DEPUTY SPEAKER:** Order! I remind the member for Tweed that he has had his opportunity to participate in the debate.

**Ms TRISH DOYLE:** The voters of Orange have stopped listening to the Government and to the failed Deputy Premier, Troy Grant. I say to the Deputy Premier, wherever he is, "It is okay; the result in Orange will give your colleagues pause for thought and soon you may not have to get to work so early every day. Cheer up with the thought of that. I'll buy you a beer on your first day as a backbencher." Why is the Deputy Premier on the verge of being replaced by Minister Barilaro? It is because The Nationals vote is flatlining. It has absolutely tanked in Orange. That is down to one thing, and one thing only—the poor record of this Government. Voters in Orange are sick of the waste and incompetence of this Government and its agenda. A couple of weeks ago services were cut. There is no growth in full-time jobs; full-time jobs do not exist. TAFE has been eroded. The opening hours of Service NSW centres have been slashed, and people in the Central West are in despair.

The Government is a joke. The Central West unemployment rates were 4.9 per cent when Labor left office, but in August this year the rate was higher at 5.3 per cent. The proportion of part-time jobs since Labor left office has increased to 35.7 per cent, which represents an increase of almost 7 per cent. We must create more full-time jobs in the regions. We need meaningful permanent, full-time work for young people and opportunities for workers to retrain and reskill in the middle of their careers to remain productive and successful. In the meantime, the Baird-Grant Government has an infrastructure program that is in tatters.

The Government is not just stuffing up infrastructure but also presiding over job losses, flatlined wages and soaring cost-of-living increases. It is incompetent and its incompetence is leading to the destruction of TAFE, where teachers are losing their jobs and students are losing the opportunity for a decent education. That is the wretched legacy of this Government. The Minister for Regional Development, Minister for Skills, and Minister for Small Business, the next Deputy Premier, John Barilaro, was asked during budget estimates to rule out the sale of TAFE campuses in Orange, Scone, Singleton and Murwillumbah in regional New South Wales. He refused to do so. That means there is a guarantee that the sell-off of TAFEs is on the cards—we can take that to the bank. *[Time expired.]*

**Mr KEVIN ANDERSON (Tamworth) (16:00):** In reply: I thank my good friend the member for Tweed, who is 100 per cent for Tweed. He knows what makes regional New South Wales tick and he knows about economic growth and regional development. I thank the member for Wyong for highlighting that under his Government there were jobs for the boys and I thank the member for Blue Mountains for her contribution. This Saturday there is a by-election in Orange, and many members have visited the area recently, including me. I caught up with the member for Wyong there and had a good chat.

**Mr David Harris:** It was my fourth time.

**Mr KEVIN ANDERSON:** Nothing much to do if it was your fourth time. We were in Orange representing the Deputy Premier, and while I was there I announced further investment in the Central West. That investment is to upgrade a brand-new climate-controlled facility for the Age of Fishes Museum, which will display old fossils that are currently stored under the grandstand at the showground. The museum will attract more people to Canowindra, including schoolchildren and scientists. The museum will also attract international interest when the fossils go on display. In Orange we also announced a \$740,000 allocation to upgrade the Canowindra hospital.

Where there is infrastructure development there are local jobs. This Government has invested \$261 million in the Orange Base Hospital redevelopment that was completed in March 2011. The Parkes Hospital development on a new site was completed in 2015. Further development includes the Macquarie River to Orange Pipeline Project, which cost \$47 million and was completed in July 2015—tick it off. Upgrading the Parkes police station cost \$14 million and was completed in 2013. The Peak Hill Multi Purpose Service was completed in July 2015. The second linear accelerator to treat local cancer patients in Orange was installed in 2013. The Aboriginal Learning Centre at the Western Institute of TAFE in Orange was completed in 2014. This Government supports economic growth and development in the regions. New South Wales Liberals and The Nationals are the only members of this Parliament who can drive jobs growth and deliver the record investment in infrastructure and services that the Central West and regional New South Wales need and deserve. That is why my motion should not be amended.

**The DEPUTY SPEAKER:** The original question was that the motion as moved by the member for Tamworth be agreed to, to which the member for Wyong has moved an amendment. The question now is that the words proposed to be left out stand.

**The House divided.**



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

#### AYES

Anderson, Mr K  
 Barilaro, Mr J  
 Brookes, Mr G  
 Coure, Mr M  
 Elliott, Mr D  
 Goward, Ms P  
 Hazzard, Mr B  
 Humphries, Mr K  
 Maguire, Mr D  
 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  
 Berejiklian, Ms G  
 Conolly, Mr K  
 Crouch, Mr A  
 Evans, Mr L  
 Greenwich, Mr A  
 Henskens, Mr A  
 Johnsen, Mr M  
 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  
 Bromhead, Mr S (teller)  
 Constance, Mr A  
 Dominello, Mr V  
 Fraser, Mr A  
 Gulaptis, Mr C  
 Hodgkinson, Ms K  
 Kean, Mr M  
 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  
 Doyle, Ms T  
 Harrison, Ms J  
 Kamper, Mr S  
 Lynch, Mr P  
 Mehan, Mr D  
 Parker, Mr J  
 Warren, Mr G (teller)  
 Zangari, Mr G

Atalla, Mr E  
 Catley, Ms Y  
 Daley, Mr M  
 Finn, Ms J  
 Haylen, Ms J  
 Lalich, Mr N (teller)  
 McDermott, Dr H  
 Mihailuk, Ms T  
 Robertson, Mr J  
 Washington, Ms K

Barr, Mr C  
 Chanthivong, Mr A  
 Dib, Mr J  
 Harris, Mr D  
 Hornery, Ms S  
 Leong, Ms J  
 McKay, Ms J  
 Park, Mr R  
 Smith, Ms T  
 Watson, Ms A

#### PAIRS

Baird, Mr M  
 Grant, Mr T  
 Lee, Dr G  
 Marshall, Mr A

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

#### Amendment negatived.

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

#### The House divided.

Ayes .....45  
 Noes .....33  
 Majority.....12

#### AYES

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

Aplin, Mr G  
 Berejiklian, Ms G  
 Conolly, Mr K  
 Crouch, Mr A  
 Evans, Mr L

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

## AYES

Goward, Ms P  
Henskens, Mr A  
Johnsen, Mr M  
Notley-Smith, Mr B  
Pavey, Ms M  
Piccoli, Mr A  
Rowell, Mr J  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

Gulaptis, Mr C  
Hodgkinson, Ms K  
Kean, Mr M  
O'Dea, Mr J  
Perrottet, Mr D  
Provest, Mr G  
Sidoti, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Hazzard, Mr B  
Humphries, Mr K  
Maguire, Mr D  
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  
Doyle, Ms T  
Harris, Mr D  
Hornery, Ms S  
Leong, Ms J  
McKay, Ms J  
Park, Mr R  
Robertson, Mr J  
Washington, Ms K

Atalla, Mr E  
Catley, Ms Y  
Daley, Mr M  
Finn, Ms J  
Harrison, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mehan, Mr D  
Parker, Mr J  
Smith, Ms T  
Watson, Ms A

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  
Piper, Mr G  
Warren, Mr G (teller)  
Zangari, Mr G

## PAIRS

Baird, Mr M  
Grant, Mr T  
Lee, Dr G  
Marshall, Mr A

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

**Motion agreed to.**

*Bills***CROWN LAND MANAGEMENT BILL 2016****Second Reading**

**Debate resumed from an earlier hour.**

**Ms YASMIN CATLEY (Swansea) (16:12):** I speak in debate on the Crown Land Management Bill 2016. Crown Land is public land. It is land that should be managed for the broader, long-term interests of the people of New South Wales. We should take the opportunity to remove the term "Crown land"—it is outdated, reeks of British imperialism and should be updated to reflect a modern approach to Crown land. That is why Labor has called for Crown land to be called State land—land owned by the people of this great State. Yet the Baird Government continues to show arrogance and contempt for the public interest and community sentiment. It believes it should manage Crown land as a private enterprise. With the cuts to jobs and resources, Crown Lands is now an agency struggling to carry out its statutory responsibilities. The solution for the Baird Government? It is to change those statutory responsibilities.

Yet the biggest concern, beyond the weakening of long-existing protections against ministerial overreach, is the view within this Government that Crown lands are now a risky asset. Its response is what I see as a merchant banker's response to managing an asset portfolio: Sell off the valuable assets and divest yourself of riskier non-economic assets. The Crown Land Management Bill 2016 is the road map to this mercantile view of public assets. It betrays the established triple bottom line approach to Crown land management enshrined in the current Act. Where the current Act has embedded within it principles of Crown land management, this bill does the opposite and removes them. It facilitates the wide-scale disposal of valuable community assets—not valuable

merely in an economic sense, but valuable for their environmental, social and cultural values. This is an appalling bill from an appalling Government. It is contemptuous of both the public and this Parliament, and it should be opposed.

**Mr DAVID HARRIS (Wyang) (16:15):** In contributing to debate on the Crown Land Management Bill 2016 I make it clear from the outset that I support my colleagues on this side in opposing the bill in its current form. We will move amendments that will make this bill a little more palatable, as we did in the other place. One of the biggest criticisms I have heard from stakeholders in my community is that, although the Government has said it has had a long period of consultation on this bill, there has been only a relatively short time for people to examine the bill. It is a comprehensive bill of more than 200 pages about Crown lands, which are vital to every single community. That the Government has given people such a short time to try to digest its implications is another backward step.

The Government will claim that the legislation has been under review for about 10 years. There is no doubt that Crown lands legislation needs updating, because the management of Crown lands has not been done in a manner that best suits its purpose—that is, to be held in perpetuity for the people, which is what Crown land was created for. We acknowledge that and acknowledge also that it has come down to funding. But the neglect and mismanagement was accelerated by some of the changes made when the Liberal-Nationals Government was elected in 2011. Most of the bill seeks to improve the management of Crown land, but there are sections of it that remain open to interpretation. I will spend my contribution going through some of the comments made to me by members of my community, which contains a lot of Crown land.

It has preschools, nursing homes, surf clubs, drug rehabilitation centres and a range of community-based services. There is also a large amount of Crown land that has been claimed under the Aboriginal Land Rights Act 1983 by the Darkinjung people and a significant amount of other Crown land that is part of the beautiful northern part of the Central Coast around the Wyong area. One of the issues raised is that the bill was meant to reduce red tape and simplify management. That was supposedly the whole reason for introducing the bill, but it is bigger than the legislation it replaces. It brings a whole range of Acts into a single Act, but the criticism is that it is written in language that is impenetrable to the public and that it creates red tape. The average person would find this bill difficult to understand. Many people belong to trusts that currently manage Crown land on behalf of the State. Some are involved in the environment. Others are simply interested in the fact that Crown land is owned by the people and not by the Government; it is only managed by the Government on behalf of the people. All of them have found this bill very difficult to understand. They think it increases red tape rather than reducing it.

Another criticism is that the bill is in some respects incomplete, with large areas of control to be left to ministerial discretion and regulations. The public deserves the certainty of legislative protections for its Crown land. Ministerial discretion is not legislative protection. Many Opposition members in this place and Labor and Greens members in the other place have drawn attention to the fact that, while people may have some level of trust in the current Minister to do the right thing, when legislation is created it remains on the statute books for a long time and future Ministers may not do the right thing. The more ministerial discretion is created without legislative protection, the greater the uncertainty and the opportunity for things to go wrong down the track. People from my community say that the bill should not be supported in its current form. They want more protections and less ministerial discretion. I agree with that. I have seen good Ministers and bad Ministers. While one Minister may have the best of intentions, the next Minister may have a totally different interpretation and the community will get a totally different outcome.

The third issue that has been raised with me is that the bill discards the carefully developed and enduring objects and principles of Crown land management agreed on by the Coalition and Labor in the late 1980s, all of which properly put the emphasis on protecting our Crown estate and preserving it for future generations. The new legislation is about private use and short-term economic exploitation to the detriment of our future generations. Once this public land is gone, we will never get it back. There are examples of that on the Central Coast. We have been fighting our local council for council reserve land, which I know is different from Crown land reserve. It is selling off public land—land that we will never get back—and now we have a bill that gives the State Government the opportunity to do exactly the same thing.

Unfortunately, although justifiably, the public has a very low level of trust in this Government not to sell off and privatise public assets—probably because every other day we hear of another public asset being sold off to the private sector regardless of whether that is in the public interest. Obviously the Government perceives that it is in the public interest but most of the community probably disagrees. The Parliamentary Secretary representing the Minister in this place might be able to shed light on this point because I am not sure whether it has been addressed through amendments. Those who have expressed concern to me believe the bill discards the Rutledge principle—the High Court's wise decision in 1959 that holds that all public reserves for public recreation must remain open to the public generally as of right and not be a source of profit unless the profits are reinvested in the

trust. Rutledge has always allowed small, incidental and ancillary commercial activities that promote the public's use of reserves—for instance, kiosks. At a time when society faces a severe crisis in mental and physical health, we should protect Rutledge not discard it.

On the Central Coast, in the old Wyong shire, there are four council-run caravan parks. Because they are on Crown land all the profits from those parks go back into the Crown reserve. The Norah Head Lighthouse, for example, has received funds to upgrade the car park, to build a public toilet and to upgrade the roof on the old lighthouse keepers' cottages from the profits of those caravan parks. I would be very concerned if some of that land was put to private use and the money was not returned to improve the Crown reserve. The whole community should be concerned about that because our current Crown reserve contains some of our most important land and heritage items.

The group is also concerned that the bill will result in various bodies across New South Wales—each independent—being responsible for the control and commercial exploitation of Crown land in their area. They say that under this bill Crown land would be divested to local government. As a result, a reserve in Tweed Heads, for example, might remain open to the public but a reserve in the next local government area might be turned over to commercial control and so on and so forth down the east coast. The people of New South Wales demand policy consistency across the State. These reserves are held in trust for them; there should be a consistent policy when it comes to Crown land reserve rather than a hotchpotch, as would be possible under this bill. There should be a statewide policy, not different policies for every local government area.

The bill will impose heavy compliance and administrative obligations on local councils. This could lead to rates rising to meet the extra costs. Eventually there will be pressure to dispose of our reserves to private interests as local councils with limited revenue-raising options are squeezed. That is given credence by some correspondence I received from Wollongong City Council. Councillors were concerned that consideration of the bill should be put off until the new year because they felt that a number of costs would be shifted to councils and they had had no time to assess what those costs might be. The letter raised three main concerns. The first concern was:

The need to prepare Plans of Management over Crown Lands where Council is appointed Crown Land Manager. It is noted the councils will manage Crown Lands 'as a public reserve under the Local Government Act 1993'. Clause 3.23 requires a council to, 'as soon as practicable after it becomes the manager of the dedicated or reserved Crown Land (including because of the operation of Schedule 7) assign the land to one or more categories of Community Land referred to in Section 36 of the Local Government Act 1993.' As noted, this requires a draft plan of management to be completed.

This council is currently trustee for 49 separate Crown Reserve Trusts which will place a substantial resource demand on Council to process Draft Plans of Management with the appropriate community consultation to achieve this categorisation.

That is a whole lot of red tape shifting onto local government, which it will have to comply with. The second concern raised was:

While Division 4.2 provides the opportunity for Crown Lands that are identified as 'Local Land' to be vested in Council ownership in fee simple, that vesting 'takes effect subject to:

- a. Any native title rights and interests existing in relation to the land immediately and before the vesting; and
- b. Any reservations and exceptions contained in the Council vesting notice for the land.'

While 4.6 (1) (b) requires Council to agree to the vesting, should a Council agree to accept the land, it does so with any relevant native title claim or right attached, which could see those lands either lost to Council under a claim or Council having to compensate a Local Land Council to extinguish those rights. This is effectively shifting the responsibility and the costs of land claim and associated compensation from the State to Local Government.

Again, there is cost shifting. As the shadow Minister for Aboriginal Affairs, I also agree with Wollongong council on this point:

Part 8 'Native Title Rights and Interests' places an obligation on councils as Crown Land Managers to employ or engage a Native Title Manager to provide advice on issues of Native Title for dedicated reserved Crown Land and local councils vested with Crown Land. Again, this appears to be the State deferring native title matters and the associated costs to Local Government.

Those three significant issues need to be addressed. The Darkinjung Local Aboriginal Land Council has also written to me. Its members agree with that last point—although in a different way. They said:

We query the utility of native title certificates. They cannot circumvent the requirements of the Native Title Act 1993 (Cth). They will not prevent invalidity of Council action if they are incorrectly issued. They say that if a council makes a mistake it will create legal issues at the council level, taking responsibility away from the State Government. They see this as a problem. They also feel that the shifting of native title obligations onto councils is problematic. There is an argument that where native title might exist on land, the management and control should remain with the State. The group considers that there are issues with the way the bill has been drafted with regard to those areas. Wollongong City Council has stated that if it has to go through the cost of developing a management plan and employ extra staff to handle native title—[*Extension of time*]

This creates further cost and red tape at the local government level. It seems to be the State Government's plan with council amalgamations to cut its costs while pushing more costs onto local government. When one considers what Wollongong City Council and the local Aboriginal land councils have said, these are significant issues. I cannot understand why the Government will not adjourn debate until February next year to enable these questions to be answered before the legislation is passed. I will guarantee that we will be back here next year with amending legislation to fix all the problems in this bill.

Some people might consider it is acceptable to fix the legislation down the track but uncertainty is created in the meantime. This is Crown land; it is public land. It is not the Government's land. It belongs to the people; those walking down Macquarie Street. It is their land. The Government should be more careful with its legislation rather than just allowing 21 days for a bill that comprises more than 200 pages and trying to push it through Parliament as quickly as possible under the cover of a disastrous American election. Darkinjung also states:

We are also concerned that Division 4.2 of the Bill, which allows the Minister to vest transferable Crown land in a local council, will detrimentally affect the ability of Local Aboriginal Land Councils to make claims under the ALRA. If such land subsequently becomes surplus and no longer used or occupied or needed or likely to be needed for an essential public purpose, the land will not be "claimable" as the land will no longer be Crown land. Land which might otherwise be made available to achieve the legislative objectives of the ALRA, will therefore not be available for that purpose, and presumably can be simply sold by the local council.

That is their interpretation of the bill. If we had more time to look at the issue the Government might be able to answer that and quell their fears. They do not trust what they have been told because basically through his ministerial discretion the Minister has given a handshake that it will be all right. Minister Blair might be trustworthy and his handshake sufficient but that might not be the case with subsequent Ministers. Paragraph (7) of the submission by the Central Coast group states:

The bill in no way addresses the Auditor General's damning assessment of the mismanagement of Crown lands by local councils and Crown Lands NSW. Indeed, the Bill effectively ignores the NSW Auditor General's report by giving the transgressors more power over our precious Crown estate. This is nonsensical. It demonstrates the Coalition's desperation to continue with its broad privatisation agenda at any cost.

The Auditor-General has criticised councils for their management of Crown land but the Government has given them more land to look after without providing more resources. This will result in worse outcomes for Crown land and will force councils to sell land in order to meet their obligations. Paragraph (8) states:

Minister Blair's Second Reading Speech consistently mentions community consultation on this Bill. Up to 19 October 2016, we were never given access to any draft Bill. But more importantly what Minister Blair ignores is that some 90% of the responses from community to the Government's Report rejected the Government's plans. It is not true for Minister Blair to suggest—as he does—that this Bill is a product of some proper community listening process when in truth it is the product of the Government's preordained plan to open up our Crown estate to widespread commercialisation in open defiance of the feedback they did receive.

Those are the views of the community. This group is made of the Community Environment Network and various trust groups across the Central Coast who are very concerned about the implications of this bill. The last criticism is as follows:

The Bill actually ignores the recommendations made by the Upper House Inquiry into Crown Land. How could it do anything but ignore them given that the Bill was obviously already drafted by the time that Upper House Inquiry reported.

In fact, I think the report was handed down the same day the bill was tabled. It continues:

Are we to believe Minister Blair had this mammoth 247 page Bill—or significant parts of it—drafted between the time the Upper House Inquiry reported (on 13 October 2016) and the day on which the Bill was released on 19 October 2016 (three full business days). The Upper House Inquiry called for legislative protections; as noted above, Ministerial discretions are not legislative protections.

For those reasons, as a person who represents the views of my community, I cannot vote for the bill in its current form. Even if every one of Labor's amendments passed, I would still be reticent. Again, the Government has done a bad job.

**Mr DAVID MEHAN (The Entrance) (16:39):** It is only 21 days ago, on 19 October, that this bill was introduced into the other place. After eight hours of debate last night the Crown Land Management Bill 2016 passed through the Legislative Council in the early hours of the morning, by only 20 votes to 16. Labor voted against the bill. The bill will make it easier to sell off public land to developers and private interests. While the Government has caved in to a number of amendments, there are still many questions over the ability of the Government to bypass the checks and balances currently in place and move Crown land to freehold control. I oppose the Government's Crown Lands Management Bill 2016 and support the Labor Opposition's amendments.

The bill seeks to repeal the Crown Lands Act 1989 and a number of other related pieces of legislation and consolidate into one Act the statutory provisions applicable to the ownership, use and management of the Crown land of New South Wales. From British settlement in 1788, the lands of the whole colony were vested in the Crown. Grants of land were originally made by the representative of the Crown in the colony to military

officers, free settlers and former convicts to assist the development of the colony. Disputes over settlement and access to land saw the first Crown Lands Act created in 1861. Numerous changes have been made since that time to the regulation of Crown lands until the amendment Act of 2005 when the then Labor Government declared:

The Government is moving away from the old colonial office mentality of Crown land management, and bringing it in line with modern community expectations. Crown land is a valuable public asset and it is essential that it is managed wisely for the benefit of all. The strong and detailed reforms in this bill will put the management of Crown land on a more sustainable footing by slashing red tape, freeing up resources and providing greater flexibility in the day-to-day management of Crown land. They represent the most significant reform of the Crown land legislative framework in the State's history.

This bill seeks to overturn that public purpose and elevate instead private interests. The way we manage Crown land is important. There are three main types of public land in this State: national parks, which comprise around seven million hectares; State forests, which comprise about two million hectares; and Crown land, which comprises around 34 million hectares. The 2013 interagency steering committee report noted that the Crown estate makes up about 42 per cent of the State. The estate has a wide range of uses, including commercial ventures, such as marinas, kiosks, restaurants and caravan parks, telecommunications, access to grazing and agriculture, residential, sporting and community purposes, tourism and industry, waterfront occupations, travelling stock routes, recreation facilities and green space, cemeteries, environmental protection, and government infrastructure and services.

I note also that Crown land includes submerged land, that is, most of our coastal estuaries including the Tuggerah Lakes estuary, which comprises a large part of The Entrance electorate, many large riverbeds and wetlands and the State's territorial waters, which extend three nautical miles out to sea. The bill hands over an unprecedented amount of discretionary control and regulation of Crown lands to the Minister. I highlight three areas of concern. First, the provision under division 3.4 and division 4.2 states that Crown land can be allocated to a local council, which can be appointed as manager of that Crown land. The concern is that after the Crown land has been allocated to a council and it becomes the manager of that Crown land, the Crown land will then be regulated under the Local Government Act. Under section 4.9 (6) (a) the land ceases to be Crown land. Its management, thereafter, falls under the Local Government Act.

Initially it was designed to manage community land, but as people on the Central Coast will recall, community land can be converted into operational land. Once it is operational land, a council can by a vote or a decision of the general manager sell that land to any interest that can effectively privatise that public land. We saw that situation occur on the Central Coast in the past 12 months. The former Gosford City Council was managed by a general manager whose eye was always on the balance sheet but never on the community. He sought to convert a large number of community parcels of land, including five parcels of land in my electorate, three of which were public parks that were regularly used by the community. He sought to convert those community lands to operational lands by a simple vote of council without any prior consultation with the community. The vote was carried by the conservative interests in the council at that time.

That land was to be converted into operational land and that procedure would have gone ahead if not for a huge campaign that was conducted by the community on the Central Coast in the old Gosford shire, which was supported by other people on the Central Coast. The new council finally rolled over and dropped the failed process, which was trying to privatise existing community-owned land that was being used by the community simply to fix up the balance sheet so that the general manager—who, thankfully, has moved on—could show on his curriculum vitae that he had balanced the budget at Gosford City Council. It was an appalling waste of the community's time which could have been spent building community goods but instead was spent defending community goods. It was a terrible exercise and indictment of conservative interests on the Central Coast. Liberal councillors and Independent councillors who were conservative at heart tried to turn that community land over to private interests. This bill will allow that to happen on a regular basis, which is appalling.

Division 4.3 is another appalling element of the bill. It allows the Minister to vest Crown land in any government agency. The Minister must be satisfied under section 4.12A that it is in the public interest, but there is no criteria attached to that. Again, members on this side have a concern that there is no protection under that division that the land, once vested in a public authority, must be retained for a public purpose. It is quite likely that the vesting will go to agencies such as UrbanGrowth, formerly Landcom which used to develop land for public purpose in order to provide affordable land to the community of New South Wales. It now operates as a private developer in the community and has little impact on the ability to provide affordable housing in this State. If Crown land is vested to UrbanGrowth, which has a requirement to return a dividend to the State Government, it will be compelled to privatise that land and sell it off to private interests to make a dividend for the State. Again, we lose Crown land under section 4.14 (3) (a). Crown land vested in a State agency ceases to be Crown land. This is purely on the Minister's own discretion.

The bill removes long-held, carefully developed principles of Crown land being managed and developed with the aim of keeping it in public hands so that any profit made on the public land is reinvested for the public

good. More than 40 per cent of land in New South Wales is Crown land. In my electorate of The Entrance, Crown land is heavily utilised as public assets, such as our sporting fields, beaches, community halls and caravan parks. The tourism economy in our area relies on Crown land being used for a public purpose. I support the call by my colleagues to rename Crown land as State or public land so that everybody knows it is land that is owned by the public. I note the report of the Government on responses to the white paper, and I wish to read a brief comment from that report. The responses they received from the public are noted on page 20:

Disposal of Crown land

Opposition to the disposal of Crown land was a strong theme in submissions from community members.

These submissions can be summarised as follows:

Opposition to any sale of Crown land—this group was largely of the view that the basic approach should be to retain Crown land in public ownership in perpetuity;

Opposition to the current processes for the sale of the Crown land ...

Submissions from the Aboriginal Land councils—which put forward the view that all land that is surplus to the Crown land estate should be transferred to Aboriginal Land Councils.

The community does not want its Crown land privatised. It wants it retained for public purposes, which was the majority view that was put to the Government through its white paper. The majority view of the public is not reflected in the bill before the House. The community wants Crown land to be protected; it does not want it managed. The bill should be opposed by the House.

**Ms ANNA WATSON (Shellharbour) (16:46):** I make a brief contribution in debate to the Crown Land Management Bill 2016. This is a complex and substantial bill with far-reaching impacts. The shadow Minister for Lands has made a detailed contribution to this bill in the other place and has moved a series of amendments. There has been a widespread call for this bill to be deferred for further consultation with the community, who are the real owners of public land. This is a complex bill and the more the community examines it the more they raise concerns about the real intent of the bill. This concern is only heightened by the nature of this Government to privatise and sell off publicly owned assets.

No-one trusts this Government on the ownership of public assets. The Government has had five long years to produce a draft of this bill. Instead of exposing the bill to wider scrutiny, it rushed it through the other place in another marathon sitting, which ended at 4.00 a.m. today. The Government seeks to do the same thing in this place, pushing the bill to a vote by the end of the day. The Government is averse to any form of community consultation or scrutiny. Arrogance and hubris infect this Government from the top to the bottom.

This bill contains a number of significant flaws and internal inconsistencies which reflect the rushed nature of this bill through this Parliament over the past 24 hours. We have seen the effect of legislation that has been rushed through this place. The Government rushed through the legislation on the banning of the greyhound racing industry, only to see the Premier weeks later calling a press conference to announce a humiliating back-flip. That is why the Opposition is calling on the Government to defer this bill. The bill requires additional scrutiny, which should be undertaken by a committee to provide a focused view. The complex bill requires examination line by line to ensure the long-established practices of public land management across this State are acceptable to the people of New South Wales.

Local government in my area has contacted me and raised its serious concerns about the provisions in the bill. Only last week I made a representation to the Minister on behalf of Wollongong City Council, which expressed a wide-ranging list of concerns over the future of public land management in the Illawarra. The council is very concerned about the implications of the bill in regard to the management of parks, waterways, beaches, showgrounds, community halls, and a host of other sporting grounds and community clubs. The *Illawarra Mercury* noted in an article published yesterday the overwhelming view of Wollongong City councillors who deemed the bill "a disaster". The four Liberal Party councillors of Wollongong council joined with their other colleagues to unanimously back a resolution calling for the bill to be deferred. Yet the Government is intent on ignoring its own councillors by seeking to rush this bill through the Parliament today. Wollongong council already spends up to \$6 million annually on managing Crown lands in the local government area.

I am also very concerned that this bill is being pushed through while the forced merger of Shellharbour and Wollongong local government areas remains in limbo. I expect that once these two councils are forced to merge and the current councillors are all sacked, the implementation of this bill will see further uncertainty for Crown lands in the Illawarra. I am also concerned that the bill provides discretion to the Minister to vest Crown lands to local government as operational land. Currently, any land vested to councils is vested as community land. In conclusion, I add my support to the call for the deferment of this bill. It should not be rushed through this place today. What does this Government have against the work of the Parliament to scrutinise its bills? This place is not a rubberstamp, and it should never be treated as such.

**Ms JODIE HARRISON (Charlestown) (16:51):** I contribute to the debate on the Crown Land Management Bill 2016. Crown land is a fundamental part of our way of life in New South Wales. It is land owned by the State of New South Wales for the people of New South Wales. Crown land is largely used for public purposes like sports and recreation, while other Crown land is managed and protected for its environmental or heritage value. Throughout our lives we all benefit from Crown land. This is why Crown land is such an important part of public policy in New South Wales and why the community is rightly vocal and passionate about any proposed changes to Crown land legislation. There are many competing interests brought to bear in the use of public land and it is the Government's job to manage these social, environmental and economic interests.

The Department of Lands is responsible for managing, leasing and selling Crown land. The department currently manages more than 580,000 parcels of land covering over 33 million hectares, which is around 42 per cent of the State's land mass. Ninety-six per cent of this is in the far west of the State and is used mostly for grazing and agriculture. The department administers around 8,500 leases. The most common use of leased land includes grazing, golf clubs, bowling clubs, tennis courts and aged care services. The average annual return for each of these leases is less than \$10,000. Of the leases overseen by the department, 275 have an annual rental return greater than \$20,000 and are considered high value. This includes leases for retail and commercial purposes such as cafes, caravan parks and marinas. The average annual return for these high-value leases is around \$52,000.

Over the years, the Department of Lands has been subject to huge budget cuts, resulting in a significant reduction in staff. These job cuts were a key factor behind the Auditor-General's recent report into aspects of Crown land management, which was scathing and pointed to chronic problems in the basics of land management brought on by an underinvestment in staff and resourcing in Crown lands. So it is hard to see how any of the proposed changes can be implemented effectively without the staffing issue first being prioritised. However, adequately funding the department is clearly not the priority of this Government. That is why the Opposition believes the real intention of this bill is to get rid of the Crown land and its legislative framework. This is no surprise, as the State Government has long indicated its intention to sell public land and New South Wales assets. It is in this Government's DNA.

This bill enables the New South Wales Government, without considering the public interest, to transfer public land to other government agencies at the stroke of a pen, automatically robbing it of its status as Crown land. Shorn of its Crown lands protections, the land will be able to be sold by agencies like UrbanGrowth NSW and Property NSW to the private sector. This bill establishes key provisions that will give the Minister of the day substantial power and wide discretion, which could be put to devastating use, with no consideration of the requirement to consider public interest. There are some positives with the bill. The bill will address the delays, duplication and poor practices of Crown land management, some of which have existed for decades. The bill consolidates eight existing pieces of legislation to create a single modern legislative framework for Crown land.

While there are some positives within the bill, the Opposition believes the risks far outweigh the advantages. This legislation has not been developed with the intention to make it more accessible for community use. It has been developed to make it easier for this Government to sell swathes of public land to developers and private interests. From my conversations with local government mayors, councillors and officers, I have found there is a great deal of goodwill towards the Crown Land Management Bill 2016. They want it to work, as does the Opposition, but we have concerns, and foremost amongst those concerns is the totally inadequate time we have been given to examine, consult and consider the wording of the bill that has been presented. Twenty-one days is simply not enough time for stakeholders to closely examine and scrutinise the bill.

