



**New South Wales**

# **Legislative Assembly**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Tuesday, 15 November 2016**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE ASSEMBLY

**Tuesday, 15 November 2016**

**The SPEAKER (The Hon. Shelley Elizabeth Hancock)** took the chair at 12:00.

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

*[Notices of motions given.]*

### *Announcements*

#### **WHITE RIBBON DAY**

**The SPEAKER:** I remind members that from 12 noon today in the Speaker's Garden an event will be held in support of White Ribbon Day, which is on Friday 25 November 2016. I encourage all members to attend.

### *Visitors*

#### **VISITORS**

**The SPEAKER:** I extend a very warm welcome to the delegation of senior staff members from the Kenyan Parliament, led by Ms Eunice Gichangi, Senior Deputy Clerk of the Senate, and accompanied by Mr Wayne Tunnecliffe, former Clerk of the Victorian Legislative Council.

### *Private Members' Statements*

#### **PARRAMATTA EAST PUBLIC SCHOOL**

##### **CARLINGFORD SENIORS**

**Dr GEOFF LEE (Parramatta) (12:12):** Today I bring to the attention of the House the excellent achievements of Parramatta East Public School in 2016. I start by recognising some outstanding students. Katelyn Caffyn-Marsh overcame significant family difficulties to achieve excellent results and qualify for the gifted and talented class at her new high school. Emily Zhu's outstanding musical talents have led to her being offered a place at the Conservatorium High School. Howard Bancan has shown he is an extraordinary thinker who applies knowledge creatively and analytically—I am told he blows his teacher's mind! Arbaaz Zafar's change in attitude in year 6 has resulted in him making excellent progress in all key learning areas. Mathias Toli has demonstrated an outstanding commitment to learning and achieved excellent results, especially in mathematics. Finally, Ruby Byrne was selected to captain the Sydney West Primary Schools Sports Association [PSSA] girls cricket team and was selected for the NSWPPSSA 12 years girls cricket team. These students have shown aptitude in the areas of academia, music and sport.

Great schools have strong community engagement, and I specifically recognise the parents for their ongoing efforts in 2016. In particular, I recognise parent and citizen president, Mrs Estella Machado, and parent and citizen vice president Mrs Anh Dahn for their outstanding efforts and achievements in leading school fundraising initiatives. Active parent and citizen associations make a huge difference in schools. I commend the school community for getting behind the efforts of its parent and citizen association. I understand that the association has raised more than \$30,000 in 2016—an amazing effort. I also commend Mrs Linda Dunwoodie for her leadership of the inaugural Parramatta East Fun Fair and excellent management of this large-scale community event. I also recognise outstanding staff achievements. Every member of the staff is hard working, committed and dedicated to ensuring that all children receive the education they are entitled to. They always do the extra things to make a difference, and the students' results reflect this.

I make special mention of: Susan Gardner, Jenny McCorquodale, Jennie Mitchell, Jillian Cameron-Smith, Mani Malik and Paula Daniel for achieving accreditation as qualified language, leaning and literacy [L3] teachers; Angela Sparks and Brenda Curtis for their outstanding leadership of the numeracy group's project across stages two and three; and Paula Daniel and Anjulie Allan for doing a brilliant job in developing and implementing the bilingual learning project working in conjunction with the University of Western Sydney. Finally, this would not be possible without good leadership, and I commend principal Robert Ieroianni for his amazing work in 2016. I wish the students and entire school community a happy and safe holiday season.

I also bring to the House's attention two fantastic and energetic groups in Carlingford: the Switched on Seniors and Tuesday Ladies Morning Tea clubs. Switched on Seniors has been going for 21 years and I think its success is, in some part, because it recognises the importance of friendships, laughter and connectedness. I commend Dianna Hammond, herself a successful entertainer with a career that has spanned television and

events, for her outstanding efforts in keeping the groups lively and active and for organising wonderful events, including a trip to Parliament tomorrow. I thank my colleagues who will be co-hosting this event with me: the Minister for Corrections, Minister for Emergency Services, and Minister for Veterans Affairs, David Elliott; and the member for Epping, Damien Tudehope.

Tomorrow we will warmly welcome 57 seniors from my electorate of Parramatta and surrounding electorates, including Coleen Burns, Georgina Calvert, Helen Carr, June Chance, Marie Horvath, Alison Moon, Peggie Napier, and Pam Vild. I have been delighted to speak on a couple of occasions at Switched on Seniors morning teas in Carlingford. These ladies form a truly insightful group with much wisdom, and they continue to challenge me with some of the most difficult questions I have ever faced as a politician. I pay tribute to all the members of those clubs. Tuesday's Ladies Club meets every Tuesday morning and Switched on Seniors every Wednesday morning, except in school holidays. Anyone aged 55 and over is welcome to join.

#### **FAIRFIELD RELAY FOR LIFE**

**Mr GUY ZANGARI (Fairfield) (12:17):** As the patron of Fairfield Relay For Life, it gives me great pleasure to inform the House that on 5 and 6 November the 2016 Fairfield Relay For Life was held at Prairiewood High School in conjunction with the Cancer Council. As members well know, the aim of Relay For Life is to raise community awareness about cancer and the importance of cancer research, while joining with friends, family and colleagues to help fundraise for the vital research and advocacy services that are deeply enshrined in the Cancer Council. Although all the donations are still being processed, it is estimated that we have managed to raise more than \$42,600 in our local community. Each year our relay has a fantastic turnout, and it continues getting bigger and better each year.

On Saturday the relay commenced with a number of official speeches, followed by the ribbon-cutting ceremony to open the event, and then finally the traditional survivors walk. This year we were honoured to have a brave young girl by the name of Leora Tazabian in attendance, who cut the ribbon to launch the 2016 relay event. Leora is presently undergoing treatment for cancer and is receiving support from her mother, father and older brother, Chris. I thank Leora for spending time with us on the day and for giving us all hope and inspiration to continue our fight against cancer. It is safe to assume that every person in this House today has been affected by cancer in one way or another. Through personal experiences and those of friends, family members and colleagues, it is evident that the prevalence of cancer in our society is all too high. By joining forces, working together and doing all we can to promote and assist the ongoing research, we will one day finally be able to make cancer a thing of the past.

I to give a special thank you to our very own local champion, Mrs Sinilia Radivojevic, and the Relay For Life organising committee for their outstanding contributions and ongoing advocacy towards this great cause. This year's relay received some fantastic support from local residents, businesses and associations who all dug deep and generously donated their time and money to promote and support cancer advocacy and research in the Fairfield region. I will take a few moments to commend and acknowledge those who provided their time, money and resources towards this year's Fairfield Relay For Life. First of all, I offer a big thank you on behalf of the organising committee to Prairiewood High School for the use of its oval and facilities on the Saturday and Sunday. The grounds were perfect for the relay, and I am sure that many of us are looking forward to returning next year. I acknowledge the many schools, businesses and community groups in the district who set up teams, raised funds and participated this year.

As always, the stunning Rainbow Friends group was marvellous and managed to raise nearly \$10,000 towards this year's relay. The group's passion, enthusiasm, team spirit and infectious attitude are a welcome addition at each and every relay, and I thank them for their ongoing support. I also thank the local clubs that made contributions to this year's relay: Guildford Leagues Club, Fairfield RSL, St Johns Park Bowling Club, Club Marconi, Cabra-Vale Diggers and Smithfield RSL. I thank all the sponsors and donors who contributed in various ways in order to make the event possible. I would like to mention the *Fairfield Advance* and the *Fairfield City Champion*, which truly helped drive the message out to the community and help rally local champions to assist in the cause. The Fairfield Relay For Life is a huge community event and there are always so many who contribute in so many ways to such an important event on our calendar in the Fairfield region.

**Mr STUART AYRES (Penrith—Minister for Trade, Tourism and Major Events, and Minister for Sport) (12:22):** As the member for Fairfield pointed out in his contribution about the Relay For Life in the Fairfield community, many members in this Chamber have been touched by cancer in their own families. Many of us represent communities around the State that also conduct Relay For Life events. I recognise all those who participate and I echo the positive words of the member for Fairfield about the work that the Cancer Council NSW does across New South Wales. Relay For Life is a community event held around the State that brings communities together to help people deal with the challenges of cancer, particularly families who have been touched by it. It is one of the highlights of our work as members of Parliament to see families and survivors walking around important



local landmarks in our electorates as they participate in Relay For Life. I also take this opportunity to thank the Cancer Council for its recent support of the NSW Open Golf 2016 tournament.

### THE COCKATOO RUN

#### WORONORA AND ENGADINE RSL CLUBS

**Mr LEE EVANS (Heathcote) (12:23):** I inform and recommend to the House a fantastic tourism enterprise that travels through my seat of Heathcote and down the South Coast, turning around in the Southern Highlands. The enterprise is The Cockatoo Run historic train tour, which runs several trips a month from Central station heading south, taking in some of the most spectacular scenery—I am sure you will agree, Madam Speaker—through the seat of Heathcote and down the escarpment, passing subtropical rainforest as it meanders down the Illawarra line. The train has been lovingly restored by volunteers who have done a sterling job. It takes one back to an era when train travel was a privilege and train cars were ornate in their finishes.

The Cockatoo Run has a stabling yard at Eveleigh railway yards at Redfern, where it houses spare parts for the steam and diesel locomotives. These parts are as rare as hens' teeth. The stabling yards are under threat as The Cockatoo Run has been warned of eviction. Why would this iconic and historic volunteer organisation be threatened with eviction? I implore the boffins at Transport for NSW to reconsider their threat of eviction and instead work with this organisation and all the organisations that are involved in historic locomotives to ensure we have a vibrant historic and tourism sector that is sustainable into the future. Residents of New South Wales should have the opportunity to experience train travel as it was in our past, with the romance of steam and locomotives and travelling in style. Our grandchildren and generations to come should have the ability to experience this era of our combined rail history.

I also commend and congratulate Woronora RSL, which hosted this year's district Remembrance Day ceremony. This small RSL, which has no more than 30 members, did a fantastic job hosting all the RSLs of the St George and Sutherland shire for the Remembrance Day commemoration. Woronora RSL has done a considerable amount of work to restore its cenotaph; it applies for every bit of money that becomes available. It has done a fantastic job restoring the cenotaph to its former glory—in fact, its appearance surpasses that of its original plans from the 1930s. I also make honourable mention of my local RSL, the Engadine RSL Sub Branch, which I attended on Remembrance Day. The couple of hundred people who attended were very impressed with its Remembrance Day activities. It is important that these occasions are commemorated and kept alive. We must ensure that our RSLs are supported so that they can continue to remind us of the events that caused so much grief to our forebears during the years of war. I congratulate both RSLs and I thank the House for its indulgence.

**Mr STUART AYRES (Penrith—Minister for Trade, Tourism and Major Events, and Minister for Sport) (12:26):** I encourage the member for Heathcote to continue to raise the issue of The Cockatoo Run with the Minister for Transport. We need as many good-quality tourism products as possible in New South Wales. The tourism industry in this State is growing and now generates more than \$31 billion. The industry is being driven by the desire to provide good-quality local opportunities for people to participate in traditional Australian experiences. There is none better than The Cockatoo Run, which operates out of the electorate of the member for Heathcote down through some of the beautiful landscapes of the South Coast. I once again encourage the member to continue to be a passionate advocate for this wonderful facility.

#### ALBURY BIG BASH CRICKET

**Mr GREG APLIN (Albury) (12:27):** Lavington Sports Ground will thrill to the sights and sounds of Big Bash cricket when, on 13 December, the Melbourne Stars and Sydney Thunder battle for victory on the border. Big Bash teams will play three games as part of an initiative to bring high-level cricket to regional communities. Importantly, this will be the first time a women's Big Bash League match will be played and enjoyed regionally. The men are set to play two Big Bash League practice matches, which pit last season's grand final teams against each other as they prepare for the 2016-2017 season. The day before, both teams will run cricket clinics for local players. The matches have been secured for the border under an agreement supported by the two cricket clubs, the Albury and Wodonga councils and local cricket clubs. Initially, the proposal was for just the men's teams to head to the border, but the New South Wales Government's involvement and funding of \$30,000 through Destination NSW has made it possible to stage a women's Big Bash game on the same occasion. This is particularly important as we will have the reigning women's Big Bash League champions, Sydney Thunder, on display and also the women's game will count towards competition points.

The Albury match celebrates the terrific momentum that is gathering pace behind women's teams in traditional Aussie favourite team sports such as cricket and, as we saw at the Rio Olympics, rugby. This historic match is sure to sell well. This Women's Big Bash match will put our female stars front and centre, and we cannot wait to welcome crowds to the clash between Melbourne Stars and reigning champions the Sydney Thunder.

Sydney Thunder general manager Nick Cummins has also welcomed the involvement of Destination NSW, saying that "Destination NSW's support has allowed us to take the WBBL to country New South Wales for the first time, which is a fillip for women's sport in the Murray region." The Big Bash games have stimulated other local activity. In particular, a local cricket club saw that there would be a need for new cricket nets for use by the teams in the lead-up to the games. Although the usual channels and opportunities for State funding had closed, I approached the Premier and was successful in obtaining a grant of \$20,000 for this project. Cricket NSW, Cricket Australia, Albury City Council, the New City Cricket Club and the Government have combined to raise more than \$70,000 to upgrade the cricket nets to a professional standard.

There is no doubt that this funding was driven by the enthusiasm of the New City Cricket Club and the oval committee to ensure our community has access to the best facilities. This upgrade means that Albury is now in a position not only to host professional players; it also will be hugely important for local players, school cricketers and rising stars. While the cricket community and council raised significant funds for the replacement of the nets, I am delighted that the Government was able to provide the extra funding needed to supplement the budget and to make this a reality. In further developments for border cricket players, the upgrading of the nets has also provided the opportunity for the Sydney Thunder cricket teams to use the nets as part of a community Thunder Fan Day on Monday 12 December prior to the Big Bash match the following day. The cricket nets will be well used by local schools and cricket teams, local State and representative teams, and the ACT Blind Cricket Squad.

This is a great outcome for Albury, and is a textbook example of how to turn a single event into something with a lasting and positive impact. This Government has been keen to put money into regional sports. I acknowledge the Minister for Sport, who is in the Chamber, and thank him for his commitment to regional sport. As a further example, I was pleased to announce the allocation of \$50,000 in New South Wales Government grants to local sporting groups last May, including \$5,000 for cricket equipment and uniforms for Bhutanese refugees in our border community. The Murray region's development manager for Cricket NSW, Robbie Mackinlay, is full of enthusiasm for the visit. He stated, "It's an opportunity to see some of the world's best cricketers in action without having to travel, as well as showcasing the facility at Lavington and complementing the strong growth of the game in the region." The event will also provide a healthy boost to local hospitality and tourism businesses.

Border fans will get to see a host of current and past cricket greats, including Meg Lanning, Jess Cameron, Kristen Beams, Alex Blackwell, and Renee Farrell, while the men's teams will feature Shane Watson for the Thunder and David Hussey leading the Stars. I thank Destination NSW, the Albury and Wodonga councils, Cricket NSW, the New City Cricket Club, Robbie Mackinlay of Cricket NSW, and Anthony Baker for his work on the cricket nets funding and construction. The Women's Big Bash League will play the first match at the Lavington Sports Oval on 13 December at 10.00 a.m., followed by two matches involving men's teams, with the A-listed team match at 3.00 p.m., and the men's match under lights at 6.30 p.m. It will be a great occasion for Albury and the border communities.

**Mr STUART AYRES (Penrith—Minister for Trade, Tourism and Major Events, and Minister for Sport) (12:26):** This initiative represents the Government working for regional New South Wales. It is a fantastic example of bringing the power of sport and major events into a regional community. One of the key drivers of this event that the member for Albury did not mention was himself. He has been a passionate advocate for this event. He has been able to coordinate activity across New South Wales government agencies such as the Office of Sport and Destination NSW to ensure that the right partnerships with local sporting clubs and local councils are formed. It will be a fantastic event. I echo the member's words about the wonderful inclusion of the women's Big Bash competition. It is time that everybody got on board with women's sport. It is being showcased in the city, but everyone in New South Wales, particularly the community of Albury, will be at the forefront of its promotion.

### SUICIDE PREVENTION

**Dr HUGH McDERMOTT (Prospect) (12:33):** I address the House on a very serious issue—the high rate of suicide amongst tradesmen and construction industry workers in New South Wales, especially among young men in the Prospect electorate and in other areas in Western Sydney. Suicide has been described as a dark plague and is a bigger cause of death than skin cancer, liver disease or even motor vehicle accidents. Men are three times more likely to take their own lives than women. Young men under the age of 25 are twice as likely to commit suicide than older men and the occupation with the worst incidence of people committing suicide is the construction industry. We all know that construction sites are dangerous, but workers are six times more likely to die by suicide than by accident. For young men it is far worse: They are 10 times more likely to die by suicide than in a workplace accident. Let that sink in for a moment. Despite the heavy concrete, sometimes extreme heights, sharp tools and deep excavations; the biggest danger on a construction site is a worker's own mental health.

The stresses felt by construction workers, in combination with stresses we all feel at some stage, are often too much to bear. Debt, alcohol, long working hours, poor job security and physically demanding work are all increased risk factors for deteriorating mental health. To worsen the problem, mental health is stigmatised to the point where many take their own lives before receiving help. Members of Parliament have a responsibility to address this problem. Members are in an extremely privileged position. First, we are in a white-collar profession where suicide is less likely; and, secondly, we are in a position to make a change for the better. Economic disadvantage, lower levels of education, job security, workplace flexibility, social support and access to mental health services are all things that State government policy can change. It is reported that depression intensifies on construction sites. Workers' minds are often filled with thoughts of not seeing family, of arguments, financial concerns and debt, domestic disharmony and the after-effects of alcohol and illicit drug use. For each suicide, at least six other people are affected. Family, friends, co-workers and others are not immune from the emotional torture brought about by the suicide of a friend or loved one.

The New South Wales Government, in the most non-partisan way possible, needs to address the risk to workers on government projects. Government will always be a huge employer of construction workers and tradesmen as our State continues to grow. The New South Wales Government spends billions of dollars on infrastructure programs. I note particularly the Premier's bid to be known as the infrastructure Premier, but it comes with the heavy responsibility to be aware of the mental health of the men and women who will build that infrastructure. Current and future State governments must be acutely aware of this challenge and strive to ensure that they negate any workplace environments that may increase the risk of suicide.

### HMAS ADELAIDE

**Mr ADAM CROUCH (Terrigal) (12:37):** HMAS *Adelaide* was built in the United States. It was commissioned in November 1980 and was the first of six Adelaide class guided missile frigates to be delivered to the Australian Navy. She was a long-range escort frigate whose roles included area air defence, anti-submarine warfare, surveillance and reconnaissance. During her career HMAS *Adelaide* was part of Australia's responses or contributions to the 1987 Fijian coups d'état, the Iraq invasion of Kuwait, the Indonesian riots of May 1998, the International Force for East Timor peacekeeping taskforce, the war in Afghanistan and the United States led invasion of Iraq. She also famously rescued two competitors in the 1996-97 round the world yacht race. In 2008 HMAS *Adelaide* was the second ship of its class to be decommissioned and demilitarised by the Department of Defence before being handed over to the New South Wales Government in 2009. The Central Coast Artificial Reef Project was formed from Central Coast dive clubs and dive operators. The committee worked hard to lobby all levels of government to secure HMAS *Adelaide*, once she was decommissioned, to become an artificial reef off the coast of Terrigal and Avoca Beach.

After three years of planning and lobbying all tiers of government HMAS *Adelaide* was finally scuttled off the Avoca coastline on 13 April 2011. More than 18,000 people, including my wife and me, attended this historic occasion, which included much celebration. Today the ship sits on the ocean floor as an artificial reef and has become one of the most popular tourist destination dives off the Central Coast. Today approximately 15,000 dive permits have been issued for the site. Local diving tour operators have confirmed a significant increase in diver tourism compared with visitation figures prior to the scuttling. This is great news for tourism on the Central Coast. My objective now is to finish the story of HMAS *Adelaide*. To honour the many women and men who served on the HMAS *Adelaide* and in recognition of the Royal Australian Navy, as the member for Terrigal I have been seeking the support and assistance from the community to have the mast of the *Adelaide* installed at Terrigal Haven in a prominent location seen from land and sea.