This is not a bill of merely a few pages—the type of bill we so often see from this Government. This is a bill of 247 pages of complex legislation. The Government has sought to rush the bill through the last two scheduled sitting weeks for the year. For this reason alone, further time needs to be allowed for a bill of this importance to be considered properly. More than half of the land of New South Wales is currently public land. The community wants it to remain this way and not have another valuable asset sold off. That is why this legislation cannot just be pushed through. Adequate time is needed for scrutiny by the community, parliamentarians and stakeholders.

I now move to talk about a particular iconic Crown land site in my electorate, that is the land currently occupied by the now closed Burwood Colliery Bowling Club on Dudley Road at Whitebridge. This iconic site overlooks the beautiful Dudley Beach and has been the site of many weddings, picnics, bowling tournaments and community events over the years. It is a site well loved by the community, not just in the local area but in the region. The bowling club was originally established in 1950 by the workers of Burwood colliery, which operated from shortly after 1848 until 1982. That mine has been credited as being at one time the largest single-producing coalmine in the Southern Hemisphere. It was the first to use powered roof supports in conjunction with a continuous miner and shuttle cars in a retreating shortwall coalmining operation in 1968, and it was the last mine in Australia to work under the sea in 1962, until new laws allowed this operation to take place again in 1979.



The bowling club occupying the site closed its doors in May last year and the administrators, Worrells, have moved in. They are looking for an alternative operator for the site. Expressions of interest have been called for, and it is certainly not clear to the public how those expressions of interest will impact the site. There is a strong view from the community of the Charlestown electorate and the surrounding areas that this particular piece of Crown land is very special and must be kept in community hands. A group of community activists has formed to keep the site in public hands and used for community purposes. That group has called itself Burwood Commons. I congratulate the steering committee members, led by Carmen Blanco, who have been working tirelessly to develop a viable option for the continued community use of the site.

I am very concerned about the potential impact of this legislation on the site currently occupied by the defunct Burwood Colliery Bowling Club. Obviously the role of the liquidator is to collect, protect and realise the club's assets. One of the assets of the club can be seen to be the lease of this iconic site. I am deeply concerned that what this bill might do is allow this site to be converted from Crown Land to land which can be sold and developed. This land could be transferred to UrbanGrowth NSW and sold to a developer, as much of the Crown land in the Charlestown electorate has been. Many developers would love to get their hands on this site with its beautiful views and convert it from land that has been in the past, and is currently, used and loved by a wide cross-section of the community.

My concerns, and the concerns of my constituents, may well be alleviated if sufficient time is provided to allow full consultation on the bill and its associated regulations and documents. The member for Cessnock and shadow Minister for Finance, Services and Property earlier today raised the fact that this legislation—this significant change to the way in which Crown land is managed in this State—was introduced only 21 days ago. There are so many unknowns about this legislation. Having spoken with local councils and groups, I know that there is no definitive answer on how this legislation will operate. So I say, and my Labor Opposition colleagues say, that answers to myriad questions must be provided on this legislation before it can be fully considered by the Parliament. The bill should not be voted on today. It should be voted on when its full impact is known. Until then, the Labor Opposition will not support the bill in its current form.

**Ms KATRINA HODGKINSON (Cootamundra) (17:00):** I support the Crown Land Management Bill 2016, which represents historic reform. My contribution to the debate will be brief. As the Minister responsible for Crown lands from 2011 until 2014, I commenced a review of Crown land in 2012 because when the Coalition formed government it became very clear very quickly that after 16 years of Labor Government Crown lands was nothing short of a mess. There was no integration. Handling of matters was slow and tedious. It was clear that Crown lands needed to be brought into the twenty-first century. This 217-page bill has been a work in progress for five years, if we take into account Cabinet processes that led to the Crown lands review in the first place.

For the first time, New South Wales legislation refers to Aboriginal land rights legislation and native title legislation. When I worked for former Senator Nick Minchin under the Howard Government, I worked on development of a 10-point plan that included the Native Title Amendment Bill. Aboriginal issues are very important to all Nationals, and they are very close to my heart as well. The Crown Land Management Bill for the first time will explicitly recognise Aboriginal people's involvement in the management of Crown land. The bill gives recognition to Aboriginal land councils and native title prescribed body corporates as appropriate Crown land managers. This bill is fit for that purpose.

The existing Crown Lands Act 1989 is almost silent on Aboriginal people and their rights and interests in Crown land. While Crown land legislation always has allowed Aboriginal people to use and co-manage Crown land in New South Wales, it has never referenced their interests or rights. During extensive consultation undertaken as part of the Crown lands management review—the formal review that commenced in 2012—including a great deal of consultation specifically on this bill, there has been strong support for any Crown land framework supporting the ongoing exercise of Aboriginal land rights and native title rights. As I mentioned earlier, this bill certainly is fit for that purpose. However, land claims are not the full extent of Aboriginal people's interests in Crown land. Aboriginal people access, use and manage Crown land for the maintenance, protection and promotion of their culture and heritage. It provides social and economic opportunities as well as retaining immense spiritual significance.

This bill will be the first time in the State's 220-year history that the rights of Aboriginal people have been explicitly referenced in Crown land legislation. That is what Opposition members are voting against. I am sure that every Government member would agree that that recognition is long overdue. Let me first clarify what the new Crown land bill will not do. It will not amend the Aboriginal Land Rights Act 1983 or the Commonwealth Native Title Act. It will not transfer or remove land from the Crown estate, or allow for the transfer of any Crown land to councils, as part of the Government's land negotiation project in relation to land that is the subject of undetermined land claims, without the consent of the relevant Aboriginal land council. Moreover, it will not allow

for the transfer of any Crown land to other agencies without Aboriginal land council consent. Quite simply, existing land claims will not be affected.

But what this bill will do is reference and support native title rights and interests by aiding compliance with Commonwealth legislation. Crown land managers are currently required, as per the Reserve Trust Handbook, to ensure that their dealings are valid under native title legislation, and to comply with all procedural requirements of that legislation. Despite that, many Crown land managers rely on the Department of Industry—Lands to ensure compliance with native title legislation because the department, under delegation from the Minister, must approve almost all dealings by Crown land managers. Under the new legislation, local councils and certain professional Crown land managers will be able to deal with their reserves with minimal departmental oversight. Accordingly, it is important that those local councils and Crown land managers understand and comply with their obligations under the native title legislation. The bill establishes the architecture to assist that to occur.

Local councils and professional Crown land managers will be required to have a native title manager to oversee and approve dealings and actions that may affect native title. Native title managers must undertake training as required by the Minister for Lands and Water. This will ensure a greater understanding of the requirements of native title legislation. To demonstrate this Government's commitment to this initiative, I have been advised by the Minister that the Government will pay for initial training for all local councils and professional Crown land managers state-wide. This bill also supports Aboriginal people's involvement in the management of Crown land. This is evidenced specifically by an object in the bill that acknowledges "the spiritual, social, cultural and economic importance of land" to Aboriginal people, and emphasises the facilitation of the use and co-management of Crown land by Aboriginal people. In addition, the bill recognises that local Aboriginal land councils and native title prescribed body corporates are appropriate "persons" to be appointed Crown land managers.

The bill also includes provisions that enable the Minister to make rules requiring Crown land managers to facilitate Aboriginal use of Crown reserves, including in plans of management. Further provisions will prohibit the vesting of land in councils, or other government agencies, that is subject to a land claim without the express consent of the relevant claimant local Aboriginal land council. When decisions are being contemplated to divest locally significant land away from the Crown estate, local Aboriginal land councils will be at the table. Along with local councils, they will be involved in the voluntary negotiation process to ensure that Aboriginal rights and interests are properly represented. Utilising the new Aboriginal land agreement provisions of the Aboriginal Land Rights Act 1983 during those voluntary negotiations will encourage the settlement of multiple land claims. That will be good for everyone. That in turn will provide opportunities for sustainable social, cultural and economic benefits for Aboriginal people and greater certainty for all parties over Crown land.

This bill represents a vast step forward from the current inadequate recognition of the rights and interests of Aboriginal people. It provides far greater recognition for Aboriginal communities and the role they play in the management of Crown land. It complements the New South Wales Aboriginal Land Rights Act and supports compliance with the Commonwealth Native Title Act. This bill demonstrates the Government's ongoing commitment to Aboriginal people. It is important to mention that this bill has been prepared with due care and due consideration. No stone has been left unturned in ensuring that this bill has been properly researched and managed. The legislation has been a long time in the making. As I mentioned, the process began in 2011. The review commenced in 2012. A significant amount of work has been done. When I handed the portfolio to former Minister Humphries and when it later passed to the current Minister, the Hon. Niall Blair—who is a terrific Minister who has gone through the process and brought it through to its conclusion—the preparation of legislation was underway. The bill has my full support. I commend this bill to the House.

**Ms JO HAYLEN (Summer Hill) (17:08):** The Crown Lands Management Bill 2016 consolidates a number of Acts pertaining to the management of Crown land in New South Wales, and it incorporates significant amendments that will change the way almost half the land in New South Wales is managed. The bill amends arrangements around reserve trusts, designates Crown land into State and local significance, rationalises leasing arrangements, and most controversially allows the Minister to vest Crown land not under native title claim to government agencies without the need for a whisper of community engagement. As a result, this bill carries all the hallmarks of the Baird Government in that it undermines public expectations of transparency, consultation and integrity, and facilitates the sale of public assets.

The Department of Industry—Lands estimates that almost 50 per cent of the land in New South Wales is Crown land, of which the department manages approximately 33.5 million hectares, including 44,844 licences and permits and 8,442 leases. Crown land is managed by the Government in the public interest—in fact, it is vital public space where our communities flourish. We use this land to gather together, to celebrate, or to explore. This land is used for our parks, beaches, riverbanks, golf courses, reserves, and heritage estates. We use Crown land for our schools and hospitals, as well as our majestic national parks and State forests.

In the Inner West, where open and recreational space is at a premium, Crown land is central to the amenity and vitality of our communities. Examples include the magnificent Callan Park, 61 hectares of lush parkland in the heart of Rozelle punctuated with heritage buildings such as the Kirkbride Centre. The Addison Road Community Centre in Marrickville is home to a host of not-for-profit organisations and artists, supporting countless communities through innovative, creative and social-justice driven programs. Ashfield Park is one of the most significant Victorian-era parks in the State, housing the Commonwealth Pavilion and monuments commemorating mother languages, Indigenous Australians, our earliest explorers, and even Mary Poppins.

There is the Yasmar Estate in Haberfield, the last remaining example of a suburban villa in a garden setting on Parramatta Road, built in 1792. There are many examples, some perhaps less lofty but no less important to the community, including bowling greens, cricket fields, tennis courts and each and every one of our precious parks. We have Marrickville Golf Course, Arlington Oval in Dulwich Hill, and the vital open spaces along the banks of the Cook's River, which are used for recreation and as a critical cycling corridor. Locals rightly expect that this land will always remain in public hands, but under this Government and under this bill the sad fact is that that can no longer be guaranteed. This land is owned and managed by the Government for our collective benefit. It is held for us to enjoy, but also for future generations—so that as our cities and towns grow, we do not crowd out the places for our kids to run around, for elderly residents to meet, and for our native wildlife to flourish protected from human development. In so many ways, Crown land is where our community happens, and we must do everything we can to protect it. This bill is very far from protecting that goal.

Given the importance of Crown land to the people of New South Wales, I am disappointed the Government is seeking to ram this bill through the Parliament, denying meaningful consultation with stakeholders, experts and the community. We are being asked to trust the Government on the detail, but given its recent form, including bungles at Land and Property Information and the way this Government undermined fairness in the acquisition process for WestConnex, it is clear that it cannot be trusted. Like my colleagues, I cannot support a bill fundamentally transforming Crown land management that is arrogantly being rushed through the Parliament.

I call on the Government to give this House and the community more time to properly assess the bill and the amendments put forward by the Opposition. As the Hon Mick Veitch, shadow Minister for Lands, noted in the other place, good Crown land management is underpinned by the principles of the triple bottom line; that is, decisions should endeavour to balance the social, economic and environmental principles. These principles are designed to advance sustainability and were included as an addendum to the Crown Land Act 1989. Unsurprisingly, the Baird Government has tried to remove these principles from the bill, although I welcome news from the other place that it appears the Government has reneged on this decision and will retain them. Still, the omission of these principles has rightly raised red flags in the community.

One constituent told me that they were not surprised the Baird Government was removing these principles, because under this Premier the environmental and social benefits would always be secondary to economics. Community members have also raised with me concerns about how this bill will interact with the Government's disastrous land-clearing legislation, another contentious bill that the Government is seeking to ram through the Parliament in these final sitting weeks. I hope that the adoption of Labor's amendment to restore the principles outlined in section 11 of the Crown Lands Act 1989 will help to restore clarity and purpose to Crown land management and continue to stake the ground for sustainability. The second area of concern and confusion caused by this bill is in its intersection with the New South Wales Aboriginal Land Rights Act 1983. The very basis of Crown land originates in the invasion of Aboriginal land by Europeans and the subsequent declaration of terra nullius. As European settlement expanded across New South Wales, allocations of Crown land were determined so as to protect public amenity and to embed the notion of ownership of the land.

On the one hand, this latest legislation recognises the importance of land titles and demands vestment of lands under title be conducted in consultation with Indigenous communities and land councils—that is a good thing. But the bill also works to undermine aspects of the Aboriginal Land Rights Act, and the intersection between the two Acts must be properly assessed before this bill is put into effect. Currently, land title claims can be made only on Crown land. This bill facilitates a reduction in Crown land, meaning that less land is available for land title claims to be made. With the Minister able to vest Crown lands at will, what is to stop him hearing of a potential claim on a parcel of Crown land and then vesting it to block the claim?

This is an appalling notion and it must be resolved before this bill is rushed through this Parliament. I share my colleagues' frustration that the Government did not use the opportunity of debating this bill to change the term "Crown land" to "State land" because the term "Crown" in this context is potentially offensive. First, this land is no longer held in the name of the Crown and, secondly, continuing to refer to it as such serves to further ignore the violent dispossession of Indigenous people from their land. Words matter and unfortunately this is another lost opportunity.

The bill fundamentally alters the roles of State and local governments in managing Crown lands. It proposes moving responsibilities for some Crown land to local councils and to the Office of Local Government under the Local Government Act 1993. While it is clear that councils are best placed to manage certain Crown land, including local parks and beaches, I share my colleagues' concern about the message sent by moving responsibility for Crown land to the Minister for Local Government or the Minister for Planning. It reveals, I think, what is the true purpose of this bill—the facilitation of the Premier's great fire sale of Crown land in New South Wales.

I strongly oppose the Government's decision to grant the Minister for Primary Industries, and Minister for Lands and Water power to vest any parcel of Crown land to government agencies without consulting the community. This measure fundamentally undermines the basis of Crown lands—that these are public assets to be managed for the collective benefit of the citizens of New South Wales. We know this Premier has not seen a public asset he would not like to sell. We know this Government will not let anything stand in the way of helping a developer to make a dollar. To me it seems this Government views Crown land as a honey pot, land it can divest and sell to developers, never mind how important or essential it is to community life.

If this legislation passes, there is nothing to stop the Government from divesting land to UrbanGrowth NSW for development or to Sydney Motorway Corporation. In Haberfield and Ashfield, where we have seen indescribable destruction for WestConnex, parks and Crown lands like Yasmar and Ashfield Park could simply be divested to Sydney Motorway Corporation with the stroke of a pen. In Haberfield, Sydney Motorway Corporation has slowly overtaken more and more of Reg Coady Reserve, swallowing up more and more space for the construction of WestConnex. [*Extension of time*]

Reg Coady is a small reserve on Iron Cove Creek, but is invaluable to local residents. It once was the home of majestic fig trees and was an important resource for kids, dog walkers and birders. It has now been torn up and is being used as a turning bay for heavy vehicles hauling spoilage from the WestConnex construction sites. It has been used as a car park for construction workers. The Inner West Council is currently engaged in a legal dispute with Sydney Motorway Corporation [SMC] over its use of additional lands that were not approved by the Minister for Planning's instrument of approval. SMC offered a measly sum to compensate the council for the loss of the park, an amount the council is now contesting. Under the Crown lands regime proposed by this bill, there would be nothing stopping the Minister from divesting the park to the corporation, an entity which has been entirely shielded from public scrutiny. The community would not need to have been consulted and the council would not need to have been compensated.

The bill will effectively stop councils from challenging the Government in court. In the name of cutting red tape it will stop councils pursuing the Government and its agencies for fair compensation on behalf of the community. It will also muzzle the community from objecting to the loss of Crown lands. Indeed, the Haberfield community has continuously fought the acquisition creep in Reg Coady Reserve. There are no circumstances under which local residents would have accepted this reserve being lost to the community forever, but under the changes proposed in this bill that would not matter: The Minister is under no obligation to consult with the community. This bill would allow our reserves and parks—like Reg Coady Reserve—to be vested and sold off with the stroke of the Minister's pen.

The WestConnex example shows just how much power this bill hands directly to the Minister. We are being asked to trust that this Minister and this Government would only divest land if it were in the public interest, but it is clear that their view of the public interest is at odds with the community's view. I fear that we will lose vast tracts of our invaluable Crown land to the small-mindedness of a government that is clearly addicted to selling off public assets. The Government underestimates just how much these spaces matter to the community. Our public spaces and publicly held lands are not gifts that the Government should be able to hand over to government agencies or developers; they are our lands, managed for the collective good of the community. I join with my colleagues in calling on the Government to pause, to engage with the community and to reflect on how the bill could better serve the people of New South Wales. I support the amendments proposed by the shadow Minister in the other place and many of my colleagues here today. If the Government cares to listen, there is one message above all others, a message that is not contained in this bill: Our State should not be for sale. I oppose the bill.

**Mr ALEX GREENWICH (Sydney) (17:22):** I speak on the Crown Land Management Bill 2016. The Crown lands estate provides significant environmental, social, recreational and cultural values that must be protected. Millions of hectares across rural, regional and urban areas of New South Wales are Crown land, representing approximately 42 per cent of the State. Crown lands include vital habitat for endangered species and ecosystems, wetlands that provide habitat for migratory birds protected under international agreements, additions and connections to reserves used by native animals to travel, remnants of native vegetation in towns, beaches and important community space, including open space for recreation. Much Crown land has important functions such as carbon sequestration and maintaining and improving soil fertility, air quality, and water quality.

The Crown Land Management Bill is about enabling the Government to sell and dispose of Crown lands in a planned stocktake of the entire estate. This obsession with stripping government assets, functions, and responsibilities is getting out of hand. We are privatising electricity generation and retail, prisons, TAFE, ports, and government functions such as land and property services, school camping centres, and bus services. We are selling inner city public housing, government department buildings, cultural institutions, investment property, and prime harbour land. There is a real fear in the community that there will be nothing left and future governments will have less control to address challenges like climate change, housing affordability, and liveability in response to population growth. This bill is part of a trend, with the State Government reducing ownership and management responsibilities of Crown land.

The Crown Land Management Bill gives the Minister ultimate power to dispose of Crown land that is not considered State significant. The criteria under which the Minister will determine what land is State significant and to be retained are not even in the bill and can be changed without Parliament's approval. I welcome the amendments moved in the other place to include these criteria in the regulations, but this is not the same as including criteria like environmental, social, heritage, or cultural value in the Act. Even with these criteria, there are no guarantees on how decision-makers will determine whether to retain land as part of the Crown estate. The bill gives decision-makers significant discretion and provides little guidance on how decisions should be made. The Minister will have ultimate power to grant a lease, licence, permit, easement or right of way over any parcel of Crown land as the Minister sees fit. The Minister's requirement to give public notice of the intention to sell public land has been removed and, while community engagement strategies have been included, the content of these will be determined by the Minister with no minimum consultation requirements in the bill.

Of great community concern is the future of travelling stock routes in the Central and Western divisions. Travelling stock routes have significant high biodiversity value and provide vital habitat for endangered and vulnerable flora and fauna. Native animals like koalas use them to travel between forests and national parks, and they have a vital carbon sequestration function. The biodiversity values of these parcels of land are much higher than adjacent private land because grazing is periodic and they are not fertilised or ploughed for crops. Travelling stock routes are used by bushwalkers and birdwatchers, but will their value be assessed in terms of environmental contribution to the State or will they be considered of local significance to the neighbouring property owners who use them for grazing? The bill provides no guarantees. If travelling stock routes are sold off and cease to be managed for their environmental and biodiversity values, the State's already seriously degraded native landscape will be further degraded and our shameful record of species loss will certainly escalate. Salinity and soil erosion of agricultural land will also worsen.

I am concerned that this bill will reduce opportunities to make claims for title under the Aboriginal Land Rights Act 1983 despite the Government's claims of the opposite. Removing the Minister's requirement to give public notice of the intention to sell public land means local Aboriginal land councils will not be alerted about land that is no longer lawfully used, occupied or needed for a public purpose, precluding them from making a claim. Once land is no longer Crown land, a local Aboriginal land council cannot make a claim under the Aboriginal Land Rights Act. How will Crown land held for public recreation in urban areas be assessed in terms of significance to the State?

Under the existing regime of leases and licences, there are shocking examples of Crown land being commercialised, developed and managed for private benefit at the expense of public benefit. The Paddington Bowling Club in my electorate, for example, was set aside for recreation and open space adjacent to Trumper Park. However, the club was managed as a commercial for-profit enterprise and was the subject of a formal inquiry under the Registered Clubs Act 1976 and investigations over a number of years by police and the Office of Liquor, Gaming and Racing for breaches of liquor licence and registered clubs conditions. Community members have long alleged that the vulnerable bowling club was used to try to gain access to public land for its development value.

Without any tender or public process, the Paddington Bowling Club site was sublet for commercial operations with the lease transferred to a private company, CSKS Holdings. There are allegations that the transfer was improper. Changes to the lease allowed CSKS Holdings to take out a mortgage using this publicly owned land as collateral. After the changes, the company submitted a development application on Crown land that is dedicated for open space and recreation. The new lease charges were set based on the Paddington Bowling Club being a non-profit organisation, despite CSKS Holdings not being a community or sporting club and despite commercial use for private gain not being consistent with the lease.

Indeed, the club appeared to be run as a profitable business. I understand CSKS Holding's rent was below what it received from subleasing the two tennis courts on the land alone, allowing a substantial windfall. It is alleged that some of the past members of the club board had connections with those who later took over the club

operations under CSKS Holdings and that some individuals operated the former Paddington Bowling Club as a private business, allocating themselves large payments after the club itself went into financial administration.

The former Deputy Premier commissioned an independent review, which resulted in the matter being referred to the Independent Commission Against Corruption. I share community concern that this lease has been poorly managed, and there is little faith that anything will be done about what appears to be fraud, misuse of Crown land, and maladministration. These concerns were uncovered and raised by club members, residents and the adjacent community, and by repeated representations from former member Clover Moore and myself, not by the government agency with responsibility for the land and the lease. Under the proposed system to streamline Crown land transfers and sell-offs, it is likely that the Paddington Bowling Club would have been assessed as a commercial venture and sold off to the lessees. There is widespread community concern that this will be the future of land despite a historic dedication for non-profit recreation and open space.

The bill facilitates the transfer of Crown land to councils, under which the Crown Lands Act will not apply, allowing councils to manage the land in any way they want. Community land can be reclassified as operational following a public hearing and sold off for development. Some councils will do a good job but there are particular concerns if land is transferred to cash-strapped councils and super councils, which will have less grassroots representation. The State has a role in providing space for recreation for present and future generations and ensuring that recreational opportunities are not lost through population growth or economic pressure. State ownership of Crown land is about protecting community access and environmental, social, heritage and cultural values. Public stewardship ensures future opportunities to reserve land as national park or under Aboriginal land title. It protects biodiversity and recreational space, and has done so for over a century. The bill puts all this at risk and I cannot support it.

There is a campaign calling for the debate and vote on this bill to be postponed. This is complex legislation and the community has not had an opportunity to contribute to a draft bill. A white paper was issued more than two years ago and then the final bill has come before Parliament with two weeks to assess it. I support the campaign and call on the Government to withdraw the bill and postpone the debate and the vote to allow community consultation on the bill over the summer break. I oppose the bill.

**Ms TRISH DOYLE (Blue Mountains) (17:30):** I add my voice to those of my Labor colleagues who have stood together today to point out the shortcomings and failings of the Crown Land Management Bill 2016 introduced by the Baird Government. It is often the strategy of the Baird Government to conceal malice in its legislation with incompetence. My Labor colleague the member for Cessnock spoke for more than 40 minutes earlier today about the implications and unintended consequences of this legislation. These consequences, which one might charitably chalk up as examples of ministerial incompetence, are just as likely ideological and malicious. Under this Government, we must be very careful about knowing the difference.

We have seen in the very recent past that at times Ministers in this Government have to be led by the nose by members of the Opposition to see what the impact of their legislation will be. As Tim Freedman points out, "You can lead a horse to water but you can't make it enjoy the view." Sometimes, though, if you lead the horses opposite along by the nose for long enough they can eventually be persuaded to see the unintended impacts of their poorly drafted legislation—like when the Government backflipped on its own apparently accidental attempt to deregulate the debt collection industry. Those opposite only realised their mistake when the member for Swansea pointed out to the Minister for "Imitation and Poorer Regulation" that they would have bikies and spivs on doorsteps shaking people down for overdue telephone bills.

Sometimes this Government is malicious and sometimes it is incompetent. I suppose we shall see which it is later tonight when it accepts or rejects our amendments. The amendments to this bill are important and I will outline why. In the first place, the bill represents a complete upheaval of the Crown lands management arrangements in this State and there has been no explanation why this is necessary or beneficial. Indeed, it is very concerning. In my electorate alone there is a number of examples where the proposals contained within this legislation will produce poor outcomes for the local community. I have spoken in this place before about the historic railway tunnel that runs beneath Glenbrook. This was a mushroom farm and a World War II mustard gas storage facility. The mushroom farm was shut down recently by Crown Lands due to abhorrent employment practices, but now as a community we face the prospect of this heritage-listed site being sold off or "managed off" and there no longer being any way for the Government to ensure that it is used for community benefit or that it is not in fact misused by another unscrupulous business.

Likewise, the Katoomba Airfield at Medlow Bath is fighting for its survival right now. I recently met with the widow and daughter of the former operator of Katoomba Airfield, Rod Hay, who died in tragic circumstances at the airfield earlier this year. Rod had been fighting for the right to renew his lease and continue operating the bush airfield that our local Rural Fire Service, State Emergency Service and National Parks and Wildlife Service staff rely upon during emergencies, bushfire disasters and of course general operations

throughout the year. With his passing, his family have taken up the fight to renew the lease and continue to operate the airfield.

Under this legislation, we face the prospect of the airfield site being flogged off altogether and residential development of the site being put back on the table. The airfield site is sandwiched between the national park and the sleepy village of Medlow Bath. The changes this Government is proposing put at risk the ongoing future of the airfield, which is critical infrastructure for the Blue Mountains. During bushfire emergencies and search and rescue operations it is the operational hub for our emergency services agencies. Unless Katoomba Airfield can be allowed to secure a long-term lease, this emergency management capacity will be put at risk. And for what? It is for this Government's ideological obsession with transferring public assets to the private sector.

I reiterate for the *Hansard* record what others in this place have already said: Crown land is public land. In view of this, Labor has proposed using this bill as an opportunity—with amendments—to rename Crown land as State land to acknowledge the ownership of these parcels of land by the people of New South Wales. As a strong supporter of an Australian Republic, I am keen to see outdated and irrelevant references to the Queen of England scrapped. But there is much more wrong with this legislation than just who has naming rights of what is left of the public estate once Casino Mike has finished selling it all off to his developer mates. Huge environmental impacts will arise from any watering down of protections for Crown lands, which is what this legislation seeks to do. The Government describes any environmental protection as "red tape". That is a very clear indication of the Government's ideological obsession. What ordinary people see as a basic protection for the environment, Mike Baird and the Liberals see as red tape. They see it as a hindrance to profit making by their mates at the big end of town.

I note the advice provided to me by environmental and conservation experts who have explained the dire consequences of the bill for threatened flora and fauna. Of particular concern is the fate of travelling stock routes, which are a network of land parcels sited on Crown land throughout New South Wales. They cover more than 500,000 hectares. Travelling stock routes are a vital resource for the State's threatened flora and fauna. Though they have historically been grazed, unlike on adjacent farmland the grazing intensity has typically been quite low. Furthermore, clearing of travelling stock routes has been limited. This has allowed for not just the formation of abundant tree hollows but a build-up of coarse woody ground debris and the opportunity for natural canopy regeneration to occur. These habitat elements are typically limited on overcleared and overgrazed agricultural land. This complexity of microhabitats within the vegetation results in multiple niches being created that support invertebrates and natural vegetation regeneration, which in turn supports faunal groups such as reptiles, woodland birds and microbats.

Travelling stock routes range in width from tens of metres to whole kilometres, providing vital landscape-scale biodiversity links. Threatened and migratory fauna species use them as corridors, which link larger islands of habitat in national parks and State forests, and they provide good habitat for a variety of threatened flora. They are also vital for the preservation of endangered ecological communities. Allowing those assets to be sold or transferred to other government departments or landowners would have a severe impact on the integrity and value of the areas and on the biodiversity that they support. Where the Government should be increasing environmental protections for those vital areas, it is instead diminishing them.

The impacts of this rushed and poorly thought out legislation are many and varied. I do not think the Government has sat down and thought this stuff through. There is a pattern emerging where the Government fronts up with a bill, throws it down on the table and then seeks the free political and public policy advice of the Opposition to point out the problems with it. Then the Government goes back and rethinks it. The Government did that with debt collectors and with compulsory third party insurance, and it is very likely doing it now with Crown lands. I am not sure that the Government has fully thought through the types of groups that will be impacted by this poor-quality legislation.

For example, have those opposite considered what the impact will be on local community groups such as the Blackheath Area Neighbourhood Centre and the activities it runs—such as the vital out-of-school-hours program in my electorate—or the Women's Domestic Violence Court Assistance Scheme, which operates from Crown land? These resources are very often sited on Crown land. What impact will this legislation have on those groups? What guarantees will the Government give that its rushed, poorly drafted and short-sighted bill will not undermine the long-term future of those services? It is no mistake that there has been next to no community consultation on the bill. The Liberals are pushing this legislation through using the cover of the American election today in the knowledge that by the time the people of New South Wales realise what they have done it will be too late. It is a very cynical move.

Another insidious aspect of this legislation is the effect it will have on native title claims. Creating power for the Minister to vest Crown lands in local councils means that the potential for native title claims over various areas is stripped altogether once the land is no longer Crown land. This means that the bill is effectively an attack

on the rights of our Aboriginal people to make lawful native title claims by triggering a fire sale of properties and transferring them to categories of land title that become ineligible for a native title claim. This is an affront to a concept that should, by now, have enjoyed cross-party consensus in this place. Labor will move amendments to this legislation to fix its failings and shortcomings, but it is absurd that Government has established a habit of bringing bad legislation to this place and then asking us to fix it. It is a very poor way to govern and, if Government members lack the skill or the passion for it, they should just hand over to us now and get out of the way.

**Ms JULIA FINN (Granville) (17:40):** I oppose the Crown Lands Management Bill 2016. This bill is the most significant and far-reaching revision of Crown lands management since 1989, and possibly since the nineteenth century. It is a radical rewriting of significant legislation that has major impacts on many other Acts and requires much more careful consideration than it is receiving in this Parliament. At more than 200 pages, just its size makes it difficult for members to consider it effectively in such a short time frame, having been tabled in the previous sitting week. It should be delayed until 2017 to allow the community to consider it. These are radical changes. Crown land management is not broken; any modernisation that needs to occur can happen through a much more collaborative approach. So why do we have these changes? Like everything in New South Wales that is deemed to be a priority, it makes things easier for property developers. We see this over and over again with this Government—even the now overturned ban on greyhound racing seemed to be all about freeing up public land for development, particularly at Wentworth Park.

Why am I cynical? It is because not far from my electorate the Government is trying to fill highly significant heritage sites on Crown land in North Parramatta with units and is demolishing the local pool to expand Parramatta Stadium rather than building it across the adjoining car park, which instead is getting a high-rise building. I know the successful Aboriginal land claim on Parramatta jail has been incredibly inconvenient for UrbanGrowth and its developer partners and, as has been stated in the other place, this bill potentially undermines the capacity of land councils to make claims on Crown lands. In the other place the Hon. Lynda Voltz referred to the potential undermining of the Parramatta Park Trust Act and the appalling process that this Government has undertaken in relation to the proposed demolition of the Parramatta War Memorial Swimming Pool.