In 2011 the mast of the HMAS *Adelaide* was gifted to Gosford City Council by the State Government with the intention to have it installed in a prominent area. It had lain in storage for just over five years when we commenced this project. It was imperative to contact the Royal Australian Navy to have the mast inspected to see what condition it was in and to have it restored with the Navy's expertise. I put a call out to local businesses to assist in any way they could, and my call was answered en masse. The Terrigal Wamberal RSL Sub Branch organised a meeting of all presidents of the Central Coast RSL sub-branch clubs to discuss ways to fundraise to build the plinth for the mast. We did not have the funds but we had a whole lot of contacts and a great community willing to be a part of this project. I recognise them today in this Parliament: the RSL sub-branches—in particular, David Ferry, Paul Osborne and Len Ellis for rallying the troops—Mick Bell from Central Coast Metal Protectives in Charmhaven for sandblasting the mast at a rock-bottom price; Bill Jackson and the Ettalong Diggers club directors, who funded the sandblasting; and the Royal Australian Navy for sending their people, led by Chief Petty Officer Scott "Doggy" Barker and his team, to restore the mast to near brand new.

On the design side, I thank Matthew Wales of Wales and Associates for project managing the design work for the plinth, Stuart Eddy of Eddy Consulting for designing the adapter plate and footing, Brent Kerry of Douglas Partners for the geotech design and David Rowe for the plinth design. These are local consultants who

all did in-kind work. I also recognise the contribution of Thales, Kevin Waters of Waters Crane Services and the Central Coast Council led by Phil Cantillon for their support and cooperation to bring this project to fruition. Last Friday night I hosted a fundraiser for the HMAS *Adelaide* mast. More than 130 people attended a dinner at the Davistown RSL. I acknowledge our fantastic master of ceremonies for the evening, Terrigal local and Radio 2CH announcer Gareth McCray, OAM. I also acknowledge the students of the St. Joseph's Catholic College choir and the Central Coast Grammar School brass band, who opened the event with their wonderful performances. I emphasise that it was a Friday night, which highlights the commitment from the students, staff and parents of the choir and band who volunteered to perform at the event.

I am delighted to say that my friend the Hon. David Elliott, Minister for Corrections, Minister for Emergency Services, and Minister for Veterans Affairs, was our guest speaker and he was well received by the guests despite being an Army man at a Navy event. Captain Neville Teague, representing the Royal Australian Navy, and the Commander of the Fleet, Rear Admiral Stuart Mayer, spoke of the new HMAS *Adelaide*. Sue Dengate, representing the Central Coast Artificial Reef Project, gave a pictorial overview of the ex-HMAS *Adelaide*, as she is now. It was a successful evening during which we raised more than \$5,000 to go towards the plinth. In summary, I did not realise that putting up a mast would be such a complicated exercise. The mast of the HMAS *Adelaide* is our last piece to complete the story, and I am grateful for the generosity of the people of the Central Coast. The ship's motto is "United for the Common Good", which is an extremely fitting description of the Central Coast community. This is truly a community project. I acknowledge and thank everyone who has been involved in completing the HMAS *Adelaide* story.

**Mr STUART AYRES (Penrith—Minister for Trade, Tourism and Major Events, and Minister for Sport) (12:42):** I acknowledge the member for Terrigal and his passionate advocacy and support for the HMAS *Adelaide* project. Every time I have visited his community he has taken me down to the beach line to talk about where the mast will go and how important the HMAS *Adelaide* is to the local community as a dive site. When HMAS *Adelaide* was being placed there it was not without some contention, but almost all of that has now passed. It is embraced by the community. I understand that the sinking of the ship has brought marine life back to what was a relatively bare sand bed, so it has had a good environmental impact as well. It is another example of a fantastic tourism product. I encourage all members of this place, and everyone else in New South Wales, to get to Terrigal and have a look at the fantastic beach line: Do your diving education and get out and have a look at HMAS *Adelaide*.

### BADGERYS CREEK AIRPORT

**Ms TRISH DOYLE (Blue Mountains) (12:43):** I make a contribution to the ongoing debate in Western Sydney and the Blue Mountains about the poorly planned and poorly executed proposal by the Federal Government to build a new airport at Badgerys Creek. I note that in the past week the Federal environment Minister, Josh Frydenberg, has given the project the green light. I also note that the supposedly "final" environmental impact statement [EIS] still fails to tell residents where flight paths and merge points will be located and which residential areas will be blighted with 24 hours a day, seven days a week aircraft noise. The final environmental impact statement makes no effort to address the grave concerns of environmentalists, conservationists or local residents about the impact of the airport on the Greater Blue Mountains World Heritage Area.

Of the 5,000 submissions received during the public consultation process, the overwhelming majority came from residents of the Blue Mountains. Of those, 2,000 were lodged by my office in December last year on behalf of the community. People in the Blue Mountains are worried about the future of the World Heritage listed national park and the risk to the drinking water catchment and Warragamba Dam, and angry that the airport is to be operated without a curfew or flight path sharing. They are angry that the final revised environmental impact statement does not address their concerns. The tangible, real-world impacts of this airport have been dismissed into the never-never of the airport evangelists who produced the environmental impact statement. There is nothing in the final environmental impact statement about the real-world flight paths that residents will be forced to live with. While the environmental impact statement is light on detail, it is heavy on pro-Government spin. The community has been told repeatedly that the airport will bring jobs; this is a con. Residents have been told repeatedly that the airport is necessary because of capacity limits at Mascot; this is a con. They are told repeatedly that the project is visionary; this is a con.

The hardworking Blue Mountains mayor, Mark Greenhill, has been leading the charge of discontent and reason against this airport. He said, "This is a con job. Full stop. It is a sham". Speaking of con jobs, during the Federal election the Minister for Urban Infrastructure, Paul Fletcher, made a series of promises to Western Sydney and Blue Mountains residents. He stated:

Allocating the flight paths to minimise the individual impact on any one point will form part of a comprehensive noise mitigation plan to be contained in the final EIS...with a clear direction given that the flight paths will not merge to a single point over Blaxland.

It was not just a con; it was a lie. According to analysis by the Residents Against Western Sydney Airport Group, the final EIS contains no such plan. Blue Mountains residents cannot trust the Turnbull Federal Government, nor should they trust the Baird Government. Ministers in the State Government present the airport as an opportunity for infrastructure investment in Western Sydney, but this is a con. It is the State Government's responsibility to build road, rail, health and education infrastructure. It should not wait for the Federal Government and the Sydney Airport Corporation to provide a business case for new transport and schools.

There are new housing developments at Luddenham, Oran Park and Leppington. The new owners and renters of those homes will need to travel to work each day, send their children to school and when they are unwell they will need a staffed, well-resourced hospital. All of those essential services are necessary now, even if the airport is not built. It is absurd for the failed Baird-Grant Government to sit on its hands and refuse to commit to infrastructure investment outside the context of an airport business case. Rather than wasting the astonishing sums of money involved in this project, the Federal Government could engage in nation building of the sort invested in by the Gillard Labor Government. It could build new rail links to the south-west Sydney region to take cars off the road or a new hospital for the growing Western Sydney and Blue Mountains populations that are presently pushing the Nepean Hospital past its breaking point. These are the core government services that politicians should concern themselves with, not unnecessary new airports.

**Mr STUART AYRES (Penrith—Minister for Trade, Tourism and Major Events, and Minister for Sport) (12:48):** The Northern Road is under construction now and not waiting for the airport. Bringelly Road is under construction now and not waiting for the airport. The M12 motorway is being planned now, and not waiting for the airport. Nepean Hospital is being planned by this Government, not by those opposite. The Government will have more to say about that soon. Government members know what those opposite have done. The Government will continue to invest in local roads and it is not waiting for the airport. Regarding what we have heard from the member for Blue Mountains, we should be looking at and talking about the Labor Party's policy, which supports the Western Sydney airport. It is supported by its members in New South Wales as well as by those at the Commonwealth level. If the member for Blue Mountains does not support the airport, she can cross the floor and she tell the Federal member for Macquarie to do the same.

**Ms Kate Washington:** It is Federal.

**Mr STUART AYRES:** That is right, it is a Federal issue. Tell your mates down there also to cross the floor.

#### NAJEX REMEMBRANCE DAY EVENTS

**Ms GABRIELLE UPTON (Vaucluse—Attorney General) (12:49):** On Sunday 6 November, I attended the NSW Association of Jewish Ex-Servicemen and Women [NAJEX] communal wreath laying and Remembrance Day service at the Sydney Jewish Museum in Darlinghurst. I was joined by His Excellency General—and patron—the Hon. David Hurley, AC, DSC; Mrs Hurley; President of NAJEX Charles Aronson; Vice-President Monica Kleinman; and Norman Symon, RFD, ED; Honorary Secretary and Treasurer Roger Selby; board members Harvey Baden, Lesley Barold and Jon Green; Chaplain Rabbi Jeffrey Kamins, OAM; Chaplain Rabbi Dr Dovid Slavin; and Coogee member of Parliament Bruce Notley-Smith. NAJEX conducts this annual wreath-laying and commemoration service of the New South Wales Jewish community to mark Anzac Day on 25 April and Remembrance Day on 11 November. Remembrance plays a vital role in Jewish tradition. The debt paid by those who gave their lives for their country and those who were wounded in body, mind or soul can never be repaid, but we must recall their sacrifices and, in doing so, we and our children benefit from the inspiration and the example they provide.

NAJEX is one of the oldest Jewish organisations in Australia. Founded in 1920, its purpose is to commemorate the memory and deeds of those Jews who served in Australia's armed forces from the time of the Sudan Campaign right up to Afghanistan. By educating people about the devotion and courage of those Jewish service men and women, the organisation aims to inspire others to follow their example of service to our wonderful country. NAJEX also represents active and former Jewish service men and women, commemorates Jewish service personnel and military events, and recognises the contribution made by Jews to Australia's military campaigns and military history. On Sunday more than 300 people were in attendance at the communal Remembrance Day service. The guest speaker for the ceremony was New South Wales Minister for Health Jillian Skinner, who provided a touching message about the human cost of war. Minister Skinner is the daughter of a soldier who served in Borneo and New Guinea, and is the wife of Chris, a naval officer of 30 years, who served on HMAS *Hobart* in Vietnam. Minister Skinner shared her own experiences as a young journalist during the Vietnam war, which had the audience at the commemoration spellbound.

Rabbi Yossi Friedman, Australian Defence Force Jewish chaplain, spoke about the inspirational efforts of those enlisting and their willingness to potentially give up their lives in a conflict for the values of democracy.

Governor David Hurley presented the NAJEX Centenary of Anzac award to senior firefighter Eddie Vaysbakh, who is a resident of my electorate. This award was in recognition of Eddie's participation in a collective act of bravery as a member of Fire and Rescue NSW. In 2013, Eddie was part of a team that successfully dealt with a massive crisis at the Caltex oil terminal in Banksmeadow. A major leak of 130,000 litres left the area exposed and vulnerable to fire and explosions. After securing the enormous leak, the team sprayed the 50-metre pool of spilled petrol with foam, helping to diminish the risk of explosion.

Eddie, who was present at the award ceremony with his two sons, accepted the award with humility. He spoke of the true heroes, especially those generations that came before him, and the parents who, not so long ago in our history, hid their children under floors and in attics with the knowledge they would never see them again as the Nazis broke down their walls. Previously, the Governor-General and the State Governor awarded Eddie and his team with bravery awards. Eddie received an individual commendation for courageous action from Commissioner Greg Mullins, AFSM, on 4 May 2014, which marks Saint Florian's Day or International Firefighters Day. Firefighters, as all of us in this House know, dedicate their lives to the protection of life and property. International Firefighters' Day is a time when the world's community can recognise and honour the sacrifices that firefighters make to ensure that our communities and our environment are as safe as possible.

I thank the NAJEX community for inviting me to be a part of its annual wreath-laying commemorative service, along with school leaders from Emanuel School and Moriah College, and Rose Bay Judean Scouts, who formed the catafalque party. It is important that the next generation understands the sacrifices of the ex-service men and women who served us so well. Lest we forget.

### HOUSING AFFORDABILITY

**Ms JENNY LEONG (Newtown) (12:54):** For many people, the idea of owning their own home is now a fantasy. Home ownership rates continue to drop. As buying a house becomes less and less affordable, more people are renting in New South Wales than ever before, and for longer. Almost 40 per cent of New South Wales households are now renting, and more people than ever will be lifelong renters. For many people, renting is the only option. There are more children now living in rental accommodation than ever before. At the last census 41.2 per cent of families with dependent children in New South Wales were renting. In New South Wales 20 per cent of people receiving the age pension now rent. One of the biggest issues for renters in New South Wales is a lack of stability. When a tenant signs a lease it is usually for just six or 12 months. At the end of the lease a landlord can tell a tenant that they have to move out of their home without providing any reason, even if the tenant has met their responsibilities and paid the rent on time.

Tenants on an ongoing periodic agreement face even more insecurity. They can be asked to move out of the property with just 90 days notice at any time the landlord chooses, again without the landlord having to give any reason. These "no grounds" evictions are not common practice around the world. CHOICE has noted that Australia is one of the few countries in the Organisation for Economic Co-operation and Development [OECD] that allows no grounds evictions. In many other countries tenancy laws offer long-term stability. Renters are able to set up a home, put down roots and feel secure about their housing situation. This is not the case for people like Ruby, a renter who lives in constant fear of receiving a termination notice. Ruby explained to us:

We have a kid starting school next year and trying to find a place in the same area would be very stressful. I only ask for repairs if it is something we cannot live with because I do not want to draw attention to ourselves. It's not like this everywhere. When we lived in San Francisco, landlords couldn't evict you for no reason. It made life far less stressful.

Ben, a new parent and a renter, had just moved into a rental property a couple of months before his baby was born. He was given only a six-month lease, which was not renewed, and he had to find a new place to live. The problem for people like Ben is that they face this kind of insecurity every time they move into a rental property. Almost one-third of the time that people living in Australia's private rental sector move house it is because they are forced to move rather than because they made the choice to move.

New South Wales rental laws are currently under review. We are encouraged that the Minister is looking at incentives to promote longer leases. We welcome any reform that will allow renters to stay in their homes for longer. However, in line with this, we cannot understand why there is not a commitment to stop no grounds evictions. The Tenants Union has been calling for an end to no grounds terminations for years. The Greens support this reform. We have been campaigning for renters' rights, and we will continue to do so. As long as no grounds terminations are allowed to remain in New South Wales law, landlords will have the upper hand in any dispute. The possibility of a no grounds eviction can act as an unspoken threat.

Sarah told us that she has been evicted on no grounds twice, simply for requesting that things be fixed. Finally, when she took her complaints to the tribunal, even though she was not at fault she was evicted. A dodgy landlord who does not want to spend money on essential repairs and maintenance can use this provision as a way out. They can simply put off repairs until a lease expires, then evict the tenant who made the requests for repairs,

get a new tenant and start stonewalling all over again. Of the 200 renters who responded to a survey conducted by our office, 60 per cent said they had not asked for repairs because they were concerned that it might put their tenancy at risk. The Greens recognise that it is reasonable for a landlord to ask a tenant to move out of a property in certain circumstances. It may be because the landlord or their family want to live in the property. These genuine grounds could be provided for in the Act. Given that, it is unclear why we need to retain the provision for no grounds evictions.

Allowing landlords to throw out tenants with no good reason—with no grounds—comes at a great cost to our community. It is almost impossible for anybody to justify that. Living from year to year with no stability creates a great deal of stress for families, the elderly and people who rely on support networks in their communities. Renters alone do not bear the cost of this. Our communities are compromised because renters are not able to fully establish themselves in their local neighbourhoods. Our laws need to be updated to reflect the new normal that is renting. In many global cities renting laws give tenants long-term security and help keep rents affordable. Our laws need to reflect the reality of renters in our community and provide stability and security.

### DRUMMOYNE ELECTORATE EVENTS

**Mr JOHN SIDOTI (Drummoynes) (12:59):** It gives me great pleasure to talk about a number of events I attended on Sunday 13 November. It all started at 8.30 in the morning, when I ducked down to St Mercurious Charity. It is a great organisation in the inner west of Sydney that provides up to 50,000 meals a year for the homeless and those who do not have the capability to provide for themselves. It is a great organisation and it was great to see the corporate world, through sponsorship, showing great responsibility towards those who are less fortunate. The event also promoted a very healthy lifestyle. A group of us—Charly Tannous of Sage Solicitors, Paul Signorelli from Doltone House, Minister Ajaka and I—did the seven-kilometre Bay Run at Iron Cove. I have done that on a weekly basis for some time. Raising money for this organisation was fantastic because it is at the heart of our community. I take the opportunity to thank Paul and Danny Nicholas and the numerous volunteers who participated in a truly great day. I also acknowledge that the food was absolutely sensational. It was a great Lebanese breakfast. Unfortunately, the seven kilometres did not burn off the calories.

I then trekked across to Burwood at lunchtime, where the Saint Nectarios Greek Street Fair was held. It was a magnificent occasion, which, again, was no help with respect to calories. It was great community event compered by the one and only John Mangos, who does a lot of wonderful charity work. He did a great job. I congratulate everyone who was celebrating the name day of Saint Nectarios on 13 November. There were a number of activities including a lot of Greek dancing and Greek food, including Greek sweets. The outfits were outstanding and it was great to see so many young people attending, to keep the traditions, customs and culture that are at the heart of the community alive.

I trekked over to Fairfield Showground in the afternoon, where I attended the Association of Maria Santissima di Loreto, which is an Italian association from Calabria in the south of Italy. It is a feast day—a religious day—and it incorporates all the fanfare of traditional Italian festivities. There was plenty of food including porchetta—the traditional pork—and a number of other meat and pasta dishes. The food was incredible. It was a great event attended by a number of members of Parliament, including the member for Fairfield, the member for Prospect, the Federal member for Fowler and me. It was compered and there were a number of singers and entertainers. It was a great family day attended by hundreds of people. I thank the president of the association, Mr Tony Mittiga, for his leadership. I believe it was the anniversary of the association—some 20-odd years of celebrating the festival there—which really brought the community together. The festival was opened by the Mayor of Fairfield, Mr Frank Carbone.

Sunday 13 November was a great day across Sydney. There were a number of events attended by great multicultural communities and by members of the community at large. So while the events may have had a Greek, Italian or Lebanese flavour, they were attended by members of the wider community. There is nothing more rewarding than seeing people embrace other cultures, which I saw at the three events. They were great events and I look forward to the next ones.

### LIFELINE AUSTRALIA

**Mr MARK COURE (Oatley) (13:04):** I draw the attention of the House to the outstanding work of Lifeline Australia and to the fundraising efforts of some very good friends of mine. Lifeline Australia provides crisis support and suicide prevention 24 hours a day to anyone in need, regardless of their circumstances. For 50 years Lifeline has answered thousands of calls for help, with the belief that no-one needs to face problems alone and that help is certainly available. Sadly, suicide figures in Australia are a national shame—an epidemic. Each year around 2,000 people take their own lives and services such as Lifeline Australia are vital in reducing this number. Lifeline Australia recognises that anyone can be in a situation where they feel suicide is the only option. The loss of a job, a failed relationship, financial hardship, family issues, drug use and mental health issues

are all factors that can lead to people attempting self-harm. Only last month the community of Davidson was horrified to learn of the deaths of the Lutz family, including two children aged 10 and 11. Whilst we may never know the exact reasons for the murder-suicide we do know that this was a family coping with two children with severe disabilities and that brings enormous stress and anxiety to those involved.

As a Government and as human beings we need to reach out to people and let them know that help is available. We must support services like Lifeline Australia to enable them to provide help when needed. Suicide knows no boundaries and does not discriminate, but there are particular groups more at risk than others and these include young people, men, people from Aboriginal and Torres Strait Islander backgrounds and those living in regional or remote communities. Many in this group feel isolated, lonely and responsible for their situation. A call to Lifeline provides them with the opportunity to talk things through and to affirm that there is always an option other than suicide. Of course the good work of Lifeline is only possible through government support and fundraising.

I am proud to acknowledge the fundraising efforts of Peter Shmigel, Chief Executive Officer, Lifeline; Matt Cross, a former adviser to the Premier; and DJ Dara Hayes, also known as DJ Tigerlily, who ran in the New York City Marathon on Sunday 6 November to raise funds for Lifeline. The New York City marathon runs through all five boroughs of New York—Staten Island, Brooklyn, Queens, The Bronx and Manhattan—for 42 kilometres, or 26 miles, and is the largest marathon in the world. There were 50,000 participants and Peter, Matt and Dara are to be commended for their great efforts. Together, they raised close to \$100,000 from donations from more than 400 people and this money is going directly to Lifeline. But there is still time to donate for this great cause. Their web site is [nymarathon2016.gofundraise.com.au](http://nymarathon2016.gofundraise.com.au)

Lifeline is about crisis support and suicide prevention and it has 11,000 volunteers and takes more than 2,200 calls a day—one every 33 seconds—with 120 calls from people considering suicide now or in the future. Suicide remains the leading cause of death for Australians aged between 15 and 44. The overall suicide rate in 2014 was 12 per 100,000 in Australia. This is the highest rate in 10 years. This equates to almost eight deaths by suicide in Australia each day. As we know, former member for Pittwater and former Leader of the Opposition Mr John Brogden, is a survivor of a suicide attempt. John was the guest speaker at my 2015 St George Community Awards and spoke honestly about his experiences, the depth of his despair and his shame, but importantly he spoke with great passion for life and for Lifeline. As members are aware, John is the Chairman of Lifeline and he, with many others, is a strong advocate for the service and the support it provides.

The simple fact regarding suicide is that it is preventable, but we need to do more. Disconnection and despair drive the suicide rate; connection and hope prevent it. This means looking out for each other and directly asking the question of someone whom you believe to be at risk, "Are you suicidal?", and then supporting them through real listening and appropriate care. I thank Peter Shmigel, Matt Cross and Dara Hayes for their commitment to Lifeline. The \$100,000 raised will go a long way to preventing suicide. I express my appreciation to the staff and volunteers of Lifeline, who do a wonderful job in assisting people during their darkest hours. We must strive to reduce the number of deaths by suicide and ensure that those who are at risk have access to support, care and advice so that they live to see a brighter and better future.

### MULTIFAITH BRIDGE

**Ms KATE WASHINGTON (Port Stephens) (13:09):** People who have the privilege of representing their communities in this place sometimes are given the opportunity to see what lies beneath the surface. Recently I had such an opportunity, and it came about in the most unusual way. Months ago I met with the community at Winda Woppa, which is on the edge of Hawks Nest. It was a slow and sunny Sunday morning. After the meeting, a somewhat scruffy-looking gentleman in his fishing waders approached and mentioned a project of his that was coming to fruition. Naturally I was curious and I expressed an interest. A short while later a handwritten invitation appeared at my office, inviting me to the opening of a bridge. I was now intrigued. So on a soggy September Sunday I set off for the picturesque township of Woodville.

I entered through a farm gate and parked under some fruit trees. I headed towards where a large number of people were gathering. There I was met with an extraordinary sight—a decorative bridge made of hand-hewn rocks straddling a waterway. The waterway forms ponds shaped as lotus petals and lotus plants float on its surface. We were there to open a bridge called the Multifaith Bridge by its creator, Philip Redmond. As people sat and stood in the drizzling rain on a farm in pretty Woodville, proceedings commenced with an acknowledgement of country. Then Philip Redmond told the story of the Multifaith Bridge. It was built in memory of his father, Canon Max Redmond, who was at St Mary's in Maitland for 20 years. Canon Redmond was well known for championing an ecumenical approach to faith and engaging in interfaith dialogue. His interfaith work is particularly impressive given that it occurred in the mid-1900s—during the days when Protestants and Catholics did not get on, and intermarrying was difficult not just for the families but also because it was hard trying to find someone who would do the job.



Canon Redmond was good mates with Maitland's Catholic Bishop Toohey—so good in fact that they used to go fishing together. Canon Redmond was a country bloke who did not stand for division. Together, they broke from tradition and cooperated to marry Protestants and Catholics. Canon Redmond not only worked with the local parish but also provided spiritual supports to migrants. After World War II a migrant camp was established in the nearby town of Greta. There were many migrants of Greek and Russian Orthodox faiths living there who did not have their own church. Canon Redmond opened his church to this community and supported them spiritually. Inspired by his father's inclusive approach, Phillip Redman set about building a bridge—a bridge made of stones, sourced from different faiths.

Stones were sourced from St John's Anglican Church at Raymond Terrace that was damaged in the earthquake. Beautiful pink stones were recovered from a Methodist church in East Maitland that had been demolished and dumped. Stones also came from Barnabas' Church in Sydney that was destroyed by fire. Bishop Thompson from Christchurch Cathedral presented Mr Redman with a stone from St John's Anglican Church, Darlinghurst, which is the oldest Protestant church in Sydney—it was a gargoyles that once had fallen onto a parishioner's car. Mr Redman's daughter-in-law, Shoshan Huda, from Israel, overcame customs issues and contributed a Jewish stone from Jerusalem. There is also a stone from a Tibetan Buddhist temple, a stone from a Shinto shrine in Japan and a stone from a Hindu temple in Bali. Even the ironwork in between the stones comes from an old wheel in a church and the lotus plantings in the waterways around the bridge have been deliberately planted as a Buddhist symbol of renewal.

With the wonderful story associated with the bridge having been told, the proceedings continued with the Prayer of St Francis by Father Brian Mascord of the Catholic diocese, a prayer reading from Imam Kamis from the Newcastle Muslim Association, and a cutting of the ribbon by the Hon. Milton Morris, AO. Proceedings closed with a Benedictus by Bishop Thompson of the Anglican Cathedral in Newcastle. In attendance to witness the proceedings were David Gubbay, head of the Jewish Synagogue in Newcastle; Father Chris Butterworth from St Mary's in Maitland; Reverend George Garnsey from Morpeth; three Buddhist monks; a Hindu representative, Dr Vakil; Uniting Church Minister Reverend Mark Collins; and Reverend Gary Parker, who is the Rector at St John's, Raymond Terrace.

To see all of those people—representing faiths from across our region and New South Wales—standing on the Multifaith Bridge, which had been made of hand-hewn stone sourced from each faith, was something I will never forget. The building of the bridge was an incredible feat of stonemasonry and hard work. Phillip Redmond, alongside his family, particularly his daughter Kate, used skills that have all but disappeared to create a beautiful tribute to his father. But it is so much more than that. As the year closes some astonishing decisions are being made overseas that appear to be founded on bigotry and hatred. Those decisions isolate us from people who are different and reduce complex issues to an "us and them" divide. I am reminded of Pope Francis's message that "a person who thinks only about building walls and not building bridges is not Christian". Phillip Redman, the son of an Anglican minister who joined hands with leaders of many faiths, has lived out that message from a Catholic Pope. Let us all end the year by committing to build bridges in our communities and tear down the walls that divide us.

### COOTAMUNDRA ELECTORATE JOBS

**Ms KATRINA HODGKINSON (Cootamundra) (13:14):** The recent regional jobs data released by the Australian Bureau of Statistics was very pleasing, indicating that employment has increased across the Central West by 1.6 per cent and by 1 per cent in the Riverina in the 12 months to September 2016. On the back of this positive news I welcome the Regional Jobs Now package, which will fuel further job creation across regional New South Wales by assisting local businesses. The program will provide much-needed financial support to help companies accelerate growth and create new jobs. Regional New South Wales plays a critical role in our economy. That is why the New South Wales Government is investing a minimum of 30 per cent—at least \$57 million—of the \$190 million Jobs for NSW fund to support entrepreneurs who can create regional jobs growth. I take this opportunity to thank Minister for Regional Development, Minister for Skills, and Minister for Small Business, John Barilaro, for his hard work and his assistance in my electorate. I offer him my warm congratulations on his new role as Leader of The Nationals.

This time of year heralds a real sense of positivity and potential throughout the towns and villages of my electorate as harvest kicks off. Local roads are busy with headers rolling in all directions. Hay baling and windrowing are well underway. The cherry and stone fruit harvest is also near. Although it has been pushed back a couple of weeks due to the mild weather, local orchardists have indicated that the season is shaping up to be a positive one. As part of this sense of potential there have been a number of great news stories recently in the Cootamundra electorate. The contract to process lamb for Woolworths stores across New South Wales is set to remain in my electorate for the next 10 years, with the Junee abattoir to supply Woolworths fresh lamb products for those stores from January 2017. While this does unfortunately mean that the longstanding relationship between

Woolworths and Cootamundra abattoir Manildra Meat Company will end soon, it is fantastic that the contract is set to remain in the local area. Junee and Cootamundra are quite near.

The expansion of Junee Correctional Centre is also a welcome boost to the regional economy, with 130 jobs to be created as a result. This will include jobs in construction and administration as well as highly trained correctional officers. In a recent meeting with TAFE NSW it was great to learn that it is planning to target skills outcomes to better meet requirements as a result of the correctional centre expansion. Two mining exploration companies have recently been awarded grants of up to \$200,000 each under the State Government cooperative drilling program for two projects in my electorate: one near Junee Reefs with NSW Resources and Energy and the other with Argent Minerals Limited at West Wyalong. Managing Director of Argent Minerals Limited David Busch said in the *West Wyalong Advocate* recently that this funding is "a major vote of confidence in our West Wyalong project" and "is pretty exciting news". The local economy benefits enormously from goldmining and I am delighted it has a strong future.

Speaking of West Wyalong, I am very pleased that the Small Biz Bus is returning to the town tomorrow to provide guidance and information on government services following recent flooding. After meeting with small business owners and Bland Shire Council last month, and hearing about the economic impact of the closure of the Newell Highway between Marsden and Forbes, I requested that the Small Biz Bus revisit West Wyalong as soon as possible. Local business owners will certainly make the most of its visit. As part of the visit they will be encouraged to complete the Flood Relief and Recovery Survey to help the New South Wales Government better understand how their businesses were affected by the recent floods.

It is very good to be able to celebrate more jobs and more support for small business in the Cootamundra electorate. As we head into the Christmas trading period, I encourage people to shop locally and think about the future of their local retailers because a strong local economy is of benefit to all. Local retailers have been through trials and tribulations in the past 12 months and they will not exist in the future if we do not support them now. I urge people to shop locally this Christmas or to think about heading to regional New South Wales to do their Christmas shopping; we can certainly use a few city dollars. Please remember that a strong local economy benefits us all.

#### CENTRAL HUNTER LOCAL AREA COMMAND

**Mr CLAYTON BARR (Cessnock) (13:19):** I wish to give a massive shout-out to the wonderful men and women in blue, who are often described as the blue line between sensible, safe societies and the madness and chaos that could overtake our societies if not for their service. The men and women who serve at Cessnock Police Station and those of the Central Hunter Local Area Command have a reputation for a high arrest rate. Based on quarterly measurements, they repeatedly come within the top three areas for arrest rates in the State. Their arrest rate is about one arrest per officer in any given quarter, and this amazing statistic is met quarter after quarter after quarter. As a comparison, I refer to areas that employ far more officers—for example, at Newcastle, which has approximately 300 officers who make about 80 arrests a quarter, the rate is about one arrest per four or five officers.

The men and women in blue in the electorate of Cessnock work as hard as any other police officer in the State. I also recognise the men and women in blue at Coff's Harbour, who are also stars of the statistics when it comes to the number of arrests per officer. As I said, the men and women in blue of the Central Hunter Local Area Command have been up there every quarter for the five years that these statistics have been measured. Given those statistics, I raise with the Minister for Justice and Police, Troy Grant, the need for more police officers in the local area command. The Hunter is one of the fastest-growing regions in the State outside Sydney, and this population growth is happening not at Newcastle but in part at Lake Macquarie and prominently in the Central Hunter.

This morning a White Ribbon morning tea was held at Parliament House. One of the sadder parts of representing the electorate of Cessnock is that our area has one of the highest rates of domestic violence in the State. As members of Parliament, we know from talking to local police officers that the attendance of police at a domestic violence incident may take a minimum of four hours and up to an entire shift. The officers have to write and lodge reports and may have to make arrests. At any given time, Cessnock has only four police officers in two vehicles on the beat. This means that a domestic violence incident effectively takes half the duty police officers off the streets of Cessnock and leaves only one car patrolling the beat.

Domestic violence is a scourge of the community that I represent and more needs to be done to address this issue. I take off my hat to the men and women in blue who deal commendably with these matters under very difficult circumstances. I am concerned that these incidents result in officers frequently being off the beat for long periods. With the new jail coming to Cessnock and the additional 1,000 convicted criminals who will be housed in this jail, I also appeal to the Minister to consider illegal offences that seem to occur around corrections facilities.

These illegal offences include visitors trying to take banned items into the jail or coming to the community with drugs and other illegal substances. Other matters involve prisoners who participate in illegal activities, such as assaults and rapes.

There are also ongoing investigations where prisoners on remand or serving a sentence for a particular crime need to be further interviewed and investigated by police under section 25. By and large, all those matters are dealt with by local police. That means in my electorate one of our police vehicles could be attending a domestic violence situation while the other vehicle is at the local jail. I make a plea to the Minister to address the issues I have raised. I again tip my hat to the wonderful men and women in blue at Cessnock Police Station and the Central Hunter Local Area Command.

### **LIFE EDUCATION DECISIONS PROGRAM**

**Mr KEVIN ANDERSON (Tamworth) (13:24):** I bring to the attention of the Parliament the fact that Tamworth school students have been among the first in the nation to participate in a new drug and alcohol program. Year 6 students from Tamworth Public School took part in the Life Education Decisions module, which provides information on legal and illegal drugs and focuses on decision-making and personal choices in risk situations. The Life Education program, which has been running in Australian schools for 36 years, has always discussed legal drugs such as tobacco, alcohol and caffeine, but this is the first time it has covered content in relation to illegal drugs in its primary school program. I pay tribute to Life Education NSW Chief Executive Officer Kellie Sloane. Earlier this year, the Tamworth Ice Action Group, which I am proud to chair, met with Kellie, who was impressed with the group's focus on education, support and rehabilitation to address problems associated with ice in our communities.

As a result of our meeting and further discussions, Life Education developed a program called Decisions and launched it in Tamworth. The work being done by the local ice action group is important. I thank Life Education for recognising our region as a strong force in the fight against ice and other illegal drugs. Decisions is a curriculum-linked flexible module offering schools a choice of content on either legal or illegal drugs. The new module will facilitate discussion around drugs and medicines including analgesics, caffeine, tobacco, alcohol, cannabis and amphetamines. It will explore the decision-making process and improve decision-making skills by encouraging students to look at choices, consequences, responsibility, facts, information and influences. This education program is factual, preventative in nature and age appropriate, and reflects best practice in the delivery of school drug education.

The outcome of the National Ice Taskforce saw the Federal Government commit to spending more than \$300 million to implement a new strategy aimed at tackling ice addiction. This strategy included a focus on prevention and education. Life Education has been supporting schools for more than 36 years and has now taken on this new role to deliver the Decisions module. As Kellie Sloane says, as the dangers of drugs such as ice become more apparent in the community, it is up to us to arm our children with as much information as possible about the dangers and effects of harmful behaviours. Children today are faced with many challenges. Statistics show that more than 70 per cent of 12- to 17-year-olds in the New England Local Health District, which includes Tamworth, have consumed alcohol. Illicit drug use is also a concern, especially in regional New South Wales. Ice use is on the rise in rural New South Wales, with Australians who live in rural locations more likely to have used methamphetamine than Australians living in major cities.

We must ensure that students understand the facts so that they can make informed decisions. The new module supports 10- to 14-year-olds to develop an understanding of the impact of alcohol and other drug use, to build their capacity to make responsible, safe and informed decisions, and to develop their ability to manage challenging situations effectively. Tamworth Public School principal Barry Everingham welcomed the launch at his school. He said that the Life Education program had been adopted wisely by many schools for years and is a useful supplement to syllabus work. While Tamworth Public School's focus is on legal drugs, which cause the most harm, children often bring up illicit or illegal drugs in conversation. Life Education educators and teachers in the school deal with such discussions sensitively and factually. They say: Students are taught the skills necessary to make safe decisions if they find themselves in risk-taking situations. They are advised to discuss such matters with family and other trusted adults.

Life Education NSW works with more than 60 per cent of local schools and sees around 3,000 children across the Tamworth local government area. I commend Life Education and its chief executive officer, Kellie Sloane, and I wish them every success. I thank them for delivering results in Tamworth.

**Mr ADAM MARSHALL (Northern Tablelands) (13:29):** I thank the member for Tamworth for bringing to the attention of the House the great work that is happening in Tamworth schools and the partnership between those schools and Life Education. All members of this House know about the great work that Life Education does. But the member for Tamworth, who is a modest man, failed to mention his leadership and the

role that he played in this collaboration. He has been spearheading an ice task force in his electorate and his leadership and collaboration with many people in that community—experts in the field, police and schools—resulted in this partnership. All members are aware that the beneficiaries will be our young people. The member for Tamworth can be proud of what he has achieved and the impact that it will have on the lives of young people. I again thank the member for Tamworth and acknowledge his hard work in this area. I also thank Life Education NSW for the work it is doing in the Tamworth electorate.

### HEART SUPPORT AUSTRALIA

**Ms LESLIE WILLIAMS (Port Macquarie—Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (13:30):** Recently I had the great pleasure of attending the opening of the biennial craft exhibition of the Laurieton Haven Craft Centre at the Uniting Church in Laurieton to see some of the fantastic craft work undertaken by the ladies of that group. It was a wonderful exhibition and showcased the high standards of work carried out over the past two years with the theme of "Uluru—Romancing Our Country". Congratulations go to president Doreen Bates and her committee on the work they did, and continue to do, to raise money for very worthwhile organisations. This year's funding recipient charity was Heart Support Australia, Port Macquarie branch. Heart Support Australia is an organisation that provides support for people who have experienced trauma associated with having a heart condition—patients, a spouse, a partner or a parent of a child. I have been a long-time supporter of this organisation and have attended a number of its fundraising activities.

At the opening of the craft exhibition we heard from wonderful guest speaker Traci Moore, who took the opportunity to share her story of having had a heart condition and how she now spends time helping others in a similar position. Traci and her partner, John, moved to Laurieton in July 2014 from their northern beaches home in Sydney. It was during the moving process that Traci started to feel fatigued, with some tightness in her chest, which she put down to the stress of moving. After a couple of visits to the doctor—unfortunately, or fortunately, depending on how one looks at it—Traci was diagnosed with a serious heart condition that resulted in her having to have a double bypass. As one can imagine, it was a huge shock to her to suddenly face the fact that she was about to undergo open-heart surgery. Luckily, the surgery was a complete success and Traci says that with the support of the doctors, nurses, family and the Lord she has now recovered and uses her time to help others through her volunteering work with Heart Support Australia.

Heart Support Australia was established in Port Macquarie around 10 years ago with the purpose of supporting people who have had similar heart problems and to provide information on heart issues. Traci is part of the hospital team who visit patients a few times a week in the Coronary Care Unit and in other wards. Teams also visit the rehab unit at the hospital weekly. Traci also gives talks to community groups including Probus, seniors groups and just about anyone who wants to learn more about heart health, which is something we should all be thinking about. I thought I would share some of Traci's information, courtesy of Heart Support Australia, particularly about women and heart disease.

Heart disease is the leading cause of death for both men and women in Australia. On average, it kills 27 Australian women every day. While risk factors are similar for both men and women, a woman's risk of heart disease increases significantly after menopause. Heart disease kills more than three times as many women as breast cancer. Only 30 per cent of women are aware that symptoms of heart attack can include fatigue, nausea, arm pain, jaw pain or sweating. Being aware of heart disease is important and there are things we can all do to have a healthy heart. We should remember that small changes can make a huge difference. We should all consider visiting a healthcare professional for a heart health check. We should know our numbers for blood pressure, cholesterol, blood sugars and waist circumference. Those people who smoke should quit. We should make healthy food choices, maintain a healthy weight and be active each day.