The pool is built within Parramatta Park and the Act specifically requires that if any part of the land is to be leased there must be public notification and the lessor must be clearly defined. The terms of the lease must be open to the public and the public must be able to comment. The current lease is with Parramatta City Council and obviously if there ceases to be a council pool there, and Venues NSW builds a stadium instead, the lease needs to change—a new lease is needed for a new lessee. Instead, the Government has submitted a development application—it has gone to tender and lease—to build Parramatta Stadium on Crown land that belongs to Parramatta Park, with no change of lease and no amendments to the Act. This bill makes this type of process much easier. The development application for the demolition of the pool only consulted the park trust and Parramatta City Council. It was not advertised properly in a way the community could respond to and even the Parramatta Swimming Club was not consulted. The process has been a disgrace, but that sort of process is championed in this bill.

Parramatta Park is not just any park—just some block of flood-prone land that has become a park by default because no-one wanted it. It is a World Heritage listed park, the site of some of the most significant colonial heritage buildings and landscapes in Australia. If that park cannot be adequately protected from this Government's pro-development, anti-community agenda, then nothing can be—especially when the Crown Lands Management Bill 2016 comes into effect. The bill makes significant changes. The renaming of Crown land as State land is supported. It makes it clear that the land is the property of the people of New South Wales, but most other aspects of the bill are appalling. I am most concerned about the ease with which the bill enables the sale of Crown land. Under the bill, Crown land can be vested without notification to other government agencies or councils. At the moment, Crown land vested with councils is classified as community land but under this proposal Crown land can be vested as operational land and then disposed of. That is possible now under the Local Government Act and this reform makes it much easier to flog off Crown land. This is not in the public interest and it is not necessary.

Notably, the Minister opposed Labor amendments in the other place that would require more effective public consultation prior to any sale or lease of public land, claiming it is dealt with through the community engagement strategies, but these are poorly defined. This will allow a fire sale of the State and is a gift to property developers. It is almost like the Government has looked at an aerial map with its developer friends to find all the green bits, and then worked out which bits it can sell. That is what it looks like, and that is what this bill allows. Land may be transferred to councils against the express wishes of the council. Not all parcels of land are desirable for a council; they come with maintenance obligations. The Government should not be palming off responsibility such as this. The public interest is referred to in the objects of the Act, but it is ill defined and provides little guidance to the Minister as to how to measure and consider the public interest.



Changes of use of Crown land must consider such factors as the environmentally sustainable use of the land; the heritage and cultural values of the land; facilitation of the public use and enjoyment of the land; encouragement of the use of land by Aboriginal people, the traditional owners of the land; and that the use, lease or sale of land be in the best interests of the State. Instead of requiring the establishment of reserve trust boards, the bill provides for the establishment of Crown land managers. It is unclear why or whether this provides better management. Trusts usually represent the community of interest for the parcel of land they represent and do a good job. There is no reason—and none has been given—to get rid of them. What is particularly concerning is that in the other place the Government opposed Labor's amendments to ensure that Crown land managers would be within the scope of the Government Information (Public Access) Act, saying it was creating unnecessary red tape. Accountability is always necessary when dealing with public land.

Statutory advertising will no longer be required, and has been replaced with vaguely described community engagement strategies. In fact, community engagement strategies are a key feature of the entire bill. This alone sets off alarm bells, given the horrific experience of community engagement under this Government. This is a Government that cannot tell the difference between notification and consultation, or between consultation informing decision-making and notification after a decision posing as consultation. We see it time and time again. We saw it with the council amalgamations. At every step in the Fit for the Future process, the next stage was commenced without the Government considering and responding to the findings from consultation on the preceding step.

We have seen it over the past few years with UrbanGrowth's North Parramatta redevelopment, where the community was talked at and presented with plans for short-sighted residential overdevelopment, which they hate. The consideration of the Parramatta pool site in this planning has been even worse. The first plan had a four-storey building drawn over the pool. When the community questioned it, they were told it was only a typo. Then they were told it was an opportunity and now they have lost their pool altogether. Even with the M4 widening project in my electorate, despite the Minister's insistence that the cycleway would remain open throughout construction, that too has been closed, without prior notification, at multiple points, forcing cyclists onto busy roads and to pass parked cars. The Government has been no better than the developers it wants to sell everything to, who often do the bare minimum to consult the community and ride roughshod over them, even when they do not need to. I know this has been the experience of other communities throughout the State. Community engagement means sounding out developers and telling the affected community later.

In terms of square kilometres affected, one of the biggest changes outlined in the bill is the conversion of Western Lands leases and the abolition of the Western Lands Act. The Western Division of New South Wales covers almost a third of the State. It is mostly Crown land held under long-term leases, with restrictions on its use. Under this bill, it becomes much easier to convert that leasehold land to freehold, even leases with soil capability limitations. Apparently native vegetation laws will protect this land if it becomes freehold, yet the proposed changes to native vegetation laws in New South Wales make this absolutely laughable. That provision alone will cause widespread environmental destruction and degradation. This change is hard to fathom. There is almost no increase in value to government from converting leasehold to freehold and there is not a lot of interest from leaseholders for these changes. But it fits with the Government's general view that reducing the size of government and flogging off everything—even the land beneath our feet—are in the best interests of the community.

Strangely, the bill does not require the notification of the Registrar-General about minerals. The language of the bill makes references to "if and when the Minister notifies the Registrar-General". This notification should be mandatory, and the language should be clarified to say "must". The Government also proposes to abolish the Commons Management Act with this bill. This raises large concerns about the loss of historic rights and ways of managing commons that have not been addressed effectively. This affects many communities and needs further consultation. Overall, the bill is a disaster.

Crown land management in New South Wales is being destroyed in this bill to make way for more of the developer opportunities that we see time and again under this Government. Even where there is little demand for it—like in the Western Division of the State—it is being destroyed. Transferring Crown land to councils or other agencies is not a small matter. It is a strategic decision to make them less available to the community, less able to be subject to land claims, less expensive to manage, and less likely to remain in public ownership. This will free up much of the State to be sold off to developers, which is what this bill is about. Once it is gone, it is gone forever.

**Ms TAMARA SMITH (Ballina) (17:50):** It is safe to say that two weeks is proving to be not enough time for Parliament to engage with the Crown Land Management Bill 2016. Overall, 42 per cent of New South Wales is Crown land, which amounts to 33 million hectares, and stewardship of such land in the public interest is, therefore, a hugely important task. The scheme creates two major management streams for Crown land: one through local councils, which manage land through the Local Government Act; and the other for general Crown

lands. Lands in Western New South Wales are also subject to lower levels of controls and will be easier to sell and develop, with certain activities given deemed approval.

Division 4.6 of the bill allows for a significant portion of the Crown estate to be vested to local councils without any statutory protections or clear statutory criteria to assess which land may be transferred to local councils. Once Crown land is vested to local councils, the Crown Lands Management Act will no longer apply and new owners are essentially free to do what they like with the land. We have serious concerns that this will see large swathes of public land sold off, leased and overdeveloped. The Greens cannot and will not support the bill as it is presently drafted.

The reforms seem like a genuine first step, ensuring that public land is properly managed for the public benefit. But with Crown land encompassing 42 per cent of land across the State, we must ensure that the bill is more than a good start. Despite the Herculean efforts in the other place, the bill not only lacks protections for land once it is transferred to local councils, but also lacks environmental protections for ecologically sustainable development, and it has the potential to undermine the Rutledge principle. The Rutledge principle comes from a High Court case of the same name in 1959, which says that Crown land held on trust for public recreation requires the land to remain open to the public generally as of right and not be a source of private profit. Public profits are allowed, provided they are reinvested in the trust. The High Court was trying to stop privatisation by stealth. We know of a number of cases recently where that principle was considered to be authoritative and was applied. As this legislation currently stands, this principle does not need to be applied by councils under the devolution model.

The bill leaves public land vulnerable to privatisation. It fails to protect the environmental values of land in the Western Division and it does not include ecologically sustainable development principles. The explicit inclusion of Aboriginal people in this bill and protections for Aboriginal communities with regard to native title and Crown land are necessary and welcome. However, an unintended consequence of this legislation may be that Aboriginal people lose access to the rivers and custodial lands along travelling stock routes. There are 500,000 hectares of travelling stock routes in New South Wales.

Those routes in the west and the east of the State not only are vital for the economic interests of our agricultural sector in New South Wales, but also can be beneficial in times of drought, bushfire or flood. They are also used for public recreation, as apiary sites and for conservation. They are accessible custodial lands for traditional owners who have not or cannot claim native title. We all know how vexed native title is and how hard it is for Aboriginal communities to claim native title successfully. It is false to suggest that access to land for Aboriginal peoples will be covered by addressing native title. What will happen to travelling stock routes under this legislation and accessibility for traditional owners who do not have native title?

There is also an environmental issue at play. The travelling stock routes are the last remaining vestiges of vegetation that used to cover vast flood lands. Those last remaining vestiges of vegetation are linkages that run through western and eastern New South Wales—little rivers of ecological density, which are beautiful and extraordinary. Travelling stock routes in New South Wales are also replete with populations of threatened species. I find it extraordinary that there is no specific mention of travelling stock routes in this legislation and no guaranteed protection of them in the bill. This is despite those routes being specifically part of the 2013 report entitled "Crown Lands Management Review". The report stated:

There are issues around ownership, governance, future use and the role of government. In particular, it needs to be determined whether the NSW Government should continue to own and control travelling stock routes.

The Greens oppose the bill, even though it has been improved through the amendment process. We supported an amendment to have the legislation deferred until the first sitting day in 2017, which would have ensured sensible consideration of the bill and proper consultation with local councils, environment groups and passionate community members. That amendment obviously did not succeed. The Greens successfully moved an amendment that will protect commons across New South Wales. This preserves longstanding arrangements whereby public land is shared amongst communities. Commons are precious pieces of public land that are shared equally among locals. There are approximately 200 commons across New South Wales. Local residents and farmers use commons for grazing stock, public recreation and community gardens.

We acknowledge some of the amendments that the Government moved in the other place. The Government amendment providing that there are statutory principles on how to manage Crown lands is welcome. The environmental protection principles have been reinstated with regard to the management and administration of Crown land. That is where the principle ends. That is unambiguously good, but it needs to be addressed further. Those key principles should have been included in the bill originally. Crown lands encompass 93,900 hectares of wetlands, including two Ramsar-listed wetlands, and provide habitat for at least 23 migratory bird species protected under international agreements. For environmentalists, this is important legislation.

Crown lands are dominated by ecosystems that have always had high conservation priority. Of the 193 ecosystems that occur within Crown leases, 143 are endangered, vulnerable or poorly reserved. Vegetation on Crown lands is of a suitable size to provide major habitat refuges, important additions to existing reserves and vital landscape connectivity. Crown lands provide habitat for at least 71 threatened plant species and 111 threatened fauna species. Crown lands include numerous areas of outstanding iconic value to nature conservation in New South Wales, such as the Macquarie Marshes, Gwydir wetlands and Lowbidgee floodplain. More than 30 million hectares of Crown land in the Western Division have land management arrangements to protect the fragile soils and water sources in the arid landscape. In urban areas, Crown land parcels can contain important remnant vegetation and can be critical to the survival of resident, itinerant and migratory birds and animals.

The Greens have been working with community groups, local councils and environment groups across the State to support the deferral of the bill. We have put forward a comprehensive set of amendments, including seeking to ensure that ecologically sustainable development principles are prioritised, that enforceable protections are implemented for retaining public land, that community consultation is meaningful with enforceable criteria, that the existing principles for retaining Crown land are reinstated, and that the public requirements and public interest in decision-making related to public land are retained. Though the reforms are well overdue, there are many changes to be made before we can say that New South Wales has a system that will properly manage and protect the 33 million hectares of Crown land in this State. The Greens do not support the bill.

**Ms KATE WASHINGTON (Port Stephens) (17:59):** I wish to contribute to the debate on the Crown Land Management Bill 2016. Crown land belongs to the State of New South Wales. To state the obvious, Crown land belongs to the people of New South Wales. It follows that Crown land should be managed in a manner that returns a benefit to the people of New South Wales. The State Government is responsible for the management of Crown land on behalf of the people of New South Wales. It manages some of the most amazing public assets the State has to offer. However, there has been trouble brewing in paradise. The experience of many people in my electorate shows that there is need for change in the way that Crown land is managed and a very real need to reduce complexity and duplication. There is also a great need to improve transparency and consultation with the community.

On this point, I am compelled to mention the immense frustrations that members of my community and their council have had in dealing with a regional Crown Lands office when seeking approval for dredging of waterways and in relation to other waterway issues around the Tea Gardens and Hawks Nest area. Only through enormous community pressure and advocacy over a very long time did they see the right steps being undertaken to improve the waterways in that area. Change is welcome, but the implications of getting it wrong are so dire that it is very important that we get it right. The question of the day is: Has the Government got it right with this bill? The answer is: Not nearly. This bill paves the way for the Government to sell off swathes of land, either directly or through its mates in local government. If there is one thing the people of New South Wales have learned over the past five years, it is that Mike Baird will sell anything he can to make a buck.

**TEMPORARY SPEAKER (Ms Anna Watson):** Order! The member for Drummoyne will come to order. The member for Port Stephens will be heard in silence.

**Ms KATE WASHINGTON:** It is all about making quick cash so that the Premier can build shiny edifices and cover cost blowouts on new motorways in Sydney.

**TEMPORARY SPEAKER (Ms Anna Watson):** I call the member for Drummoyne to order for the first time.

**Ms KATE WASHINGTON:** The hardest thing to stomach is this Government's lack of regard for the cost of its actions to the community. As an example of just how low this Government will go, it is selling off disability service workers' jobs. This Government is washing its hands of all responsibility and liability for the most vulnerable people in the community, removing access to a provider of last resort and removing access to the flexibility, quality and expertise of Ageing, Disability and Home Care workers from those who need it most.

**Mr Kevin Anderson:** Point of order: My point of order relates to relevance. Standing Order 76 states that the member speaking shall be relevant to the subject matter of the debate. The member for Port Stephens is clearly talking about the National Disability Insurance Scheme [NDIS] and disabilities.

**TEMPORARY SPEAKER (Ms Anna Watson):** I have been listening to the member's contribution and it is relevant to the bill. The member for Tamworth will resume his seat.

**Ms KATE WASHINGTON:** Under this Government, those with complex needs and disabilities are being refused access to the support that they will need going forward. It really cannot get any lower than that.

**Mr Kevin Anderson:** Point of order—

**TEMPORARY SPEAKER (Ms Anna Watson):** Order! I hope the member's point of order does not relate to relevance.

**Mr Kevin Anderson:** It is relevance because the member is talking about the NDIS.

**TEMPORARY SPEAKER (Ms Anna Watson):** Order! The member for Port Stephens is being relevant to the bill. I have ruled on that point of order. The member for Tamworth will resume his seat.

**Ms KATE WASHINGTON:** I note the point of order taken by the member for Tamworth. It is the Government's responsibility to deliver disability services; it is not about the NDIS. I will return to the issue of Crown lands. It comes as no real surprise that we are here today discussing another bill that is likely to hurt people and communities across this great State. Crown land should be managed in the best interests of the people of New South Wales in a manner that returns social, economic, environmental and cultural heritage benefits to the people of New South Wales. It should not be flogged off behind closed doors. It deserves legislative protection that is stronger than ministerial discretion. But this is what this bill allows and all it offers in protection. Apparently, we are meant to trust Ministers to do the right thing. With this Government's track record? Not on your nelly.

In September of this year, the New South Wales Auditor-General presented to Parliament a scathing report on the systemic mismanagement of Crown Lands. The Auditor-General found that 97 per cent of leases of Crown Land and 50 per cent of sales were directly negotiated over the past four years. Put simply, the system was opaque; everything was done behind closed doors at a snail's pace. It was a classic case of "it's not what you know, it's who you know". Shortly after the Auditor-General issued her scathing report, the New South Wales parliamentary report into the management of Crown lands was tabled. Yet again, the upper House inquiry revealed serious shortcomings and made numerous recommendations. However, within weeks of the tabling of the Auditor-General's report and within days of the upper House inquiry's report being tabled, the Government has lobbed up with this complex and substantial bill. No exposure draft was issued for community or stakeholder input.

It is difficult to trust a government that purports to seek to improve community engagement and consultation when none of the key stakeholders, particularly councils, has been given an opportunity to analyse and respond to this bill, given the substantial changes the bill will bring about. If passed, the bill will confer enormous responsibility on councils. It is all well and good for the Government to have provided opportunities for stakeholders to make submissions to the white paper and the upper House standing committee, but to draft the bill and push it before this Parliament before stakeholders have even had a chance to read it does not engender trust, nor is it likely to achieve the best outcome for the people of New South Wales. If achieving the best outcome for the people of New South Wales is not the Government's motive, it begs the question: What is the Government's motive?

To be frank, it is difficult to overlook the Baird-Grant Government's widescale sale of most of New South Wales. I represent an area where there is a great deal of Crown land that is precious to the people of Port Stephens. The possibility that this bill could make it easier for that land to be sold off and developed is of great concern to my community. It is a concern that is well founded because we have already seen too much of our precious land carved up and sold off. According to the Minister's second reading speech, if this bill is passed the Department of Crown Lands will do a stocktake of the 580,000 pieces of Crown land across New South Wales. The staff will then make a determination as to whether that land is of State significance or if it is primarily of local significance. If the bureaucrats determine that land is of local significance, they will recommend to the Minister that the land be vested in the local council. What could possibly go wrong with that?

I wish to share with the House very real examples of what can and does go wrong. In Port Stephens, we have numerous tracts of amazing land which is important to our community. Yet my community is constantly fighting to protect it. Under this bill, the Government can transfer Crown land to other government agencies without any consideration of public interest. The prospect of UrbanGrowth NSW getting its hands on some of our important public land strikes fear into the hearts of us all. How much would UrbanGrowth enjoy getting its hands on the site of Tomaree Lodge and the Stockton Centre? Those are both large residential centres that are currently home to hundreds of people with complex intellectual and physical disabilities. Those centres are coincidentally slated for closure in 2018.

Tomaree Lodge sits on the water's edge on an idyllic peninsula on Shoal Bay with a multimillion-dollar view across Port Stephens waters and out to sea. With the Government refusing to say what is in store for the precious site following its imminent closure, this bill presents a wonderful opportunity for the Government. The Mayor of Port Stephens has already suggested a casino would be perfect for the site, so we are already on high

alert. Sadly, my community is always on high alert, because we keep seeing public land carved up and flogged off, whether it is under the so-called protection of the New South Wales Government or our local council. Recently, members of my electorate saw the sale of part of the Mambo Wetlands. Unbeknown to many residents, and me, part of the wetlands was purchased by the Department of Education many years ago. However, this year the department decided it was surplus to its need and sold it for a miserly \$250,000 via an online auction.

The sale proceeded despite hundreds of letters being sent to many Ministers informing them of the social, environmental, cultural and economic value of the land to our community. Through this process, the Government proved itself incapable of listening and of understanding the value of the land to our community. How can we possibly trust it to make these assessments in relation to existing Crown land or land that has mysteriously transferred from Crown land to another government department? In the Minister's speech, he specifically made reference to land likely to be considered appropriate for vesting in local councils. He provided examples of "local parks and libraries". Let me tell members what happens to our local parks which are supposedly managed by local council for the benefit of our community.

Boomerang Park in Raymond Terrace was one of the oldest gazetted, dedicated public parks in this State. It has been carved up by the local council, despite a plan of management and supposed community consultation. That type of thing happens under our noses all the time. This bill will allow councils and government departments to continue doing this type of thing, and my community is sick of it. If this bill is meant to address the mismanagement of the past and deliver benefits to the people of New South Wales, why has this Government rushed this legislation through Parliament? We must continue to protect public land because, as we all know, once it is gone it is gone.

**Ms JENNY LEONG (Newtown) (18:09):** At the outset of my contribution to debate on the Crown Land Management Bill 2016 on behalf of The Greens, I express concern that members of this House received the bill for debate after it was considered in the other place and passed in the dark of night.

**Mr Jamie Parker:** It was four o'clock in the morning.

**Ms JENNY LEONG:** Indeed. It was 4.00 a.m. This bill represents a threat to our public space and parkland. These actions are consistently being done in the middle of the night by the Baird Government. In recent light rail discussions it was pointed out that it was probably wise to carry out future tree removal in the middle of the night so that the community could not engage and observe what was happening. Residents have had to camp out 24 hours a day, seven days a week to ensure protection of the trees in their much-loved Sydney Park. With the passing of this legislation, we will witness the removal of protections of Crown lands—again, in the middle of the night. The community is sick of the approach by the Baird Government that seeks to attack our public assets, our valuable public land, and, in this case, our Crown land, hand over large swathes of it to the control of councils, and subject it to the risk of being sold off to developers for profit, leased or overdeveloped, despite protestations of the community. Let me examine Crown land in the Newtown electorate.

**TEMPORARY SPEAKER (Ms Anna Watson):** Order! The member for Newtown will be heard in silence.

**Ms JENNY LEONG:** A number of parks and reserves are Crown land in the Newtown electorate: Hollis Park in Newtown; Prince Alfred Park in Surry Hills; Shannon Reserve in Surry Hills; and Victoria Park in Camperdown. Currently those parks are well looked after by the elected councillors and administration of the Council of the City of Sydney. But let us not forget that recently in the lead-up to the council elections the Baird Government introduced legislation to try to gain control of the Council of the City of Sydney by giving businesses two votes. We know that successive New South Wales governments of both political persuasions have attempted to grab control of the Council of the City of Sydney by amalgamations or through stealth by giving businesses two votes.

Clearly, in the 2016 local government elections that backfired and there was overwhelming support for the re-election of the Lord Mayor of Sydney, Clover Moore. But let us not think that the Baird Government will stop in its efforts to gain control over the Council of the City of Sydney. Let us imagine in the future Liberal control over the Council of the City of Sydney against the background of its track record in relation to Sydney Park. Currently we are seeing a well-prized and much-loved Sydney Park under threat from the WestConnex Motorway. We are seeing the Baird Government being willing to carve off metres of Sydney Park.

**Mr John Sidoti:** Metres?

**Ms JENNY LEONG:** It will carve off metres of Sydney Park. Metres are being taken from multiple sides of the park.

**Mr John Sidoti:** To get rid of congestion around your area.

**Ms JENNY LEONG:** That is being done to construct WestConnex and to get rid of Sydney Park. We have seen the Baird Government get rid of endangered areas of forest as a result of delivering motorways. Let us just imagine what will happen to the beloved Prince Alfred Park in many years time when the Liberals gain control of the Council of the City of Sydney and after Crown land in Prince Alfred Park has been handed over to the council's control. What happens then? Do we say, "Oh, maybe there is a bit too much congestion on Cleveland Street. Maybe we want to build some more roads just along that area." That will be when we start to look at the issue seriously.

**Mr John Sidoti:** More bikeways.

**Ms JENNY LEONG:** The member for Drummoyne laughs. The member mocks these suggestions, but we know that in the initial plans around WestConnex that Victoria Park in Camperdown was under threat from a potential portal or stack being put in Victoria Park as a result of WestConnex.

**TEMPORARY SPEAKER (Ms Anna Watson):** Order! The member for Drummoyne will come to order. The member for Newtown will be heard in silence.

**Ms JENNY LEONG:** As a result of the community's outrage that was stopped it. While we might say that the risks of this change to the inner-city areas and the people who live in the Newtown electorate is limited, The Greens know that the Baird Government will stop at nothing to try to gain control of the Council of the City of Sydney. We also know that there will then be a risk to all of the parks and all of the green space that we feel is currently so protected in the area and that must continue to be protected. It is clear that the community is concerned by what the Baird Liberal-Nationals Government is doing and its lack of respect for our public assets. The Government's lack of respect for our open space and green space is of serious concern. It is a matter that causes concern for communities not only across my electorate of Newtown but also across the entirety of the State. It is causing them to stand together and raise their voices, to express their concerns and say that it is not for this Government to sell off, hand over or overdevelop our precious green space.

*[Business interrupted.]*

*Visitors*

#### VISITORS

**TEMPORARY SPEAKER (Ms Anna Watson):** I welcome to the Speaker's gallery three councillors from the Kiama Municipal Council: Mayor Mark Honey, Councillor Mark Westhoff and Councillor Mark Way.

*Bills*

#### CROWN LAND MANAGEMENT BILL 2016

##### Second Reading

*[Business resumed.]*

**Mr JAMIE PARKER (Balmain) (18:15):** My contribution to debate on the Crown Land Management Bill 2016 will focus on the controversy and great concern that that this legislation has generated in the community. I, like many other members of this House, have received correspondence from a wide range of organisations which include conservation groups, environment groups, resident action groups and councils who have all expressed their concerns. I firstly acknowledge the role of the upper House, which sat very late last night—until four o'clock in the morning—dealing with this legislation. I acknowledge that several amendments were passed.

I thank members of the other place for supporting The Greens amendment, which will protect every commons area in New South Wales. It will preserve a longstanding arrangement whereby public land is shared among communities. There are approximately 200 commons across New South Wales. Local residents and farmers use commons for stock grazing, public recreation and community gardens. The Greens amendments will make a significant difference, but apparently it was not significant enough to warrant its inclusion in the bill. I also acknowledge that the Government's own amendment, which implements principles of Crown land management, has improved the bill and provides a statutory principle relating to the management of Crown lands. The environmental protection principles have been reinstated in regard to the management and administration of Crown land.

Of course, that is not sufficient. But is it not remarkable that in 2016, with the prospect of President Trump and with Premier Baird, we are in a situation in which environmental protection principles basically have been stripped with regard to the management and administration of Crown land? The Government's amendment is unambiguously a positive step forward. I acknowledge the role of government in introducing the amendment and acknowledge that members of the upper House supported it. Finally, the amendments moved by the Christian

Democratic Party will provide some type of protection for lands being transferred to local councils. That is sensible. Such an amendment demonstrates the use and proper functioning of a House of review. It also demonstrates that statutory criteria for Crown land that is vested in local councils will be instituted by regulation rather than by an order from the Minister.

Of course, that means the regulation will be disallowable, which is an important check on Executive power. It is important that the democratically elected upper House and lower House should have their roles enhanced rather than degraded by the role of the Executive and the Ministers being able to bypass a disallowable instrument. The bill still leaves public land vulnerable to privatisation. The Greens believe that it fails to protect the environmental values of land, particularly in the Western Lands division, which was the subject of a great deal of discussion in the other place. It does not include ecologically sustainable development principles which, in the view of The Greens, should be at the heart of all land management legislation in the State.

Even though the bill has been improved during debate in the other place, The Greens maintain opposition to the bill. As my colleagues the member for Newtown and the member for Ballina have said, while we acknowledge the improvement, it is insufficient to warrant our support of the bill. In particular, The Greens efforts to protect the Western Lands division from transfer of leasehold to freehold were not successful, which concerns me greatly. Those areas of land are particularly important. It is very disappointing that we were not able to protect those lands through the upper House process.

That change, combined with the pending repeal of native vegetation legislation, which may be discussed later today, raises the prospect of a very significant level of vegetation loss in western New South Wales, which, let us not forget, comprises almost two-thirds of this great State. Together with my colleagues, I also have serious concerns about the undermining of the public interest and public purpose provisions in managing Crown land and in particular the erosion of the Rutledge principle, which was discussed in the other place during debate on this legislation. In broad terms, that principle sets out that when land is set aside for public purpose it needs to be used for that public purpose and should not be used for private purpose such as a function centre or a backpackers centre, for example. We believe that removing that principle would be very deleterious to the protection of Crown land, and that is another reason that we are concerned about this legislation.

The amendments passed in the other place produced some genuine improvements to this legislation, including the protection of commons in New South Wales, the introduction of land management principles to preserve the environmental and social values in Crown land, and some additional protection around Crown land transfers. I find it unbelievable that this Government proposed to have no real protection for transferring Crown land to local councils. We object to this not because we believe this Parliament has supreme decision-making power compared to local government or is more intelligent or more just and honourable than local councils, but it is fair and reasonable to expect that when land is transferred there is a set of very clear criteria demonstrating the intention of this Government to protect Crown land. That intention should be reflected in criteria when transferring land to local government. It is disappointing that the Government in its original iteration of the bill thought this protection did not deserve the support of this Parliament.

The Greens worked very hard to have this bill deferred to allow for further consultation and make sure that the environmental community, especially in the west of this State, could be adequately consulted on this very comprehensive bill. I am bemused as to why the Government would not want to defer this legislation. We understand that this bill will only be gazetted in about 12 months, so almost nothing will happen in the interim. It makes no sense for us to be smashing through this legislation in the final sitting weeks of this year unless there is a political objective to reduce opposition to this legislation. It is our view that that is not the correct way to deal with legislation that dramatically changes the management of Crown land. We believe it is important to consider the legislation and to consult by engaging genuinely with people and hear their responses to proposed changes.

What is the proof that this legislation has been introduced in haste? The proof is that the Government had to introduce amendments to its own legislation in the other place. This shows that the Government knew that this legislation could be improved. We believe further consultation would also improve this legislation, and that legislative instruments are not improved by shouting across the Chamber. We should have a discussion about legislation before us to see if we can come to positive conclusions. The Greens' major concern is that significant amounts of public land will be sold off or leased and overdeveloped. We stand for the public benefit and against privatisation. The Greens believe that public benefit should trump private benefit and that Crown land should be held in the public interest. We also believe that decisions about Crown land should be transparent. We believe that profits from the private use of public land should not be used for any private purpose. The major shortcomings in this legislation have not been resolved by the amendments passed in the upper House. We oppose this bill and will continue to advocate for public lands to be used in the public interest and for ecological values.

**Dr HUGH McDERMOTT (Prospect) (18:23):** I oppose the Crown Land Management Bill 2016. This bill will fundamentally change the way Crown land in New South Wales is managed, owned and controlled. It is

quite possibly the most significant rewriting of Crown land legislation in our State's history. Approximately half of the land in New South Wales is Crown land. Beaches, many parks, land that is reserved for the enjoyment of everybody falls under the classification of Crown land. To some extent, this bill threatens the tourism industry by potentially removing public access to these beaches and parks. This legislation also threatens the enjoyment of every person in New South Wales who enjoys access to Crown land.

Importantly, members of this House must remember that once lands are lost they are lost forever. The beauty of many pieces of Crown land, such as beaches and national parks, could be destroyed if they are sold and overdeveloped. Crown land is part of the common wealth of every person in this State—in fact, the common wealth of this State that was set aside for the enjoyment of all. Sadly, this Government has made a decision to remove that wealth from the people of New South Wales. The first aim of this bill is to remove the creation of reserve trusts into which land is vested and for reserve trust managers to be called Crown land managers. The second aim of the bill is the designation of Crown land into land of State and local significance. The third aim is the voluntary vesting of locally significant Crown land to local government. The fourth aim is to give the Minister power to issue management rules and new governance structures and conduct requirements. The fifth aim is the introduction of community engagement strategies for certain dealings in Crown land. The sixth aim is that the determination and redetermination of rents will be rationalised and simplified.

Vesting of Crown land in another government agency, statutory body or the Commonwealth will be permissible without notification. This is of particular concern because under this provision public land could be transferred to UrbanGrowth NSW, the New South Wales Government's property development wing. Local councils appointed as Crown land managers will be able to manage the land in accordance with the Local Government Act 1993 instead of the Crown Lands Act 1989. The bill also provides for the ability to transfer Crown land to local councils if it is to be of local significance.

The most significant parcel of Crown land in the seat of Prospect and surrounding areas is Prospect Reservoir—Sydney's backup drinking water supply, a pristine oasis of crystal clear water in Western Sydney. The reservoir and the pristine surrounding land are currently under the management of Sydney Water and the New South Wales National Parks and Wildlife Service. In the surrounding bush I have seen many kangaroos and small marsupials and reptiles, and I am told there are also koalas although I have yet to see one. What if the land around the reservoir was sold off? Let us face it, this land is well situated next to Blacktown and near Eastern Creek. It is a developer's dream. Properties in that area go for over \$1 million, and developers would love to get hold of a piece of that land and flog it off.

**Mr Mark Coure:** A block of units.

**Dr HUGH McDERMOTT:** Yes, blocks of units would be exactly what they would want to develop. Such development would destroy this pristine area. The pristine reservoir and surrounding bushland could be destroyed, along with picnic areas enjoyed by thousands of locals.

**The DEPUTY SPEAKER (Ms Anna Watson):** Order! The member for Prospect will be heard in silence.

**Dr HUGH McDERMOTT:** The development would be accompanied by traffic, hospital demand and school overcrowding which already plague Western Sydney and could be worsened by this Government's actions. Even the mere construction of buildings near the reservoir could impact the quality of the water. Runoff from building sites could adversely affect the reservoir's water and toxic chemicals could leak into our city's water supply. These issues are severe and must be addressed. There are other significant parcels of Crown land in the seat of Prospect including sections of the Parramatta River catchment area. If these parcels were flogged off to developers the people of New South Wales would lose access to this land. There is also the land surrounding railways and highways in the Toongabbie-Pennant Hills area and in Greystanes, including State rail and roads and Maritime Services [RMS] areas. These are currently reserved areas that can be used for development by the State for State-related services.

These are things like the railway stations and improvements to the rail tracks. Then there is the Western Sydney Parklands, a beautiful area used by thousands of families every year, which has the potential to be sold off by this Government. The Baird Government will wriggle and squirm as its members repeat the lines I expect to hear from those sitting opposite now: "We're not going to sell everything off. We're only leasing land. We're not really selling it." Its favourite lines are "99-year leases" and "recycling", because they are too ashamed to call it what it really is: privatisation. That is what it is all about.

Already the Coalition Government's track record shows what it is really about: the power grid, titles registry, country hospitals, land at Hurlstone Agricultural High School, ferry services and public housing, on top of the plans to sell off things like Sydney Buses. This is what the Government wants. These Tories want to



implement this neoliberal idea of flogging off everything that does not personally benefit them. If it benefits the people of Western Sydney and it does not line their own pockets, they will flog it off—and that is what they are doing once again.

If Premier Baird were still a banker—and I am sure he will go back to banking once he decides to leave here—and assessing the behaviour of this Government to work out the likelihood of privatisation, he would be certain that more privatisations were to come. The Baird Government cannot take the people of New South Wales as fools by making the false promise that the Crown lands enjoyed by them will not be sold off. What is Labor's solution?

**Mr Mark Coure:** Nothing.

**Dr HUGH McDERMOTT:** There are plenty of solutions. The first is renaming Crown land as State land. This removes ambiguity from Crown land legislation and is far clearer than the Government's proposal of land of State and local significance. It also reflects the three tiers of government landownership. Labor will fight for provisions that will ensure that State land remains claimable under the Aboriginal Land Rights Act 1983. The second is addressing issues with the bill's ambiguity regarding public interest and removal of the principles of Crown land. Labor supports amending the bill to include a definition of public interest whereby the hierarchy of the use of land will be in the public interest. Labor also supports the removal of the Baird Government's flawed proposal known as the "principles of Crown land". Labor supports the introduction of new principles, including the environmentally sustainable use of Crown land as well as sustainably managing the natural resources within it. Heritage and cultural values of Crown land must be preserved, and Labor believes this must be explicitly mentioned in the bill.

Additionally, Labor supports amendments that ensure that public use, enjoyment and amenity of appropriate Crown land is facilitated so that it remains in the public domain, where it belongs. Whilst the Baird Government is happy to allow a legal avenue for public areas to be made exclusive, Labor believes that our beaches and national parks must remain open to all. Furthermore, we believe that the use and management of Crown land by the Aboriginal people of New South Wales should be encouraged where appropriate. In fact, the suburb of Pemulwuy and the area surrounding Prospect Reservoir are where Pemulwuy led his people's resistance to white settlers in the 1700s and 1800s. This is a key part of our history that could easily be flogged off by this Government because it is Crown land. Labor believes a provision should be inserted into the bill that protects land claims lodged prior to 9 November 2012 in respect of the Minister's ability to retrospectively validate secondary interest. The brief time I have had to talk about these things shows that this Government has no respect for the people of New South Wales. Once again, it wants to flog off the common wealth of the people of New South Wales. It is a disgrace. I oppose this bill.

**Mr GREG PIPER (Lake Macquarie) (18:33):** Let us make this place great again and change the tone of the debate after the member for Prospect has upset those on the Government benches. As is often the case, the Crown Land Management Bill 2016 has a mix of provisions, some immediately sensible, some debatable, and in this case some that are just not supportable. Management of this State's Crown land has been carried out by the New South Wales Government for more than 200 years, and we cannot underestimate the importance of the way this land is managed. There are more than 500,000 individual parcels of Crown land in New South Wales and each has its own value, not only in financial terms but also, and more importantly, for their ecological, social and cultural heritage values. Substantial reform of the way Crown land is managed is long overdue and has perhaps been the failure of successive governments. Therefore, it is not unreasonable to review the relevant legislation and regulation around this important asset base to streamline management and to get better outcomes for the current and future population of New South Wales.

As I mentioned earlier, I have reservations about sections of the new bill that I think have failed to recognise an opportunity to measure the environmental value of land, but I will address that later. I have spent many years in local government, many of them as mayor of Lake Macquarie. As a result, I know the frustrations that councils have had in dealing with the current legislation and the red tape associated with it. Some may say that such a complex system is a good thing. They say that it is needed to protect the people's land, which currently covers about half of this State, and that the complexity of regulation in itself provides protection. This is true, but it is a very negative way of securing the best protection and management of this land. Therefore, I again agree that improvements are warranted. However, I do not believe that this legislation meets that test.

I understand that Lake Macquarie City Council [LMCC] is generally supportive of the proposed reform. LMCC manages a significant number of Crown land parcels and says that managing Crown land under the existing Crown Lands Act 1989 had become difficult, cumbersome and often ineffective. It can be better managed, it says, under the Local Government Act as proposed under this bill. This council has an excellent record of managing Crown land, whether it is for parks, playgrounds or tennis courts, or as part of the conservation lands around the

city. The well-utilised regional football centre at Speers Point is a good example of that good management, with enthusiastic cooperation between the State Government, the Football Federation and the council.

I note that some councils have expressed concern about being lumbered with parcels of land they do not want, which would be a financial and management burden to them. I note that there is nothing in this legislation which would see land—particularly land that may be a financial burden to ratepayers—transferred to them if they do not want it. Further, there are many parcels of Crown land that provide great benefits to communities and which are appropriately managed by councils, such as parks, playgrounds and sporting fields. Some, such as small beach kiosks, caravan parks or tennis courts, earn a small income for the councils. I note that this legislation allows income from any commercial use or lease of Crown land that is managed by a council to go back to the council.

I also note there are protections in place which will ensure that land transferred to a council cannot be sold and the land retained for public purpose. If land is to be repurposed as operational land, opening it up for sale, then a rigorous process and community engagement strategy such as councils currently use to re-categorise land will be required before the Minister will approve it. This of course sounds like strong protection, and with many councils the provisions could no doubt be very beneficial to them and to their communities. However, not all councils are equal in their ability to manage land, and certainly not all councils are equal in their governance.

At face value, these are positive steps forward. I again note that this single piece of legislation will replace eight different Acts that currently influence the way Crown land is managed. I agree that balancing the competing demands of multiple stakeholders in Crown land is highly challenging. However, as I indicated earlier, I believe this reform misses an opportunity to better protect the environmental value of some Crown land. There is an opportunity to identify Crown land that is environmentally significant and to put appropriate protections around that land now. I would go as far as to say that the environmental or conservation objectives have taken a back seat in this reform. I agree with the Nature Conservation Council of NSW when it says this reform has been targeted more at the process than at environmental outcomes, and that is a great shame because we have an opportunity to build those protections into this new legislation.

There is nothing in this bill that could rank the value of Crown land or identify its environmental or conservation value. If there were, the land could be ring-fenced now and protected from any future sale. Not only would it protect that land but it would also lessen scepticism on the part of community members, many of whom are concerned about the additional power this bill delivers to the Minister. In this unprecedented era of privatisation of State assets and divestment of services to the private sector there is an understandable and deepening mistrust in the community about the Government's motives and intentions. Some have described it as a potential fire sale of public land which will be vested to government agencies and flogged off to developers.

Mistrust and scepticism in the current political climate is understandable. Once land is divested, it is no longer Crown land and can never enjoy the level of security that previously existed for land with high environmental, social or heritage value. Indeed, I would not be surprised if dark minions within the bowels of that shady super developer that is UrbanGrowth NSW have not already run their eyes and tapes over maps of Crown lands looking for developable land.

**Mr Damien Tudehope:** You are onto us.

**Mr GREG PIPER:** I know. I have heard the rumours about this organisation that does not engage with the community. The minions do their plotting and scheming behind the scenes and I am onto them. I know they have a tape up there. I thank the Government members for their contribution and confirmation of what I had suspected. The current Act requires that environmental protection principles be observed and, where appropriate, natural resources be sustained in perpetuity. Those requirements are not contained in the new bill, and that is of great concern to me.

No doubt this bill will reduce red tape and no doubt there are elements of it that have merit. However, on the whole it has too many components that put at risk of sale or degradation important lands that are in this generation's trust for the benefit not only of current generations but of generations to come. Indeed, the relative simplicity of this bill along with its claimed intention to reduce red tape belies the complexity of the needs of the public estate that is Crown land. On that basis, I cannot support the bill and strongly support the view of the Opposition and other crossbench members that it should be further amended, or preferably withdrawn, to allow for further consultation with the community and with their representatives in this place. I took the opportunity to engage with the Minister earlier today and to ask him whether he would give some consideration to doing something like that. He said that if I asked nicely I might get something, so here goes. I would like to say—

**Mr John Sidoti:** Please?

**Mr GREG PIPER:** Give me a chance. I therefore respectfully request that the Minister and the Government defer the progress of this bill to allow for consideration of amendments that can satisfy the desire to

reduce red tape, to accommodate sensible transfers to councils in some circumstances and, most importantly, to ensure the protection of environmental, cultural and heritage values of the estate in perpetuity. With that, I would be amazed if the Minister and the Government did not accommodate that very reasonable and nicely put request. I thank the member for Drummoyne for his attention.

**Mr KEVIN ANDERSON (Tamworth) (18:42):** On behalf of Mr Anthony Roberts: In reply: I thank all members for their contributions to the debate. In particular, I thank the member for Cessnock, the member for Oxley, the member for Newcastle, the member for Barwon, the member for Strathfield, the member for Coffs Harbour, the member for Swansea, the member for Wyong, the member for Shellharbour, the member for Cootamundra, the member for Summer Hill, the member for Sydney, the member for Blue Mountains, the member for Granville, the member for Ballina, the member for Port Stephens, the member for Newtown, the member for Balmain, the member for Prospect, the member for Lake Macquarie, and the member for The Entrance.

There is general consensus on the need for significant reforms to the management of Crown land in New South Wales. The Crown Land Management Bill introduces a new, modern, fit-for-purpose framework to govern Crown land—a framework that provides certainty and clarity to the people of this State. This is the first stage in a process that will replace the overly complex suite of Crown land legislation with a single, consistent, streamlined Act. The bill establishes a framework that ensures Crown land is preserved and enhanced for future generations. It does this through ensuring that economic opportunities are realised while the environmental, cultural and heritage values of Crown land are preserved.

The bill will enshrine in legislation the environmental, social, cultural heritage and economic importance of Crown land, making clear that these values will be considerations in all decisions about Crown land. It will also continue the principles of Crown land management from the current Crown Lands Act 1989. A key theme of the bill is greater local decision-making. The bill provides for this by allowing locally significant Crown land to be devolved to a local level, and by strengthening opportunities for community involvement. Members should note that the bill ensures that that Crown land will be devolved to council ownership only after considerations of local use are taken into account, with appropriate safeguards and with the voluntary agreement of the council.

For the first time, Crown land legislation will specifically recognise the importance of land to the Aboriginal people of New South Wales. Also for the first time the legislation will contemplate Aboriginal management of Crown land and acknowledge Aboriginal land and native title rights and interests. The New South Wales Aboriginal Land Council has welcomed the historic recognition of the connection between Aboriginal people and Crown land in New South Wales, now enshrined in law in the new Crown Land Management Bill.

In response to the comments of the member for Cessnock regarding an exposure draft and the alleged rush-through of this bill, the bill is the culmination of a comprehensive review and extensive consultation process initiated by the Government in 2012. The recent parliamentary inquiry into Crown land management allowed for further exploration of the community's views. The Minister for Lands and Water and the department attended two hearings and paid detailed attention to the submissions made to the inquiry. Most recently, the department has again engaged with key stakeholders on the bill, including the New South Wales Aboriginal Land Council, Local Government NSW, Caravan and Camping Industry Association NSW, NSW Farmers, and Crown Land Our Land. These very transparent and inclusive processes have shaped the bill before Parliament.

The Government has been open and upfront about exactly what the legislation will include and what it will not include. There are no surprises in this bill. The suggestion from the member for Cessnock that the Government is somehow rushing this legislation through is simply not correct. The stakeholders are ready, the Government is ready, and the people of New South Wales are ready for this legislation. The Government now needs to get on with the job and start implementing a robust and comprehensive framework for the management of Crown land.

This bill has been informed by detailed community and stakeholder consultation. The Government has listened to the messages that were contained in submissions in response to the white paper and the parliamentary inquiry. A key message from those submissions was the need for better and more genuine community consultation. The cornerstone of the bill is the new community engagement strategy. It will ensure that there is more meaningful engagement with the public on important decisions, including the sale and leasing of Crown land. This will ensure that the people of New South Wales will have a say on decisions that affect them. The bill will ensure that people will have their say from day one because the community engagement strategy must be in place by the time the legislation commences. This is a significant step away from the limited approach of gazettal and newspaper notifications, and it demonstrates the Government's genuine commitment to engagement with the community on Crown land decisions. This commitment extends to consulting with the community on the development of the community engagement strategy itself.

Members have raised concerns about the vesting of Crown land in other government agencies. I make it clear that there are existing powers in the Crown Lands Act 1989 to move land to other agencies. There are certain key differences between these existing powers and the new additional vesting powers, all of which I would have thought members of the Opposition would support. The first difference is that under the vesting provision the agency does not need to pay for the land. This gives the Government more flexibility in allowing for provision of essential public services such as schools and hospitals in appropriate circumstances. It means that Health and Education do not need to pay market rent for securing land for these essential services.

The second difference is that the new provision contains express safeguards to ensure that vesting in other agencies takes place only in appropriate circumstances. The provision requires that the Minister must be satisfied that vesting the land is in the public interest, and that the agency to whom it will be vested is an appropriate owner and manager of the land. This is in addition to the general requirement that applies to all decisions to transfer land under the bill, requiring them to take into account environmental, social, cultural heritage and economic considerations as well as the principles of Crown land management. Finally, all transfers and vestings will be subject to the provisions of the community engagement strategy, which is a leap forward in community involvement in decisions on Crown land dealings. The application of the strategy means that the community will be engaged where decisions to take land out of the Crown estate affect their use and enjoyment of the land.

Comments were made about the ability of the community to continue to be involved and, specifically, manage dedicated or reserved Crown land. Our reserves are managed by hundreds of dedicated volunteers and trusts. This bill will not change this. Specifically, the bill will not remove any trusts. In fact, every trust will become an incorporated Crown land manager. The current system is overly complicated and this bill will simplify and strengthen the reserve management system. The bill will ensure the community continues to play an important role in managing Crown reserves across New South Wales on behalf of their local community and the people of this State.

We have also heard about the management of Crown land by local councils. For decades local councils have managed public land under dual legislative frameworks—the Local Government Act 1993 and the Crown Lands Act 1989. This duplication results in inefficiencies, poor management practices and confusion. To address this, the bill provides for councils to manage Crown land as if it were under the Local Government Act. This does not change the ownership of the land; it remains Crown land. The Local Government Act provides strong, transparent and consultative processes for managing community land. Enabling councils to manage Crown land under the Local Government Act does not mean the land is not covered by the robust protections under this bill. Safeguards such as instruments of appointment for councils and rules for managing Crown land provide the Minister for Lands with mechanisms to ensure the land is managed in the best interest of the public.

Some members have raised concerns that it may not be appropriate for some councils to own Crown land. I can assure the House that there are numerous protections in the bill that ensure that land vested in councils is used appropriately and for the benefit of the local community. Local land vested in councils will transfer as community land under the Local Government Act 1993 in most circumstances. That Act provides that community land cannot be sold by councils, and all community land must be managed in accordance with clear community-focused objectives under a plan of management. There will be only very limited scenarios in which land may be vested as operational land, and this can occur only with the consent of the Minister. The bill also provides the Minister with power to put covenants on title to land to restrict how the land is used and managed into the future. Any land vested to councils must be vested with the consent of the council and the local Aboriginal land councils in certain circumstances, and by the Minister.

The Opposition is moving amendments to require Crown land that has been vested to councils to be revested back to the Crown where councils attempt to reclassify the land as operational. This is entirely unnecessary. If the Opposition looks to the Local Government Act it would see that there are a number of safeguards to limit the reclassification of community land to operational land. The Local Government Act requires public hearings and public submissions on the issue. In fact, the recent parliamentary inquiry into Crown land recognised the strength and transparency of the processes in the Local Government Act. I should also not have to remind the House that councillors are held to account by their community. The Government is confident that the vesting of Crown land to councils will be done in good faith. Any proposal to vest Crown land in local councils will be subject to detailed consideration, and will be done in accordance with the local land criteria that will be set out in the regulations.

Concerns have also been raised about the commercialisation of Crown land. The bill does not change the current position in relation to use of Crown reserves. The commercial use of Crown reserves continues to be permissible in certain circumstances and subject to express protections. The importance of allowing commercial uses on Crown land was recognised by the parliamentary inquiry, which specifically recommended provisions to

ensure that small-scale operations that support family businesses and local employment can continue. Commercial uses are not permitted under the bill where the commercial use would materially harm the use of the land for which it has been reserved or where the commercial use is not in the public interest.

In addition, any proposed leases or licences which seek to authorise commercial use, or changes to reserve purpose to allow for commercial use, will be subject to community engagement under the community engagement strategy if they potentially impacted the community's current use and enjoyment of that reserve. The bill also gives effect to the Rutledge principle, which clarifies that reserves for public recreation can be used for commercial purposes. This supports current commercial uses of Crown reserves for public recreation, such as kiosks and cafes. It does not by itself enable any new commercial uses. Commercial use of Crown land is strictly regulated; unauthorised uses are not allowed.

There is no escaping the important protections for use of Crown land enshrined in the bill. Further, the bill provides that the proceeds of commercial operations on reserves must be applied for a permitted purpose for the land. This means any profits are reinvested in the reserves and cannot be used for private profit—again consistent with Rutledge. Finally, I emphasise that appropriate amendments were agreed to in the other place, many of which go to the concerns raised by members today. These amendments strengthen the bill. I am confident that they will provide additional benefits which strengthen an already robust, comprehensive, and modern Crown land framework.

This bill responds to the community's desire to be better engaged in Crown land decisions. It will protect Crown land by ensuring that they have the powers and tools required for strong compliance and enforcement. Of great importance, it ensures that any decision on Crown land must consider the environmental, social, cultural and economic impacts on the land, and be consistent with the principles of Crown land management. I encourage members to support this legislation so that we can deliver a framework that will fundamentally improve the management of Crown land.

I acknowledge now the many people who have contributed to the bill and the review that has informed it. This includes departmental staff, past and present: Renata Brooks, Austin Whitehead, Lindsey Paget-Cook, Alison Stone, Ilana Waldman, Helen Day, Carolyn Raine, David Clarke, Paul Stubbings, Tim Holden, Brett Fifield, Andrew Bell, Sharon Hawke, David McPherson, Scott Hansen, Elizabeth Larbalestier, Shagofta Ali, Liz Moore, Rachel Connell, Kristin Morris, Georgie McArthur, Alice Campey, Kate Iffland, Danielle Doughty, Alex Mitchell, Daniel Summerhayes, Rebecca Klein, John McClymont, Mark Skelsey, Rob Irwin, Peter McCabe, Martin Sewell, Mark Matchett, and Tara Black; staff from the Minister's Office—Sean O'Connell, James Piggot, Nick Savage, Julian Luke and Evie Madden; and our four Ministers throughout this process—Andrew Stoner, Kevin Humphries, Niall Blair and Katrina Hodgkinson. I commend the bill to the House.

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

Ayes .....44  
Noes .....34  
Majority..... 10

#### AYES

Anderson, Mr K  
Barilaro, Mr J  
Brookes, Mr G  
Coure, Mr M  
Evans, Mr L  
Goward, Ms P  
Henskens, Mr A  
Johnsen, Mr M  
Notley-Smith, Mr B  
Pavey, Ms M  
Provost, Mr G  
Sidoti, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Aplin, Mr G  
Berejiklian, Ms G  
Conolly, Mr K  
Dominello, Mr V  
Fraser, Mr A  
Gulaptis, Mr C  
Hodgkinson, Ms K  
Kean, Mr M  
O'Dea, Mr J  
Perrottet, Mr D  
Roberts, Mr A  
Skinner, Ms J  
Taylor, Mr M  
Upton, Ms G  
Williams, Ms L

Baird, Mr M  
Bromhead, Mr S (teller)  
Constance, Mr A  
Elliott, Mr D  
George, Mr T  
Hazzard, Mr B  
Humphries, Mr K  
Maguire, Mr D  
Patterson, Mr C (teller)  
Petinos, Ms E  
Rowell, Mr J  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

## NOES

Aitchison, Ms J  
 Catley, Ms Y  
 Daley, Mr M  
 Finn, Ms J  
 Harris, Mr D  
 Hoenig, Mr R  
 Lalich, Mr N (teller)  
 McDermott, Dr H  
 Mihailuk, Ms T  
 Piper, Mr G  
 Warren, Mr G (teller)  
 Zangari, Mr G

Atalla, Mr E  
 Chanthivong, Mr A  
 Dib, Mr J  
 Foley, Mr L  
 Harrison, Ms J  
 Hornery, Ms S  
 Leong, Ms J  
 McKay, Ms J  
 Park, Mr R  
 Robertson, Mr J  
 Washington, Ms K

Barr, Mr C  
 Crakanthorp, Mr T  
 Doyle, Ms T  
 Greenwich, Mr A  
 Haylen, Ms J  
 Kamper, Mr S  
 Lynch, Mr P  
 Mehan, Mr D  
 Parker, Mr J  
 Smith, Ms T  
 Watson, Ms A

## PAIRS

Ayres, Mr S  
 Grant, Mr T  
 Lee, Dr G

Car, Ms P  
 Minns, Mr C  
 Smith, Ms K

**Motion agreed to.**

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

**Consideration in Detail**

**TEMPORARY SPEAKER (Mr Adam Crouch):** By leave: I propose to deal with the bill in groups of clauses and schedules. The question is that clause 1.1 to clause 3.46 be agreed to.

**Clause 1.1 to clause 3.46 agreed to.**

**Mr CLAYTON BARR (Cessnock) (19:04):** By leave: I move Opposition amendments Nos 1 and 2 on sheet C2016-115 in globo:

No. 1 **Vesting of Crown land in other government agencies (Alternative A)**

Page 39, Part 4, line 5. Omit "and certain other government agencies".

No. 2 **Vesting of Crown land in other government agencies (Alternative A)**

Pages 43 and 44, Division 4.3, line 17 on page 43 to line 43 on page 44. Omit all words on those lines.

I will be brief—which members will appreciate. Opposition amendments Nos 1 and 2 throw out the entire division dealing with the vesting of Crown land in other Government agencies. If the claims of the Government are true, there are other ways of giving effect to this division—namely, through the sale of land. Currently there are checks and balances against the abuse of those powers. The Opposition seeks to ensure that those checks and balances will be retained by statutory minimum periods of notification and consultation regarding the sale of Crown land in subsequent amendments. Groups such as the Law Society of New South Wales and many community groups are concerned about the wide-reaching powers of those new provisions that were not flagged in the explanatory note. Unfortunately, I seriously doubt that the Minister was aware of this legislative sleight of hand, but that is the way it has rolled. As I explained in my speech during the second reading debate, this division is scandalous and shoddy, and it should be removed.

**Mr KEVIN ANDERSON (Tamworth) (19:05):** The Government opposes Opposition amendments Nos 1 and 2. The amendments would remove the ability to vest Crown land in government agencies in appropriate circumstances. We did not get this wrong in the other place. Those amendments were opposed for a good reason. As much as the Opposition tries to beat up this clause, it provides essential public services. The provision continues the existing ability to move land to other government agencies. Division 4.3 simply enables this to happen without the need for money to change hands. The vesting power has been included to give more flexibility in allowing for the provision of public services such as schools and hospitals in appropriate circumstances.

It seems that the Opposition wants to make Health and Education pay market rates for hospitals and schools, which cannot be right. The provision builds in safeguards that we say are appropriate. The Minister must be satisfied that the vesting is in the public interest or that the agency is an appropriate manager. Both transfer and vesting under the bill will be subject to the community engagement strategy. This will ensure that the community

is involved when making important decisions on vesting land. This is a positive step and confirms the commitment of this Government to genuinely engage the public on the management of Crown land. The Government opposes the amendments.

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that Opposition amendments Nos 1 and 2 on sheet C2016-115 be agreed to.

**The House divided.**

Ayes .....34

Noes .....43

Majority.....9

**AYES**

Aitchison, Ms J  
Catley, Ms Y  
Daley, Mr M  
Finn, Ms J  
Harris, Mr D  
Hoenig, Mr R  
Lalich, Mr N (teller)  
McDermott, Dr H  
Mihailuk, Ms T  
Piper, Mr G  
Warren, Mr G (teller)  
Zangari, Mr G

Atalla, Mr E  
Chanthivong, Mr A  
Dib, Mr J  
Foley, Mr L  
Harrison, Ms J  
Hornery, Ms S  
Leong, Ms J  
McKay, Ms J  
Park, Mr R  
Robertson, Mr J  
Washington, Ms K

Barr, Mr C  
Crakanthorp, Mr T  
Doyle, Ms T  
Greenwich, Mr A  
Haylen, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mehan, Mr D  
Parker, Mr J  
Smith, Ms T  
Watson, Ms A

**NOES**

Anderson, Mr K  
Berejiklian, Ms G  
Conolly, Mr K  
Dominello, Mr V  
Fraser, Mr A  
Gulaptis, Mr C  
Hodgkinson, Ms K  
Kean, Mr M  
O'Dea, Mr J  
Perrottet, Mr D  
Roberts, Mr A  
Skinner, Ms J  
Taylor, Mr M  
Upton, Ms G  
Williams, Ms L

Aplin, Mr G  
Bromhead, Mr S (teller)  
Constance, Mr A  
Elliott, Mr D  
George, Mr T  
Hancock, Ms S  
Humphries, Mr K  
Maguire, Mr D  
Patterson, Mr C (teller)  
Petinos, Ms E  
Rowell, Mr J  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

Barilaro, Mr J  
Brookes, Mr G  
Coure, Mr M  
Evans, Mr L  
Goward, Ms P  
Henskens, Mr A  
Johnsen, Mr M  
Notley-Smith, Mr B  
Pavey, Ms M  
Provest, Mr G  
Sidoti, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

**PAIRS**

Car, Ms P  
Minns, Mr C  
Smith, Ms K

Baird, Mr M  
Gibbons, Ms M  
Lee, Dr G

**Amendments negatived.**

**Mr CLAYTON BARR (Cessnock) (19:13):** By leave: I move Opposition amendments Nos 3 to 5 on sheet C2016-115 in globo:

No. 3 Vesting of Crown land in other government agencies (Alternative B)  
Page 43, clause 4.12 (a) (i), line 35. Omit "or". Insert instead "and".

No. 4 Vesting of Crown land in other government agencies (Alternative B)  
Page 43, clause 4.12. Insert after line 44:

(2) A government agency vesting notice cannot be published unless:

- (a) a community engagement strategy has been approved by the Minister that applies to the plan, and
- (b) the strategy includes provisions of the kind referred to in section 5.6 (1) (e), and
- (c) the Minister has undertaken the community engagement required by the strategy.

Note. Section 5.6 (1) (e) requires a community engagement strategy for vesting transferable Crown land under this Division to include provisions for a minimum period of 28 days for public exhibition of draft plans and a minimum period of 42 days for submissions to be made after that exhibition.

No. 5 Vesting of Crown land in other government agencies (Alternative B)

Page 47, clause 5.6 (1). Insert after line 40:

- (e) for vesting transferable Crown land under Division 4.3:
  - (i) a minimum period of 28 days for the public exhibition of a proposed government agency vesting notice, and
  - (ii) a minimum period of 42 days for submissions to be made after that exhibition, and
  - (iii) a requirement that any submissions that were duly made during the submission period be taken into account before the notice is published,

As the Government has voted down the very sensible and intelligent amendments just moved, the Opposition will now seek to make a more minor amendment to the bill such that it can at least be improved—if not to the standard that we had hoped to achieve. The amendments that have been circulated are required to put some further checks and balances in place over the vesting of Crown land with other government agencies. Importantly, it also addresses an inconsistency in the bill and the explanatory note.

This is not a fabrication or something that I have made up; it is in black and white and there for all to see. In the explanatory note regarding division 4.3 it clearly requires the Minister to be satisfied that the vesting is "in the public interest and the recipient agency is a capable and appropriate entity to hold lands". The word "and" suggests that the vestment requires both criteria to be met. However, in the body of the bill the word "and", requiring both criteria to be met, is replaced with the word "or", requiring just one of those criteria to be met.

The fundamental test of this is whether the agency is going to satisfy the public interest. Either the explanatory note was correct or the bill is correct. It is Labor's position that the explanatory note is far more worthy of support in that the agency should be required to meet both of the criteria, and the Minister should ensure that. Again I ask: Was the Minister aware of this internal inconsistency? Was it a part of the briefing to Cabinet that the public interest may not be considered if the word "or" remains in the bill? There should be consistency here, and it is imperative that the Minister must be satisfied that the vesting is in the public interest. Again, without a definition of public interest the Opposition is concerned that this Government will have a broader definition of public interest that will enable it to vest Crown land on a whim.

**Mr KEVIN ANDERSON (Tamworth) (19:16):** The Government opposes amendments Nos 3, 4 and 5 moved by the member for Cessnock. These amendments are unnecessary as there are appropriate safeguards built into the bill. Those safeguards go above and beyond existing safeguards that apply when moving land to other agencies. The bill makes clear what dealings or actions must be caught by the community engagement strategy, including all vesting or transfer of Crown land, and that Government must comply with the strategy. Last night the Government supported an amendment moved by the Christian Democratic Party in the other place that builds in a statutory requirement to engage the public in making the community engagement strategy so that the public can have its say on appropriate engagement for vesting. The Government is genuinely committed to engaging the community in development of the strategy. The Government also supported amendments to the bill to provide for notification periods in the community engagement strategy. Those amendments supplement the existing robust provision in the bill about the strategy—provisions that guarantee there are mandatory engagement requirement provisions that apply to the Government when vesting land in government agencies.

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that Opposition amendments Nos 3 to 5 on sheet C2016-115 be agreed to.

**The House divided.**

Ayes .....34  
 Noes .....42  
 Majority.....8

AYES

Aitchison, Ms J

Atalla, Mr E

Barr, Mr C



## AYES

Catley, Ms Y  
 Daley, Mr M  
 Finn, Ms J  
 Harris, Mr D  
 Hoenig, Mr R  
 Lalich, Mr N (teller)  
 McDermott, Dr H  
 Mihailuk, Ms T  
 Piper, Mr G  
 Warren, Mr G (teller)  
 Zangari, Mr G

Chanthivong, Mr A  
 Dib, Mr J  
 Foley, Mr L  
 Harrison, Ms J  
 Hornery, Ms S  
 Leong, Ms J  
 McKay, Ms J  
 Park, Mr R  
 Robertson, Mr J  
 Washington, Ms K

Crakanthorp, Mr T  
 Doyle, Ms T  
 Greenwich, Mr A  
 Haylen, Ms J  
 Kamper, Mr S  
 Lynch, Mr P  
 Mehan, Mr D  
 Parker, Mr J  
 Smith, Ms T  
 Watson, Ms A

## NOES

Anderson, Mr K  
 Berejiklian, Ms G  
 Conolly, Mr K  
 Dominello, Mr V  
 Fraser, Mr A  
 Gulaptis, Mr C  
 Humphries, Mr K  
 Maguire, Mr D  
 Patterson, Mr C (teller)  
 Petinos, Ms E  
 Rowell, Mr J  
 Speakman, Mr M  
 Toole, Mr P  
 Ward, Mr G

Aplin, Mr G  
 Bromhead, Mr S (teller)  
 Constance, Mr A  
 Elliott, Mr D  
 George, Mr T  
 Henskens, Mr A  
 Johnsen, Mr M  
 Notley-Smith, Mr B  
 Pavey, Ms M  
 Provest, Mr G  
 Sidoti, Mr J  
 Stokes, Mr R  
 Tudehope, Mr D  
 Williams, Mr R

Barilaro, Mr J  
 Brookes, Mr G  
 Coure, Mr M  
 Evans, Mr L  
 Goward, Ms P  
 Hodgkinson, Ms K  
 Kean, Mr M  
 O'Dea, Mr J  
 Perrottet, Mr D  
 Roberts, Mr A  
 Skinner, Ms J  
 Taylor, Mr M  
 Upton, Ms G  
 Williams, Ms L

## PAIRS

Car, Ms P  
 Minns, Mr C  
 Smith, Ms K

Baird, Mr M  
 Grant, Mr T  
 Piccoli, Mr A

**Amendments negatived.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that clause 4.1 to clause 5.64 be agreed to.

**Clause 4.1 to clause 5.64 agreed to.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that clause 6.1 to clause 13.6 be agreed to.