While Traci Moore is a typical case of someone who has had a heart condition, she is anything but typical in using her experience to help educate others. I was captivated by her speech at the craft exhibition and I wanted to highlight what she is doing and to thank her sincerely for helping others across our local community. I also take this opportunity to thank all the volunteers of Heart Support Australia for the work they do in supporting others.

**TEMPORARY SPEAKER (Mr Bruce Notley-Smith):** I will now leave the chair. The House will resume at 2.15 p.m.

### *Visitors*

### VISITORS

**The SPEAKER:** I extend a warm welcome to Diana and Robert Jones, guests of the Premier, Minister for Western Sydney and member for Manly. I also welcome Ms Sophie Cotsis, the Labor candidate for

Canterbury, and Mr Paul Scully, the Labor candidate for Wollongong, guests of the Leader of the Opposition and member for Auburn.

I acknowledge and welcome Emily Zang, the 2016 North Shore representative from YMCA Youth Parliament who is now completing work experience at the Parliament, guest of the Minister for Health and member for North Shore. I also welcome Zoe Woods, William Lin, Fentin McEvoy, Virginia Howard and Jessica Keen, guests of the Minister for Health and member for North Shore. Welcome to Charlotte Burley from St Columba Anglican School, who is a finalist in the Youth Frontiers Awards, guest of the Minister for Early Childhood Education, Minister for Aboriginal Affairs, the Assistant Minister for Education and member for Port Macquarie.

Welcome to Jill Crouch, guest and wife of the member for Terrigal. I also welcome Cameron Strauss from Trinity Grammar School, who was accepted into the 2017 Harvard and Yale Model United Nations program and his parents, Andrew and Lisa Strauss, guests of the member for Oatley.

I welcome the delegation of senior staff members from the Kenyan Parliament led by Miss Eunice Gichangi, Senior Deputy Clerk of the Senate. They are accompanied by Mr Wayne Tunnecliffe, former clerk of the Victorian Legislative Council. They were here earlier today and we welcome them again. I also welcome biological sciences students and their teachers from Stanford University.

I welcome all visitors to the Chamber for question time this afternoon.

#### *Commemorations*

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

**The SPEAKER (14:21):** On 18 November 1916 the Battle of the Somme officially ended. The Battle of the Somme had been, in every respect, the beginning of modern warfare and it changed forever the nature of the term "total war", as well as our understanding of it. For the first time all the elements of warfare that we see today came together—mass artillery, airpower, tanks and even poison gas. However, despite all the machines of destruction employed on the Somme, it was a battle fought by individual soldiers—a mixture of ordinary and extraordinary men, face to face and hand to hand. The names of places such as Verdun, Fromelles and Pozieres, which had previously been unfamiliar to everyone in Australia before 1916, became household words. They entered our national consciousness and our national history. They left their mark on every city, town and station across the Australian continent. They gave birth to legends and to aspects of our national character. At the same time, they gave rise to questions about our national identity, national interests and about our nation's independence.

It is difficult to grasp the enormity of what happened in those fields and trenches between 1 July and 18 November, when more than one million men were killed or wounded. There were over 23,000 Australian casualties. The casualties also included 7,500 New Zealanders, 23,000 Canadians and 3,000 South Africans, all of whom were there to fight for the British Empire from countries far away and geographically removed from the politics of Europe. Alongside them were 350,000 British casualties, 200,000 French casualties and more than 600,000 Germans killed or wounded. The toll in human life and suffering was on a scale almost unimaginable to us today, and for what? At the end of 3½ months the allied powers advanced into German-held territory by only 10 kilometres. Little wonder then that the German officer Friedrich Steinbrecher would say, "Somme. The whole history of the world cannot contain a more ghastly word." Truly, lest we forget.

#### *Members*

### **LEADER AND DEPUTY LEADER OF THE NATIONALS**

**Mr JOHN BARILARO:** I inform the House of the election on 15 November 2016 of me as Leader of The Nationals and of the Hon. Niall Mark Blair, MLC, as Deputy Leader of The Nationals.

*[Interruption from the public gallery]*

**The SPEAKER:** Order! Pursuant to Standing Order 260, I direct that the persons interrupting the orderly conduct of business of the House be removed from the gallery.

#### *Notices*

### **PRESENTATION**

*[During the giving of notices of motions]*

**The SPEAKER:** Order! I call the member for Keira to order for the first time. I call the member for Londonderry to order for the first time. I call the member for Keira to order for the second time. Visitors in the gallery and members will behave in an orderly manner. Unparliamentary behaviour is unacceptable. Members

who continue to interject may be removed from the Chamber without being placed on three calls to order. I call the member for Rockdale to order for the first time. I call the member for Macquarie Fields to order for the first time.

*Question Time*

**STATE BY-ELECTIONS**

**Mr LUKE FOLEY (Auburn) (14:29):** My question is directed to the Premier. Will the Premier explain to the House why the Deputy Premier was sacrificed and why the Premier has not taken responsibility for the policies that were decisively rejected in three electorates last Saturday? Will the Premier explain to the House why he has not resigned?

**Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (14:29):** That was withering. The way the gesture was used was special. The good news is that the Opposition does not decide who the leader of Liberal Party is; that is for members of the Liberal Party.

**The SPEAKER:** Order! The member for Charlestown will cease interjecting or she will be removed from the Chamber.

**Mr MIKE BAIRD:** I acknowledge the new member for Canterbury and the new member for Wollongong. Congratulations. It is an honour to represent an electorate in Parliament and members look forward to your participation. The community still awaits the outcome in Orange. The Government is determined to do everything it can to look after regional New South Wales. The Government understands that the community is unhappy with some issues and positions taken by the Government. The Government has responded and will continue to do so. In relation to Mr Troy Grant, he has more principles and integrity in his little toe than the entirety of the Opposition.

**The SPEAKER:** Order! Opposition members will cease interjecting.

**Mr MIKE BAIRD:** What was quite spectacular was the Opposition's ability to put aside its beliefs when it came to preference deals. The Leader of the Opposition wants to be Premier. He said, "I have not done a deal with the Shooters, Fishers and Farmers Party".

**Mr Michael Daley:** Point of order: My point of order is Standing Order 129. Troy Grant is the man of principle as he took the fall for the Premier. The Premier is a shocker.

**The SPEAKER:** Order! The member for Maroubra will resume his seat. There is no point of order. I call the member for Maroubra to order for the first time.

**Mr MIKE BAIRD:** Stop it, honestly, you are having an impact. Despite that, the Leader of the Opposition does a deal with the Shooters, Fishers and Farmers Party. As a man of principle, he believes in the Shooters, Fishers and Farmers Party. This is what the Leader of the Opposition said about the Shooters, Fishers and Farmers Party.

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

**Mr MIKE BAIRD:** In 2011 the Leader of the Opposition was upset with The Greens for not entering a preference deal. He said this about the Shooters, Fishers and Farmers Party, "It will deliver a far right upper House controlled by the book burners and elephant shooters. He will end up with people on a crusade to wind back environmental protections, reintroduce duck hunting that Labor banned, close the injecting rooms and end ethics classes in school." That is what the Leader of the Opposition said about the Shooters, Fishers and Farmers Party. That is what the Leader of the Opposition believed in. Then political opportunity arises and he forgets those words because he wants to win. That is what he believes in.

**Mr Michael Daley:** Point of order—

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

**Mr Michael Daley:** Madam Speaker, I seek your guidance.

**The SPEAKER:** Order! Does the member for Maroubra have a point of order? The member will resume his seat.

**Mr MIKE BAIRD:** Over time, the Leader of the Opposition can stand on that statement. It is clear to everyone in the House and across the State that he stands for nothing. The Leader of the Opposition is happy to throw away public statements. The Leader of the Opposition informed Premier Barry O'Farrell about the Shooters Fishers and Farmers Party, "You should not deal with Mr Borsak, a man who holds such extreme views." The Leader of the Opposition has done a preference deal in order to win. The Government will continue to do

everything possible to look after the people of this great State and deliver services and infrastructure. The people of New South Wales do not deserve the Leader of the Opposition.

### STATE INFRASTRUCTURE

**Dr GEOFF LEE (Parramatta) (14:35):** I address my question to the Premier. Will the Premier tell the House how the Government is investing in infrastructure for the future?

**Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (14:35):** Members heard the Opposition say, "Do not talk about infrastructure for the State". I thank the member for Parramatta.

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

**Mr MIKE BAIRD:** There has never been a finer member for Parramatta. He fights for and delivers to his community. The member is determined to build more infrastructure, and has achieved it. The Government is determined to build infrastructure. Members understand what this Government inherited from those opposite: In the Health portfolio over half the facilities were more than 50 years old; there was a billion dollar backlog in maintenance; there were new builds required in education; and the duplication of the Pacific Highway and road connections were not built. The good news is that the Government has got on with it and built infrastructure. The education Minister has 66 major school building projects underway totalling \$1 billion. The health Minister is spending close to \$10 billion over two terms on new hospitals promised at Wyong, Maitland, Shellharbour and Bowral. I know those towns are excited about that. Those opposite do not want that.

**The SPEAKER:** Order! Opposition members will cease interjecting or they will be removed from the Chamber, not for two hours but until tomorrow. I place the member for Shellharbour on three calls to order.

**Mr MIKE BAIRD:** The Government understands that the Opposition does not like public transport. If there was a public transport project the Opposition cancelled it or stopped it. The Opposition is now against new hospitals.

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

**Mr MIKE BAIRD:** "Do not give us a new public hospital." It is an unusual approach. The good news for the community is that the Government will build it. Everywhere you turn there are new roads: completing the duplication of the Pacific Highway by 2020; NorthConnex; and country roads. There are 16,000 new public transport services. You can see the cranes in the sky where the new rail stations are being built at Riverstone, Castle Hill and Baulkham Hills. This Government recalls what the Opposition did with the north-west metro. It is a valid point to say there is no way we could do more. Could we implement any more infrastructure? Is it possible we could implement more infrastructure?

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

**Mr MIKE BAIRD:** We have right here the best Treasurer in the world.

**Ms Yasmin Catley:** That was Wayne Swan.

**Mr MIKE BAIRD:** It definitely was not Wayne Swan; Wayne Swan is in the bottom 10.

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

**Mr MIKE BAIRD:** I know the Opposition were against the Ausgrid deal. Those opposite did not want the infrastructure. But this Treasurer delivered a record result, which means we have more capacity to deliver more infrastructure for the people of Sydney and New South Wales. The first project we announced this week was the new metro, which will go to Parramatta. We are able to bring forward the next public transport project because of the great work our Treasurer has done. That is great news for the people of New South Wales. I heard Opposition members complaining about it. That is what they do very well: complain and complain. David Borger said:

There is zero downside to this. This is something that really should be bipartisan—it should be something that all of Sydney gets behind.

I say to Opposition members: Get behind it. Get into the dream, because it is happening. We are building everywhere. There are cranes, there is transport, there are hospitals and there are schools. That is great news for the people of New South Wales. The Opposition should be joining in. We will continue to build infrastructure.

*Visitors***VISITORS**

**The SPEAKER:** I welcome to the gallery this afternoon former member for Murray-Darling John Williams. I also welcome Heidi Morrison, a former member of the press gallery.

*Question Time***MINISTER FOR EDUCATION**

**Mr MICHAEL DALEY (Maroubra) (14:41):** They have gone downhill since you left, Crusty. My question is directed to the Premier. Will the Premier confirm that the member for Murray will be used as a scapegoat for a second time and lose his job as Minister for Education, in addition to losing his position as deputy leader?

**The SPEAKER:** Order! I am not sure that the question is in order. The Premier may answer it if he wishes to do so.

**Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (14:42):** I will answer. I am not part of Labor's morning tactics meeting.

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

**Mr MIKE BAIRD:** I will give those opposite a tip: Labor members do not decide who is in the Cabinet. They do not decide portfolios. This Minister for Education is the best that the State has ever had. Opposition members hate that. You cannot stand it.

**The SPEAKER:** Order! The member for Bankstown will come to order. I place the member for Londonderry on three calls to order. The member for Londonderry is on her final warning. Members will respect the Chamber.

**Mr Guy Zangari:** Point of order—

**The SPEAKER:** Order! The member for Fairfield will be heard in silence. He shows respect for the Chamber. The member for Rockdale will come to order.

**Mr Guy Zangari:** My point of order goes to previous rulings by the Speaker about members of the Government addressing Opposition members across the table. Members must address their comments through the Chair.

**The SPEAKER:** Order! That is a standing order. I uphold the point of order.

**Mr MIKE BAIRD:** I would have thought Opposition members would applaud the Minister for Education because they can see, when they visit schools in their electorates, what a great job he is doing. They should be thankful that we have this man as Minister for Education. The Opposition cannot stand it.

**The SPEAKER:** Order! I place the member for Port Stephens on three calls to order. I remind the member for Londonderry that she is on three calls to order.

**Mr MIKE BAIRD:** The Government made very difficult budget decisions a few years ago, in 2011-12, in order to invest the money where we wanted to invest it.

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

**Mr MIKE BAIRD:** We took away middle managers. That upset the captain of middle managers opposite: He wanted all middle managers back in the public service.

**The SPEAKER:** Order! I warn the member for Port Stephens for the final time.

**Mr MIKE BAIRD:** He was the hero of middle managers across the world. He went to a conference in London on middle management. He loved it. We said, "We want to put the money where it is needed." That is what the Minister for Education argued for. He argued for the Gonski reforms because we believe in needs-based funding. We believe every student in this State, no matter where they are from and which school they go to, deserves the same opportunities. That is what this Minister has delivered.

**The SPEAKER:** Order! I direct the Deputy Serjeant-at-Arms to remove the member for Londonderry under Standing Order 249. The member may return to the Chamber tomorrow.

*[The member for Londonderry left the Chamber at 14:45 accompanied by the Deputy Serjeant-at-Arms.]*



**Mr MIKE BAIRD:** We should be very proud of this Minister. He is a man of principle. He fights for what he believes in. I note that the Hon. Walt Secord in the other place talked about principles recently. He said:

We may have the unusual position of the Labor Party electing Australia's first lower house Shooters party MP.

The Government will always deliver and will always look after the people who matter most. We fight for what we believe in and we deliver on our policies—as members have seen with the Education portfolio, notwithstanding what it does to members of the Opposition.

**The SPEAKER:** Order! Members will come to order. I need to hear the question. Those members who continue to interject will be removed from the Chamber for the remainder of the day.

### REGIONAL JOBS AND INFRASTRUCTURE

**Mr ANDREW FRASER (Coffs Harbour) (14:46):** My question is addressed to the Deputy Premier. How is the New South Wales Government ensuring that regional New South Wales has the plan it needs to create jobs, build a skilled workforce, and secure a strong and vibrant future?

**Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional Development, Minister for Skills, and Minister for Small Business) (14:46):** I thank the member for Coffs Harbour for his question.

**The SPEAKER:** Order! Members will come to order. They will show respect for the Chamber.

**Mr JOHN BARILARO:** He is a true champion of regional communities and the electorate of Coffs Harbour. He is a member of a party that represents the people of the regions. He does a fantastic job. I also acknowledge the member for Dubbo, the former Leader of The Nationals, for the work that he has done in championing the regions. On his watch, communities in regional New South Wales have become the vibrant places that we are so proud to represent.

**The SPEAKER:** Order! The member for Rockdale will get his glass of water quickly.

**Mr JOHN BARILARO:** Members on this side of the House are proud to represent the diverse communities of regional New South Wales. We know how important they are, both at a local level and to the broader wellbeing and financial status of this State. They underpin our economy. This Government has a record of investment. In the past five years we have seen regional New South Wales thrive, on the back of Government investment in our hospitals, roads and bridges. It is no accident that the economy of regional New South Wales is the envy of every other State. Employment on the North Coast has increased by 12,000. Employment on the South Coast has increased by almost 3,000. In the New England and north-west area it has increased by 8,200. In western New South Wales more than 7,600 jobs have been created through the investment of this Government. That builds confidence in the private sector and leads to further investment. Last week I announced a new way forward, to turbocharge regional New South Wales.

We have developed the Regional Development Framework—the first of its kind across the nation—that will bring together the whole of government, which is committed to making sure we turbocharge regional New South Wales. We have mapped out regional New South Wales and looked for opportunities and for those impediments that are stopping the investment that allows jobs to be created and the economy to grow. It is about taking a broader look at where the strengths are and making sure that we back our regions. In great cities such as Orange, Dubbo, Bathurst, Coffs Harbour and even my town of Queanbeyan we are seeing great organic, natural growth, but additional assistance from this Government will turbocharge those economies and the State economy more broadly.

**The SPEAKER:** Order! I place the member for Prospect on two calls to order. The member is on his final warning. The member for Port Stephens is on her final warning. If she continues to interject she will be removed from the Chamber for the remainder of the day.

**Mr JOHN BARILARO:** We have seen investment from this side of the House, with \$70 million investment in regional airports and investment in the Mobile Black Spot Program from which we are seeing 144 towers and 12,000 square kilometres of blackspots covered in partnership with the Federal Government and, of course, the telcos. We are investing \$22 million in the Murray-Darling plan that supports businesses, industries and communities to thrive and to build on their strengths. We have some great examples across the regions where our investment, partnership and collaboration have made regional New South Wales the envy of every other State. We have seen regional jobs growth at a rate double that of metropolitan Sydney—which is unheard of. More jobs have been created in regional New South Wales than in metropolitan Sydney. We have a plan to go forward with some of those investments because we know the best thing we can do for regional New South Wales is to get out of the way.

**The SPEAKER:** Order! I direct the Deputy Serjeant-at-Arms to remove the member for Port Stephens. The member may return to the Chamber tomorrow.

*[The member for Port Stephens left the Chamber at 14:51 accompanied by the Deputy Serjeant-at-Arms.]*

**Mr JOHN BARILARO:** But we will partner with industry and businesses where we can. Those opposite are not interested in New South Wales. They are interested only in by-elections.

**The SPEAKER:** Order! Members will come to order. I have issued continual warnings and final warnings, and placed members on three calls to order. I can do no more than that.

**Mr JOHN BARILARO:** In a small town with a population of 2,000 we saw investment in Costa tomatoes that employs 500 people and produces 14.5 million kilograms of tomatoes a year. The company's long-term goal is to create more jobs and to increase production to 21 million kilograms a year—which will make a lot of Napoletana sauce for my lasagne. Geography should not be a disadvantage. We on this side of the House are investing in infrastructure and delivering services and, most importantly, we are believing in regional New South Wales and turbocharging the economy.

**The SPEAKER:** Order! The member for Rockdale will cease interjecting or he will be removed from the Chamber for the remainder of the day. Some members have no respect for the Chamber. Two members have been removed so far today. That is a good start.

#### MINISTER FOR HEALTH

**Ms JODI McKAY (Strathfield) (14:53):** My question is directed to the Premier. Will the Premier confirm that the Minister for Health, and the member for North Shore, will be another scapegoat for his failed policies.

*[Interruption]*

**Ms JODI McKAY:** Careful, you'll get thrown out; raise your voice and you get thrown out.

**The SPEAKER:** Are these questions coming from the newspapers?

**Ms JODI McKAY:** I will start again.

**The SPEAKER:** Order! I did not ask the member to do so.

**Ms JODI McKAY:** You know what? Opposition members have been thrown out for less than that.

**The SPEAKER:** Order! The member for Strathfield will ask her question or resume her seat. She will not argue with and point at Government members.

**Ms JODI McKAY:** My question is directed to the Premier. Will the Premier confirm that the member for North Shore will be another scapegoat for his failed policies and lose her job as the Minister for Health?

**The SPEAKER:** Order! Is that not abuse? Members will come to order.

**Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (14:53):** I am happy to do this all day, but normally the Dixers come from this side of the House; they do not come from those opposite. If the member for Strathfield wants to hear a great testimonial about what every single Minister is doing, I am happy to give it. We are incredibly proud of Jillian the builder.

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

**Mr MIKE BAIRD:** The Minister has an incredibly tough job in very difficult circumstances but we are very proud of what she is doing. We remember what it was like under the former Government—and it is something that we try terribly hard to forget. The Labor health Minister went to Wagga Wagga and said, "We're going to build a hospital." We would wait and wait—week after week and year after year.

**The SPEAKER:** Order! I call the member for Swansea to order for the first time. If she continues to interject she will be removed from the Chamber to join the member for Londonderry.

**Mr MIKE BAIRD:** And then guess what happened? We had a new dawn and in that new dawn there was a new government and in that new government was Jillian the builder, and those promises turned into—guess what—hospitals. Put your hand up if there is a hospital being built in your electorate. Look at that. Hang on, this cannot be happening. Where is your hand?

**The SPEAKER:** Order! The member for Rockdale will come to order. Government members will come to order. The Minister for Education will come to order.

**Mr Paul Lynch:** Point of order: My point of order is taken under Standing Order 129. The Premier has not answered the question: What is he going to do with the Minister for Health?

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

**Mr MIKE BAIRD:** It does not matter where you go. If go to the electorate of the member for Oatley, guess what? St George Hospital is being built. Where is the member for Blacktown? Why is his hand not up? It was promised and promised—come on member for Blacktown you can do it, put your hand up.

**The SPEAKER:** Order! The behaviour of Government members is unacceptable. They will come to order. I call the Minister for Family and Community Services to order for the first time.

**Mr John Robertson:** Point of order—

**The SPEAKER:** Has the member taken offence at the Premier's comment?

**Mr John Robertson:** No, but I have a point of order.

**The SPEAKER:** That is unusual.

**Mr John Robertson:** I generally take reasonable points of order.

**The SPEAKER:** The member for Blacktown does; he tries. He has been trying for a long time. What is the member's point of order?

**Mr John Robertson:** It is unparliamentary for the Premier to incite reactions from members. That is well known. The Premier is trying to incite me but, appropriately, I am resisting. I draw your attention to the fact that the Premier is inciting the Chamber.

**The SPEAKER:** Order! There is no standing order to cover that.

**Mr John Robertson:** There is.

**The SPEAKER:** Order! Does the member for Blacktown want to do my job? The Premier has the call.

**Mr MIKE BAIRD:** I am not trying to incite the member for Blacktown; I am trying to excite him with what we are doing at Blacktown Hospital. We have actually built it. Those opposite promised it and they spoke about it—it does not matter where they went. But those opposite did not build the hospital and we are building it. That is what we are doing under this great Minister. Opposition members seem to be obsessed with the Cabinet make-up and that sort of thing. We know how it works on the Labor side. There is a red phone in the middle of the desk and all of a sudden it rings: "Hello, Sussex Street, how are you? How are you going? Look, I want to put together a Cabinet".

**Ms Tanya Mihailuk:** Point of order: My point of order is under Standing Order 129. I noticed that when the Premier was naming hospitals he failed to mention Bankstown Hospital.

**The SPEAKER:** Order! The member for Bankstown will resume her seat. She will stop screaming at the Premier. Is that not inciting behaviour?

#### **PUBLIC TRANSPORT INNOVATION AND IMPROVEMENTS**

**Mr MARK TAYLOR (Seven Hills) (14:58):** My question is addressed to the Minister for Transport and Infrastructure. How is the Government driving innovation and delivering improvements to public transport?

**The SPEAKER:** Order! I place the member for Cessnock on three calls to order.

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (14:58):** I thank the member for Seven Hills for his question. He knows what \$73 billion worth infrastructure will mean to people across this State. It is about turbocharging and delivering.

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

**Mr ANDREW CONSTANCE:** I was very pleased to be with the Premier yesterday when he announced Sydney Metro West, which will double the capacity of passenger rail between the central business district and Parramatta. More importantly, it will assist every Western Sydney rail commuter as we unleash the capacity on the T1 Western line. People from Blacktown to Emu Plains will enjoy the benefit of the metro west project. I have come across some documents from 2009 that are quite telling. I have them with me. They are entitled "Sydney Metro", "Sydney Metro Network Stage 1" and "West Metro Station Locations". I did a bit of googling and guess what I discovered? It is a comment from the then Minister for Transport, David Campbell.

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

**Mr ANDREW CONSTANCE:** He said that \$30 million of State and Federal money was spent on deciding the route of the western metro and another \$91 million in Federal funds will be spent on detailed plans. Here is the cracker quote:

The construction money for the Western Metro at this stage is not available.

In its document Labor announced that it was going to commence construction of the metro in 2010 and have it built by—wait for it—2015.

**Ms Melinda Pavey:** Where is it?

**Mr ANDREW CONSTANCE:** Where is it? What has me particularly perplexed about this is that the member for Keira—who is feigning some anger—is the former chief of staff to David Campbell.

**Mr Ryan Park:** Point of order—

**Mr ANDREW CONSTANCE:** Come on down, mate. Start explaining yourself, because you are now the shadow Treasurer.

**The SPEAKER:** Order! The Minister will resume his seat. What is the member's point of order?

**Mr Ryan Park:** My point of order is under Standing Order 129. Members opposite came to government in 2011. How could we build it?

**The SPEAKER:** Order! The member for Keira will resume his seat. I call the member for Keira to order for the third time. If I have to warn him again he will be removed from the Chamber for the remainder of the day.

**Mr ANDREW CONSTANCE:** It is somewhat ironic that the document Labor produced says that construction will commence in 2010. Who was in government then, and what was the member for Keira doing at the time? He does not even know.

**Mr Ryan Park:** Point of order—

**The SPEAKER:** Order! The member for Keira has received a final warning.

**Mr Ryan Park:** The Minister just asked me what I was doing then.

**The SPEAKER:** Order! The member for Keira will resume his seat. This is not a debate.

**Mr ANDREW CONSTANCE:** While we get on and build projects we know that members opposite have a track record of glossy documents and absolute failure. We need only look at the Sydney Metro Northwest to see what this Government is delivering and the turn-up-and-go service that will be operating in 2019.

**Mr Greg Warren:** Point of order: My point of order relates to Standing Order 73. Personal reflections by the Minister are of no relevance to the question. In addition, I do not believe it is appropriate that the Minister comment on former members who are not here to defend themselves.

**The SPEAKER:** Order! The Minister is permitted to refer to former members. I will hear further from the Minister in relation to the point of order taken under Standing Order 73.

**Mr ANDREW CONSTANCE:** As I was saying, the opportunities to increase rail patronage in this State as a result of our investment in the metro will transform public transport.

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

**Mr ANDREW CONSTANCE:** I have some news for the House: We have discovered a form of transport that the Leader of the Opposition likes.

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

**Mr ANDREW CONSTANCE:** The Labor leader likes the NightRide bus because he can avoid the RBT. That is the only public transport he is interested in.

**Mr Guy Zangari:** Point of order—

**Mr ANDREW CONSTANCE:** The Leader of the Opposition is not interested in the metro, he is not interested in light rail, WestConnex or NorthConnex but he loves the NightRide bus.

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

**Mr Guy Zangari:** I have two points of order. The first is relevance under Standing Order 129 and the second is under Standing Order 73. The Minister is seeking to impugn the reputation of the Leader of the Opposition.

**The SPEAKER:** Order! There is no point of order.

**MINISTER FOR LOCAL GOVERNMENT**

**Mr RYAN PARK (Keira) (15:04):** My question is directed to the Premier. Will the Premier confirm that the member for Bathurst will be another scapegoat for his failed policies and lose his job as the Minister for Local Government?

**The SPEAKER:** Order! Members will come to order. I call the member for Rockdale to order for the third time. The Premier has the call.

**Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (15:04):** I feel for the people in the public gallery and for the visitors from Stanford University. Normally during question time there are five questions from members opposite and five from us. Today there are 10 from us. I do not know what happened or why they have done it, but it is up to them.

**The SPEAKER:** Order! I remind the member for Keira for the final time that he is on three calls to order.

**Mr MIKE BAIRD:** For some reason Opposition members' tactics are to ask questions that we want to be asked. I do not know why they have decided to do that, but it is fine. It is up to them. Looking all the way up and down the Government front bench and then looking at the other side makes people say, "Oh my goodness. Never, ever change this Government front bench because look at what's over there."

**Mr Michael Daley:** Look at the new members over here.

**Mr MIKE BAIRD:** Are you going to lose your job again? Is the Leader of the Opposition going to demote you again? I hope he does not do that. Oh my goodness, the poor deputy leader is about to be demoted again. We need to support him. We are on his side. We cannot believe the Leader of the Opposition demoted the member for Maroubra. I do not know how he did that.

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

**Mr MIKE BAIRD:** There was a question so I should address the question. The Minister for Local Government, and member for Bathurst, is an outstanding Minister and an outstanding member. He is doing a great job.

**The SPEAKER:** Order! The member for Charlestown is on her final warning.

**Mr MIKE BAIRD:** He has overseen the biggest reform in local government in a generation.

**The SPEAKER:** Order! The member for Strathfield is on her final warning.

**Mr MIKE BAIRD:** The reform will deliver more services and more infrastructure for the people of New South Wales.

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

**Mr MIKE BAIRD:** It will put downward pressure on rates.

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

**Mr MIKE BAIRD:** The Minister for Local Government is overseeing it, and he is doing a fantastic job.

**The SPEAKER:** Order! I call the member for Lakemba to order for the first time. All members who are on calls to order are deemed to be on three calls to order.

**Mr MIKE BAIRD:** As I said, when the Sussex Street phone rings, the Leader of the Opposition picks it up and says, "Hello, hello. What do you want me to do today?" That is generally the first thing. Then he says, "I want to appoint a shadow Cabinet." Sussex Street says, "That's fantastic." Then he says, "I want to appoint on talent and merit," and Sussex Street says, "No, you will not do that. You'll do what we want." That is what happened—and exhibit A is the Opposition front bench.

**Ms Jodi McKay:** Point of order—

**The SPEAKER:** Order! The member for Kogarah will come to order. I remind members that those who have been called to order are deemed to be on three calls to order. Members have had plenty of warning to pack their bags. What is the member's point of order?

**Ms Jodi McKay:** My point of order is that this is tedious reputation. It is the same answer the Premier gave to the previous question.

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

**Mr MIKE BAIRD:** We have said it before but if the shadow Cabinet is appointed on talent and merit why is the member for Summer Hill not in it? I know—it is because she might stop deals with the Shooters, Fishers and Farmers Party. That is why she is kept out of it. Labor will not bring her into shadow Cabinet because she might stand up for some principles. Those opposite do not want that. And what about Crackers for heaven's sake?

**Ms Jenny Aitchison:** Point of order: My point of order is under Standing Order 73. The Premier's support is the kiss of death. We need only ask the former Deputy Premier about that.

**The SPEAKER:** Order! The member for Maitland will resume her seat. The Premier has the call.

**Mr MIKE BAIRD:** I will just leave that one alone.

**The SPEAKER:** Order! I remind the member for Maitland that she is on three calls to order. The Premier has the call.

**Mr MIKE BAIRD:** I am very proud of the team behind me, I am very proud of this Government, because, as an overall example, in regional New South Wales we are delivering, in partnership with the Federal Government, \$8 billion to upgrade the Pacific Highway; \$1.4 billion to upgrade the Princes Highway; \$1.4 billion to upgrade the New England Highway, promised by Labor but not delivered; \$750 million to upgrade the Great Western Highway; \$80 million to upgrade the Silver City Highway; and \$400 million for Central Coast roads—the member for Terrigal is delivering that; he has asphalt pouring out of his pockets, he is building roads. That is what this Government is doing: looking after the great people of this State in every electorate. Everywhere we go in New South Wales we are looking after them.

#### FAR WEST COUNCILS

**Mr KEVIN HUMPHRIES (Barwon) (15:09):** My question is addressed to the Minister for Local Government.

**The SPEAKER:** Order! I remind the member for Maroubra that he is on three calls to order. This is his final warning.

**Mr KEVIN HUMPHRIES:** What is the Government doing to secure the future of the councils in the far west of New South Wales?

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

**Mr PAUL TOOLE (Bathurst—Minister for Local Government) (15:10):** I thank the member for Barwon for his question and for his interest in local government in the far west of New South Wales. He is a hardworking member, who represents 44 per cent of the State of New South Wales; his electorate covers 13 councils and an unincorporated area. The area that he covers is the same size as Germany and he does an incredible amount of work for those communities in that part of the State. He is a member who has an appreciation of the challenges faced in that part of the State, challenges that many small communities face because they are separated by large geographical distances.

The Government is determined to strengthen local government right across New South Wales. We are working to deliver more services and better infrastructure to every single part of the State. There is no one-size-fits-all approach to strengthening local government, and the Far West Initiative is an example of reform that is being driven by people on the ground. Last year the Government appointed the Far West Advisory Committee, and I welcome here today the chair of that committee, John Williams, who has been working tirelessly with councils, stakeholders and communities, listening to what their needs are in relation to addressing some of the complex and unique needs of those communities.

For too long, the Labor Government put the far west in the too-hard basket and communities were forgotten. This side of the House understands the need to work with those communities of the far west. At the recent Local Government NSW conference I met with all mayors of the far west, those men and women who are committed to making a difference and to working with the Government on behalf of their communities. Currently in the far west the Government is talking to communities, councils and organisations. Through their participation, the people of the far west are determining the future of their local government and the way in which services can be provided. Already, 27 community sessions have been held across the far west, from Broken Hill to Wanaaring, and from Tibooburra to Ivanhoe, Balranald, Central Darling and Wentworth shire.

I am pleased to report to the House that there is great community interest in what is going on. In Tibooburra, the chair of the village committee is so excited that he is even doing letterbox drops and making flyers available at the local store and pub. In Ivanhoe, the flyers are being handed out by the local tourism association. In Wanaaring, Bourke Council is holding its own meetings in addition to those being run by the Office of Local Government. Those are just a few examples of councils and communities that are excited about the opportunity to strengthen the delivery of services in their area. We are ensuring that communities have a say about their future. We were told that more time was needed for community consultations and that is exactly what will happen. Communities and councils across far western New South Wales will now have until 16 December—an extra two months—to have their say on the future of their councils.

So far, more than 850 people have attended Far West Initiative meetings. It is great to see that many people have taken part in these sessions and have had their say. This will play a vital role in determining the future of the far west. I am pleased to say that as part of the Far West Initiative, the New South Wales Government purchased videoconferencing equipment for the eight far west councils, to assist in communication and to overcome the barrier of distance between councils. That is important because for members of those councils to get to Sydney for meetings could mean they have to travel for several days. With the technology that has been made available by the New South Wales Government, councils can better connect with one another and ensure that they talk to State agencies and departments here in Sydney. Our \$4 million Innovation Fund is providing better services and infrastructure to communities. I know that those communities want a strong region in the future. In addition, the Local Government Grants Commission does a lot of work in relation to providing Financial Assistance Grants to councils. [*Extension of time*]

I know that residents are very passionate about ensuring they get the right service delivery for their community. The Financial Assistance Grants were indexed by the Federal Government and for some years councils were concerned about what their future grants would be. But we have worked with the Local Government Grants Commission and we have made some changes to the way in which that formula has worked and in the way the grants have been redistributed. As a result, those councils in the far west of the State have been given a 15 per cent to 35 per cent increase through the Financial Assistance Grants. That means millions of dollars extra are going into those local government areas to address issues such as unsealed roads. Roads are critical to connect villages, towns and communities in the far west of the State. We are going to continue engaging with those communities in the far west. We will be taking on board all their feedback and we will be ensuring that we have the best model available to that part of the State.

#### LOCAL GOVERNMENT AMALGAMATIONS

**Mr LUKE FOLEY (Auburn) (15:17):** My question is directed to the Premier. Given that the Premier's response to swings of more than 60 per cent against the Government in Cabonne shire is to continue with—

**The SPEAKER:** Order! The Leader of the Opposition will be heard in silence. I cannot hear the question.

**Mr LUKE FOLEY:** Given that the Premier's response to swings of more than 60 per cent against the Government in Cabonne shire is to continue with forced mergers of councils and the sackings of elected representatives, when will he ever listen to the people?

**Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (15:18):** As the Leader of the Opposition knows, when Labor was in government it undertook local government reform, and it did it at midnight without talking to anyone.

**The SPEAKER:** Order! Members will cease interjecting or they will be removed from the Chamber for the remainder of the day.

**Mr MIKE BAIRD:** We have undertaken local government reform comprehensively and with community consultation over many years. We have seen that councils that have merged are already getting huge results for their communities. When councils come together and put contracts together for insurance they can save millions of dollars; with procurement for roads and contracts for roads, councils can save millions of dollars. That provides great opportunities because that money can be put into more services for the community—additional childcare services, subsidised transport and new sporting infrastructure. That is what we are delivering on the basis of our reforms. The Leader of the Opposition pretends that suddenly he is interested in local government reform. For 12 months he did not even ask a question in here about it. We announced it for 12 months and he did not come in here and ask a question, because he was not quite sure how the politics would play out; he had to get away, he had to line up his principles, which go every way. How can the Leader of the Opposition come here and look us in the face after the deal he did with the Shooters, Fishers and Farmers Party? He can be proud of it and I am sure that Opposition members are proud of it.

**Ms Yasmin Catley:** Point of order: My point of order is relevance. The Premier is being irrelevant. This is a very serious question about local government reform, which the Premier has failed in.

**The SPEAKER:** Order! I do not want an argument from the member for Swansea. There is no point of order. The member will resume her seat.

**Mr MIKE BAIRD:** The Leader of the Opposition has condemned the Shooters, Fishers and Farmers Party before in relation to gun reforms. I can only assume that the Labor Party is now going to form a coalition with the Shooters, Fishers and Farmers Party. There seems to be a new coalition coming together. We will have the National Rifle Association in Australia—the Australian branch of the NRA is right here on the front bench opposite. That is obviously what we are going to see, because that is where the Leader of the Opposition seems to be taking the Labor Party. That is up to him. His members can decide whether that is something they want to do. The Government is proud of what it has done in close to six years in government. New South Wales is leading the nation in terms of jobs, particularly in regional areas.

**The SPEAKER:** Order! The member for Rockdale is on his final warning.

**Mr MIKE BAIRD:** Almost two-thirds of jobs that were created in Australia were created in regional New South Wales. Whether it be new hospitals, schools, jobs or roads, the Government is delivering for the people of this State. We remember what it was like when those opposite were in government. With the Stanford University visitors in the gallery I prefer not to dwell on it because it is a terrible story and I do not want them to have to listen to all the details. I will give them just a little detail. When members opposite were in government, in terms of economic performance New South Wales was not coming first, second, third, fourth or fifth—it was coming eighth. It was coming eighth in job creation and it was coming last in the country. It was a spectacular economic curriculum vitae. The Labor Government said, "How are we going to turn around our economic fortunes? Let us get the best possible mind, the best possible economist"—and then they turned to the member for Keira. He was going to solve the economic problems of this State.

**Ms Jodie Harrison:** Point of order: My point of order is under Standing Order 129. The question was: When will the Premier ever listen?

**The SPEAKER:** Order! The Premier is being relevant to the question.

**Mr MIKE BAIRD:** We remember what the budget was like under those opposite—\$10 billion in deficit, which was turned into \$8 billion in surpluses under this Treasurer. Remember net debt? It was \$20 billion cash, over this side. And we do remember the net worth of the State which, for the next generation has been improved, by the time we get down to estimates, by \$100 billion under this Government?

**The SPEAKER:** Order! The Treasurer will come to order.

**Mr Clayton Barr:** Point of order: My point of order is under Standing Order 129. We are talking about the budget now instead of the swings in the Orange by-election.

**The SPEAKER:** Order! The Premier has been relevant to the question. I cannot demand that he answer the question specifically because there is no standing order that allows me to do that.

### DIGITAL LICENCE TECHNOLOGY

**Mr MATT KEAN (Hornsby) (15:23):** My question is addressed to the Minister for Finance, Services and Property. How are the Government's cutting-edge reforms in the digital sphere securing New South Wales as the technological powerhouse of the nation?

**Mr DOMINIC PERROTTET (Hawkesbury—Minister for Finance, Services and Property) (15:23):** I thank the member for his question.

**Mr John Robertson:** Point of order: The question should be ruled out of order as it contains opinion and I would ask you to rule accordingly.