**Clause 6.1 to clause 13.6 agreed to.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that schedules 1 to 8 be agreed to.

**Schedules 1 to 8 agreed to.****Third Reading**

**Mr KEVIN ANDERSON:** On behalf of Mr Anthony Roberts: I move:

That this bill be now read a third time.

**The House divided.**

Ayes .....42  
 Noes .....34  
 Majority.....8

## AYES

Anderson, Mr K  
Berejiklian, Ms G  
Conolly, Mr K  
Dominello, Mr V  
Fraser, Mr A  
Gulaptis, Mr C  
Humphries, Mr K  
Maguire, Mr D  
Patterson, Mr C (teller)  
Petinos, Ms E  
Rowell, Mr J  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

Aplin, Mr G  
Bromhead, Mr S (teller)  
Constance, Mr A  
Elliott, Mr D  
George, Mr T  
Henskens, Mr A  
Johnsen, Mr M  
Notley-Smith, Mr B  
Pavey, Ms M  
Provest, Mr G  
Sidoti, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Barilaro, Mr J  
Brookes, Mr G  
Coure, Mr M  
Evans, Mr L  
Goward, Ms P  
Hodgkinson, Ms K  
Kean, Mr M  
O'Dea, Mr J  
Perrottet, Mr D  
Roberts, Mr A  
Skinner, Ms J  
Taylor, Mr M  
Upton, Ms G  
Williams, Ms L

## NOES

Aitchison, Ms J  
Catley, Ms Y  
Daley, Mr M  
Finn, Ms J  
Harris, Mr D  
Hoenig, Mr R  
Lalich, Mr N (teller)  
McDermott, Dr H  
Mihailuk, Ms T  
Piper, Mr G  
Warren, Mr G (teller)  
Zangari, Mr G

Atalla, Mr E  
Chanthivong, Mr A  
Dib, Mr J  
Foley, Mr L  
Harrison, Ms J  
Hornery, Ms S  
Leong, Ms J  
McKay, Ms J  
Park, Mr R  
Robertson, Mr J  
Washington, Ms K

Barr, Mr C  
Crakanthorp, Mr T  
Doyle, Ms T  
Greenwich, Mr A  
Haylen, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mehan, Mr D  
Parker, Mr J  
Smith, Ms T  
Watson, Ms A

## PAIRS

Baird, Mr M  
Grant, Mr T  
Marshall, Mr A

Car, Ms P  
Minns, Mr C  
Smith, Ms K

**Motion agreed to.***Business of the House***SUSPENSION OF STANDING AND SESSIONAL ORDERS: ROUTINE OF BUSINESS****Mr ANTHONY ROBERTS (Lane Cove—Minister for Industry, Resources and Energy) (19:27:5):**

I move:

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

- (1) Permit the House to sit past 10.00 p.m., and provide for the following routine of business for the remainder of this sitting after the conclusion of proceedings on the Crown Land Management Bill 2016:
  - (a) private member's statement by the member for Bankstown;
  - (b) government business;
  - (c) matter of public importance; and
  - (d) the House to adjourn without motion moved at the conclusion of the matter of public importance.
- (2) Provide that no motions for the adjournment of the debate on the Land Acquisition (Just Terms Compensation) Amendment Bill 2016 or the Regulatory and Other Legislation (Amendments and Repeals) Bill 2016 be entertained.
- (3) Provide that from the commencement of Government business until the rising of the House no divisions be conducted or quorums be called.

- (4) Provide that any division called be deferred and conducted at 10.30 a.m. tomorrow, and any business shall be interrupted and recommenced after any such division.

**Mr MICHAEL DALEY (Maroubra) (19:28):** One of the paragraphs of the motion to suspend standing and sessional orders is to permit the member for Bankstown to make a private members' statement, as was agreed yesterday. We thank the Leader of the House and the Government Whip for acquiescing to the member's request to make her speech at this appropriate time. The Opposition will therefore of necessity agree to the suspension. However, members of the Opposition think that the parts of the suspension motion relating to no divisions or quorum calls and for divisions to be deferred until tomorrow are quite shabby.

**Ms Gladys Berejiklian:** You did it all the time when you were in government.

**Mr MICHAEL DALEY:** I do not know why you refer to it as the Piccoli amendment then.

**TEMPORARY SPEAKER (Mr Adam Crouch):** Order! The member for Drummoyne will come to order. The member for Coffs Harbour will come to order.

**Mr MICHAEL DALEY:** I remind members that for the last 22 of 32 sitting days the House has adjourned before 5.30 p.m., so Government members have got into the habit of going home early. Paragraphs (2), (3) and (4) of this suspension motion might well be renamed the "You guys stay here and do our work for us, we want to go home" paragraphs. I remind the Leader of the House that this is a Government bill and, therefore, Government members should not want to go home and turn off the lights on the way out. The Government members have been bludging all year and they want to bludge now in the last two sitting weeks of the year.

**Mr John Sidoti:** Turn it up.

**TEMPORARY SPEAKER (Mr Adam Crouch):** Order! I call the member for Drummoyne to order for the second time.

**Mr MICHAEL DALEY:** Why do those opposite not have a strong work ethic?

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that the motion be agreed to.

**Motion agreed to.**

#### *Visitors*

#### **VISITORS**

**TEMPORARY SPEAKER (Mr Adam Crouch):** I welcome to the public gallery Simon and Helen Spain from Moree, guests of the member for Barwon. I also welcome Ron Thatcher, Trent Engisch and Helen Butler, guests of the member for Bankstown.

#### *Bills*

#### **LAND ACQUISITION (JUST TERMS COMPENSATION) AMENDMENT BILL 2016**

#### **First Reading**

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

**TEMPORARY SPEAKER (Mr Adam Crouch):** I order that the second reading of the bill stand as an order of the day for a later hour.

#### *Private Members' Statements*

#### **TRIBUTE TO BARBARA GILL**

**Ms TANIA MIHAILUK (Bankstown) (19:32):** It is with great sadness that I advise the House of the recent passing of a dear friend of the Bankstown community, Barbara Gill, who, aged 72 years, sadly lost her battle with cancer on 18 June 2016. I am honoured that tonight in the gallery we are joined by Barbara's dedicated life partner for the past 33 years, Mr Ron Thatcher, and two of Barbara's dear friends, Mr Trent Engisch and Ms Helen Butler. Trent, Ron and Helen can attest that Barbara Gill touched the lives of thousands of people in the Bankstown and broader community through her tireless efforts in raising awareness and funds for cancer prevention and research.

Barbara Gill was born Barbara Dorothy Fairwater on 17 April 1944 in Rozelle and grew up near Glebe. She had a simple upbringing and had two sisters and a brother. She married young and had children and she worked in banking as a receptionist. Her life included trials and tribulations as well as challenges. She met her life partner, Ron, via the telephone through a dating agent in 1983, well before the times of online dating. Ron and

Barbara talked on the phone for 15 minutes before they organised to meet up for a first date at what would become their favourite Chinese restaurant in Concord. It was at this Chinese restaurant where Ron won Barbara's heart.

Ron and Barbara lived in Greenacre for the past 30 years. Barbara's passion and enthusiasm, particularly when it came to helping others, was second to none. She was a kind and gentle person whose generous spirit always came before her own personal interests. Barbara had two great passions in her life: arts and crafts and, late in life, cancer advocacy. I am reliably advised by Ron that Barbara had more money in wool and crochet than she had in the bank. Barbara was an expert knitter. If Barbara found out that a friend or family member was expecting a new baby she would spend hours sitting in the living room chair whipping up wonderful creations from her extensive wool collection.

Barbara's energy and enthusiasm to find a cure for cancer are what she will be most fondly remembered for. Barbara became inspired to do something about cancer following her initial diagnosis. She spent more than 16 years of her life fighting against cancer, losing three-quarters of her stomach and her lymph nodes due to the disease. Barbara wanted to volunteer for every initiative she possibly could to raise awareness about cancer prevention and to help find a cure for cancer. In 2002, Barbara participated with Ron in the Bankstown Women's Relay for Life. This was the spark that lit the fire of Barbara's campaign to fight against cancer in every possible way. Barbara became involved in a number of initiatives to help raise funds for cancer prevention, from organising and attending countless Big Morning Teas to volunteering for charities and community support organisations.

At the 2006 Bankstown Relay for Life Barbara and Ron met John and Trent Engisch from the Torch Publishing Company. They would go on to become dear friends and together raised more than \$550,000 for cancer research. The combined passion, determination and generosity of the Engisch and Gill families delivered truly fantastic results when it came to fundraising for cancer research and prevention. Barbara was instrumental in forging the link between Torch Publishing and the Australian Cancer Research Foundation. Just recently Torch Publishing hosted its seventh annual Torch Charity Golf Day, with all proceeds going to the Australian Cancer Research Foundation [ACRF]. This event has become an annual fixture on the Bankstown calendar and to date has fundraised close to \$150,000. This year was the first charity golf day Barbara has missed.

On the day, in recognition of Barbara's advocacy on behalf of cancer research, the Australian Cancer Research Foundation presented Barbara's partner, Ron, with a framed photo of appreciation to recognise Barbara's substantial contribution to the ACRF. Barbara would involve herself in all fundraising measures with the Torch, from helping to wash cars at a charity car wash to selling and buying as many raffle tickets as possible. Barbara was quite lucky at winning raffles, but every time she would win a prize she would immediately donate the prize to be raffled at a future fundraiser. This was reflective of Barbara's generous character. Over the course of the past 10 years, Barbara's direct involvement in different fundraising initiatives is estimated to have resulted in almost \$1 million for charities such as the Australian Cancer Research Foundation, among others. This kind of contribution is simply extraordinary for one lone individual, but it does not surprise me or anyone who knew Barbara's sense of determination to achieve her goals.

Overall, one in two men and one in three women will be diagnosed with cancer by the age of 85. I am sad to inform the House that Ron is currently living with cancer. All members of the community will know someone who has been affected by cancer at some point in their lives. This is why the invaluable work of individuals such as Barbara Gill is vitally important. In the 1980s the survival rate following a cancer diagnosis was only 48 per cent. However, we have seen immense improvements through cancer research and prevention campaigns over the past 30 years. The cancer survival rate has increased, and at present 67 per cent of people will still be alive following a cancer diagnosis. New South Wales has some of the best cancer survival rates for breast, lung, colorectal and ovarian cancers in the world, but there is still more work to be done.

Barbara Gill's extraordinary contribution in advocating for cancer prevention and fundraising for cancer research is a legacy her family and friends can be immensely proud of. Service to the community has directly touched the lives of many individuals who have experienced cancer. Barbara Gill will be sorely missed by the wider Bankstown community but most of all by her loving partner, Ron Thatcher, her close friends like Trent Engisch and Helen Butler, and her extended family of three children, eight grandchildren and one great-grandchild. My lasting memory of Barbara will be of a woman with a strong presence, a passionate figure of strength who had an extraordinary ability to light up the room with her vibrant personality. I loved most of all her tenacity. She would walk up to me and say, "Tania, you have to buy a raffle ticket right now." I loved that about her. She was tenacious and she had a wonderful, stoic nature. The invaluable work of Barbara Gill has undoubtedly assisted in moving us one step closer to the long-term aim of eradicating all types of cancer. What a life Barbara has had; what a wonderful legacy. Vale Barbara Gill.

*Bills***FISHERIES MANAGEMENT AMENDMENT (SHARK MANAGEMENT TRIALS) BILL 2016****First Reading**

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

**TEMPORARY SPEAKER (Mr Adam Crouch):** I order that the second reading of the bill stand as an order of the day for a later hour.

**REGULATORY AND OTHER LEGISLATION (AMENDMENTS AND REPEALS) BILL 2016****Second Reading**

**Mr DARYL MAGUIRE (Wagga Wagga) (19:40):** On behalf of Mr Brad Hazzard: I move:

That this bill be now read a second time.

This bill was introduced in another place on 19 October 2016 and is in the same form. The second reading speech appears at pages 3 to 5 in the proof *Hansard* for the day. I commend the bill to the House.

**Ms YASMIN CATLEY (Swansea) (19:41):** I lead for the Opposition on the Regulatory and Other Legislation (Amendments and Repeals) Bill 2016. I say from the outset that the Opposition sees no need to oppose this bill. In fact, I take this opportunity to again give credit where credit is due and to recognise that the Minister for Innovation and Better Regulation has presented some sensible measures with this bill. The bill appears to reduce the regulatory burden across a number of sectors in New South Wales as well as pave the way for a number of functions to move online, thereby helping consumers to transact business with government in a more convenient and efficient manner.

The object of the bill, as the title would suggest, is to tidy up a number of existing pieces of legislation as well as to repeal a number of uncommenced pieces of legislation or legislation that has simply become redundant. The Opposition certainly supports the Government's efforts to curb underquoting in New South Wales. We share the view that the dismissal of the charges against a Sydney real estate agency which was blatantly underquoting the likely selling price of a residential property through sham employment arrangements was a poor outcome for consumers in New South Wales. I am pleased that the Government consulted with key industry stakeholders who support these amendments to the Property, Stock and Business Agents Act 2002. Licensed real estate agents should indeed be responsible for the actions of their own employees. Let us hope that, coupled with the Government's new underquoting laws, we can rid the industry of the crooks trying to rip off innocent consumers in New South Wales, while we also provide more clarity as to the responsibilities of licensees.

We on this side are happy to support the Government in its effort to increase government digitisation, and that is because NSW Labor has a fine and longstanding tradition of bringing innovation into this House, not just technological advancement but also social innovation that helped create the State of New South Wales as we know it. We support innovation on this side because we are the State's progressive voice in this Parliament. We have a long history of innovation, spanning all the way through our 125 years of Labor representation in this place. Child endowment, widows pensions, increased workers compensation rates, abolition of secondary school fees, and votes for all in local government elections were Labor innovations under Lang. Labor introduced miners pensions; a Housing Commission; tougher occupational health and safety provisions; the re-establishment of the Government Insurance Office as a provider of general insurance; compulsory third party motor vehicle insurance, which the Minister himself has some experience in; improvements to workers compensation; increased Legal Aid; protection of consumers from exploitation; two weeks annual leave; the Joint Coal Board; and debt adjustment measures that revitalised country New South Wales.

It was Labor that introduced rural electrification during the McKell administration, something I am sure The Nationals are very appreciative of today. McKell was also responsible for pioneering achievements in regional development, urban planning, and soil, water and forest conservation. These included the Cumberland plan for Sydney, the State's first conservation department, Kosciuszko National Park, and, together with his friend Prime Minister Ben Chifley, the Snowy Mountains scheme. Neville Wran certainly brought innovation into this Chamber. Upon former Premier Wran's death, Premier Mike Baird pointed to Mr Wran's innovations, including the electrification of several regional rail services, the establishment of the Darling Harbour precinct and being instrumental in creating national parks. He said many features of democracy in New South Wales, including four-year terms, public funding and disclosure laws, and a democratically elected Legislative Council bore Mr Wran's imprint. The list goes on and includes Bob Carr's introduction of the world's first carbon reduction scheme, as well as recognising the importance of curbing the clearing of native vegetation as anti-greenhouse measures, not to mention the creation of 350 new national parks throughout the 10 years of his administration.

It is in this spirit of innovation that we support the Government's efforts to innovate in order to make life better for the people of New South Wales and to make transacting business easier in this State. With this in mind, we are pleased to see the Government working to increase digitisation. Encouraging the uptake of the Rental Bonds Online service is welcomed by the Opposition. As the Minister indicated, the service allows tenants to lodge their bond quickly in a user-friendly, secure online environment, with the tenant's money going directly to the Rental Bond Board. Lodging directly with the Rental Bond Board will ensure that a tenant's hard-earned money is better protected from incidents of misuse and it is also a more user-friendly way of transacting this business.

The amendment introduced by the Minister will make it mandatory for agents and landlords to register with the online service and to offer it to all new tenants as the first option for paying their bond. The Opposition sought assurances that those who still wished to lodge bonds without going online can still do so, and the Government has assured me that this is the case. This is another sensible measure that the Opposition supports. Other amendments to the bill aimed at increasing digitisation of business transactions is the removal of the requirement in the Architects Act 2004 and Building Professionals Act 2005 to provide a statutory declaration when making a complaint. Removing this requirement makes it easier to have these types of complaints lodged online. Again, this obviously makes the process of lodging legitimate complaints against dodgy practice less burdensome for those who have been aggrieved.

I think every member in this place, like me, finds recent technological advances in private transportation an incredibly fascinating space. Regulating point-to-point transport as well as semi-autonomous vehicles has certainly thrown up challenges to us as legislators, and it will continue to be a space that will require considered lawmaking from all of us in this place. It should be noted that Leader of the Opposition, Luke Foley, has been on the front foot in relation to this. It was Luke Foley and Labor who were first to endorse the ridesharing app Uber, and it is Luke Foley and Labor who have proposed the Hunter region as a national hub for the clean technology industry, including the testing of driverless car technology in New South Wales. Again, with this in mind, the Opposition welcomes the Government's amendments to the Fair Trading Act 1987 that will include hydrogen and electricity in the definition of "prescribed fuel". This will ensure that commercial recharging stations for electric vehicles are also covered in the publication of standard retail fuel prices.

Again, this amendment is supported by the Opposition. We believe that providing fair and consistent pricing information to the consumer is in the best interests of the people of New South Wales. Well done, Minister. I note the Minister detailed each amendment that is aimed at "removing red tape and reducing regulatory burden", which the Government points out will make it easier to do business in New South Wales. The Minister advises that allowing people to hold a driver licence as well as a NSW Photo Card at the same time will remove unnecessary regulatory barriers. Likewise, the amendments to the Funeral Funds Act are aimed at reducing Federal and State duplication for friendly societies in New South Wales operating funeral funds. The Opposition welcomes these measures.

However, it would be remiss of me to conclude without noting the progress of the so-called red tape reduction regime of this Government. Again, while I applaud the Minister for attempting to reduce the regulatory burden placed upon consumers in New South Wales with this legislation, I have to say that despite the rhetoric of those opposite this Government has indeed failed abysmally when it comes to red tape reduction. In August, the New South Wales Auditor-General slammed the Government's measures to reduce red tape as ineffective after the Government increased the regulatory burden by \$16.1 million. The report into red tape reduction found that the regulatory burden faced by small businesses increased after the Government introduced changes in 2011. The report stated:

Overall, NSW Government initiatives and processes to prevent and reduce red tape were not effective. Reported red tape savings were inaccurate and the regulatory burden of legislation increased.

The Auditor-General also reported that many of the regulatory repeals did little to assist businesses facing regulatory burden as they targeted legislation with little to no regulatory burden rather than legislation that impeded businesses. The complexity of legislation also increased during the last five years. The number of pages of legislation, usually used to highlight how complex a piece of legislation is, increased over the life of the policy by 1.4 per cent per year on average. Before the policy was implemented, the previous 10 years had a reduction of legislative complexity of 1.1 per cent per year on average. It is clear from the Auditor-General's report that the Government needs to put its strong red tape reduction rhetoric into stronger action.

In conclusion, I note that the bill also makes a number of repeals to legislation and legislative provisions that were uncommenced for several reasons or which have become redundant. Again, the Opposition sees no problems in the proposed amendments as they simply get rid of uncommenced material or provide other minor technical changes to legislation that, as the Minister advised, the Parliamentary Counsel considers appropriate.

All in all, the Opposition believes that the bill contains a number of sensible measures and sees no reason to oppose it.

**Ms JENNY LEONG (Newtown) (19:52):** I speak on behalf of The Greens to support the Regulatory and Other Legislation (Amendments and Repeals) Bill 2016. The bill amends a number of Acts, as has been outlined. Mr Justin Field, my colleague in the other place, has spoken on the key changes. I express my support and the support of The Greens in this place for a number of the changes, including, as has already been mentioned, the fuel price publication that will see the bill amend the Fair Trading Act 1987 to include electricity and hydrogen in the definition of "prescribed fuel" for the purpose of the publication of prices. As my colleague noted in the other place, it is encouraging to see the Government recognising that the future is coming quickly with regard to powering the private transport sector in this State. The Greens support this amendment as it recognises that electric vehicles are the future of vehicle transport.

In my capacity as The Greens NSW housing spokesperson, I also acknowledge the amendments to the Residential Tenancies Act 2010 with the stated aim of encouraging the use of online bond services. This is an aim that The Greens support. We recognise, as has been reported by the Government, that only approximately 20 per cent of bonds are currently lodged in this way. This is a very low rate for our digital age. We welcome changes that aim to increase the uptake of the online option. The new provisions will ensure that tenants are advised that they have the option to lodge their bond direct with the Rental Bond Board online. This digital option for bond lodgement is likely to be preferred by a number of tenants who are currently not aware that it is an option.

Importantly, The Greens believe this also puts more ownership of that bond into the hands of the tenants, recognising that tenants will be aware that bonds do not need to be lodged through landlords or real estate agents. As more tenants opt to use the direct, online option for lodging their bond, the number of instances will be reduced in which dodgy real estate agents or landlords claim to have lodged a bond on behalf of a tenant but fail to do so. Anything that puts more power and rights back into the hands of people in our community who are renters rather than those of dodgy landlords is a change that The Greens welcome. As the Tenants' Union has noted, this will also help to reinforce the idea that rental bond money is actually tenants' money.

Landlords do not have an arbitrary claim on a rental bond and have no need to interact with it until the end of a tenancy, if at all. It is important that that is reiterated wherever possible within this process to tip the balance back so that renters are provided with that security. While we support this amendment, we note that some scrutiny will be required to ensure that the invitations to tenants to use the online rental bonds service are genuine. We will continue to work closely with the Tenants Union as to how the amendment works in practice. Another area that assists in holding real estate and dodgy landlords to account in our broader area is in the changes that have been made to the Property, Stock and Business Agents Act 2002, specifically in relation to closing a loophole in laws relating to underquoting in New South Wales.

The amendments will better protect people trying to buy a home and ensure that individuals found to have intentionally understated property prices to mislead prospective buyers are properly penalised. The Greens support this as an important change, especially given the concerns raised and complaints made under another initiative of this Minister in relation to real estate agents that we have seen in the last three reports of complaints within that sector. I believe they have rated in the top one or two on both occasions. Finally, I comment on the changes to the Photo Card Act 2005. The Greens support changes that will enable a person to hold both a photo ID card and a driver licence. However, I flag an issue that has been raised with me by a constituent in the electorate of Newtown. I understand it has been an ongoing concern in relation to photo cards. Perhaps this change might be an opportunity to reiterate the fact that photo cards need to be accepted and can be accepted in the same way as a driver licence. It is an official form of identification.

While the Roads and Maritime Services website notes that the NSW Photo Card has the same application process and security features as a driver licence and that you should be able to use it everywhere that accepts a driver licence, in fact in many cases photo card holders are discriminated against. People who only hold a photo card and do not have a driver licence are often people with disabilities or people who for some reason are unable to get a driver licence. It means that they are then unable to interact with government departments. The Greens think this change is perhaps an opportunity to remind government departments of the fact that a photo ID card is an important form of identification, especially for those people with a disability who are unable to get a driver licence. We ask that the forms, policies and procedures are updated to make sure that there is a reminder to all government departments that people with a photo ID card rather than a driver licence are not discriminated against. To conclude, The Greens are supportive of these changes and particularly supportive of any changes that put the rights of renters on the agenda and make sure that we protect them from dodgy landlords.

**Mr VICTOR DOMINELLO (Ryde—Minister for Innovation and Better Regulation) (19:58):** On behalf of Mr Brad Hazzard: In reply: As members have heard, the bill contains amendments to improve regulatory quality, ensure legislative protection provisions work as intended, reduce red tape and unnecessary regulatory

burden and repeal obsolete provisions. The proposed amendments to the Property, Stock and Business Agents Act 2002 will strengthen existing underquoting laws and clarify licensees' responsibilities, particularly for those engaged to act on their behalf as employees despite the method of engagement. It will send a strong message to the real estate industry about the professional standards they are expected to meet, including their obligation for proper supervision of their employees.

The amendments will also facilitate effective enforcement of the underquoting laws and will ensure that these vital consumer protection measures operate as intended. Those measures have the support of key industry associations such as the Real Estate Institute of New South Wales and the Estate Agents Cooperative Ltd. The industry in general has been responsive to the new underquoting laws, and I thank it for its cooperation. This bill is one component of the agenda of this Government to regulate smarter and to make it easier to do business and to interact with government regulation. Amendments to facilitate the uptake of digital services via the Online Rental Bonds system and the ability to lodge complaints online in relation to architects and building certifiers will make it easier to deal with Government and to comply with regulatory requirements.

The bill demonstrates this Government's continued commitment to reducing and removing unnecessary red tape by introducing the option of one-year or three-year licences for conveyancers, pawnbrokers and second-hand dealers, and making amendments to and repealing redundant provisions of 17 different Acts and regulations. The debate on this bill indicates clearly that those measures have strong bipartisan support. I thank the member for Swansea, the shadow Minister for Innovation and Better Regulation, together with the member for Newtown, The Greens housing spokesperson, for their contribution to this debate. I note the comments of the member for Newtown about the photo card, and I will take them on board in relation to any future reform proposals. We will consider the issues at hand and ensure, where possible, that those issues are addressed.

I thank everyone for their contribution to this debate. This Government is committed to creating a business-friendly environment for New South Wales entrepreneurs by reducing and removing barriers, costs and complexity, and by making regulatory obligations easier to understand and to implement while maintaining appropriate consumer protections. The bill is one component of that agenda and it works together with other initiatives, including the Easy to do Business project, the Commerce Regulation Program, and Service NSW, which are already providing significant benefits. The latest red tape survey of the NSW Business Chamber recognises Service NSW as an example of a less complex regulator that makes it easier for businesses and consumers to meet their regulatory responsibilities. This bill and the other initiatives are about regulating smarter in order to provide benefits to business, the economy, and the community. 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 VICTOR DOMINELLO (Ryde—Minister for Innovation and Better Regulation) (19:00):** On behalf of Mr Brad Hazzard: I move:

That this bill be now read a third time.

**Motion agreed to.**

### **LAND ACQUISITION (JUST TERMS COMPENSATION) AMENDMENT BILL 2016**

#### **Second Reading**

**Mr JOHN SIDOTI (Drummoyne) (20:02):** On behalf of Mr Andrew Constance: I move:

That this bill be now read a second time.

The bill was introduced in the other place on 20 October 2016 and is in the same form, and the second reading speech appears at pages 42 to 45 in the *Hansard* proof for that day. I commend the bill to the House.

**Mr CLAYTON BARR (Cessnock) (20:02):** The Opposition will support the Land Acquisition (Just Terms Compensation) Amendment Bill 2016. However, in so doing it will seek to move amendments to improve it. The stated purpose of the bill is to improve the procedure for the acquisition of land on just terms. The Land Acquisition (Just Terms Compensation) Act 1991, as it now stands, modestly defines itself as:

An Act relating to the acquisition of land on just terms by authorities of the State.

I emphasise the phrase "just terms". Clearly the whole point of this bill and the reason we are dealing with it now is that various government authorities are failing in their obligation to achieve just terms. If that were not the case,



we would not be dealing with this bill because nothing exists in the Act to prevent "just terms" from being realised other than the behaviour and conduct of the authority.

In the 25 years since the 1991 bill, there have been 22 various amendments made to the Act, primarily as adjustments to statute law revisions and Native Title Act revisions. One wonders why the civility of land acquisitions has been lost under this Government. Why is there now such a spike in outrage and anger? We find ourselves debating this bill today, completely at odds with what the Government wanted to happen. The Government did not want this bill or these changes. The Government did not want its agencies to be called out because they were enacting its dogma—that is, to rob from the poor and give to the rich. In the case of land acquisition they were doing this house by house. The House must understand that the Government does not want this bill. With this in mind, it has heightened the Opposition's scepticism about what might actually be in the bill. And when we peeked behind the curtain, we saw more misleading headline than genuine substance.

It has been the Labor campaign against the Government that has dragged it unwillingly to this position, to this bill, and to this Chamber. It has been Labor members across the Sydney Basin who have listened to the concerns of residents, heard the horror stories of bullying and harassment by the acquiring authorities, and it has been Labor that has supported displaced residents in having their stories told through various media outlets. The fundamental of "just terms" is a difficult concept to explain and to define. In the movie *The Castle* it was defined as "the feel of the thing" or "the vibe". If one asked a room full of people how they would describe a concept such as "just terms", one might get a range of slightly different answers, but undoubtedly most of them would include words such as "fair" and "reasonable".

We would all understand that to realise fairness, reasonableness or justice there must be an equity in power. In the context of compulsory land acquisitions, the home owner is often powerless and the acquiring agency is all powerful. The 1991 bill that has been the status quo in this State for the past 25 years has been operating on a platform of interpreted "just terms". This interpretation is often the responsibility of the Government and the Minister. It is up to the leadership to set the tone and culture.

**Mr Kevin Conolly:** And established case law.

**TEMPORARY SPEAKER (Mr Bruce Notley-Smith):** Order! Government members will cease interjecting.

**Mr CLAYTON BARR:** The Land Acquisition Act can be approached in a tone of fairness and equity—we do not need change for that. Indeed, it might even be approached with a sense of generosity. However, alas, under this Government it has almost always been approached with a sense of penny pinching. In effect, the purpose of this bill is one of two things, either to seek control of agencies that cannot otherwise be controlled, or it is window-dressing after the Government has been exposed for its unpalatable policy about the cheapest possible dollar. The Government wants to be seen to be doing the right thing now. Indeed, the most significant test of the Act might well have been the 2000 Olympics, when a significant number of properties and businesses were acquired. Yet, in the years leading up to 2000, in the media and in the comments of members of Parliament, there appeared to be little civil unrest. This indicates that a culture or philosophy that was more "just" must surely have been at play. If it could be done then, why can it not be done now? In the past five years more than 1,700 property and business owners have had their land compulsorily acquired.

I will give members a brief history of the journey of the bill to this House. To do that, we must go back to the campaign leading up to the 2011 election. The Government announced that reforming the Land Acquisition (Just Terms Compensation) Act would be a fundamental task. In May 2012, in something of an admission of the problems with the just terms process, the then Minister for Finance and Services, the Hon. Greg Pearce, announced the Russell review. The proposed timeline was that the report would be tabled in Parliament by the end of 2012. Meanwhile, from 2011 to 2013 the Joint Committee on the Office of the Valuer General also investigated the just terms process, making significant recommendations for reform in its May 2013 report.

I acknowledge the work of the committee chair Matt Kean, the member for Hornsby. I was fortunate to be a member of that committee. The joint committee recommendations were put on hold as the Government considered the findings of the February 2014 Russell review. In response to the Russell review the Government established an interdepartmental committee to understand and provide advice on the implications of the recommendations. In August 2014, the Hon. Duncan Gay told members in the other place that the Government had been quick to respond to the Russell review by implementing two of the key recommendations. He assured the House that the Russell review would be public "in the next couple of months", implying it would be available prior to the end of 2014. In both May and September 2014 the joint standing committee was told that the Russell review and the government response were being considered by Cabinet.

Throughout 2015 there was no publication of the Russell review. In December 2015 a Government Information (Public Access) Act application shows that the Minister for Finance, Services and Property and member for Hawkesbury, Dominic Perrottet, wrote to the Premier advising him not to adopt the remaining recommendations of the Russell review as they would "likely have adverse impacts including increased disputation, valuation complexity, additional costs and delay to the completions of infrastructure projects". In February 2016 the Minister changed his view and again wrote to the Premier asking for changes to be made.

Throughout 2016 community unrest grew with respect to various projects and Labor member for Strathfield Jodi McKay launched a sustained campaign calling on the Government to release the Russell review and improve the compulsory land acquisition just terms compensation process. In June 2016, Premier Mike Baird told members during question time that his Government acknowledged there were problems and more needed to be done. And yet the Russell review was still not made public. Finally, in October 2016, the Government introduced this bill to "improve the process". The Russell review was not made public at that time but was handed to the media in hard copy. The Government remained inert during this five-year procrastination period that produced an expensive independent review and an excellent internal joint committee review.