**The SPEAKER:** Order! Most questions that I hear in this Chamber contain opinion. The question is in order.

**Mr DOMINIC PERROTTET:** If the member for Blacktown would listen, he would realise it is fact. There is no more progressive and forward-thinking government in the country than the Baird-Barilaro Government. On Sunday members would have seen on the Channel 9 news the Government announce the first tranche of digital licences that are available on one's mobile device for use when one wants them. No-one in Australia, or in fact the entire world, has achieved anything like this. This is a quantum leap forward—a game-changing announcement—and a world first for government technology, right here in New South Wales. In fact, we are so far ahead of the game that technology companies are coming to us for advice. Bill Gates from



Microsoft has been calling. Tim Cook from Apple has been texting us. They and Mark Zuckerberg from Facebook want to know what state-of-the-art technology the Baird-Barilaro Government is going to deliver next. They are doing this because they are worried about a dream I have, that one day people will not be queuing up outside Apple stores.

**The SPEAKER:** Order! I remind the member for Charlestown that she has received several warnings. This is the her final warning.

**Mr DOMINIC PERROTTET:** People will instead be lined up outside Service NSW to get their hands on the latest technology from the Baird-Barilaro Government. As exciting as that future is going to be, I will come back to the present because that is also exciting. We are delivering a world-class digital licence option for the people of New South Wales.

**The SPEAKER:** Order! The member for Rockdale will come to order. I gave him his final warning about 10 minutes ago.

**Mr DOMINIC PERROTTET:** The New South Wales Government administers more than 23 million licences across 769 different licence categories, previously all in paper and plastic. The first three licences—the Recreational Fishing fee, the Responsible Service of Alcohol [RSA] and Responsible Conduct of Gambling [RCG] cards—are now on a live digital platform. Instead of having to carry around plastic everywhere one goes, the licence will now be stored on one's phone. Thanks to our new technology, one can even view and update one's licence in real time. The New South Wales app—which I encourage those opposite to download—will alert licence holders to when their licence is due to expire and they can renew it from their phone. This means more time for people to do what they want to do, instead of having to fill in paper forms or run the risk of losing cards.

The Government has considered the issue of privacy. The licence can be checked by authorities without having to provide any personal information. We have also considered security, with multi-tiered features built in similar to phone banking so that people can use their app with confidence. We have considered the needs of thousands of millennials such as the member for Hornsby and me. Unlike those opposite, our generation prefers to operate in a digital world. It is a win for the people of New South Wales, a win for the business community and a win for the state. Digital licences are fast, easy and convenient.

**Mr Brad Hazzard:** Why have you excluded me?

**Mr DOMINIC PERROTTET:** The Minister for Family and Community Services can still have a paper or plastic licence. This is all about choice.

**The SPEAKER:** Order! Government members will not interact with the Minister. The Minister will direct his comments through the Chair.

**Mr DOMINIC PERROTTET:** The millennials are coming. There will be less paper, less plastic and less hassle. This will make our lives easier by cutting red tape. This is at the cutting edge of technology. [*Extension of time*]

While other countries around the world, such as the United States and the United Kingdom, are talking about doing this and planning how to do it, we in New South Wales have gone ahead and done it. Delivering good things is simply what we do on this side of the House. As always, the hopeless and hapless arch-conservative Labor governments around the country, the hard right, are struggling to keep up with us. The Victorians want to copy us; they have said that, but digital licences actually involve building something so Dan Andrews is going to struggle. The South Australians who are struggling to keep the lights on have also said that they want to copy us. You cannot have a digital licence on a phone if you cannot charge that phone. New South Wales Labor is not even at the level of copying us. The member for Maroubra, the member for middle management, said during the campaign, "Digital licences cannot be done." Well, here they are 18 months later.

I understand why Doubting Daley came out with that statement because Labor did not deliver the Tcard. It was first announced in 1996. Those opposite said that it would be here for the Olympics. Fair enough. We thought they meant Sydney because that is where we live but the "T" in Tcard stood for Tokyo 2020, so they have four years to go. The reality is that the Baird-Barilaro Government is taking everything digital. I have approached Ministers like the Minister for Corrections, with the Invictus Games coming along, and we are going to have digital medals with the Invictus Games so that the member for Prospect cannot steal them. I am excited about this Government—

**Mr Clayton Barr:** Point of order: My point of order is under Standing Order 74. The Minister is clearly being quarrelsome across the Chamber. I appreciate that his answer this week is better than the one last week.

**The SPEAKER:** Order! The member for Cessnock will resume his seat. I cannot believe the member would say that.

*Documents*

**NSW OMBUDSMAN**

**Reports**

**The CLERK:** According to section 29 of the Surveillance Devices Act, I announce the receipt of the report of the NSW Ombudsman entitled "Report under Section 49 (1) of the Surveillance Devices Act 2007 for the period ended 30 June 2016", dated October 2016, received out of session and authorised to be printed.

*Committees*

**LEGISLATION REVIEW COMMITTEE**

**Report: Legislation Review Digest No. 29/56**

**Mr MICHAEL JOHNSEN:** As Chair: I table the report of the Legislation Review Committee entitled "Legislation Review Digest No. 29/56", dated 15 November 2016. I move:

That the report be printed.

**Motion agreed to.**

**Mr MICHAEL JOHNSEN:** I also table the minutes of the committee meeting regarding Legislation Review Digest No. 28/56.

*Business of the House*

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

**Mr ANTHONY ROBERTS (Lane Cove—Minister for Industry, Resources and Energy) (15:33):** I move:

That standing and sessional orders be suspended to permit the introduction and passage through all stages at this sitting of the Independent Commission Against Corruption Amendment Bill 2016, notice of which was given this day.

**Mr MICHAEL DALEY (Maroubra) (15:33):** Here we go again. It is not even three days since this Government was skewered in a by-election in Orange, in the biggest swing that this Parliament has seen in the history of the State, and they have learnt nothing. In less than three days, with an historic repudiation as to their character and form, those opposite have learnt nothing. In case they were not listening on the weekend, the voters said no to dodginess and shiftiness. They said no to political sleight of hand.

**Mr Gareth Ward:** You went backwards in Orange; that's why you went backwards.

**Mr MICHAEL DALEY:** You cannot brag, my friend, because Paul Scully is sitting in the gallery; you did not have a candidate. If there is one person in this House who should zip it, it is you.

**The SPEAKER:** Order! The member for Maroubra will speak to the motion or resume his seat.

**Mr MICHAEL DALEY:** Why don't you call him out, Madam Speaker? They said no to communities being ignored; they said no to ordinary people not being listened to; they said no to a Government and a Premier that thinks the rules do not apply to them and that they can do whatever they want when it comes to their policies, whether it is council amalgamations, clear-felling Centennial Park—

**Mr Anthony Roberts:** Point of order: The member is straying from the motion. It is a very good leadership speech.

**The SPEAKER:** Order! The member for Maroubra is being relevant to the motion at the moment. He may continue.

**Mr MICHAEL DALEY:** One of the most important subject matters that could possibly come before this Parliament is the honesty and integrity of all its members and of every member of the bureaucracy of New South Wales. Yet less than two years after a Premier and—I have lost count; is it 10, 11 or 12; help me out, Minister—Government Ministers were disposed of in the Independent Commission Against Corruption because of their conduct, this Government walks into this House today saying, "We want to promulgate more dodginess and more shiftiness in this place. We are going to execute a legislative sleight of hand; we are going to ignore communities that want this bill discussed by their duly elected representatives across the State", communities that care about honesty and integrity and want to be listened to.

**Ms Jillian Skinner:** It was a bipartisan committee.

**Mr MICHAEL DALEY:** It was bipartisan but it is not now because this Government is going to try to ask this Parliament, under the cover of night, to ram through this bill that does one particular thing above all else, and that is remove an independent commissioner. We will have no part of that. Let me be loud and clear on behalf of the Opposition and the leader, Luke Foley, who, unlike the Premier, is actually sitting in the House. Government members can behave how they want but we will uphold the best standards of this place and we will have nothing to do with this. This subject matter has been hanging around for weeks, if not months, and it is being introduced now and rammed through this place by a Leader of the House who displays his incompetence day after day. It is the third last day of the sitting and he cannot even make provision for this important bill. We will have none of this suspension motion.

**Mr ANTHONY ROBERTS (Lane Cove—Minister for Industry, Resources and Energy) (15:37):** In reply: I find it quite amusing that the Leader of the Opposition has been rolled on this issue, having supported the bipartisan position of that committee. Something seems to have occurred in the back room between days ago and now.

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

**Mr ANTHONY ROBERTS:** Effectively there is a leadership challenge, not just in the making but one that is occurring now because they have rolled Luke Foley on this issue. Luke Foley wants a strong Independent Commission Against Corruption [ICAC] like we do, but something has gone on in the past 24 to 48 hours.

**Mr Luke Foley:** Point of order: What I want is the ICAC commissioner in a job, not rolled out of it by you to protect your corrupt mates in the Liberal Party. That is what I want.

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

**Mr ANTHONY ROBERTS:** I have heard some sanctimonious bleating and confected outrage in my time but those opposite take the cake. This legislation will provide a stronger Independent Commission Against Corruption for the people of New South Wales. The Government will not allow the Opposition to stand in the way of a stronger ICAC.

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

**The House divided.**

Ayes .....48  
Noes .....34  
Majority..... 14

#### AYES

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

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

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

#### NOES

Aitchison, Ms J  
Catley, Ms Y  
Daley, Mr M

Atalla, Mr E  
Chanthivong, Mr A  
Dib, Mr J

Barr, Mr C  
Crakanthorp, Mr T  
Doyle, Ms T

## NOES

Finn, Ms J  
Harris, Mr D  
Hoenig, Mr R  
Lalich, Mr N (teller)  
McDermott, Dr H  
Mihailuk, Ms T  
Parker, Mr J  
Smith, Ms T  
Zangari, Mr G

Foley, Mr L  
Harrison, Ms J  
Hornery, Ms S  
Leong, Ms J  
McKay, Ms J  
Minns, Mr C  
Piper, Mr G  
Warren, Mr G (teller)

Greenwich, Mr A  
Haylen, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mehan, Mr D  
Park, Mr R  
Robertson, Mr J  
Watson, Ms A

## PAIRS

Gibbons, Ms M

Smith, Ms K

**Motion agreed to.**

*Visitors***VISITORS**

**The DEPUTY SPEAKER:** Order! I recognise Declan in the gallery. I see he is now a Sharks supporter.

*Petitions***PETITIONS RECEIVED**

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

**Powerhouse Museum Ultimo**

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

**Ice Smoking Room Proposal**

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

**Safe Schools Coalition**

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

**National School of Art**

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

**Ferry Services**

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

**Social Housing**

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

**Pet Shops**

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

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

### Inner-City Social Housing

Petition opposing the sale of public housing in Millers Point, Dawes Point and The Rocks, received from **Mr Alex Greenwich**.

### RESPONSES TO PETITIONS

**The CLERK:** I announce that the following Ministers have lodged responses to petitions signed by more than 500 persons:

The Hon. Adrian Piccoli—National School of Art—lodged 12 October 2016 (Mr Alex Greenwich)

The Hon. Brad Hazzard—Social Housing—lodged 12 October 2016 (Mr Alex Greenwich)

*Business of the House*

### BUSINESS LAPSED

**The DEPUTY SPEAKER:** I advise the House that in accordance with Standing Order 105 (3) the Climate Change Bill 2016 standing in the name of the member for Newtown, together with General Business Notices of Motion (General Notices) Nos 1007 to 1022, 1024 to 1028, 1030 to 1032, 1034 to 1038, 1040 to 1041, 1043 to 1050, 1052 to 1055 and 1057 to 1059 have lapsed.

*Motions Accorded Priority*

### OPPOSITION POLICIES

#### Consideration

**Ms MELINDA PAVEY (Oxley) (15:46):** This motion deserves priority. I acknowledge the victory of Sophie Cotsis in the electorate of Canterbury. As the Leader of the Opposition would know, Ms Cotsis and I are longstanding sparring partners from the upper House. I acknowledge the victory in the Illawarra by Paul Scully. Is he any relation to Sparkles? It has been a tough week, but in every cloud there is a silver lining. Luke Foley will be the Opposition leader until the next election. That is a good thing for the Government of New South Wales because the Leader of the Opposition stands for nothing.

**The DEPUTY SPEAKER:** Order! I remind members that some of them are on three calls to order.

**Ms MELINDA PAVEY:** The Leader of the Opposition has proven over the Past two years that he has no plan for New South Wales. This motion is urgent because the Government needs to remind the people of New South Wales that Luke Foley is locked and loaded into the Opposition and will be taking the team to the next election. Are you excited about that? The Government is excited.

**Ms Jodi McKay:** Point of order—

**The DEPUTY SPEAKER:** Order! The member for Strathfield will resume her seat. I remind the member that points of order are not taken during consideration of the motions to be accorded priority.

**Ms Jodi McKay:** I ask that the member direct her comments through the Chair.

**The DEPUTY SPEAKER:** Order! I direct the member for Strathfield to remove herself from the Chamber for a period of one hour.

*[Pursuant to sessional order the member for Strathfield left the Chamber at 15.47 p.m.]*

**Ms MELINDA PAVEY:** This motion is urgent as it is the last sitting week for the year. The people of New South Wales must be reminded that they are at risk of terrible consequences if Labor is ever elected again in this State. They must be reminded of the lies and repercussions from the last time Labor was in government. That is why this motion is urgent. The Government will learn the lessons from last weekend's by-elections. I note the member for Maitland is dressed in a beautiful colour of orange. The Government will learn its lessons and not take the people of Orange for granted. The Baird-Barilaro Government will listen, respond and act. We have two years of clear air to get the message out that Labor in government is the greatest risk that New South Wales faces. This motion is urgent because this is the last sitting week of Parliament. We need to have this debate to remind the people of New South Wales of Labor's legacy.

**The DEPUTY SPEAKER:** Order! During debate on motions to be accorded priority it is normal practice that points of order are not taken unless conferred under privilege. There are a number of members in the Chamber who have been called to order three times. I will not hesitate to direct members to remove themselves from the Chamber and join others who have already been escorted from the House.

## STATE BY-ELECTIONS

### Consideration

**Mr LUKE FOLEY (Auburn) (15:50):** My motion deserves priority. What a day Saturday was. I do not know what was uglier: the collapse of the Australian batting order in Hobart or the collapse of this Government at three by-elections. Whatever has happened to the Premier? He was reduced to begging me to bail out his candidates. He was reduced to attacking me for not preferencing his candidates. He said, "Save me, save me." This man used to be somebody. Where was Magic Mike in the three electorates? He is now Missing Mike. He was like the supermoon: he did not show up. What a fizzer. He promised so much and was a fizzer in three seats. There was a 35 per cent swing in Orange. The Premier had been cocky over the past three weeks. Remember that? Remember him leaning over the table and taunting me about Wollongong? He said:

I heard a lot in Wollongong. They really like the Lord Mayor down there.

They do like the mayor in Wollongong, but not nearly as much as they like the Labor Party and Paul Scully. They like their lord mayor but they like us more. Saturday's results were about the Premier's policies. The member for Oxley talked about my plan. I do have a plan: I am going to do to the Premier what I did to his deputy. I will do to the Premier what I did to the member for Dubbo. That is my plan. I will not stop until the Premier is a feather duster, like the member for Dubbo. I will not stop until the Premier is out of a job. He can throw all his colleagues under a bus, but the policies belong to the Premier. The forced council mergers were his policy. The 60 per cent swing in Cabonne shire was brought about by the Premier. The member for Dubbo and the member for Murray paid the price.

What a man of courage the Premier is to throw his colleagues under a bus. The member for North Shore, who is telling editors that she lacks a bedside manner, will be next. What a man of courage the Premier is. No-one in his Cabinet is safe, and the Commissioner of the Independent Commission Against Corruption is not safe. This man of courage will do anything to save his job. He is a busted flush. He is finished. This man, who we were told was the most popular figure in Australian politics, has been in hiding for four months. He could not face the voters in three safe seats. Whatever happened to Mike Baird? I commend my motion to the House.

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

**The House divided.**

Ayes .....48  
Noes .....33  
Majority.....15

#### AYES

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

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

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

#### NOES

Aitchison, Ms J  
Catley, Ms Y  
Daley, Mr M  
Finn, Ms J

Atalla, Mr E  
Chanthivong, Mr A  
Dib, Mr J  
Foley, Mr L

Barr, Mr C  
Crakanthorp, Mr T  
Doyle, Ms T  
Greenwich, Mr A

## NOES

Harris, Mr D	Harrison, Ms J	Haylen, Ms J
Hoenig, Mr R	Hornery, Ms S	Kamper, Mr S
Lalich, Mr N (teller)	Leong, Ms J	Lynch, Mr P
McDermott, Dr H	Mehan, Mr D	Mihailuk, Ms T
Minns, Mr C	Park, Mr R	Parker, Mr J
Piper, Mr G	Robertson, Mr J	Smith, Ms T
Warren, Mr G (teller)	Watson, Ms A	Zangari, Mr G

## PAIRS

Gibbons, Ms M

Smith, Ms K

**Motion agreed to.****OPPOSITION POLICIES****Priority****Ms MELINDA PAVEY (Oxley) (15:59):** I move:

That this House:

- (1) Notes that after 16 years in government and six years in opposition, Labor and the Leader of the Opposition still have no plans for New South Wales.
- (2) Condemns the Opposition's lack of policies, including in the areas of health, education, transport, infrastructure, regional development and small business.
- (3) Supports the Government getting on with the job of rebuilding the State and investing in vital services and infrastructure right across New South Wales.

It is important that the Government hears loud and clear the message that was delivered in the electorate of Orange last Saturday. It is also important that the Leader of the Opposition and the Australian Labor Party take note of the result in Orange. The Leader of the Opposition pointed to the Orange by-election and quite confidently claimed it is a reflection of a wider trend. I do not disagree with him: his party is on the nose. The Leader of the Opposition did not say that the Labor Party lost 5 per cent of the vote in the Orange by-election.

Labor parachuted every unionist and staffer it could find into the Central West of New South Wales. Many of them were surprised by the beauty of Orange, because they had never left Sussex Street before. They found beauty in towns such as Orange, Bathurst, Coffs Harbour, Kempsey and Port Macquarie—towns that have never received the infrastructure spend of a government like they have in the past six years. Under the Baird-Barilaro Government that spend will continue, as it is transforming these communities. An amount of \$4.4 billion is being spent on hospitals across New South Wales.

Not so long ago, for 10 years we had Premier Bob Carr, who was not Bob the builder. I would go so far as to say that the only thing he could fix was a preselection. Now New South Wales has Baird the builder; Jillian the builder, with \$4.4 billion being spent on hospital infrastructure; and Duncan the digger, who is busy digging and building roads. This Government is spending \$4 billion every year building roads in regional and rural New South Wales. How much of an increase is that on the former Labor Government's spend on country roads? Is it 10 per cent, which would incorporate inflation? Is it 20 per cent, 30 per cent, 40 per cent or 60 per cent more than Labor? In fact, it is 67 per cent more in funding for country roads by this Government than under the former Labor Government.

We have a responsibility to send the message to country people. We need to highlight the perils and the spin and the lies of the Opposition and outline what Labor did when it was in government and held the Treasury benches. This Government is transforming regional New South Wales. As the new Leader of The Nationals pointed out, under his regional development framework this Government will further transform country areas. This Government has already created 56,000 jobs in regional New South Wales, many of which are off the back of the Government's infrastructure spend. Our \$74 billion infrastructure spend in New South Wales in the next four years is half the infrastructure spend of all the Australian States, yet New South Wales has only one-third of the nation's population?

The member for Blue Mountains may look surprised, but it is exciting because this money will transform country areas as well as the city. The member for Ku-ring-gai will eloquently speak about the projects that are

happening in the city areas. I am proud of the transformation in my electorate of Oxley. We will send the message that Labor had a 5 per cent swing against it in the country areas. We have some work to do to ensure that we are back on the Treasury benches after the next election. *[Time expired.]*

**The DEPUTY SPEAKER:** Order! I remind members that a number of them are on three calls to order.

**Ms ANNA WATSON (Shellharbour) (16:05):** I move:

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

"this House:

- (1) Notes that after 16 years in opposition and six years in government, the Coalition and Premier's plans for New South Wales have resulted in:
  - (a) a 35 per cent swing against the Coalition in Orange;
  - (b) swings to the Labor Party in Wollongong and Canterbury; and
  - (c) widespread dissatisfaction with the Premier's conduct in relation to forced council amalgamations, hospital privatisations, property acquisitions, secrecy in relation to infrastructure projects like the WestConnex and the destruction of trees and the environment across New South Wales.
- (2) Calls on the Premier to start governing in the interests of New South Wales."

I do not blame the member for Oxley for moving this motion because she was asked to do so. I will talk about the scorecard of this Government from January 2016, which is truly pathetic. I will highlight the issues from January month by month to the present day. In January we saw the full extent of the dysfunction of the office of the Attorney General when it was revealed that seven drivers, eight electorate staff and two ministerial staff had resigned—so there is a big problem there. We also saw the Treasurer's cut to \$5,000 for the First Home Owner Grant, after removing the grant for established homes and doing so in the midst of a housing affordability crisis. In February, on the first sitting day of Parliament, the Minister for Family and Community Services was accused of encouraging a witness to contact a person who was subject to an Independent Commission Against Corruption investigation in relation to releasing the mobile number of Crown prosecutor Margaret Cunneen.

**Mr Brad Hazzard:** Point of order: If the member for Shellharbour wants to make assertions and rely on third party assertions against me, she should do so by way of a substantive motion. I would love to discuss that issue with her because she knows it is total rubbish.

**The DEPUTY SPEAKER:** Order! The member for Shellharbour has the call. The Minister will resume his seat.

**Ms ANNA WATSON:** In March the Baird Government passed its gag laws and restricted the rights of people to protest—an act that is still talked about. The member for East Hills moved to the crossbench under a cloud after his campaign manager was charged with distributing leaflets that accused Labor's candidate of being a paedophile. In April we saw the bungle of the \$1.16 billion sports stadium spend when the Minister for Trade, Tourism and Major Events attempted to knock down and rebuild Moore Park to help his and the Liberal Party mate on the Sydney Cricket Ground Trust board and in spite of eight National Rugby League clubs fighting the move.

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

**Ms ANNA WATSON:** Finally, the Premier had to step in and commit to Labor's plan to prioritise the upgrade of ANZ stadium. In May Prime Minister Malcolm Turnbull asked the Premier to win Western Sydney seats before himself losing five Western Sydney seats in bigger-than-expected swings during the Federal election. We also saw the inquest into the Lindt café siege. The list goes on and on. I will fast forward a few months to 9 September when, in a backlash against the Baird Government, huge swings were recorded against the Liberal Party after just over half of New South Wales councils went to the polls. The forced council mergers were an unpopular move. It was clear that the community did not want to be forced to amalgamate, but the Premier went ahead with it anyway. This month history was made in Orange as The Nationals suffered the largest primary swing against them in by-election history due to voter rejection of local government amalgamations and the greyhound racing ban. The results led to the resignation—

**Mr Brad Hazzard:** Point of order: Mr Deputy Speaker, I ask that you rule on whether this amendment is within the leave of the motion. In my submission it is far wide of the motion and should not be allowed.

**Mr Michael Daley:** To the point order: The Government's motion is all encompassing and states that after 16 years in government and six years in opposition the Opposition has no plans and is full of failings. We have amended the motion to say that in fact the opposite is true. If a motion is not allowed saying that the opposite



is right when it comes to the policies and failures of the Government then there is no business in the House; we should turn off the lights and leave now.

**Mr Brad Hazzard:** Further to the point of order: If there is to be any integrity of motions put before this House, then amendments have to be within the leave and ambit of the motion. Members opposite should not move amendments to remove all words and simply draft an entirely different motion. If you allow that to the proceed there is no possibility of amendments to motions in future; they will simply be new motions.

**Mr Michael Daley:** Further to the point of order: This motion basically notes in paragraph (1) that the Government is terrific and Luke Foley is not.

**The DEPUTY SPEAKER:** I beg your pardon?

**Mr Michael Daley:** In effect, the motion says that the Government is terrific and Luke Foley is not. It then goes on to list some of the most broad policy assertions one could possibly conceive of for a motion of this type. Every afternoon there is a broad-ranging debate about motions accorded priority. It is members' wont to let the debate run. I know that the Minister for Family and Community Services is hardly ever here and he is cranky today but, Mr Deputy Speaker, you will change the nature of motions accorded priority if you uphold the point of order.

**Mr Brad Hazzard:** Further to the point of order: I have heard nothing from the member for Maroubra that has rebutted my proposition that if you allow a complete change to a motion, which is outside the leave of the motion, we may as well not have amendments to motions in future; we will just have an alternative motion. I ask for a decision.

**Mr Greg Warren:** To the point of order: There is nothing outside the instruments of the standing orders or the measures in place in the House that prohibits the member for Shellharbour from making appropriate amendments to the motion. The Government brought this motion to the House. We are merely amending what it put forward, which is completely compliant with the standing orders.

**Mr Gareth Ward:** To the point of order: If the Opposition wanted to bring on its own motion, it could do so. Members opposite have sought to use an amendment to move a new motion that completely negates the existing motion. It is incumbent upon you not to allow the Opposition to use this mechanism to introduce a new motion. If those opposite have their own motion they can introduce it, but they cannot play with the substantive motion before the House. The amendment entirely changes the intent and drift of the motion. I ask you to rule the amendment out of order.

**The DEPUTY SPEAKER:** Order! Motions accorded priority are broad ranging in nature. Such motions are often amended. I rule that the standing orders provide for that to happen. I have sought advice and that has been confirmed by the Clerk.

**Mr Brad Hazzard:** Wrong advice.

**The DEPUTY SPEAKER:** Pardon?

**Mr Brad Hazzard:** I was talking to the Clerk.

**Mr Michael Daley:** That's a bit ordinary, Brad. You should do that behind closed doors. That is very cowardly.

**The DEPUTY SPEAKER:** Order! I have heard similar comments made by the member for Maroubra.

**Mr Michael Daley:** Not to the Clerks, Mr Deputy Speaker. That is the sort of thing members do behind closed doors if they have respect. It is cowardly.

**The DEPUTY SPEAKER:** Order! I have heard similar comments from members on both sides of the House.

**Mr Michael Daley:** Not from me.

**The DEPUTY SPEAKER:** Order! They might not have been from the member for Maroubra. But I have heard general comments in relation to rulings on points of order that members do not agree with.

**Mr Michael Daley:** It is one thing to disagree with someone in the chair or with a colleague but members should not reflect upon the Clerks. That is cowardly; the Clerks have no comeback. It is the sort of thing that should be done behind closed doors.

**The DEPUTY SPEAKER:** Order! I ask the member for Maroubra, as the Leader of Opposition Business, to remind his members of that. The question is that the motion accorded priority as moved by the

member for Oxley be agreed to. The member for Shellharbour's time has expired. I call the member for Ku-ring-gai.

**Mr ALISTER HENSKENS (Ku-ring-gai) (16:16):** I welcome the opportunity to support the motion moved by the member for Oxley and to oppose the amendment. The motion reminds us of a number of important considerations for the people of New South Wales. First, we must recognise that progress does not happen by accident. Progress requires vision, planning and hard work. We know that because for 16 years Labor had no vision or plan for New South Wales and its corrupt administration was incapable of hard work. As a consequence, the future of our State was neglected. Our roads became impossibly congested; our trains, buses and ferries were a schmozzle; and our public schools were run down. On every economic index and measurement, after 16 years of Labor our State had the worst economy in Australia. A corrupt pall hung over this State under its administration.

If the definition of "stupidity" is doing the same thing over and over again thinking that a different result will occur then the Australian Labor Party fits that definition. After six years in opposition, Labor still has no plan for New South Wales. I ask rhetorically: What are its policies for the future of New South Wales on health, education, transport, infrastructure, regional development and small business? It has nothing, and the voters have worked that out. For all the crowing we have heard today about the Orange by-election, there is one thing those opposite have failed to say. On Saturday there was a 5 per cent swing in the primary vote against Labor in the by-election. There was no voter endorsement of this Opposition's performance. In urban electorates such as that of the member for Summer Hill the voters will punish Labor for supporting the Shooters, Fishers and Farmers Party.

There is no way that Labor would be capable of the important improvements that this Government has made. On hospitals alone, I note that redevelopments are underway at Blacktown and Mount Druitt, Wagga Wagga, Northern Beaches, Westmead, St George and Sutherland, South East Regional, Byron Bay, Maitland, Campbelltown, Gosford, Tamworth and Dubbo hospitals, as well as major upgrades to Hornsby Ku-ring-gai Hospital that services my electorate. Labor could not match our achievements in education, transport and so on. Only a Coalition Government could do all of this and pay off the State debt and have surpluses for the next four years. While Labor is a policy-free zone, the Coalition is getting on with progressing New South Wales. *[Time expired.]*

**The DEPUTY SPEAKER:** Order! Members will come to order. Those members with the call will be heard in silence.

**Ms JO HAYLEN (Summer Hill) (16:19):** What a remarkable day. It is remarkable that on a day when the Government has lost two of its most senior Ministers, including the former Deputy Premier, and Leader of The Nationals, it comes into this place and lectures the Opposition about vision. This motion shows the absolute arrogance of the Government and that it will do anything to draw attention away from the fact that it has lost its way, that it has lost the trust of the electorate and that it has lost control. The Government will not admit it but it knows that the electorate is not listening any more because the Government is not listening to the electorate.

On Saturday the Government got a message loud and clear—the loudest message it has ever got from the electorate—with a 35 per cent swing against it in the Orange electorate and a 60 per cent swing against it in some booths in Cabonne shire. The Government is just not listening. The results of the past weekend are a clear repudiation of the Baird Government. They are a categorical rejection of this Government's arrogance, a rejection of this Government's failure to listen to the concerns of communities across the State, and a rejection of the Government's addiction to selling off our publicly owned assets. The Government could not have got a clearer message than the overwhelming victory of Labor in Canterbury and in Wollongong, and the massive swing against the Coalition in Orange.

The legacy of the Government is clear: the fire sale of our publicly owned assets, leaving nothing for future generations; a hollowing out of the public service through successive restructures, sacking more and more public servants; selling off our publicly owned hospitals; leaving our schools overcrowded and underfunded; gutting TAFE in this State, leaving students with little opportunity and few options; undermining Crown land, threatening our beaches, parks, national parks and State reserves; weakening the Land and Property Information service; upheaval in our heritage suburbs as the Government bulldozes communities to line the pockets of developers; throwing billions of dollars to build a road the inner west does not want, and ripping off residents in the process; wantonly destroying trees across the State; and the Crown jewel is the council amalgamations. This Government is not listening and it got the message loud and clear on Saturday. It wants to sell our State and the community will not stand for it.

**Ms MELINDA PAVEY (Oxley) (16:22):** In reply: I acknowledge the contributions of members to debate on this motion, particularly that of the member for Ku-ring-gai, who made a good contribution that articulated very well what this State was like under Labor and what we experienced. We had a sense of déjà vu

during the recent by-elections. We need only to look at what the Leader of the Opposition and Labor did in the Wollongong electorate, which saw a 6 per cent primary vote swing against Labor. The Liberal Party did not run a candidate in that by-election, yet there was a 6 per cent swing against Labor. The people of the Illawarra were not fooled by the rhetoric but, most importantly, they were not fooled by the \$200 million in paper money that was sprinkled like confetti over the Illawarra. They understand that that is what Labor does and they did not reward Labor for it. There was a very strong vote for the mayor but there was a swing against Labor in Orange and in Wollongong. The people of Wollongong are not going to be bribed with \$200 million.

That is in Labor's DNA: It spends taxpayers' money like confetti and leaves us in a dreadful situation. As the Premier highlighted today in question time, we were number eight in the nation for employment. New South Wales was at the bottom of the pile. Now we have 56,000 new jobs in regional New South Wales. We have 67 per cent more funding for regional roads in New South Wales because of the discipline and the hard economic work of this Government—recycling assets so that we can build roads and infrastructure not only in the country but also in the city. We should be so proud of what we have done, but we got a message on Saturday that we need to explain better what we are doing and we need to listen harder to the community.

**Mr Nick Lalich:** You're not listening to them; they know you aren't.

**Ms MELINDA PAVEY:** I acknowledge the interjection. If we do not take our lessons from the electorate we will be punished. Not that long ago the electorate lived under Labor's regime and New South Wales was at the bottom of the economic pile. People spent hours and hours in traffic jams without any hope because Labor did not build any new rail lines and it just bickered over funding for the Pacific Highway. In my electorate of Oxley we have so much to look forward to. We have a new hospital in Kempsey, we are getting a new hospital in Macksville and we have \$3.2 billion worth of projects creating a motorway through that electorate. That is the new dawn for the people of regional New South Wales and the whole of New South Wales. I commend the motion to the House. [Time expired.]

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

#### **The House divided.**

Ayes .....47  
Noes .....33  
Majority..... 14

#### **AYES**

Anderson, Mr K  
Baird, Mr M  
Bromhead, Mr S (teller)  
Constance, Mr A  
Dominello, Mr V  
Fraser, Mr A  
Hazzard, Mr B  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Ms M  
Piccoli, Mr A  
Sidoti, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Aplin, Mr G  
Barilaro, Mr J  
Brookes, Mr G  
Coure, Mr M  
Elliott, Mr D  
Goward, Ms P  
Henskens, Mr A  
Johnsen, Mr M (teller)  
Maguire, Mr D  
O'Dea, Mr J  
Perrottet, Mr D  
Provest, Mr G  
Skinner, Ms J  
Taylor, Mr M  
Upton, Ms G  
Williams, Ms L

Ayres, Mr S  
Berejiklian, Ms G  
Conolly, Mr K  
Crouch, Mr A  
Evans, Mr L  
Gulaptis, Mr C  
Hodgkinson, Ms K  
Kean, Mr M  
Marshall, Mr A  
Patterson, Mr C  
Petinos, Ms E  
Roberts, Mr A  
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

Atalla, Mr E  
Chanthivong, Mr A  
Dib, Mr J  
Foley, Mr L  
Harrison, Ms J

Barr, Mr C  
Crakanthorp, Mr T  
Doyle, Ms T  
Greenwich, Mr A  
Haylen, Ms J

## NOES

Hoenig, Mr R  
Lalich, Mr N (teller)  
McDermott, Dr H  
Minns, Mr C  
Piper, Mr G  
Warren, Mr G (teller)

Hornery, Ms S  
Leong, Ms J  
Mehan, Mr D  
Park, Mr R  
Robertson, Mr J  
Watson, Ms A

Kamper, Mr S  
Lynch, Mr P  
Mihailuk, Ms T  
Parker, Mr J  
Smith, Ms T  
Zangari, Mr G

## PAIRS

Gibbons, Ms M

Smith, Ms K

**Amendment negatived.**

**The DEPUTY SPEAKER (16:33):** The question is that the original motion as moved by the member for Oxley be agreed to.

**The House divided.**

Ayes .....47  
Noes .....33  
Majority..... 14

## AYES

Anderson, Mr K  
Baird, Mr M  
Bromhead, Mr S (teller)  
Constance, Mr A  
Dominello, Mr V  
Fraser, Mr A  
Hazzard, Mr B  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Ms M  
Piccoli, Mr A  
Sidoti, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Aplin, Mr G  
Barilaro, Mr J  
Brookes, Mr G  
Coure, Mr M  
Elliott, Mr D  
Goward, Ms P  
Henskens, Mr A  
Johnsen, Mr M  
Maguire, Mr D  
O'Dea, Mr J  
Perrottet, Mr D  
Provest, Mr G  
Skinner, Ms J  
Taylor, Mr M  
Upton, Ms G  
Williams, Ms L

Ayres, Mr S  
Berejiklian, Ms G  
Conolly, Mr K  
Crouch, Mr A  
Evans, Mr L  
Gulaptis, Mr C  
Hodgkinson, Ms K  
Kean, Mr M  
Marshall, Mr A  
Patterson, Mr C (teller)  
Petinos, Ms E  
Roberts, Mr A  
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  
Minns, Mr C  
Piper, Mr G  
Warren, Mr G (teller)

Atalla, Mr E  
Chanthivong, Mr A  
Dib, Mr J  
Foley, Mr L  
Harrison, Ms J  
Hornery, Ms S  
Leong, Ms J  
Mehan, Mr D  
Park, Mr R  
Robertson, Mr J  
Watson, Ms A

Barr, Mr C  
Crakanthorp, Mr T  
Doyle, Ms T  
Greenwich, Mr A  
Haylen, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mihailuk, Ms T  
Parker, Mr J  
Smith, Ms T  
Zangari, Mr G

## PAIRS

Gibbons, Ms M

Smith, Ms K

**Motion agreed to.**

*Bills*

**INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL 2016**

**First Reading**

**Bill introduced on motion by Mr Mike Baird, read a first time and printed.**

**Second Reading**

**Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (16:38):** I move:

That this bill be now read a second time.

This Government is resolute in its commitment to integrity in public administration. We will not tolerate corruption in this State. Ensuring that the Independent Commission Against Corruption [ICAC] is properly equipped to fight corruption is a priority for this Government. In May 2015, following the High Court's decision in the *Independent Commission Against Corruption v Cunneen* case, the Government commissioned an independent panel of distinguished legal minds, a former Chief Justice of the High Court, the Hon. Murray Gleeson, AC, and Mr Bruce McClintock, SC, to review the ICAC's jurisdiction and powers. I commend them for that work.

The panel's terms of reference required the panel to take into account any report of the Inspector of the ICAC in relation to these issues. In June 2015 the Inspector of the ICAC published an initial report which helped inform the recommendations made by the panel in July 2015, all of which the Government accepted and implemented. In December 2015 the Inspector of the ICAC published a report about Operation Hale, an investigation into Ms Margaret Cunneen and others. In May 2016 the Inspector of the ICAC published a further report entitled "Report to the Premier: The Inspector's Review of the ICAC".

The ICAC committee conducted an inquiry examining these two reports from the inspector. The committee also considered the work of the independent panel. The committee's report was tabled in the Parliament on 27 October 2016. I should note that the committee produced a unanimous bipartisan, in fact all parties, report containing 35 recommendations, which are designed to improve the structure and governance, decision-making and oversight of the ICAC. The recommendations are consistent with the independent panel's 2015 report and represent a balanced set of reforms that will deliver a stronger and fairer ICAC. The Government supports in principle all of the Committee's recommendations. This bill includes legislative change required to implement these recommendations. The Opposition has provided feedback on this bill and the bill reflects an almost completely bipartisan position, consistent with the bipartisan committee report.

Sadly, despite the Government's flexibility on a range of key provisions, we have been unable to achieve a completely bipartisan outcome as a result of the Opposition's insisting that a specific commissioner be appointed. It is our belief that this should not be about individuals but the process, which is Cabinet making a nomination, and a bipartisan committee approving that nomination. Obviously this is ongoing. In addition, the Opposition insists that the appointment of commissioners be approved by the chief commissioner. The Government believes that consultation is more appropriate.

We believe that it would weaken the ICAC and the process for the Government to concede on these two matters. Consistent with the committee's recommendations, the bill focuses on three areas of reform: The structure and governance of the ICAC; the ICAC's powers and procedures; and oversight arrangements for the ICAC. The first of the committee's recommendations regarding the ICAC's structure and governance was that a panel of three commissioners should be established. The bill implements this recommendation in schedule 1 by amending section 5 of the Independent Commission Against Corruption Act 1988 to provide for a chief commissioner and two other commissioners appointed by the Governor. Together, the three commissioners will comprise the commission.

The panel of commissioners will bring a more diverse set of skills and experiences to bear on the ICAC's deliberations and will strengthen its decision-making. A panel of commissioners may also assist in alleviating or avoiding tensions that can arise between a single commissioner and the Inspector of the ICAC. The bill makes minor consequential amendments to ensure that provisions in the Act referring to the current commissioner are amended to refer to a commissioner or the chief commissioner of the new three-member commission, as appropriate. The bill also amends section 6 of the Act to provide that a decision of the ICAC to conduct a public inquiry must be authorised by the chief commissioner and at least one other commissioner.