It was not until the political goodwill of the Premier began to wane and the focus started to turn onto him that he overcame this government inertia. As demonstrated by the greyhounds issue, bad polling and self-preservation are wonderful motivators. I imagine the edict from the Premier's office would have read something like this: "We are taking on water from all directions. My career looks like it is over. I do not want it to be finished just yet. Let's plug some leaks. What is happening with these compulsory land acquisitions? Why are we getting bashed in the media every day on this issue? Alan has asked me to come for dinner. I need some answers now."

After six years a fundamental 2011 election commitment has not been honoured. The debate continues with regard to compulsory land acquisitions and the treatment of impacted home owners. The Government is yet to explain why an issue deemed to be significant during an election campaign six years ago and first actioned in early 2012 has taken so long to come to Parliament for legislative reform. It has been unable to explain why the Russell review was in the hands of the Government for more than 1,000 days prior to publication. Against the Government's frugal best wishes the Opposition seeks the restoration of balance and fairness that has been eroded by the culture of this Government's financial dogma.

I turn now to some of the details in the bill. The Government was quick to announce the major change of wording from solatium for the non-financial impacts of acquisition. It was the headline item in the announced reforms because it sounded pretty nice, generous and wonderful. In truth it is, and it is not. Let us address that issue. This bill seeks to change the reference to compensation for non-financial disadvantage from "solatium" to "disadvantage resulting from relocation". The net financial effect is an increase from a maximum payment of \$27,235—set in 1991 at \$15,000 plus consumer price index—to \$75,000. Russell recommended \$50,000 as the maximum. It is not clear why the Government chose \$75,000. I ask the Minister to explain it in his speech in reply.

Nevertheless, it is important to understand how the Government used this figure of \$75,000. On the day it was announced the Government media releases had in bold, underlined print the \$75,000 figure. There was bragging to the effect that this would be a massive \$50,000 increase in solatium or, as it would now be known, "the disadvantage resulting from relocation". If I were a displaced owner on that day at that time I would be starting to plan how I might best put to use that additional \$50,000 that the Government seemed to be promising. After all, Premier Baird even announced back payments for persons affected since the Russell review—which would mean back payments until February 2014 for anyone affected since that time. There was no apology and no explanation for the long delay—just some cash that was used to buy positive media spin. But the truth of the matter is anything but the \$75,000 advertised. Payment of the solatium is not at a flat rate. Not everyone got the \$27,000 which is in the current Act and, equally, not everybody will get the \$75,000 that is in this bill. But one would not think that if one had read the media releases.

In negotiating a solatium with the acquiring authority, landowners must lodge reasons as to why they should be paid a higher, lower or mid rate. Negotiation ensues and the landowner is ultimately paid an amount that then forms a percentage of the total amount available. That then sets a percentage rate. To clarify exactly what will happen to home owners since 2014, whatever percentage of the \$27,000 they got over the past 2½ years, they will now get the same percentage of the \$75,000. If someone received 25 per cent of the \$27,000, he or she would receive 25 per cent of the \$75,000. It is unlikely that too many people will see the \$75,000, regardless of this Government's claims.

Under this same instrument, no equivalent compensation adjustment is being offered to persons whose properties were compulsorily acquired during 2012 and 2013 or in January 2014. I raise that issue because it begs the question about when the Government deemed itself responsible for the apparent delay injustice. Was it in

May 2012, when it called for the Russell review? Is that when the injustice and the responsibility started, or was it late in 2012 when the Government failed to deliver the Russell review? Was it in May 2013, when the Government refused the findings of the joint committee? Ultimately, it was not until February 2014 that the Government agreed that it was its time of responsibility. I think we could argue any of these cases, but the Government indicated that February 2014 is the cut-off date. For those affected in 2012 and 2013 and in January 2014, I guess the Government is saying that it is just too bad.

Interestingly, no minimum solatium will be paid. However, the Government indicated that guidelines will be issued that will spell out some indicators of the compensation paid under these terms. This bill also introduces a legislative requirement for acquiring authorities to engage in a six-month conversation with landowners prior to giving a compulsory acquisition notice, which is a 90-day period. In many instances this already happens because the Government needs the time—six months—as much as landowners do. So this change essentially formalises current practice and insists on it for those acquiring authorities who might at times have been a bit aggressive in their approach to the timelines and deadlines of 90 days. This now means that there is, first, a six-month period of negotiation and, secondly, a three-month compulsory acquisition notice period—in other words, nine months in total prior to the acquisition being gazetted or formalised.

This bill also allows for a review of claims of hardship by a landowner who may have at one point been informed that his or her land would be compulsorily acquired, only to be told later that it would no longer be required. The landowner may insist on the Government acquiring it, regardless of changed plans, because the landowner claims that the matter has caused hardship. It is up to the landowner to prove the hardship. The change proposed in this bill will allow for the Minister to appoint an independent person to hear any such claim and determine it with finality within 28 days. Labor acknowledges that the implementation of this step to use an independent person is a step towards improvement but it is our position that this step would be improved further by using an independent panel rather than an independent person, which will be described in one of the amendments the Opposition will move to try to make this bill better.

We believe an independent person who is to be appointed by the Minister would not be sufficiently removed from the Government culture and instruction. We feel that a panel would offer greater independence. Another change proposed in the bill will remove the possibility of the former landowner being charged rent during the three-month period after compulsory acquisition or gazettal, which in most instances comes nine months after first contact. This new element of the bill will legislate what, in some instances, depending on the government department or authority, already happens. The current Act says in section 34 (3):

The terms on which a person remains in occupation of land that has been compulsorily acquired under this Act are, in the absence of agreement, such reasonable terms as are determined by the authority of the State ...

That means the acquiring authority can set any terms or conditions to allow the person to stay in their home until they are ready to move on or until an agreed period has elapsed. That happens today. It has happened for the past 25 years. Some government departments are better at doing that than others. The amendments introduced by this bill aim to deal with the worst of those government agencies, the departments that cannot be controlled by their respective Ministers. Some government departments have been so aggressive on this front that they have charged people not only rent but also a bond to stay in their premises.

Currently, those government departments that claim rent and those that do not are both operating within the law. In the future, for the first three-month period no department will be able to claim rent. In a small number of instances where the issue of rent has been considered by the Land and Environment Court, the rent paid has been deemed a compensational cost and the Government has been instructed to pay the equivalent back—that is, the rent charged—by way of compensation. It makes one wonder why they do that. A further change proposed in the bill concerns compensation, or payment for the land and buildings acquired, that is payable to the landowner. Under the existing Act the compensation claim is often first directed to the acquiring authority. That effectively means the umpire reviews its own decision, with the only alternative being the Land and Environment Court. The proposed change will allow for a compensation dispute to be reviewed by the Valuer General and allow the Valuer General to exchange details and particulars with both parties.

That is eminently sensible. The intention is to offer an interim step that is simpler, faster, more accessible and far less intimidating than the Land and Environment Court. As it did for the concept of the independent reviewer, Labor acknowledges that the change proposed is a step forward, but Labor will seek to make this bill better by suggesting that an independent review panel take the place of the Valuer General so that there is a clearer and more significant gap between the government of the day and the process. The bill proposes no substantial change to the market value methodology. This is perhaps the most contentious issue in the community at the moment, directly linking it to the concept of reinstatement in the same suburb.

The NSW Parliamentary Research Service paper entitled "Compulsory acquisition of land: A brief legislative and statistical overview", published in September 2016, chose a select period to investigate the data available through the Office of the Valuer General. It found that between 1 July 2015 and 11 May 2016 there were 279 determinations of compensation, with a total value of just under \$365 million. That equals an average of \$1.31 million per property. If we turn over a couple of pages we find that the research service took the time to investigate the Land and Environment Court hearings that dealt with just terms compensation. In residential cases of just terms compensation that went before the Land and Environment Court, the applicant received on average an outcome that was 38.48 per cent better than the sum that was originally offered to them by the acquiring authority. With an average of \$1.31 million per property for the 279 matters that have been finalised and registered with the Office of the Valuer General and an average of 38 per cent more being offered through the Land and Environment Court, we find that each of the landowners, in theory, might have missed out on \$504,000 per household.

That is based on some very crude and rough averages, but they tell us that conditions are in play that perhaps mean people are not getting appropriate market value for their house. The Parliamentary Library's research paper offered other findings for other categories, such as urban-commercial, rural-residential and urban-other. In some of those instances we find 70.46 per cent more achieved in the Land and Environment Court, 42.14 per cent more achieved in the Land and Environment Court and 122.72 per cent more achieved in the Land and Environment Court, respectively. The figures tell us that 38 per cent more is achieved in the Land and Environment Court for those who took the matter to that court, and the figure is at the low end of the averages for those who were successful in the Land and Environment Court.

The net result of the culture, dogma, attitude and tone of the acquiring agencies over the past five years while the Government has sat on various reports and recommendations is that the Government may well have saved itself somewhere in the vicinity of \$1 billion, which is money that should be in the hands of the landowners. However, today that money rests in the hands of the Government. By any definition, that is something of a rip-off. If there is no real change to market value, there will be no real change to the end result for consumers and we will have to assume that this bill is nothing more than window-dressing for a little short-term political popularity.

Rising residential sale prices can accumulate at the rate of 1 per cent or 2 per cent a month. It is not unusual to have a quarter of a year, which is just 90 days, as a period for compulsory acquisition and to see a 6 per cent increase in value. It is also not uncommon to see across the course of a year an increase of 10 per cent to 13 per cent in Sydney suburbs where houses are currently being acquired. Those circumstances present an enormous challenge to the concept of just terms compensation. Finding just terms is incredibly difficult when the market is moving so fast; hence, inaction in the approach to ascertaining market value is indeed the elephant in the room in relation to this legislation.

One very minor change to the market value function of this bill is the introduction of a new condition for property for which there is no general market. An example given by the Government is a church. The claim is that it is hard to place a value on a church when there are no similar transactions in similar neighbourhoods. Thus the bill proposes to introduce new section 56 (3) (a) and new section 56 (3) (b) to allow for reinstatement in some other area. A final change proposed by the bill is return of the acquired lands to the former landowner, should the authority that acquired it no longer need it. Where practicable, this bill proposes that within a 10-year period from acquisition to potential resale, the first opportunity for resale should be given to the former owner. Both the acquisition and the resale are proposed to be set at market value at the relevant time. I note that in relation to this issue the Russell review suggested that that type of exchange should occur based on the value paid for the land at the time of the acquisition, regardless of the time in between.

The Russell review notes that any financial outcome should be in favour of the displaced landowner. The Government ignored that recommendation because accepting it potentially would cost the Government more money. Quite simply, that is putting money before people, which is at odds with the sentiment expressed by the Premier in this Chamber just a few short months ago. In conclusion, the New South Wales Labor Opposition will not oppose the bill, but we will seek to move amendments to improve it. The Labor Opposition would welcome the Government's support for those amendments.

**Mr STEPHEN BROMHEAD (Myall Lakes) (20:27):** I am very pleased to express support for the Land Acquisition (Just Terms Compensation) Amendment Bill 2016. I am very pleased that the Government has introduced this package of reforms. The bill will provide a number of benefits for landowners whose homes are required for public infrastructure purposes. This Government has demonstrated a strong commitment to improving fairness in the New South Wales land acquisition framework. The Government commissioned Mr David Russell, SC, and Mr Michael Pratt, AM, who is the New South Wales Customer Service Commissioner, to review the Land Acquisition (Just Terms Compensation) Act 1991 and make recommendations on how a difficult process could be made fairer, easier and more transparent. I turn now to some of the comments made by the member for

Cessnock. The first point I make is that the Act that was the subject of the review was passed in 1991. The legislation was introduced by the Coalition Greiner-Murray Government because the previous Labor Government under Premier Neville Wran raped the country for the sake of establishing coalmines e all know about the history of Labor and coalmines and it was because of that that it was brought in. What have we done? The Kean report. What else? We came into government in 2011—not six years ago as the member for Cessnock wants us to believe. In 2012 we commissioned Mr Russell to start an inquiry which took two years to complete because of the complexity of the matter. Just two years later, this Government is introducing his recommendations and backdating them to the date it received the report: nothing could be fairer.

The member for Cessnock said this all started to happen when we came into government. I want to tell him about one of my constituents who lives in Bulahdelah whose property was negotiated with the previous Labor Government in 2009-10 when he was offered \$300,000 for his land. In 2011 under this Government his matter was settled for just over \$900,000. The problems that were identified started under Labor and this Government is fixing them. This Government is amending the legislation that we put in place back in 1991. Overall the findings of the reviews are that the Act is fundamentally sound—that is the Greiner-Murray Liberal-Nationals Government legislation. However, we agree more work needs to be done to ensure that a stressful and complex situation, which started under Labor, brought on by no fault of the landowner, is not only made as easy as possible, but is also made as fair as possible.

This bill is an overdue update to the Act. It is important because it will deliver significantly fairer and more equitable outcomes for landowners and residents. For example, Ministers currently have broad discretion to reduce negotiation time frames for the acquisition of private land. And there are good reasons for this. The development of public infrastructure can be urgently required, and new road routes may have to be chosen at short notice for a number of reasons including environmental, heritage or cost factors. However, shortened time frames can result in reluctant landowner agreements. As Mr Pratt found, some landowners felt they did not have enough time to understand the process and fully understand their rights and obligations while also looking for somewhere to live and planning to move.

This bill provides greater certainty to both landowners and acquiring authorities by providing clear and realistic time frames for negotiation. This Government understands that landowners are, in already stressful circumstances, required to deal with the shock of having to relocate. They may not have enough time to navigate a completely new and unfamiliar process, while simultaneously juggling work and family commitments. That is why the introduction of the six-month negotiation period will provide ample time for landowners to fully understand their rights and obligations, and obtain legal and valuation advice. Time for issuing compensation notices will also be extended from 30 to 45 days, to allow the Valuer General to give each determination the time it deserves. This is particularly important for complex valuations.

These clear time frames will ensure dealings with landowners are both fair and timely. The six-month negotiation period, in particular, provides certainty and clarity for landowners. This bill introduces a significant change to the dispute resolution process. Every landowner who has had an application rejected under the Act's hardship provisions will be given the right to a merits review by a suitably qualified professional who is independent of government. This is a very important development. The passing of this bill will mean that, for the first time, landowners have a right to a review of a rejected hardship application. The merits review will be conducted by a senior professional who is completely independent from the acquiring authority, and with no connection with the project related to the acquisition.

The Government is also providing the opportunity for reinstatement in limited circumstances where there is no market value. This means where, for example, a place of worship or community centre is acquired by the Government for a public purpose, compensation will be provided to enable the facility to be reinstated to the position it was in before the acquisition. The bill will also provide a right to former landowners to repurchase their land where it is found that it is not needed for the project for which it was acquired. There are of course some sensible limits around this right—including that it must be within 10 years from the date of acquisition and the land must not be substantially improved. The Government is bringing in sensible legislation that protects the rights of the owners. It will be backdated to when the Government received the report. I commend the bill to the House.

**Ms JODI McKAY (Strathfield) (20:33):** Before I speak to the detail of the Land Acquisition (Just Terms Compensation) Bill 2016, I think it is worth understanding how this bill has come about. I was contacted earlier this year by Mr Owen Coleman of Bulahdelah, in my capacity as shadow Minister for Roads. Mr Coleman had contacted the roads Minister, his local member, Mr Stephen Bromhead, and other members of The Nationals for the release of a report into compulsory acquisition developed by David Russell, SC, but had been fobbed off time and time again. Eventually he found his way to me, and as the shadow Minister and also the member for an area whose residents are experiencing the pain of compulsory acquisition, I made it a mission to have this report released and the compulsory acquisition process improved. his bill goes some way to doing this; however, it does

not go far enough. Labor will not oppose the bill, but we ask the Government to consider the amendments that we are proposing which will strengthen the Act and make it fairer for residents whose homes and businesses are being taken from them.

It has been 2½ years—1,000 days—since the David Russell report was presented to the Minister. Through a Government Information (Public Access) Act request we know the report cost around \$100,000 and was given to the Minister on 26 February 2014. Most of the properties acquired during that time have related to WestConnex and in more recent times the Metro project. I think that is what has been so difficult to accept—that at a time when the Government is pushing ahead with large road and infrastructure projects, it has ruthlessly and intentionally hidden this report. We know that is what happened. In leaked documents between the Minister for Finance, Services and Property, Mr Dominic Perrottet, and the Premier we know the report went to Cabinet in August 2014 and only two recommendations were agreed to, one of those being for the development of a plain English fact sheet. While that is supported, it of course did not address the inherent flaws with this legislation.

**Mr John Sidoti:** Table it.

**Ms JODI McKAY:** It was already leaked and is on the public record. In the letter to the Premier dated 18 December 2015, Minister Perrottet said:

The key concern of agencies such as Roads and Maritime Services, is that a number of the recommendations would likely have adverse impacts including increased disputation, valuation complexity, additional costs and delays to the completion of infrastructure projects. On this basis, I recommend at this time that no further action be taken to address the review report.

The ministerial brief of last year indicated the report's recommendations were related to "fairness for land owners", yet there was nothing fair about the approach to this report taken by the Government. It was told how to fix the legislation and the process of compulsory acquisition, but chose deliberately and wilfully to hide the report. This is a government that puts people last—people who are being forced out of their homes and neighbourhoods. The decision to hide the report was cruel and deliberately misleading, and it was only due to media pressure and a relentless pursuit of the issue by Labor that this report was released and this bill is before the House.

As the member for Strathfield, I have seen firsthand the impacts of compulsory acquisition in my community. In the construction of the M4 East tunnel, more than 180 properties have been acquired from Homebush to Haberfield. I know how difficult this has been for residents. Today Minister Perrottet met with a family in my community who have been impacted significantly. I am very appreciative of the Minister doing so. I know he also met with another resident in recent weeks, who also appreciated that meeting. This is the first time a Minister has agreed to meet residents whose properties have been impacted by WestConnex. I have written letters to the Premier, the Minister for Planning and the Minister for Roads, Maritime and Freight. I have even spoken in this House about their situation, yet until this week their cries for assistance and even a wee amount of understanding of their situation have gone unheard. Again, I thank Minister Perrottet for meeting with them today and for giving them the opportunity to tell the story.

This bill gives responsibility for acquisitions to the Minister for Finance and Services, and I am supportive of that. I think it goes some way to removing the obvious conflict that can arise for infrastructure Ministers and projects they are managing. I turn now to the contents of the bill. We support the extension of the negotiating period to six months; however, the reality is that this generally happens now, and this change is as much a benefit for the acquiring agency as it is the property owner. We are concerned with two aspects of this section of the bill. The first issue relates to when the six-month period starts: does it start with a knock at the door or a letter in the mailbox? We contend the six-month period should start with the first written offer made by the acquiring agency.

We note the Minister can shorten that six-month period if required, and perhaps the Minister can explain under what circumstances he sees that occurring. We believe the property owner who faces this situation should be provided with a copy of the Minister's consent. As the bill currently stands the Minister can make that decision and the home owner may never know why. I think our proposal is sensible and allows for transparency, but still gives the Minister flexibility in being able to make these decisions.

The bill proposes a change to the non-financial disadvantage payment made to property owners, up from \$27,235 to \$75,000. This is supported. However, the amount provided to property owners is still at the whim of the acquiring agency. To address this issue in some way, we propose the minimum payment for disadvantage resulting from relocation be set at 10 per cent of the maximum. This will not counter the subjective assessment issue caused by acquiring agencies, but it will go some way to ensuring that each and every property owner starts from a positive base. We also note this part of the bill will be retrospective to February 2014. To be honest, that is a big admission from the Government that its decision to hide the report has negatively impacted on residents whose properties have been acquired.

Property owners having to pay rent to stay in their own home has been an issue of great concern and criticism. The bill ensures that residents can stay in their property for three months rent free; however, there is no mention of whether or not a rental bond is required to be paid. I believe the bill should be amended to clarify that a bond is not required. We know that in recent times the Roads and Maritime Services and the Sydney Motorway Corporation are not only forcing residents to pay rent but also requesting a bond that is well above market value. As a result, we will seek to amend the legislation to include the rental bond as part of the three-month period. It is also unknown how the Minister came to the three-month period. Perhaps he can provide that explanation. Labor believes this bill goes some way to rectifying some of the issues with the compulsory acquisition process. However, this bill does not provide any assurances that the culture within acquiring agencies will actually change.

That brings me to the most significant change we believe needs to occur to genuinely make a difference to the compulsory acquisition process. The bill allows for a review of unsuccessful hardship applications. This is the right approach; however, the method proposed in this bill is the wrong solution. The bill allows for the appointment of a reviewer by a Minister who is a suitably qualified person. We believe this review mechanism should be a panel of experts with varied but relevant experience. We believe the panel should also include a person whose home has been compulsorily acquired. What is missing from the compulsory acquisition process currently is "heart", that is, an ability to understand and empathise with those home and business owners who have been placed in the situation of having their properties acquired. The Premier talks about having empathy, but this bill does nothing to reflect that. We believe the establishment of a panel would go some way to doing this.

The review panel would provide a genuine review mechanism that is transparent and involves not just one expert but recognises that the compulsory acquisition process requires an assessment by a range of experts. One criticism of the process currently is that government agencies rely too heavily on the advice of valuers who have no training in the interpretation of the law. The review panel would include a valuer, a legal practitioner and a further expert such as an accountant or town planner. As I said, the panel would also include someone whose home has been previously compulsorily acquired.

We also believe the panel should act as a review mechanism between the stages of the Valuer General and the Land and Environment Court. Currently, the only recourse for property owners if they are unhappy with the finding of the Valuer General is to appeal through the Land and Environment Court. We know few people want to take that path. It can be expensive and heighten the anxiety already being experienced in a traumatic process. We believe this review panel would also allow for those impacted by projects but not identified for compulsory acquisition to have a clearer path to seek redress. The panel could provide a ruling on compensation, rectification and acquisition. These decisions now rest with agency staff. They are big decisions that can impact on the quality of life of a family or individual.

I note that the Minister has indicated that case managers will be appointed to make the experience for landowners less traumatic. That is not included in the bill and I ask the Minister to provide the House with information on when landowners will come in contact with the case manager, which agency the case manager will belong to, and how many case managers will be available to assist landowners. I support the attempt to separate the Valuer General from the agency, particularly in the provision of information by the landowner in support of their claim.

In evidence to the Standing Committee on the Valuer General, Simon Gilkes indicated that his office is currently taking an average of 83 days to issue the determination of compensation instead of 30 days. In this bill the Government is increasing the time frame to 45 days. While we are not opposed to that, unless the Valuer General is appropriately resourced, there will not be an improvement to this situation. It should be acknowledged that the legislative framework is only part of the compulsory acquisition system. Ultimately, it is the interpretation applied to the Act by the acquiring agencies that often determines the outcome. [*Extension of time*]

I urge the Minister to ensure that staff dealing with compulsory acquisitions have the training they need to be fair and reasonable in their work. That is currently not the case. Good outcomes come from the top. I am hopeful that by having the Minister for Finance, Services and Property now responsible for compulsory acquisitions we will truly move towards a more empathetic approach. I am hopeful that, for instance, the recent revelation that Transport for NSW is giving residents 21 days to accept an offer or it is withdrawn will not become the norm. The current system is deficient. This bill is an improvement, but the system can be better. I hope the Minister can see the advantages for those people whose properties are being taken from them if our amendments are accepted. It has taken far too long for us to reach this point, but we are here and I am happy to work with the Government to ensure this system is the very best it can be. I commend the bill to the House.

**Mr KEVIN CONOLLY (Riverstone) (20:44):** I will make some comments in relation to the Land Acquisition (Just Terms Compensation) Amendment Bill 2016. This bill provides improvements to the sound foundation of an Act that has largely achieved its goals. The Act, introduced by a Coalition Government in 1991, set the benchmark for just terms compensation. It was built on the premise that people whose land is necessarily

going to be acquired for public purpose should be no worse off after the acquisition than they were before. It was attempted to put that premise into legislation, and to a substantial degree the desired outcome has been achieved. The review conducted by Mr Russell reinforced that outcome. The fact that 80 per cent of acquisitions are determined by voluntary agreement rather than by a compulsory process also suggests that, by and large, the system is working.

The system has not been perfect and everyone acknowledges that there have been instances where it has not worked as the Act intended. There are measures that could be taken in terms of the legislation and agency behaviour that could improve the situation further. It is worth noting that it was a Coalition government in 1991 that laid this solid foundation and it is a Coalition government in 2016 that is introducing these improvements. It is not for lack of opportunity that other governments could have improved the process. There was plenty of opportunity for them to do so. Those members who are quick to jump up and complain and to cast aspersions on the Government's intent could ask themselves why nothing was done to improve this process in the 16 years that Labor was in government.

The Minister's second reading speech in the other place referred to specific changes in this bill that have been acknowledged as positive improvements. The bill ensures a guaranteed six-month negotiation period so that everyone understands the time available to make decisions as well as direct access by a landowner to the Valuer General rather than through the acquiring agency. I am sure all members agree that that is a sensible step. The increase in the solatium is quite substantial. It is not a minor change to go from a maximum of \$27,000 to a maximum of \$75,000. I believe that is a very reasonable and generous acknowledgement of the trauma experienced by people whose homes are to be taken from them. We would all recognise that that has a significant impact on people's lives, not just financially but in many dimensions. The Government has recognised the impact through the increased compensation. Another improvement to the process is the opportunity for a hardship application to be appealed if the outcome has been refused.

These issues have been canvassed by members in their contributions to this debate. The member for Cessnock and the member for Strathfield have been a little begrudging in their acknowledgement that these are positive steps. It is a shame that they cannot escape their political frame of reference sufficiently to generously acknowledge that these are good measures. These sensible improvements are being made in good faith to try to provide a genuinely fair process as well as a genuinely fair outcome for those affected by compulsory acquisitions. I will comment briefly on some of the observations made by the member for Cessnock. He referred to matters that had gone to the NSW Land and Environment Court which had resulted in significantly different outcomes from the offer originally proposed to the landowner. He implied that somehow the government agency was being stingy, mean or hard hearted in its offers. But that overlooks the obvious fact that the offers at that stage were based on the independent Valuer General's valuation, as they had to be.

The agency had to act in that manner when it came to the point where compulsory acquisition was required. It was not the government of the day or the agency that came up with the number; it was the Valuer General. If there were a problem—and it appears in some instances there were problems—it lay with the valuation process in the Valuer General's office. The committee chaired by Minister for Innovation and Better Regulation Mr Matt Kean highlighted that some issues were involved, but that has since been addressed. This process will ensure that the first option is agreement, the second is the Valuer General, and the third the Land and Environment Court where, if the first two steps are not satisfactory, the opportunity to review the offer remains. There is also a fallback system to ensure that the basic premise of the Act that a person is to be no worse off after compulsory acquisition can be implemented to the best of our ability, but it does not reflect on the intent of the government of the day, or the purchasing agency, if neither made the valuation the basis of the contested issues.

So why the scale of the variation? The most likely person to take a matter to court is one who feels there is a difference between the real value of the land and what they have been offered. Indeed, most people accepted the negotiated settlement in the first instance by agreement and another proportion took the offer and did not go to court. Only a small proportion of people ended up in court and they were the ones who varied most from real market value. This enhanced process for land acquisition will build public confidence in the integrity of government and its agencies, and thereby assist government in proceeding with important infrastructure projects on behalf of the community. We cannot lose sight of the fact that this process is about providing the infrastructure and facilities the community needs and at times, unavoidably, that will involve taking peoples' properties for the betterment of the wider community. This bill—as did the original Act—will provide a mechanism in which the Government can provide fairness to those affected in this way and, at the same time, wider benefits will be delivered to the community through the new infrastructure. I commend the bill to the House.

**Ms JENNY LEONG (Newtown) (20:51):** On behalf of The Greens I make a contribution to debate on the Land Acquisition (Just Compensation Act) Amendment Bill 2016. I state at the outset that although The Greens will support the bill we are concerned it is only a band-aid solution when radical surgery is needed. It does



not provide a fair nor just way of treating those people who are having their homes acquired. The improvements it contains do not go far enough. Indeed, it is a direct response to the community's outrage about the unfair bullying in the WestConnex compulsory acquisitions and its demand for the release of the Russell review, which this Government has sat on from 2014. I acknowledge that this community campaign has been supported by those on this side of the Chamber. The Greens, Labor and others have worked together to ensure that the Government is held to account and that those who have had their homes acquired are treated fairly.

That community pressure has clearly forced the Government to make this change and as the arrogance of the Baird Government continues, importantly, that community pressure against home acquisitions and the polluting WestConnex motorway will continue to build. As others have noted, an earlier report from the Joint Standing Committee on the Office of the Valuer General, chaired by the member for Hornsby, Matt Kean, was swept under the carpet, even though it was tabled in 2013. That committee report contained 29 recommendations. The Russell report, which was tabled in February 2014, contained 20 recommendations. The Government sat on both of those reports. What we know is that they have not been brought out into the light of day. We are only finally seeing some shifts and changes as a result of this significant collective pressure. This bill does not remedy the damage and financial burden put on the many hundreds of residents across Sydney who have been seriously disadvantaged by this deeply flawed compulsory acquisition process.

The proposed amendments, which offer up to \$50,000 more in compensation or solatium, while obviously a positive step, do not go to the heart of the matter. The core issue is that property owners will not receive reinstatement compensation so they can restart their lives and purchase a home equal to that which the State has taken from them in the area in which they live. The provision of infrastructure in this city or State does not mean that the Government has the right to forcibly relocate citizens, yet this is what is happening as a default because of this unjust and unfair process. Governments have the right to acquire land and properties but not to impose conditions such that residents are forced to move away from their communities, their homes and the places they have chosen to live with their families.

It is clear that Premier Baird's comments over the past months that have expressed concern about the way WestConnex acquisitions have been handled were actually pretty disingenuous. The amendment to this Act does not seek to rectify the concerns and the problems that people have faced as it does not address the issue of reinstatement value. This is one of the core concerns with this bill as it stands. The provision for reinstatement compensation for unique properties that cannot be assessed according to market value does not go anywhere near addressing the need for just compensation to include simple reinstatement value compensation to everyone who has their properties forcibly acquired.

When we talk in this place about money and the amount of compensation given, what we are talking about is people's lives and their homes. I have met a number of people who have lost their homes as a result of the compulsory acquisition process. I spoke to a couple of people in the past week to check on how they are doing now that they have had to hand over their keys and move out of their home. No-one should be taking lightly the impact that this has had on people. One person I have known very closely for a long time has clearly been shaken by the process of dealing with the people undertaking the process of acquiring their home. It is clear that it is having a huge impact on these residents and communities. It is something that needs to be addressed seriously and considered.

The issue of home acquisitions does not only impact residents affected by WestConnex. Residents of Olivia Gardens in the Surry Hills area within the electorate of Newtown had their homes acquired as a result of the light rail construction. Originally that would not have been needed. Originally The Greens were supportive of that light rail going down Oxford Street. For some reason unbeknownst to many because of the lack of transparency of this Government these homes were acquired because a decision was made to send the light rail down Devonshire Street. Slater and Gordon senior compulsory acquisition lawyer Vincent Butcher who represents about 70 property owners from Homebush to St Peters said he was consistently seeing offers 20 per cent to 50 per cent below what the properties were worth. On this issue the Russell review stated:

Where a landowner is dispossessed from a dwelling, the reality is that they are going to have to use the compensation paid to acquire another home. In those circumstances, there is a strong argument to be made that they should obtain compensation on a reinstatement basis. There can be no reason in principle why New South Wales is the only jurisdiction in Australia that does not offer some form of such compensation.

David Russell, SC, could not have made it clearer and yet somehow this crucial recommendation did not make it into this amendment bill. Why not? Could it be that there are so many home owners who have been significantly underpaid by Roads and Maritime Services for its dirty toll road project, WestConnex, that the cost would blow out so much that it would exceed the \$17 billion mark that we now see? The acquisitions of homes are being removed from that total budget because the cost is blowing out so greatly. Or is it just that this Government is so cruel, petty and miserly when it attempts to serve the interests of the people that billions of dollars of public money

is being transferred to private hands and yet at the same time just compensation for people who are losing their homes and having their homes acquired is not being provided?

It is important to recognise that the extra solatium that is being offered does not address the problem that business owners face when their property is forcibly acquired. They are not able to access this additional inconvenience payment and neither are people who own their homes but were not living in them at the time. Those people will also not be eligible for this form of compensation. While all of the proposed amendments are better to be in the Act than not at all and they are all improvements, it is important to recognise that this issue of reinstatement has not been addressed, and this is the issue that impacts most greatly on the community that I represent. People know that in our area house prices are consistently rising and we know that people need to be provided reinstatement compensation to ensure that those people can continue to keep their children at the local school, so that they can continue to be connected with their local church or their local neighbourhood community centre and that they are not uprooted from their support networks, their neighbourhoods and the people who they have lived with for a period of time as part of their home.

I ask the Minister in his response to talk to the transparency of how all of us in this place will know in detail the number of people who have been contacted who are eligible for this additional inconvenience payment and the number of people who were unable to be contacted. It would be also useful for this House to know from this point on how many people were successful in getting an additional payment and how many people were not successful, because it is important that we do not just see a headline which announces that tens of thousands of dollars will be going to individuals for this inconvenience but, in actual fact, very little money is handed over.

The Greens do not oppose this bill as it does make some improvements, but it does not go far enough and it again demonstrates that this Liberal Government is failing to listen to people where it matters and is handing over billions of dollars to build a polluting toll road that the community does not want and that has no social licence, but at the same time is being miserly in not handing over the reinstatement value compensation that this community and the people who have lost their homes deserve.

**Mr JAMIE PARKER (Balmain) (21:01):** I appreciate the opportunity to make a contribution to debate on the Land Acquisition (Just Terms Compensation) Amendment Bill 2016. This matter has taken a considerable amount of my time because it has impacted a considerable number of people in my electorate in particular. Before 2015, my electorate included the suburb of Haberfield, which has seen large-scale compulsory acquisitions. In my electorate just recently an announcement was made about a realignment of WestConnex, which would move the acquisition's focus from Lilyfield to Rozelle. I met with many of those residents in several meetings I have held to talk about the compulsory acquisition process.

I will address some of the assertions raised on the other side of the House about the fact that for 80 per cent of people who have had properties acquired it was on a so-called voluntary basis. I have sat with those people and the voluntary basis for making a decision is that, quite frankly, they do not have the emotional capacity to fight the Government, to go to the Valuer General or to go to the Land and Environment Court, and many of them have already spent tens of thousands of dollars on solicitor's advice and on valuations and so on before they get to the point of even considering seeking a valuation from the Valuer General and then going to the Land and Environment Court for a determination about an acquisition.

So it is clear that while those acquisitions are called voluntary, in fact, the enormous financial and emotional pressures on people to settle, even if it is unsatisfactory in their minds, is such that the vast majority of people simply accept the offer. Then there is the other 20 per cent of people who, at great financial peril, go through the Valuer General process or go through the court process and then find themselves in a situation where they may be worse off. Members would have heard a quote from my colleague the member for Newtown about the issue that Vincent Butcher from Slater and Gordon has raised, that Roads and Maritime Services [RMS] is one of the most aggressive compulsory acquirers. So there are residents who have been sat down by RMS who has said, "We are going to make this offer, but we are going to withdraw it in 24 hours if you do not accept, and you could get a lower offer from the Valuer-General so you had better take it". That is what "voluntary" is according to this Government.

In fact, it is not voluntary. It is oppressive and it needs to be fixed. I am pleased to say that the Government has made some tentative steps towards fixing the existing arrangements. However, as we have heard, more needs to be done. The compensation for dispossession for home and business owners will be increased by \$50,000, which is an absolute minimum. The fact that approximately \$25,000 was offered as compensation for their disruption and upset is an embarrassment and was clearly inadequate.

We have had a fixed negotiation period of six months and the issue of rent has been partly resolved. Residents whose houses have been acquired by the Government compulsorily are being forced to pay market rent for their properties when all around them houses have been demolished, or are empty and have been boarded up.

Roads and Maritime Services is saying that they must pay market rent even though it would not be able to rent those houses to anybody else and their intention is to demolish them. Even though the streets are full of demolished homes, residents are paying more than \$800 a week to live in the homes that were taken from them by the Government because they are considering their legal rights to appeal the decision to the Land and Environment Court.

During this period, the Government continues to squeeze them for market rent while they are still paying mortgages. The fact the Government has said it will not ask those residents to pay rent on their own homes for three months is a step forward. However, it is hardly the compassionate approach we would expect from a government. Having a personal manager is also a step forward, even though they will give residents the bad news. It still does not replace a compassionate and generous compensation package after their homes and businesses have been acquired.

We know this has been a contentious issue for this Government. The Joint Standing Committee on the Office of the Valuer General examined the compulsory acquisitions in 2013. It is an unfair system. Anyone who has read the report of the committee will know that the authors, including the member for Hornsby, make it clear that it is an unfair process and that it must be changed. It is disappointing that it has taken this long to introduce the procedural fairness that everyone expects. A lot of discussion has been had about the Russell report and the amount of time it has taken for it to be released. It is unreasonable to wait almost two years for a report when people are sweating on the decisions. Families have been disrupted.

None of us likes to play on the emotional issues that have been raised in the community. However, we have all sat with constituents who have been under pressure for different reasons, whether it be financial or emotional stress. We must give those residents the compensation they deserve, especially the elderly residents. Having their house taken from them when they have lived there for a generation is traumatic for them, particularly when they know they will not be able to stay in the area. Having to wait two years for the report is far too long. The Government has acknowledged that some cases will be backdated. However, some people have gone through a difficult compulsory acquisition process and also deserve to have their cases reviewed and reassessed in a meritorious way. I am disappointed that the Government is not planning to do that.

It is clear that the polluting tollway that is WestConnex will have a significant impact not only on the air quality in our community but also on the lives of local home and business owners. The Greens oppose the WestConnex and believe that the money being spent on it should instead be invested in world-class public transport. The private tollways will only attract more vehicles, and when there is induced demand we know that the tollways fill up, which results in calls for more new tollways. We also believe that fleecing the people of Western Sydney is not the answer. We acknowledge that when infrastructure is built sometimes there needs to be compulsory acquisitions, but it must be done for projects that have social merit. People in my electorate have concerns. The fact that they do not believe the WestConnex has social and public merit makes it harder to swallow the fact that people's homes are being acquired.

The Greens will continue to work diligently and constructively to change the laws. Even though we have managed to improve the legislation concerning acquisitions, more must be done. We trust the Premier will be true to his word when he acknowledged that mistakes were made and that there needs to be a compassionate approach. Hundreds of homes are acquired each year and the frustration experienced by the community when their homes are undervalued must stop. We hope this makes a positive contribution to this process and importantly, the comments we heard in December 2015 by Minister Perrottet when he sent a letter to the Premier stating:

The key concern of agencies such as Roads and Maritime Services, is that a number of the recommendations—  
this is referring to the Russell report—

would likely have adverse impacts including increased disputation, valuation complexity, additional costs and delay to the completion of infrastructure projects.

That is not the kind of approach we want to see from Ministers who are saying, "If we adopt all these independent review recommendations that is going to cost us more. It could slow down the project and make it more complex." We should be focused on the people of this State. We should not focus on delivering projects that this Government thinks are a good idea; we should be looking after people in our community. I acknowledge the work that has gone into this bill. It is a step forward but it is inadequate and it needs to be improved. I will continue to stand up for people, not just in the Balmain electorate but also across Sydney and this State to ensure that people have just terms compensation.

**Mr DAVID HARRIS (Wyang) (21:10):** I contribute to debate on the Land Acquisition (Just Terms Compensation) Amendment Bill 2016. As has been mentioned by my colleagues, we will support the bill but only with the foreshadowed amendments. The reasons for the introduction of this bill is the commonly held belief that various government agencies were failing in their obligation to achieve just terms. In my contribution tonight

I will refer to two examples from the Central Coast—one in my electorate and one that I dealt with as shadow Minister for the Central Coast. Both involved situations in which residents did all the checks but when they looked at purchasing properties they were told that particular zonings were in place and that the land was not required. They were suddenly surprised when projects were announced and they were told that their property would be acquired, or they found that there was a major development next door that was not originally there.

I refer to the proposed rail maintenance facility at Kangy Angy. Having grown up on the Central Coast I know the area and the different weather patterns, and I know it is a flood-prone area. There only needs to be a little rain and metres of water cover the site. I was privy to flood mapping that was done by Wyong Shire Council which showed the flooding risk for that area which had an impact on flows further down Ourimbah Creek. After years of negotiation I was surprised when the Government decided to move its proposed rail facility from the north of my electorate in Bushells Ridge to a council-nominated site at Kangy Angy. When residents purchased their properties they had such a high environmental and conservation value that they were not even allowed to erect a shed.

When residents took over their properties they were told that they could not build anything there because it was so environmentally sensitive. The Government, after receiving advice from Wyong Shire Council, decided to locate its \$300 million rail facility at Kangy Angy. Residents such as Kirsti and Matt Payne, who had done all the checks and had gone through the right processes, found that their property was to be compulsorily acquired. Michelle and Will Nicholson found that a 24-hour rail maintenance facility would be located 100 metres from their back fence. I understand why people in Sydney are upset with the way in which this process works but until I came across this case I did not realise how bad it was.

Transport for NSW met with these residents and told them not to worry because they would get market value and they would not have to vacate their property for six months. These people bought a particular type of rural property in an area that provided certain services, had done the correct checks prior to purchase, but were informed that their property would be acquired within six months at market value. On the Central Coast that will not cover the cost of buying a similar property elsewhere and of moving and people would be unlikely to enjoy the same lifestyle. When they questioned the fact that this was an area of high conservation and environmental value they were surprised to hear Transport for NSW say that following acquisition it would conduct different studies and if the project could not be built the property would be sold. This caused psychological hardship. Residents were upset that they were losing their property and that if the project did not proceed their property would be sold to somebody else.

The Nicholsons will remain in their home with a 24/7 industrial facility located over their back fence. They are not entitled to any compensation. Their lifestyle changed when the Government decided to build in a flood-prone area. The Opposition supports the intent of the legislation but it believes that the legislation needs to go further. Each case is different and the effect upon home owners is different. Purchasing replacement property in the city is different to purchasing replacement property in regional areas. A new parking station has to be built at Wyong as part of the upgrade to the Pacific Highway and the upgrade of the Wyong railway station, which is supported by the community, and one house that is located on the corner of the car park will be compulsorily acquired.

When Labor was in government RailCorp wanted to purchase the property. I intervened and there were negotiations with the person involved. At the time RailCorp said that it did not need the property and it built the car park behind that property. The title stated that the property was no longer required and the resident sold it to someone else. The purchaser did the proper checks with his solicitors and was told that the property was not required by any department. He moved in and six months later they knocked on his door and said, "We are taking your house off you." At the time he was not entitled to compensation for psychological hardship. He had relocated from interstate, completed due diligence and found that nobody had a claim on the house. However, six months later RailCorp was acquiring his property.

**Mr Daryl Maguire:** When was that?

**Mr DAVID HARRIS:** In 2015. The only squash courts in Wyong are located on the western side of the lake. Those squash courts are to be demolished but market value compensation will not be enough. The Government must consider people's psychological wellbeing. The effect of relocating may extend to a range of issues such as businesses. This legislation seeks to address some of these problems but the Opposition's amendments will ensure that the circumstances of individual residents are taken into account. I cannot imagine how someone would feel in a situation where shortly after they moved to an area that they loved—they would be excited about it—they were told, "Sorry, we're going to take your house from you and you will have to move away. We will give you market value; see you later." This applies particularly at Kangy Angy, where the project might not even proceed, yet the houses will be taken and levelled or possibly sold to somebody else.

I hope the Government takes the Opposition amendments seriously. The Opposition supports the bill. We agree that it is going some way to addressing the problems that have been identified in so many different places. We all agree that there needs to be infrastructure and that there will be compulsory acquisitions but we have come a long way, and we now have to take into account the fact that this affects people more than is reflected by the market value of the property. I support the legislation. I hope the Government considers seriously the amendments that the Opposition has foreshadowed. I do not think they are outrageous. They will help the situation by putting people first. We must have these projects but people should not be walked over.

**Mr ALEX GREENWICH (Sydney) (21:20):** The Land Acquisition (Just Terms Compensation) Amendment Bill 2016 makes some improvements and adds some fairness to the process by which owners and residents are made to sell or move from their homes when the property is needed for government projects. I acknowledge that building important infrastructure will, from time to time, require the acquisition of homes, and I welcome changes to make the process better. However, I note with concern comments by the Minister in the other place during his second reading speech that, because 80 per cent of Government land acquisitions are achieved through agreement, the vast majority of landowners have agreed on the land valuation and compensation during ownership transfers. This has not been my experience with constituents who have been forced to sell their homes or to relocate. Many of them came out of the process feeling done over, even when they accepted an offer.

In the Sydney electorate, 7 Elizabeth Street in the central business district [CBD] was recently acquired for the Sydney Metro project. Before the 2015 boundary changes the Sydney electorate also included Olivia Gardens in Surry Hills, which was acquired for the light rail project. I will take the House through some of the concerns raised by my constituents who went through the acquisition process there. No. 7 Elizabeth Street is a beautiful heritage-listed building of 54 studio apartments, with a mix of owner-occupiers and tenants. It is the only block of flats in the CBD built during the 1930s that continues to function as a residential building. It has modernist European influences with decorative aspects. The building provides scarce low-cost housing in the inner city.

Residents, owners and everyone who cares about Sydney's aesthetics and architectural history do not support using this building as the site for a metro stop, especially when other options were available. Of great concern is that the building next door, at 9 Elizabeth Street, was not chosen even though it is not heritage listed, it is reported to be occupied only by bicycle spaces and lockers, and it is owned solely by Macquarie Bank. Curiously, Macquarie Bank has submitted an unsolicited proposal for redevelopment of 7 Elizabeth Street after completion of the metro stop. These revelations came after the negotiations for acquisition with owners were finalised, and some owners are not happy. They are concerned that their homes were earmarked for destruction in order to help a private company make a profit. The acquisition process should be aimed entirely at achieving public outcomes and not delivering windfalls to big business.

Many owners at 7 Elizabeth Street felt especially cheated that they were not informed about proposals to sell the airspace that their homes occupied after completion of the metro stop. They point out that they were unable to negotiate the true market value of their homes as they were unaware of the potential uplift values of their properties, which were withheld from them. This is unfair and the bill should have strengthened obligations on acquiring authorities to divulge all relevant information about potential uplift value even if final decisions have not been made on the future of a site. The bill should also mandate that market value include uplift value.

During the acquisition of homes in Olivia Gardens in Surry Hills for the CBD and South East Light Rail project, residents made a number of criticisms about negotiations. The process began badly, with Olivia Gardens residents and owners finding out that their homes could be acquired by seeing a map of the light rail route through their complex published in the *Sydney Morning Herald* and on the evening news. By the end of negotiations many owners felt jaded by the process. Some who had accepted an offer felt cheated when they found out that their neighbours got a significantly better deal by refusing offers and having their cases determined by the Valuer General.

Some owners were concerned that Transport for NSW took an excessive amount of time to execute an agreement after an owner accepted an offer. They said it took more than three weeks to deliver agreements and then, once the agreement was signed and returned, it took a further six weeks for the agency to deposit the money. This caused many financial burdens for residents who had to meet bridging costs and pay deposits for new homes. The bill does not address this concern. I was told that owners were required to indemnify Transport for NSW for months after settlement, even though they were no longer in possession of the apartment and had no control over matters. This seems unfair and absurd, and it has not been addressed by the bill.

I strongly welcome the changes introduced by the bill that remove the requirement for those whose homes have been acquired to pay rent to the acquiring authority. Olivia Gardens residents who had to stay beyond eight weeks after settlement were required to pay market rent. Transport for NSW withheld an astronomical bond of 10 per cent of the purchase price of their home. Market rent was not appropriate, given that residents occupied the

land under a licence inferior to a residential tenancy agreement. Owners were disadvantaged by the loss of standard interest earned on the bond. The concerns specific to former tenants of Olivia Gardens included that tenants were made to vacate before the formal proposed acquisition notice was issued, which left them ineligible for solatium or relocation and rent assistance. Tenants also reported that they were given limited information, making negotiations and decisions difficult.

The biggest concern of all owner-occupiers and tenants who have lost their homes under compulsory acquisition is that they have not been able to find a new home for the same value or rent in their community. There are few low and medium cost homes in the inner city. If you live in one that is being acquired, the chances of finding another in the same area, for the same value, are low. This means that, while owners and tenants may not be worse off because they have received a return for their asset or assistance to move their personal effects, they may be disadvantaged by being forced to leave their community. The Russell report identified that all other States and Territories had legislated for reinstatement. It recommended that New South Wales include provisions to compensate for the cost of acquiring a home of reasonably equivalent value. The Government has not adopted that recommendation, except in the case of limited uses of land that make it difficult to determine market value, such as a church. I ask that the Government reconsider adopting the recommendation.

The extra time and extra money to be provided for solatium costs are welcome, especially given that the measure will be retrospective and will therefore help my present and former constituents. More needs to be done to improve the process. Being forced to sell your home can be devastating, particularly if it is your principal place of residence and you do not own other property. Many people buy a home for long-term security. Being forced to move, whether an owner or a renter, can be extremely stressful, given competitive property markets. If the Government continues to build infrastructure projects, it will need to do more to ensure that people who lose their homes are not unfairly disadvantaged. I welcome this bill as a first step in improving the system.

**Ms JO HAYLEN (Summer Hill) (21:27):** The Land Acquisition (Just Terms Compensation) Amendment Bill 2016 seeks to address unfairness in the process of land acquisition in New South Wales. It increases compensation, known as solatium, for affected residents and businesses, from \$27,235 to \$75,000. It introduces a fixed six-month negotiation period before the compulsory acquisition process is initiated. It strengthens the hardship provisions extended to residents not directly affected by acquisition but whose amenity is so significantly affected by a project that they ask for voluntary acquisition. Many of these changes are critically needed. They are overdue and come much too late for inner west residents who have lived through the shambolic WestConnex acquisition process.

In June 2015 the Baird Government awarded contracts for the M4 East, and residents first glimpsed the full extent of the impact of WestConnex on their suburbs. From the outset, locals in Haberfield and Ashfield were worried about what would happen to their homes. There was a debilitating lack of certainty. Some were told that their homes would be acquired, only to then be told that they would not be. Others were not so lucky. They thought they had been spared, only to find out they would lose their home after all. The pain and difficulty of compulsory acquisition cannot be underestimated. I spent my first year in this place meeting with locals affected by WestConnex, trying to help them make sense of this Government's shambolic process. I met elderly couples who had lived in their homes for half a century, contributing to local schools and building local businesses, only to receive a letter in the mail saying that their homes would be acquired.

I met an Italian couple who could not read the notice and had to rely on news from their neighbours. A woman returned from an overseas holiday—a retirement gift to herself—only to find a letter in the mailbox saying she was losing her home. I met with families who were renting and who had no idea that the house they lived in was to be acquired. I met with a gentleman who was terrified he was being offered compensation that was not enough to afford a place at a nearby nursing home. He offered me a cup of tea and I sat with him as he cried. When I checked back in with him a couple of weeks later, he was elated because Roads and Maritime Services [RMS] had "generously" offered him the extra \$20,000 he needed to get into that nursing home. I have often wondered how he would have reacted to the news that residents were routinely ripped off to the tune of hundreds of thousands of dollars on the value of their homes.

What I learned during those conversations was that at the worst possible time in life, often all people need is to know that someone will hear their story; that somewhere along the line someone will show them the basic courtesy of a fair hearing and show them some basic compassion. Too often, that was not the case. I and others have been saying for a very long time that the acquisitions for WestConnex were deeply unfair: The negotiation period was short, with only 12 weeks between being informed of the intention to acquire and the commencement of the acquisition process. Residents were regularly reporting that the acquisitions officers assigned to their case knew very little about the legalities of the process and would stonewall them when it came to negotiating price. Time and time again, residents were offered valuations hundreds of thousands of dollars less than their private valuations. They were effectively held over a barrel, with the only alternatives being to accept a

lower price for their home or spend tens of thousands of dollars taking RMS to the Land and Environment Court. For businesses, there was the additional pressure of being forced to source development applications [DAs] for new premises, threatening to shut down their livelihoods.

Above all else, there was the sense that the project itself did not stack up. The Government stubbornly refused to release its business case for WestConnex. It shielded the project from proper public scrutiny by excluding the Sydney Motorway Corporation from freedom of information laws following unexplained problems with governance. Later the news broke that Leighton Holdings, which is the Government's chosen operator of the project, allegedly was involved in corrupt behaviour with its offshore dealings, leaving questions as to its dealings here at home. Some of the project's fiercest critics—our local and democratically elected councillors—were amalgamated out of existence and government-appointed administrators were parachuted in to manage all of them. At every turn, WestConnex has been shrouded in secrecy. In the inner west and across the State trust in this Government hit rock bottom. In the midst of all that, the community learned that the Minister for Finance, Services and Property had written to the Premier to advise him to suppress a report that could have made the process of compulsory acquisitions fairer.

Both the Premier and the Minister for Finance, Services and Property knew that the process was unfair, but they chose to sit on a report whose recommendations would make their project more expensive and too difficult. The Minister for Finance, Services and Property attempted to shirk responsibility for this by attacking Labor, but it is clear that if it were not for pressure from Labor, he would never have released that report. His refusal to release the report showed a single-mindedness for the economics of this project but callousness in relation to its impacts on the people involved. As WestConnex continued to blow out from \$10 billion to now \$16.8 billion and counting, it is very clear that the Government wanted to save money, even if that meant digging into vulnerable people's pockets. They expected home owners to pay for the Government's mistakes. A thousand days after the Russell report was handed to the Government, they finally released its findings to the public.

As expected, the review pointed to important changes that would have made the system fairer, less complicated and less stressful for those affected. The review called on the Government to extend the period between when owners were informed of the intention to acquire and the point at which negotiations began. It called on the Government to increase the fees paid to assist home owners relocate to \$50,000 and called for changes to arrangements that left home owners paying rent in their own homes, once they had been acquired. In this legislation, we see that the Government has heeded the recommendations of the Russell report and finally has heard the community's criticisms of the existing arrangements, and that is a good thing.

I thank the Minister for personally meeting with a number of my constituents to gain a greater understanding of the problems they encountered. I welcome that this legislation increases compensation due to disadvantage resulting from relocation from \$27,235 to \$75,000, and note it is \$25,000 more than the Russell review recommended. I would like to see further detail, however, on how this compensation payment to renters will be affected, given that renters are under the same relocation pressures and often have access to even less information than owners of the property. The existing \$4,000 that renters do get does not adequately cover the costs of relocation, or indeed the emotional distress from compulsory acquisition; and as renting becomes a more permanent circumstance given the high cost of housing across our State and particularly in Sydney, it is likely that more and more renters will be impacted by compulsory acquisitions.

This legislation also removes the insidious practice whereby former landowners were charged rent to remain in their own homes after the compulsory acquisition, which is a good thing. The Government has indicated residents can remain in the home for up to three months, although it is unclear why three months was chosen. Labor is also calling for this rental period to be exempted from requirements for a rental bond. The bill legislates for a six-month period for landowners and the Government to negotiate a settlement before a notice to acquire is issued. This is critical as many residents felt they were being forced to sell, and sell quickly in the period leading up to acquisition of their homes. Owners felt they had a very limited time to negotiate and reported that at the same time, acquisition officers were prolonging the negotiation so as to extract a lower settlement. A fixed period will go some of the way to relieving that additional pressure and delivering on a fair and transparent process. *[Extension of time]*

There should be greater clarity around when the six-month period begins and greater transparency around negotiations where a shorter time frame has been approved by the Minister. My greatest concern about this bill is the omission of provisions that would assist residents to replace their homes like-for-like. Mr David Russell, SC, expressly recommended that the Government implement measures to achieve this and I am disappointed these recommendations have not been adopted by the Government. Anecdotally, only three or four of the households whose properties were acquired in Haberfield were able to buy another house in Haberfield and remain part of their community. Many of them had been there for decades.

The very basis of just terms is that people be fairly compensated to an amount that equates to the comparative value of a home in their suburb. That has not been the case with WestConnex and the Haberfield and Ashfield communities have suffered as a result of the loss of these community members. It is simply unacceptable that families and home owners were routinely ripped off hundreds of thousands of dollars on the value of their homes. It is unacceptable that delays in the acquisition process resulted in home owners haggling over values while the property market just kept going up and up, basically putting them out of reach of any like-for-like properties in their suburb. We must restore the principle of like-for-like replacement to the Act and we must also ensure decisions are able to be properly appealed and reviewed.

The establishment of a review mechanism to assess hardship claims for those impacted by infrastructure projects is important. As the people of Haberfield and Ashfield know, it is an open question as to whether the lucky ones were those left behind or those whose properties were acquired and got out. I continue to work with a number of residents who are experiencing the very worst of WestConnex. One woman's home vibrates and shakes as the construction pounds away beside her home; another elderly woman has heavy vehicles up and down the new driveway built metres from the side of her house; and a family has been forced to move because the constant noise and vibration has distressed their children and induced symptoms of mental illness.

These people living directly beside construction sites deserve a fair and independent process so they do not have to beg the Government or Roads and Maritime Services for assistance. Labor would go further than the Minister has proposed. It would establish an independent panel of experts—including a valuer, a lawyer, town planner or other expert professional—to review hardship claims and to assess adjoining property owners as eligible for acquisition. Importantly, this independent panel would also have the power to review decisions made by the Valuer General.

This could save home owners the tens of thousands of dollars it would cost to make their case in the Land and Environment Court. Many residents have explained to me that the cost and stress of taking their case to court was used against them to negotiate lower settlements. If this is the case, the RMS is kicking people when they are down and that is not acceptable. They have dealt with the shock and pain of acquisition and accepted they are losing their home. They have negotiated and fought for a fair deal, yet we are putting salt in the wound by pushing them further and further towards the acquisition date and forcing them to choose between accepting a lower offer or spending months and months of their lives and thousands and thousands of dollars to get a better deal in the court. This is not right and it must be fixed.

We should be providing options to vulnerable people caught up in compulsory acquisitions, not painting them into corners. In that spirit, Labor is also moving an amendment calling on the Government to extend a \$5,000 payment to residents affected by acquisition prior to the process commencing. This payment, designed to pay for obtaining a valuer or lawyer, is currently offered at the conclusion of the process in the form of a reimbursement, which places undue costs on people dealing with the stress of acquisition. Rather than forcing residents to fork out first, the Government has a duty to assist them to engage professionals to assist them with this complex and daunting process. I call on the Government to support this common-sense amendment. One of the most significant issues raised by affected constituents has been the quality of training and standard of care by the RMS officers tasked with managing acquisitions.

The Minister for Finance, Services and Property was wrong to dismiss the concerns of affected residents. The Government was wrong to delay the release of the Russell report. If it had released the report when it had received it, hundreds of families and residents would have been spared pain and distress. They would not have been ripped off on the value of their homes. There may have retained a modicum of trust in the Government. I sincerely hope that this bill will assist to make that process fairer, more people focused and less distressing for those involved. I support the bill and call on the Government to adopt Labor's amendments.

**Ms JULIA FINN (Granville) (21:41):** I support the Land Acquisition (Just Terms Compensation) Bill 2016, which will address many of the concerns raised by local residents affected by infrastructure projects like the M4 widening project, which resulted in the compulsory acquisition of 10 homes in the Granville electorate and created significant hardship for many more families who own homes being acquired through agreement under the Roads and Maritime Service's [RMS] hardship policies. The bill vests responsibility for compulsory acquisitions with the Minister for Finance, Services and Property instead of the portfolio Ministers. It guarantees a more consistent approach. I am not sure this will always be better, but certainly the Minister for Finance, Services and Property has, to date, been more interested in hearing the concerns of my constituents about these processes than has the Minister for Roads, Maritime and Freight, who has been ignoring repeated requests for meetings about various aspects of the M4 widening project, including acquisitions.

This bill is being introduced as a result of the findings of the Russell report, which this Government sat on for over two years. During that time, hundreds of homes across Sydney were compulsorily acquired for WestConnex and other projects, 1,700 homes in the last 12 months for WestConnex alone. Knowing the



shortcomings of the process, the Government chose to ignore the report for as long as it could and instead subjected people to a process it knew was unjust, confusing and detrimental to the wellbeing of families across New South Wales. Most of the people who have contacted me about the appalling treatment they have received during the M4 widening process have allowed their homes to be voluntarily acquired and, unfortunately, the improvements in this bill do nothing to help them. I hope the RMS hardship processes will be updated also in light of these findings because there is nothing particularly voluntary or mutually agreed about these acquisitions.

All these homes have become so compromised by the M4 widening project that they are almost unliveable. That is how they qualify. They were not immediately in the path of the new parts of the M4 but are right next to it and significantly overshadowed by it. I believe these homes should have been compulsorily acquired or if not the residents should have access to appeal to the review panel for compensation, rectification or acquisition. One of the families whose home was compulsorily acquired was the Hussein family, who lived on Onslow Street, Granville. Theirs was one of the homes acquired after the Government received the Russell report and so after the Government knew it needed to change the way it dealt with people.

The Hussein family's three bedroom home was acquired for a sum they and everyone else thought was a rip-off but they could not afford to contest it. They relocated to South Granville, which is generally much cheaper than the area where they had lived for years, but it was all they could afford after the ridiculous offer from WestConnex was accepted. They knew their home was identified for possible road widening and had known this for years. In fact, a few years before, they submitted a development application to Parramatta City Council for a granny flat to better accommodate their six children. The only objector was the RMS. Its grounds for objection? That it would increase its future liability in the event of the road widening.

How utterly selfish to oppose a granny flat for a family struggling in an overcrowded home because it would increase the value of their land. It is utterly cruel. To add further insult, when the Hussein family finally found their new home and sought settlement on both houses on the same day the RMS insisted that they vacate that day or pay rent at about 25 per cent above market value. It was only after the Hussein family appeared on Seven News that the RMS backed down. I am pleased that many of the changes contained in this bill will be applied retrospectively and families like the Husseins whose homes were acquired after February 2014—the date on which the Government received the Russell report—will be paid additional compensation.

The bill improves compensation for non-financial disadvantage from solatium to disadvantage resulting from relocation. This increases the maximum payment from \$27,235 to \$75,000. Labor believes it should be set at 10 per cent of the property value, as it is in Victoria. Even in the Granville electorate, which has much lower average property values than places such as Haberfield, \$75,000 is much less than 10 per cent of property value. There are not that many places in Sydney where that is not the case. The bill legislates a six-month period for negotiations to acquire a property by agreement before the landowner is given a property acquisition notice.

This is usually the case, but it addresses some awful situations where the process has been dragged out. The M4 widening project has been far worse with respect to properties that were subject to voluntary acquisition. Time and again I have heard of delays in making offers, delays in receiving those offers in writing and sometimes threats to withdraw offers if they are not accepted even if they have not yet been put in writing. There needs to be clarification about when the six-month period starts to make sure these unfair delays cease. It should be from the date of an offer in writing.

The bill provides a review mechanism for claims of hardship for landowners whose property has been identified for future acquisition for a public purpose. This is welcome and is certainly the opposite approach to the appalling objections the RMS made to the Hussein family building a granny flat to accommodate their large family. But the devil is in the detail and it is not clear who the reviewer of hardship will be. The reviewer needs to be independent of the acquiring authority. Thankfully, the bill removes the possibility of the former landowner being charged rent for a three-month period after compulsory acquisition. This would have helped the Hussein family to relocate without the added stress of needing to pay rent while they were moving.

It acknowledges that not all landowners are in a position to take out bridging finance or a mortgage when their properties are compulsorily acquired, and they should not be expected to be. This is much fairer but makes no mention of a bond. After Sharon Murphy, who was subjected to voluntary acquisition, was requested to pay a \$10,000 bond to live in a \$500 per week home, I am suspicious. The bond must be addressed. It should not be required. Why a bond is needed on a house that is to be demolished or will probably suffer significant cracking and dilapidation from construction works if it is not to be demolished is unfathomable. The bill includes a provision that land acquired for a public purpose but not ultimately required for that purpose be first offered to the former owner within a 10-year period at market value. This is also welcome; however, I hope former owners are easy to locate and all reasonable efforts are made to make this offer to them.

The bill requires acquisition authorities to provide the Valuer General with issues relevant to a determination of compensation within seven days. This is an improvement as often agencies have been slow to address this and it has caused much distress for affected landowners on many occasions. It also allows landowners to submit the claim for compensation to the Valuer General instead of through the acquiring agency and for the Valuer General to provide the compensation determination directly to the landowner together with the full rationale for the determination. This will remove much of the distress that acquiring agencies have caused in recent years and is an important step forward.

What is missing from the bill is a formalisation of the role of case managers, which the Government had announced. Dedicated case managers would certainly be an improvement on the current process of buck passing and "good cop-bad cop" routines and the constant disarray that has characterised the dealings my constituents have had with the RMS and the WestConnex Delivery Authority. This bill is a significant improvement and is supported, although it could be further improved with amendments. It is only a pity that the Government sat on the Russell report for 1,000 days and is only now implementing its recommendations.

During that 1,000 days hundreds of homes were compulsorily acquired through processes that we know, and the Russell report confirmed, were unfair, unjust and unnecessarily stressful for families. They include the Hussein family, whom I mentioned, whose mistreatment by the RMS started long before the acquisition process, as their property had been earmarked for future acquisition. They did not deserve that. Hopefully these changes will make sure in future that people will receive just compensation for their property value and the inconvenience and disadvantage they suffer if their homes are compulsorily acquired.

**Mr ANOULACK CHANTHIVONG (Macquarie Fields) (21:49:1):** I speak on the Land Acquisition (Just Terms Compensation) Amendment Bill 2016. One of the tenets of a free and strong democracy is that of property ownership and the acquisition or disposal of such property. It must be done in a free market exchange between buyer and seller or, where the acquisition is for greater public good, it should be done on just terms. We can argue about the semantic definition of "just terms" but there is likely to be a wide spectrum of definitions. However, the core principles of the common person would understand this to be what is fair and/or reasonable.

There seems to be a little irony in the bill before us. If just terms of being fair and reasonable had been the core principles of the Baird Liberal Government's compulsory acquisitions and the methods used to obtain personal property, perhaps we would not be here to debate this bill at all. The fact that we are here shows that there are and have been deficiencies in the Baird Liberal Government's approach to compulsory acquisition and its ability to treat people in our communities in a fair and reasonable manner. New South Wales Labor supports the intent of this bill. We will move some reasonable and fair amendments to make the just terms even more just for the many families who have had to relocate from their homes of many years—and in some cases decades—and depart from their established friendships and social networks. My colleagues and the shadow Minister for Finance, Services and Property and shadow Minister for Transport and Infrastructure have already outlined Labor's amendments, and a number of my other colleagues have already spoken in favour of them.

I will not repeat those points, but I will focus on how we arrived at this point, what it says about the relationship between the bureaucracy and the Ministry and the level of empathy—or, rather, the lack thereof—its actions have shown to the public. I find it difficult to understand that a Government bureaucracy would undertake any unjust or unfair actions on the public over an extended period of time without the knowledge of the Minister and his or her office, especially when the issue is contentious and has a personal impact on the lives of those we represent. There are few issues more personal than being forcibly told to move out of your home, a place of many memories, joyous celebrations and happy times. There is nothing in the current Act, of course, that prevents fair and reasonable action from taking place. When the properties are unfairly acquired and the situation is prolonged, there are two main reasons to explain why this has been allowed to happen.

The first is that the Minister involved directly or indirectly supports the unfair methods that have been applied to compulsorily acquire properties. No loyal and experienced public servant aims to defy their Minister by taking prolonged actions that cause political pain in the short term or long term. It does not make sense that this situation would occur without some sort of approval or support from the Minister and their office. But if this were the case, the second reason is that the Minister is not in control of their bureaucracy and the public is not getting the best representation it deserves. It would be a sad indictment on our democracy if elected representatives were merely microphones for their bureaucracies.

When hardworking people are being short-changed, which has been the case in the Baird Liberal Government's non-empathetic compulsory acquisition of their properties, it is the role of members of Parliament to stand up to tell their bureaucracies that this is not appropriate. When this does not happen, people have a right to feel angry and short-changed both financially and personally in the public representation they are receiving. It is no wonder that situations like this make people feel even more disenchanted with the political process and political institutions, and continue to drive them to minor parties that only offer false hope. Whilst Labor welcomes

the introduction of this bill, and hopefully our reasonable amendments will be supported, it does not take away the fact that the Baird Liberal Government has only come to this point because it was forced to, not because it wanted to do the right thing. The Government was happy to acquire people's homes but not on just terms. It was only when the political pressure got too great that the Government introduced this bill. If the public had been treated on just terms then we may have not needed it at all.

**Mr DOMINIC PERROTTET (Hawkesbury—Minister for Finance, Services and Property)**  
**(21:54):** On behalf of Mr Andrew Constance: In reply: The Land Acquisition (Just Terms Compensation) Amendment Bill 2016 shows that this Government has provided a significantly enhanced land acquisition process. I have said it before, and I say it again, there is no Government more committed to fairness, transparency and compassion than the Baird-Grant Government. It is important to note that the Liberals and The Nationals have reformed the land acquisition process on both occasions—the Greiner Government in 1991 and the Baird-Grant Government in 2016. In the 16 years that Labor presided over the land acquisition process, which it says was so unjust, it never sought to make any reforms or improvements to the process. Today those opposite are crying crocodile tears but these amendments are always made by the conservative side of politics.

It was a Liberal-National Government that initiated the Russell review. Labor did not initiate that review; it was initiated by the Liberals and The Nationals. The Baird-Grant Government is undertaking this momentous reform. We have not been put under any pressure by those opposite—they have no power in this Parliament. We initiated a review and in this bill we are acting on that review. Taken as a whole, the package around land acquisitions that we recently announced represents the most fair and generous land acquisition process in the nation. This is a genuine reform that puts people first. It strikes the balance between the fundamental property rights of landowners with the need to deliver the world-class public infrastructure that this State so desperately needs. We have introduced a comprehensive package of reforms that combines administrative, legislative and operational changes to improve the acquisition process. These legislative improvements will mean that there is more time to assist people to understand their rights and navigate what can be a complex situation. They will also allow a more transparent process for landowners that acknowledges, while this may be difficult, every step has been taken to assist them.

The bill contains five signature legislative reforms. The six-month negotiation period will provide a much stronger degree of certainty for landowners in what will inevitably be a disruptive time. Land acquisition for public infrastructure is important in meeting the needs of a growing population, but so is the need for government to treat land owners with respect and empathy. Introducing a six-month negotiation period is the first key step in ensuring that landowners can take the time to, among other things, provide information to the acquiring authority that will inform the valuation decision. It also affords time to prepare for relocation and engage legal and valuation assistance. In the second key reform we have increased the compensation for disadvantage resulting from relocation—formerly called solatium—which is a significant improvement to the system. This Government has nearly tripled the amount of compensation. That is because we understand the personal pressures involved in land acquisition. This makes our reforms the most generous in the nation, something we are very proud to deliver.

The bill also provides for a range of heads of compensation for legal, valuation, relocation services and others, and the \$75,000 is a recognition by this Government that public infrastructure comes at a significant personal cost to many people. The third key reform provides for a right to repurchase a property that was acquired by a government agency for a particular purpose but was not required. This may occur in circumstances such as a change in road or rail route which may mean that a property acquired will no longer be required. Recognising that land owners may retain a strong personal attachment to a particular property, the Government is amending the Act to allow for a first right of repurchase. Such a repurchase will be at the current market value, which the Government considers to be a fair basis for repurchasing a property. This legislative change introduces more fairness into the Land Acquisition (Just Terms Compensation) Act 1991.

The fourth legislative reform removes the obligation for rent to be paid for three months after land is compulsorily acquired. I note the member for Strathfield raised the question of why the Government chose a three-month rent-free period. It is relevant to note that this timeframe was already in the Act as the period during which the former landowner is legally entitled to stay in their former home. We consider it fair and reasonable that this period should be rent free. Again, it is a measure of this Government's recognition of the difficult circumstances that landowners encounter during the compulsory acquisition process. The fifth legislative reform is the provision to allow for reinstatement in limited circumstances. It is important that the Government formalise a reinstatement provision so that non-residential and non-commercial land such as a place of worship or a community centre can be re-established in the community. The provision in the bill will allow for the full costs of relocation to be met by the acquiring authority. This will not often be required, but it is important that the Parliament endorse this approach, which I note is in place in other jurisdictions.

I thank members for their contributions to the debate on this bill, particularly my colleagues the members for Cessnock, Riverstone, Myall Lakes, Strathfield, Wyong, Newtown, Balmain, Sydney, Summer Hill, Granville, and Macquarie Fields. I am very proud to have had carriage of this bill through the House. It will ensure that we are providing the most generous and compassionate acquisition platform in the nation. This bill will also ensure that the land acquisition framework is transparent, fair and easier to navigate. I commend the bill to the House.

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

**Motion agreed to.**

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

### **Consideration in Detail**

**The DEPUTY SPEAKER:** By leave: I will deal with the bill in groups of clauses and schedules. The question is that clauses 1 and 2 be agreed to.

**Clauses 1 and 2 agreed to.**

**Mr CLAYTON BARR (Cessnock) (22:02):** By leave: I move Opposition amendments Nos 1 to 13 on sheet C2016-109B:

**No. 1 Minimum period of negotiation for acquisition by agreement**

Page 3, Schedule 1 [2], proposed section 10A (2), line 17.

Insert "(starting on the date on which the authority first makes a written offer to the owner of the land to acquire the land by agreement)" after "6 months".

**No.2 Minimum period of negotiation for acquisition by agreement**

Page 3, Schedule 1 [2], proposed section 10A. Insert after line 25:

- (5) The Minister must ensure that the owner of the land is given a copy of an approval under subsection (4) as soon as practicable after the Minister gives the approval.

**No. 3 Minimum period of negotiation for acquisition by agreement**

Page 3, Schedule I [2], proposed section 10A. Insert after line 35:

- (8) Indications of a genuine attempt to acquire the land by agreement (as referred to in subsection (2)) may include the following:
- (a) considering any options put forward by, and any options to put forward to, the owner of the land,
  - (b) notifying issues in dispute and offering to discuss them with the owner of the land with a view to resolution,
  - (c) providing or exchanging information to help identify and clarify issues in dispute and how they might be resolved,
  - (d) actively attempting to resolve issues in dispute through negotiation.

**No.4 Minimum period of negotiation for acquisition by agreement**

Page 3, Schedule 1 [2], proposed section 10A. Insert after line 35:

- (8) The regulations may provide for an authority of the State to advance to the owner of land, from money payable by the authority to the owner in relation to an acquisition of the land, an amount not exceeding \$5,000 to assist the owner in payment of legal costs or valuation fees (or both) in connection with the acquisition, and for the subsequent adjustment of the amount payable by the authority.

**No. 5 Review of decisions on hardship applications**

Page 4, Schedule 1 [5], proposed section 27A, line 3.

Omit "person". Insert instead "Review Panel".

**No. 6 Review of decisions on hardship applications**

Page 4, Schedule 1 [5], proposed section 27A (3), lines 17-19. Omit all words on those lines.

Insert instead:

- (3) The Secretary is to refer the application to the Review Panel (constituted by section 27B) for determination.

**No. 7 Review of decisions on hardship applications**

Page 4, Schedule 1 [5], proposed section 27A (4) and (5), lines 20 and 25-27.

Omit "reviewer" wherever occurring. Insert instead "Review Panel".

No. 8 **Review of decisions on hardship applications**

Page 4, Schedule 1 [5], proposed section 27A (7), line 35.

Omit", the appointment of reviewers".

No. 9 **Review of decisions on hardship applications**

Page 4, Schedule 1 [5]. Insert after line 36:

**27B Independent Review Panel**

- (1) There is constituted by this Act a Review Panel.
- (2) The Review Panel is to consist of 4 members appointed by the Minister, of whom:
  - (a) one is to be a qualified valuer (within the meaning of section 59 (2)) with relevant expertise,
  - (b) one is to be an Australian legal practitioner with relevant expertise,
  - (c) one is to be engaged in a relevant profession (such as a town planner or an accountant), with relevant expertise,
  - (d) one is to be a community member whose property has previously been acquired under compulsory acquisition, and none of whom are to be associated with the authority of the State or the owner of the land the subject of the acquisition.
- (3) The functions of the Review Panel are:
  - (a) to review and determine applications under section 27A, and
  - (b) such other functions as are conferred by or under this Act.
- (4) A decision supported by the majority of members of the Review Panel is the decision of the Panel.
- (5) Subject to subsections (4) and (6), the procedure of the Review Panel is to be as determined by the Minister.
- (6) The regulations may make provision for or with respect to the constitution, procedure and functions of the Review Panel.

No. 10 **Former owner's right to occupy land after compulsory acquisition**

Page 4, Schedule 1 [6], line 39.

Omit "rent is not". Insert instead "neither rent nor a rental bond is".

No. 11 **Matters to be considered in determining compensation**

Page 5, Schedule I [14]. Insert after line 34:

- (el) if it is necessary for the person to relocate the person's principal place of residence as a result of the acquisition-financial disadvantage resulting from equivalent reinstatement,

No. 12 **Disadvantage resulting from relocation**

Page 6, Schedule I [16], proposed section 60 (2A). Insert after line 18:

- (2A) The minimum amount of compensation in respect of the disadvantage resulting from relocation is 10 per cent of the maximum amount under subsection (2) or, if that amount is increased under clause 2 of Schedule IA, the maximum amount as so increased.

No. 13 **Disadvantage resulting from relocation**

Page 6, Schedule I. Insert after line 21 :

**[18] Section 60 (7)**

Omit "applies".

Insert instead "and the minimum amount under subsection (2A) apply".

I appreciate the lateness of the hour, and that is why I have moved all of these amendments in globo. The amendments have been circulated, and I have also had some communication with the Minister about them over the course of the day. They are the same amendments that were moved in the other place. There are in essence 13 proposed amendments. However, amendments Nos 5 to 9 are essentially all part of a single amendment with multiple stages. I will go through the amendments very briefly.

The first amendment is about the minimum period of negotiation for acquisition by agreement. As the Minister indicated, part of this bill is about making that a six-month negotiation period, which the Opposition

thinks is fantastic. The Opposition's proposed amendment provides that the clock on the six months would start when the first written offer was tabled. Essentially, in providing a six-month negotiation period, there must be a trigger point. In trying to identify that point, the Opposition simply decided that the time of the first written offer would be appropriate. That is the motivation and the logic behind that amendment. The second amendment provides for a minimum period of negotiation for acquisition by agreement. Of course, that provides an opportunity to bring forward or shorten the negotiation period by agreement between both parties. In this instance, the Opposition thinks that that is a good aspect of the bill. Of course, the Minister must sign off on any agreement to a shortened negotiation period. The Opposition is simply asking that the landowner be provided with a copy of, or evidence of, the ministerial sign-off so that they can be confident that everything that needs to be done has been done. Again, we think that is a reasonable amendment. The third amendment relates to defining the phrase "genuine attempt" in section 10A. "Genuine" will mean different things to different people. We are amending this legislation because the attempts of some agencies have not been as genuine as those of others. This amendment attempts to define what a genuine attempt might be, and sets out some descriptors.

The fourth amendment relates to the minimum period of negotiation by agreement. It seeks to provide a value, which the Opposition has put at \$5,000. That figure was not arrived at as a result of the application of any particular science; it is simply an amount of up to \$5,000 being made available upfront to the landowner who faces the prospect of having their home forcibly acquired. The intention of the amendment is to give the landowner some funds so that they can obtain legal advice and valuations. For a family that is doing well financially, finding \$5,000 to obtain professional advice and support would not be beyond their ability. However, we know that some families run their budget a lot closer to the line, and having that money would enable them to obtain professional services upfront. The Act includes an allowance for professional services that can be paid at the end of the process. However, the Opposition believes that the delays in that process can be difficult for some families. We suggest that \$5,000 per acquisition be provided upfront so that those families can obtain the support and services they need.

Amendments Nos 5 to 9 relate to a review of the decision on the hardship application. It has been mentioned a number of times in the debate today that the Opposition is suggesting that instead of having an independent reviewer there should be a review panel, and that that panel could consist of a lawyer, a valuer, some other professional—perhaps an accountant—and another person who might be a community representative who might also have had their home compulsorily acquired. Such a panel might offer more independence than a reviewer appointed by the Minister, because such a person might be too close to the government of the day. That is not a slight on this Government nor on this Minister. The Opposition is simply saying that that independent person might be too close to the government of the day and that a review panel might provide some distance.

Amendment No. 10 concerns section 34 of the bill, which relates to the former owner's right to occupy land after compulsory acquisition. The Act offers wide scope for the acquiring authority to enter into an agreement. The authority can settle on terms through agreement, conversation and negotiation with the outgoing landowner. The Opposition appreciates and applauds the fact that the Government intends to include a three-month rent-free period. However, there is an unresolved issue about whether an agency would be allowed to require a bond as part of the rent and/or ongoing rent after the three-month period. Examples were given in the debate today that historically, and recently, some fairly significant and unacceptable bonds have been demanded of former landowners. We are suggesting that in addition to three months rent free, the bill could have mentioned how a bond would be treated. Again, we thought it was a reasonable amendment and because the question of bond is not dealt with in the bill or the Act, it will continue to be an issue that different agencies will grapple with on a case-by-case basis. However, we would like to have seen it in the bill.

Amendment No. 11 covers matters to be considered in determining the compensation. Labor appreciates the difficulty surrounding reinstatement. There are currently six grounds on which compensation can be negotiated and the amendment proposed by Labor was to simply introduce a seventh. The fact that there are six or seven grounds on which compensation can be negotiated tells us that it is not a perfect science. In fact, it is an imperfect science. We are talking about six or, as we would propose, seven levers of negotiation. Being reinstated into the same area is not what every home owner will want, but a significant number of home owners will want that. While we appreciate the sentiment of reinstatement is difficult to consider through a market value approach, we thought that the sentiment of reinstatement could have been one of the levers of compensation and perhaps might have been the seventh lever that could have been included in section 55 of the Act.

Finally, amendments Nos 12 and 13 are about identifying that there might have been an opportunity in those changes to introduce a minimum solatium, or what will now be known as disadvantage resulting from relocation. The Government has done well in increasing the value of the payment for disadvantage resulting from relocation. It has lifted it from \$27,235 to a new value of \$75,000. Whether it was the old figure of \$27,000 or the new figure of \$75,000, the Opposition put to the Government that a minimum amount could have been set. We proposed that amount to be 10 per cent of the maximum. Therefore, under the existing Act 10 per cent of

\$27,000 would have been \$2,700, and 10 per cent of the new amount of \$75,000 would have been a minimum of \$7,500. We were seeking to have a minimum set so that we would be reassured that all persons who are asked to move as a result of the compulsory acquisition would have access to some funds.

There are 13 amendments in total. We thought they were reasonable. We appreciate the time and opportunity to put them before the Chamber. I wish to address an error I made earlier today and that was in not thanking Monica for her advice and guidance. The Minister kindly made her available to offer guidance on some of the complicated parts of the bill. I sincerely thank Monica for her assistance.

**Mr DOMINIC PERROTTET (Hawkesbury—Minister for Finance, Services and Property)**  
**(22:13):** The Government does not accept the Opposition amendments because whilst they are well intentioned they are unnecessary and provide further complication to the process. However, I thank the member for Cessnock, the shadow Minister for Finance, Services and Property for his constructive contribution to this debate and his interest in this matter. If there were more Opposition members like him we would probably achieve better outcomes in this place.

The bill makes substantial improvements to the Land Acquisition Act. One of the most substantial improvements is the introduction of a fixed period of six months for negotiation. What has become clear is that the Opposition misunderstands the concept of negotiation. The whole point of negotiation is to be able to provide the most appropriate offer. That involves taking into account the individual circumstances of the home owner or landowner involved. The amendments put forward by the Opposition simply complicate the process by adding more red tape and bureaucracy—which is the Labor way. The Government wants genuinely to negotiate with people and give them certainty on those negotiations. That is why we oppose the first amendment.

The Government opposes the second amendment. The bill makes substantial improvements to the land acquisition process but the second Opposition amendment adds unnecessary complexity to that. Not only has the Government amended the Land Acquisition Act but also it has also improved the way in which agencies approach and support landowners through administrative and operational reforms. One of the key reforms that we announced is the introduction of a personal acquisition manager who will support landowners through the acquisition process, from the day that a member of the Government knocks on their door, to the day that the Government settles them into their new house. The Opposition amendment unnecessarily complicates what is already a difficult process. It is for that reason the Government opposes that amendment.

As to the third amendment, the Opposition does not understand the concept of negotiation in the acquisition process which could cover a range of circumstances. Our reforms have already enhanced the exchange information between acquiring authorities and landowners, providing more transparency and greater certainty for all parties. There is no need to include restrictions as to what a negotiation should look like. The Government opposes the amendment. We also oppose the fourth amendment. We acknowledge that the acquisition of someone's land is a difficult process and we want to support people through that process. However, the amendment unnecessarily complicates the acquisition system. The Opposition has set an arbitrary figure that may be far above the cost amount. The reasonable costs associated with the acquisition are covered by the Government and that is more appropriately done when compensation is paid so that all costs can be covered.

Amendments 5 to 9 are opposed. This part of the Act provides for those circumstances where a landowner wishes to compel the Government to acquire his or her land in advance of acquisition. We have made an improvement to this part of the Act by ensuring that where a decision on the basis of hardship is rejected by the Government that decision can be reviewed by an independent professional. The Opposition had concerns about that matter but can rest assured that the person will be independent from the Government. The Opposition has suggested that such a review should be undertaken by a panel but that will simply add more bureaucracy. One person will undertake the independent assessment, resulting in an efficient and effective process.

Amendment 10 relates to concern over rental bonds where no rent is charged. That amendment is unnecessary. It is obvious that if one is not paying rent no rental bond will be applicable. That is a simple concept. Amendment 11 relates to reinstatement. There is no doubt that this aspect is a challenging one but the Opposition misunderstands the concept of reinstatement. If some consideration had been given by them to the land acquisition process those opposite would see that the Act provides for reinstatement. It provides for market value plus the costs associated with the acquisition. The Opposition wants the Government to compensate people above the market value of their property. Market value is the basis of the Act and provides a fair and consistent basis on which to compensate people for their land. Market value provides flexibility to landowners to purchase a reasonably equivalent property. The Government recognises that compulsory acquisition is a significant disruption to people's lives, which includes some people having to move away from their community. That is why the Government has significantly increased the amount of compensation for inconvenience. The Government opposes the amendment.

In relation to Opposition amendments Nos 12 and 13 regarding a minimum amount of compensation of 10 per cent of the maximum, being \$75,000, the Government opposes the amendments. The Opposition is looking to overly complicate the process. The Government will improve the process and provide sufficient flexibility to account for a range of circumstances. Payment for the disadvantage resulting from relocation must account for a broad range of circumstances. For example, a renter may have been in a property for only a short time and have been put on notice that they will have to move. In such circumstances it may be appropriate for the Government to pay a small amount of compensation for the disadvantage resulting from relocation that equates to an amount less than 10 per cent of the maximum. The Act should retain as much flexibility as possible. The Government opposes the amendments.

**The DEPUTY SPEAKER:** The question is that Opposition amendments Nos 1 to 13 on sheet C2016-109B be agreed to. A division having been called, in accordance with the earlier resolution, I set down the division as an order of the day for 10.30 a.m. tomorrow.

*Matter of Public Importance*

**NATIONAL RECYCLING WEEK**

**Mr BRUCE NOTLEY-SMITH (Coogee) (22:22):** Today I acknowledge National Recycling Week. National Recycling Week was launched by Planet Ark in November 1996, when Mr Deputy Speaker was a boy. It brings a national focus to the environmental benefits of recycling. It is now in its twenty-first year. This established and highly regarded annual campaign continues to educate and stimulate behavioural change by promoting kerbside, industrial and community recycling initiatives. Importantly, it gives people the tools to minimise waste and manage resources responsibly at home, work and school.

The Government is committed to transforming the way we think about and manage waste in New South Wales. It has set ambitious waste targets that include reducing the volume of litter by 40 per cent by 2020; diverting at least 75 per cent of waste away from landfill; easier, free disposition of waste by householders at 101 community recycling centres; and combating illegal dumping. Since 2012 the Government has committed more than \$465 million under the Environmental Protection Authority's Waste Less, Recycle More initiative to divert 75 per cent of waste away from landfill, reduce litter and combat illegal dumping.

Waste Less, Recycle More is transforming waste and recycling by funding business recycling options, market development for recycled products, better managing problem wastes, and new or upgraded waste infrastructure. To date, the Government has provided co-funding under Waste Less, Recycle More to stimulate investment in new infrastructure that will have the capacity to process more than 2.2 million tonnes of waste. Under this initiative, the Environment Protection Authority [EPA] has engaged with more than 21,000 small and medium business across New South Wales to provide funding to help businesses avoid and reduce the waste they generate. This is good for the environment and also helps the bottom line. The EPA has a longstanding partnership with Planet Ark to help connect the community and businesses with the *Recyclingnearyou.com.au* website.

This site contains information about the recycling and waste services offered by local councils, as well as local drop-off options for items including computers, batteries, printer cartridges, mobile phones and much more. In fact, I was at a drop-off point the other day at Randwick City Council. On 14 October this year the Government announced the continuation of the EPA's Waste Less, Recycle More initiative by allocating \$337 million over the next four years to continue this successful program. Since 2012, the Government has committed \$20 million over five years specifically to reduce litter. Our Container Deposit Scheme initiative will help to reduce drink-container litter, which makes up the largest proportion of litter volume in New South Wales, at 49 per cent—almost twice the volume of the next largest category of litter. It will also contribute to the Premier's priority to reduce litter volume by 40 per cent by 2020.

New South Wales has been reducing litter since the National Litter Index began in 2005-06, at around the same rate as national trends. In 2015-16 the average number of littered items in New South Wales had fallen by 42 per cent and the estimated volume of litter had fallen by 35 per cent since 2005-06. The 2015-16 National Litter Index figures for New South Wales from Keep Australia Beautiful show that New South Wales litter volume has reduced by 12 per cent in 2015-16. The implementation of the New South Wales Container Deposit Scheme from 1 July next year is the largest single litter reduction program in New South Wales history. This Government is committed to reducing litter and keeping our environment free of litter.

**Ms JENNY AITCHISON (Maitland) (22:27):** I remember back in the late 1980s when recycling started to become more popular. I watched a program on which Elle Macpherson talked about the virtues of recycling and how easy it was. We had a family meeting to talk about how we were going to deal with our recyclable waste. We had had a compost bin for years, as my parents were keen gardeners, and we always reused glass jars as my mum used them for bottling fruit. But the waste collection services did not provide bins as they



do now, so getting rid of the paper and glass that we could not reuse was more difficult. Having just got my licence, I volunteered to drive the paper, cans and glass to the local recycling depot once a week to dispose of them responsibly. We started doing that, and it felt like a powerful, tangible step to help the environment. Since those times, more and more items have become easy to recycle. We have recycling collection services, so things have improved.

Many years later, when I ran a small business, my company was proactive in recycling. We did not use polystyrene cups. We were one of the few coach companies to reuse cups. We also reused paper when printers were able to print on only one side of the paper at a time. We recycled toner cartridges, mobile phones and batteries and all sorts of other resources before it became a normal part of life. This gave our business the opportunity to save money and to contribute positively to the environment, and it made our staff feel that same sense of empowerment and positivity that I felt as a teenager more than 20 years ago. When I was elected to this place I was surprised to find that my electorate office did not have bins for paper or other recycling. During the many attempts that it took for me to implement recycling bins in my office, I often took recycled waste to my own house to dispose of responsibly.

The irony did not escape me that the Liberal member who had previously occupied my office was the former Minister for the Environment under this Government. All households and businesses, including our own, have a responsibility to properly recycle for the betterment of our environment. This year marks the twentieth anniversary of Planet Ark's National Recycling Week, which focuses on educating people about recycling initiatives in homes and businesses, as well as giving people the skills and knowledge they need to minimise waste and manage resources responsibly in the community. This week offers many opportunities for schools, households and businesses to learn about the environmental benefits of recycling and about how to recycle properly.

On my Facebook page, which includes the address for the [recyclingnearyou.com.au](http://recyclingnearyou.com.au) app, there is a flyer showing the six golden rules of recycling. Over the past 25 years recycling has become important. The flyer tells people how to recycle some of the more difficult items and which new items can be recycled. Recycling has a positive impact on our environment. Recycling one tonne of paper and cardboard can save 13 trees. Making glass from recycled material requires only 40 per cent of the energy used to make glass from sand. Every tonne of steel made from scrap steel saves 1,131 kilograms of iron ore, 54 kilograms of limestone and 633 kilograms of coal.

I would like to see the Government adopt more Labor policies like the container deposit scheme. I also hope that the Government will support Labor's bill to ban single-use plastic bags. The Government has encouraged councils to recycle more by cost-shifting waste levies to them so that it costs them more to get rid of rubbish. While that is difficult for councils to deal with economically, it encourages them to recycle. Maitland City Council, in my electorate, is at the forefront of recycling efforts in the Hunter region. It is challenging illegal dumping through a combination of education, prevention methods and enforcement. Council should be commended for its attempts to increase recycling in households, schools and businesses and for introducing larger recycling bins to encourage more recycling.

Recycling plays an important part in conservation. We should recognise the significance of National Recycling Week. I congratulate those households, schools and businesses across New South Wales that do the right thing by recycling and are mindful of the impacts of rubbish and contaminants on our environment. We should all aim to minimise our waste and increase the percentage of waste that we recycle. It is not just about recycling; it is also about reusing and not wantonly consuming.

**Mr GEOFF PROVEST (Tweed) (22:32):** It gives me a great deal of pride to speak in debate on this matter of public importance and to support my good colleague the member for Coogee and, I am sure, members on both sides of the Chamber. I listened to the contribution by the member for Maitland. I remember that when I was on the Opposition benches my good friend John Williams, the former member for Murray-Darling, tried a number of times to get support for a container deposit scheme.

**Mr Daryl Maguire:** It was shut down.

**Mr GEOFF PROVEST:** The Labor Party shut it down. They shut down the suggestion from my good mate John Williams, who was also a tremendous friend of the member for Wollongong.

**Ms Jenny Aitchison:** Were you recycling when you were 17?

**The DEPUTY SPEAKER:** He is recycled. Have a look at him.

**Mr GEOFF PROVEST:** So I was a little perplexed by the comments made by the member for Maitland. I congratulate Planet Ark on launching the twenty-first National Recycling Week. National Recycling Week is a great opportunity to reflect on and promote the broad benefits of recycling. Last month the Government passed

landmark legislation to implement the New South Wales container deposit scheme [CDS]. That was a Government initiative. This is another great initiative of the Baird Government.

I was a bit young at the time but I am sure Mr Deputy Speaker can remember getting a deposit refund of 10¢ for a Coke bottle after taking a ride in the billycart to the local store. While the primary objective of the scheme is litter reduction, the Government expects the scheme to have a significant positive effect. I remember the great initiatives of various waste reduction campaigns. One of the ones that is exactly on point is "Don't be a tosser!" It had a significant effect on encouraging people not to toss out rubbish, particularly onto rural roads. I note the presence in the Chamber of the member for Wagga Wagga, who would be deeply aware of the importance of not being a tosser of rubbish onto country roads. This Government is leading the way by introducing this landmark legislation. I am very proud to be a member of the Liberal-Nationals Government that will introduce a container deposit scheme in New South Wales.

In recent times the Government rolled out the Hey Tossers! campaigns to local councils to spread the message that littering is not the right thing to do. The Government spent \$4.68 million on the Hey Tossers! campaign from 2014-16, and an additional \$3.5 million will be spent in 2016-17. The Environment Protection Authority [EPA] will continue to refine and refresh the Hey Tossers! campaign. I am sure the member for Wagga Wagga is an adherent to the practice of not tossing rubbish, and I am also sure he is a strong supporter of the Hey Tossers! campaign. The member for Cabramatta definitely would be a great supporter of the campaign. This is an exciting campaign. I commend the scheme to the House.

**Mr BRUCE NOTLEY-SMITH (Coogee) (22:39):** In reply: Memories of collecting glass bottles come flooding back. Finding a one-pint glass bottle that was worth either 2¢ or 5¢ at the corner store at the end of Rainbow Street—how ironic is it that I grew up on Rainbow Street; however, I digress—was fun. All those years ago we had a container deposit scheme. Mr Deputy Speaker is too young to remember that, but I certainly remember it. As children, that was how we paid for our lollies. In those days, one would have been hard pressed to find a drink container discarded on the street because the monetary value of containers was appreciated. People picked up discarded bottles and returned them to the shops. The system worked.

I am proud to be a member of a Government that has reintroduced a container deposit scheme. Its reintroduction is long overdue. Labor members spoke about its reintroduction for many years and promised to reintroduce it, but it was never delivered, despite a former Nationals member for Murray-Darling, John Williams, often speaking about its reintroduction due to his personal experience of litter and waste in outback areas of New South Wales that he represented. Finally, legislation has been introduced. In July next year the scheme will be implemented. I highlight the great contribution to making the scheme a reality by the former Minister for the Environment, Rob Stokes, and the current Minister for the Environment, Mark Speakman, by getting Cabinet approval for the scheme and making it government policy. Finally, New South Wales will catch up with the rest of the world by introducing a container deposit scheme to reduce litter and get really serious about recycling in New South Wales.

**The House adjourned, pursuant to resolution, at 22:39 until  
Thursday 10 November 2016 at 10:00.**