**Mr Jamie Parker:** Proposed by ICAC.

**Mr MIKE BAIRD:** That is not true. This is consistent with the committee's recommendation that the use of the ICAC's extraordinary powers should be authorised by majority agreement of the three commissioners. Whilst the committee also made reference to the decision to conduct a compulsory examination, compulsory examinations do not involve the same potential for reputational damage as public inquiries. It is therefore appropriate that the power to commence a public inquiry is subject to additional oversight. Requiring the chief commissioner and at least one other commissioner to authorise a decision to conduct a public inquiry will balance concerns expressed by the inspector about the potential for public inquiries to cause reputational damage to affected individuals with the benefits of public inquiries in exposing and preventing corruption.

The committee has made a number of recommendations to support the proposed three-member commission structure, including recommending that: the chief commissioner be appointed full time for a term of up to five years and the other commissioners be appointed part time for a term of up to three years with the option of extension for up to two years. The bill addresses these recommendations in clauses 4 and 5 of a new schedule 1 to the Act. The chief commissioner will be appointed full time for a term of up to five years and the two other Commissioners will be appointed part time for a term of up to five years.

A nominations panel will be convened to select candidates suitable for appointment as a commissioner. The chief commissioner will be consulted on the persons to be appointed as the other commissioners. Appointments would be made by the Governor and would be subject to veto by the committee. The current commissioner, whose current term of appointment expires on 27 January 2019, will be invited by the nominations panel to express interest in being appointed as a commissioner of the new three-member commission. In accordance with the Independent Commission Against Corruption (Commissioner) Act 1994, if the current commissioner declines this invitation, or is unsuccessful in being reappointed, her commission as a Supreme Court judge will revive. We recognise that this is where the Opposition differs from the Government. The Government believes that this newly reconstituted commission should be selected on an entirely merit-based criteria to which the current commissioner has been invited to apply.

Other recommendations to support the proposed three-member commission structure include that: the Act should continue to provide for the ability to appoint assistant commissioners to assist the commissioners in their work, as required; the remuneration of the commissioners should reflect their respective workloads; the committee should have a power of veto over proposed appointments of people to the three-member commission; and to be appointed as a commissioner, or to act in that role, a person must be qualified to be appointed as, or have formerly been, a judge or justice of a superior court.

The bill also establishes the role of a chief executive officer to manage the day-to-day affairs of the ICAC. The bill amends section 104 (1) of the Act to give the chief commissioner power to appoint a chief executive officer and such other staff of the ICAC as may be necessary to enable the ICAC to exercise its functions. The chief commissioner will be required to consult the other commissioners about the proposed appointment of a chief executive officer.

A new section 6B of the Act will give responsibility to the chief executive officer for the day-to-day management of the affairs of the ICAC and for the implementation of the decisions of the commissioners and assistant commissioners. Amendments to section 104 (5) of the Act will allow the chief executive officer to be appointed for a term of up to seven years. The introduction of a chief executive officer will allow the commissioners to focus on matters other than the day-to-day management of the ICAC. The bill also includes a number of reforms focused on procedural fairness in the exercise of the ICAC's powers and procedures.

The bill inserts a new section 31B in the Act requiring the commissioners to issue procedural guidelines relating to the conduct of public inquiries of the ICAC to members of staff of the ICAC and counsel appointed to assist the ICAC. The guidelines are to provide guidance on: the investigation of evidence that might exculpate affected persons; the disclosure of relevant evidence to affected persons; the opportunity to cross-examine witnesses as to their credibility; providing affected persons and other witnesses with access to relevant documents and a reasonable time to prepare before giving evidence; and any other matter the ICAC considers necessary to ensure procedural fairness. The ICAC will be required to arrange for the guidelines to be tabled in both Houses of Parliament and to be published on the ICAC's website. This proposal is consistent with the recommendations of the committee and is intended to make existing procedural fairness obligations clearer and more accessible for ICAC staff and counsel assisting the ICAC.

The bill also introduces a new section 79A in the Act, which provides that the ICAC is not authorised to make an adverse finding against a person in a report under section 74 unless the ICAC has first given the person a reasonable opportunity to respond. Where the person requests to have it included within the time specified by the ICAC, a summary of the person's response must be included in the report. New section 79A also requires that the ICAC must not include in the report any information in the person's response that would identify any person who is not the subject of an adverse finding, except in limited circumstances. These measures were recommended

by the committee and will help to ensure that persons against whom an adverse finding is made have the opportunity to respond to claims made against them. New section 79A applies to the inspector in essentially the same way as it applies to the commission.

The bill also inserts a new section 112 (1B) into the Act to provide that a restriction on publication of evidence direction given by the ICAC does not apply to the disclosure of information, documents or other things by a law enforcement officer to the Director of Public Prosecutions [DPP] under section 15A of the Director of Public Prosecutions Act 1986. Amendments have recently been made by the Law Enforcement Conduct Commission Act 2016 to section 15A of the Director of Public Prosecutions Act 1988 to provide that the duty of disclosure in section 15A applies to summary offences as well as indictable offences. Amendments have also been made to schedule 6.17 to the Director of Public Prosecutions Regulation 2015, which provide that a disclosure certificate completed by an ICAC staff member will need to certify that the staff member has disclosed to the DPP all relevant material obtained during a particular investigation that might reasonably be expected to assist the case for the prosecution or the case for the accused person.

Together with section 112 (1B) of the Independent Commission Against Corruption Act, these amendments address the committee's recommendation that ICAC officers investigating alleged summary offences should have a duty to provide all disclosable evidence to the DPP and that non-publication orders made by an ICAC commissioner should not prevent the ICAC from providing all disclosable evidence to the DPP. The bill also gives the ICAC express power to gather and assemble evidence that may be admissible in a criminal prosecution after the ICAC's investigations have been completed. The bill introduces a new section 52A to the Independent Commission Against Corruption Act which will allow the ICAC to exercise evidence-gathering powers under sections 21, 22, 23 and 40 of the Independent Commission Against Corruption Act after the ICAC has completed its investigations into a matter if the Director of Public Prosecutions or the Electoral Commission requests the ICAC to do so.

These powers may only be exercised under section 14 of the Independent Commission Against Corruption Act for the function of gathering and assembling evidence that may be admissible in the prosecution of a person for a criminal offence and of furnishing that evidence to the Director of Public Prosecutions or to the Electoral Commission. This amendment will allow the ICAC to obtain evidence in response to requests from the Director of Public Prosecutions and the Electoral Commission for additional evidence, such as bank documents or telephone records.

The third area of reform concerns the oversight arrangements for the ICAC. The bill makes amendments to provide that a person may complain to the inspector of the ICAC regardless of any restriction on publication of evidence through a direction issued by the ICAC under section 112 of the Independent Commission Against Corruption Act. Section 112 of the Independent Commission Against Corruption Act gives power to the ICAC to direct that certain information not be published or only be published in a specific manner. The bill inserts a new section 112 (1B) (a) to provide that a direction under section 112 does not apply to the making of a complaint to the inspector or the disclosure of information, documents or other things to the inspector.

This will provide for more effective oversight of the ICAC as it removes limitations on information that may be provided to the inspector. Schedule 2 of the bill makes consequential amendments to the Independent Commission Against Corruption (Commissioner) Act 1994. Schedule 3 of the bill makes a number of consequential amendments to other Acts and instruments. Once again, ensuring that the Independent Commission Against Corruption is properly equipped to fight corruption is a priority for this Government. That is why it is undertaking the most significant reform to the ICAC since its inception in 1988. This Government is resolute in its commitment to integrity in public administration. It will not tolerate corruption in this State. I thank the committee for their work in relation to the recommendations that were made. This legislation enacts those bipartisan recommendations. This bill ensures that the ICAC will be better equipped to fight and prevent corruption with the full support of this Government. I commend the bill to the House.

**Debate adjourned.**

## **ROCK FISHING SAFETY BILL 2016**

### **Second Reading**

**Debate resumed from 8 November 2016.**

**Mr GUY ZANGARI (Fairfield) (16:51):** I speak to the Rock Fishing Safety Bill 2016 on behalf of the Labor Opposition. I note that the Opposition does not oppose this bill. However, it will move amendments to the bill. The objective of the Rock Fishing Safety Bill 2016 is quite simple, it aims to save lives. Rock fishing is certainly one of the most dangerous sports in Australia. On average, eight people lose their lives each and every year while rock fishing. This is a number that can be reduced to zero. Rock fishing allows an angler to access

a fantastic array of pelagic fish without the need for a boat. Pelagic fish include kingfish, bonito, tailor and mackerel and they can be fished from a rock formation. Due to the ease of access this makes rock fishing a rather attractive activity for many anglers around the globe.

In New South Wales we have a very healthy rock fishing community and a plethora of fantastic locations to fish from. The issue is that many novices and inexperienced anglers do not realise the inherent risk and danger of rock fishing. In 2015-16 there were 10 drowning deaths in New South Wales attributed to rock fishing. Not one of the victims was wearing a life jacket. No person in this House would argue that a life jacket can save a life. We must not forget that there are a number of different types of life jackets and each one of them has its own appropriate application. To date, few if any resources have been made available for the average person to find a purpose-built life jacket that is suited for a rock fisher.

The most appropriate life jacket is the type 3 personal flotation devices that are imported from China and the United States. This legislation will make it an offence for an individual at a high-risk rock fishing location to be fishing by rod and line or a hand line unless he or she is wearing an appropriate life jacket. This extends to any children in the person's care or supervision at the rock fishing location. Children must be wearing a life jacket with a minimum performance level of 100 and an adult's life jacket must have a minimum performance level of 50. I will now refer to the Minister's second reading speech where he noted that an appropriate life jacket for rock fishing could be purchased for as little as \$20. I note the Minister is present in the Chamber.

Either the Minister has not shopped for a suitable rock fishing life jacket before or he is completely delusional as to what types of life jackets are suitable and appropriate for use while rock fishing. Further, there is nothing in this section of the legislation that states an individual who is collecting bait from these rock platforms—an activity that often puts individuals closer to the swells—must wear a life jacket. It seems somewhat contradictory that it is deemed safe to collect bait on a rock platform and close to the swells, yet fishing from the platform is not safe. Neither of these activities is safer than the other. Proposed section 4 of this legislation sets out that the Minister may declare dangerous rock fishing locations as a high-risk area. This designation must be published in the *Government Gazette*, with locations subsequently published on the [watersafety.nsw.gov.au](http://watersafety.nsw.gov.au) website. Any individual who has committed an offence under this Act or the regulations may be subject to a penalty notice of \$100, up to a maximum of 50 penalty units, or \$5,500.

During the 12-month moratorium period for this legislation no penalty notices may be issued. Rock fishing is indeed a dangerous sport which costs an average of eight lives each and every year. Would it not make sense to take the initiative and publish all of the identified dangerous locations on the [watersafety.nsw.gov.au](http://watersafety.nsw.gov.au) website? If people were to log in to the website today there are no resources for any potential rock fishers to determine whether one location poses a greater risk than another or what additional precautions should be taken at each respective location. The Minister presently has this information to hand. Following the inception of this legislation the Minister could designate a number of sites as high-risk locations.

Many of these locations are hotspots because they offer good fishing with great accessibility and are within a reasonable travel distance for the majority of people. There are many people from metropolitan Sydney and greater Western Sydney who access these fishing areas. They are marvellous stretches of coastline. The Minister will designate the Randwick local government area rock fishing locations as high-risk locations. Locations where there has been loss of life due to rock fishing over the past 10 to 15 years include Munmorah State Conservation Area in the Wyong-Lake Macquarie local government areas and the dangerous waters located in Wollongong, Shellharbour and Kiama local government areas but they have not been mentioned. It is hard to fathom why the Minister has failed to advise the House of specific locations determined as high risk prior to the inception of this legislation.

One would imagine that in the interest of saving lives he would be open, honest and transparent about the information he has to hand. This legislation is being trialled solely in one local government area. The other areas have been left to fend for themselves. We know that the Minister has the data to hand that shows high-risk hotspot locations throughout New South Wales. It appears that this very complex matter has been rushed through and that the Government is taking a one-size-fits-all approach to this problem. We also know that the Minister has not been willing to share information with the public, who would greatly benefit from understanding the risks that each location may pose.

**Mr David Elliott:** You do not understand it.

**Mr GUY ZANGARI:** I acknowledge that interjection. I will take the Minister up on it. I have said this in the House before and I will say it again. As someone who comes from a family with experience in the primary industry of fishing, I have spent many years traversing the rock platforms of this great State. I know the inherent risks of many locations up and down the coast. I will not stand here and listen to the Minister say what he just said



without responding. From experience, I understand what it is like to fish from rock platforms. I have seen people, both novices and experienced fishers, do the wrong thing.

One of the key issues that have been highlighted during consultation on this very important issue is that a large proportion of the rock-fishing community are non-English speaking. Insufficient information has been made available to them. We need to work with people of non-English-speaking background, to educate them to ensure that they are aware of the risks. In recent years Victoria has run a very successful campaign to raise awareness of the importance of using a personal flotation device when rock fishing. That campaign focused in particular on people from culturally and linguistically diverse communities. Special emphasis should be given to making this important safety information available to communities throughout New South Wales, instead of in a single local government area. The Government needs to undertake further testing and development, in conjunction with expert anglers—

**Mr David Elliott:** The local councillors wanted the trial in their local government area.

**Mr GUY ZANGARI:** I note the interjection from the Minister. I repeat that the Government needs to undertake further testing and development, in conjunction with expert anglers, to assist in the development of purpose-built, appropriate life jackets for rock fishing to ensure that the rock fishing community is safe. I can bring into the House examples of personal flotation devices that are appropriate but, unfortunately, do not meet the Australian Standards. They are being used at the moment by anglers on rock platforms. Given that funding will be made available to the Randwick local government area to enhance safety and better protect rock fishers in that area, it would be great if the Minister took the initiative to work with his colleagues to roll out funding for other high-risk areas throughout the State.

**Mr David Elliott:** It is a trial.

**Mr GUY ZANGARI:** I note the interjection from the Minister. We suggest that the Minister roll this initiative out to other high-risk areas during the trial period.

**Mr David Elliott:** Which high-risk areas?

**The DEPUTY SPEAKER:** Fairfield.

**Mr GUY ZANGARI:** Mr Deputy Speaker, I note the interjection. This is a serious matter. Fairfield is located on Prospect Creek, so there is no inherent risk of waves crashing over Lennox Bridge. Following the implementation of this legislation, all rock fishers in any location that has been designated high risk will be required to wear an appropriate life jacket that meets the Australian Standards. Presently in Australia there are no purpose-made life jackets suitable for rock fishing that meet the AS4758 standard. Purpose-made rock fishing life jackets that are designed, manufactured and used internationally have been accepted as the industry's best personal flotation devices [PFDs]. These PFDs are sold in Australia, and more fishers have taken the initiative to ensure their own safety. Following the enactment of this legislation, all the purpose-made rock fishing life jackets from overseas that have not been tested to meet the AS4758 standard will no longer be able to be used, even though they may in many cases be superior to anything available in our domestic market—that is, jackets made to the AS4758 standard.

**Mr David Elliott:** You are an embarrassment.

**Mr GUY ZANGARI:** I note the interjection. The Minister says that he is embarrassed. I ask the Minister whether jackets have been tested in open water conditions. Have they been tested in winter and summer? Does the Minister realise that these types of personal flotation devices can be worn under a jumper during winter? There are also PFDs designed for use in summer that do not absorb heat. Forcing experienced anglers to forgo their superior safety equipment, due to the Government failing to undertake the appropriate research prior to presenting this legislation, will not do anything to enhance the safety of rock fishers. Nor will it encourage everyone to do the right thing. The Government needs to work with the rock-fishing community and not against it. It is very simple. Further, the current required performance standard for adult life jackets is only 50S, or 50 special purpose, requiring the wearer to be an able swimmer and to have help at hand and a means of rescue close by. It is evident that there is plenty more to be done here. There is no doubt about that. The Government needs to refocus on what it determines to be an appropriate life jacket for rock fishing. The Opposition does not oppose this bill. However, we will seek to amend the legislation.

**Mr ADAM CROUCH (Terrigal) (17:06):** I speak on behalf of the Government in support of the Rock Fishing Safety Bill 2016. I acknowledge the presence of the Minister for Corrections, Minister for Emergency Services, and Minister for Veterans Affairs in the Chamber. This is important legislation. Approximately 50,000 rock fishers regularly participate in this popular pastime all along the New South Wales coast. This bill, and the measures contained therein, reflects the value that this Government places on the lives of this small but

passionate recreational community. It is commonly recognised that, while rock fishing is a popular sport, it is one of the most dangerous sports in the world.

Approximately 80 people have died while rock fishing in the past 10 years. The numbers, especially on the Central Coast, are harrowing. There are a number of dangerous rock fishing areas on the Central Coast. I note the presence in the Chamber of the member for Wyong and the member for The Entrance. They would be well aware of places such as Snapper Point, Fraser Park, Wynberg Headland, Flat Rock and the Avoca rock platform in my electorate. These are hotspots for recreational fishing. People fish there in very risky conditions, without wearing a life jacket. Of the 10 people who died in the area in the past five years, not one was wearing a life jacket. Across New South Wales almost all of those who lost their lives while rock fishing were not wearing life jackets. The coroner has recommended life jackets be made mandatory for rock fishers. As I have discussed with the Minister, the cost per rescue of a rock fisher or, in the worst case scenario, the recovery of a body is in excess of \$500,000. Hopefully, the wearing of life jackets will reduce the chance of fishers drowning. Today's life jackets are advanced; they are not clunky and bulky as they were in the old days.

By requiring the wearing of life jackets at high-risk locations such as the ones I have mentioned around the Central Coast, it will significantly decrease the cost in human life without significantly increasing any impediment for people to engage in the activity of rock fishing. There is an even greater cost to the families who lose a loved one who has turned their back on a wave at a rock fishing spot. As the Minister has repeatedly said, the trial of the new laws in the Randwick local government area will give the Government, the rock fishing community and the people of New South Wales an opportunity to evaluate and adjust to the changes prior to a broader implementation at other high-risk locations, such as those that have been outlined on the Central Coast.

Randwick has had the most rock fishing-related deaths and near drownings in New South Wales. It is therefore appropriate that this is the site for the initial trial. The City of Randwick, recognising the high number of incidents in the area, is proactively taking measures to prevent rock fishing-related drownings. Only one week ago Surf Life Saving NSW submitted to the Government Project Blueprint, which clearly identifies through extensive study the great risk taken by rock fishers. Recently, when my wife and I were holidaying at beautiful Coffs Harbour—in your neck of the woods, Mr Assistant Speaker—we were shocked to see rock fishers, none of whom was wearing a life jacket, precariously perched on the rocks of the seawall in Coffs Harbour. We also noted the numerous times they turned their back on a very large swell. Luckily they were not swept off the rocks, but it was more luck than good management.

The trial in Randwick will provide the perfect opportunity to evaluate the legislative requirements outlined in the bill as they operate concurrently with locally led initiatives to improve overall community safety. That is the key to this bill. The Government is working closely with Randwick City Council. The initial trial in Randwick will be for a period of 12 months. During this period no fines will be issued. Enforcement officers will provide warnings and safety information to those who are in breach of the law. This type of community engagement by enforcement officers will give rock fishers who frequent the Randwick rock ledges the opportunity to learn about the legislative requirements and to adjust their behaviour prior to any punitive action being taken. This legislation is a very good start. It is an educational process for the Randwick community. This is a sensible approach to make sure we get it right and to limit the impact on this popular but dangerous pastime. If the trial is successful in Randwick and the benefits are realised, the Government will expand the legislation to other high-risk areas in New South Wales. I commend the bill to the House.

**Mr DAVID HARRIS (Wyong) (17:13):** I am pleased to support the Rock Fishing Safety Bill 2016. I want to refer to an area on the Central Coast that is causing great concern. I ask the Minister for Emergency Services, who is in the Chamber, to consider nominating a regional location as a trial area as well as the Randwick trial, as there is a difference in the behaviours of people in those two areas.

**Mr David Elliott:** Are the rocks different in your electorate? Do you have different waves?

**Mr DAVID HARRIS:** The Government has looked at local government areas. I refer to a stretch at Munmorah State Conservation Area that comes under two local government areas where 16 deaths in eight years have occurred. I am a member of Surf Life Saving NSW and many of my colleagues at the lakes and at Soldiers Beach have been involved in the recovery of bodies in that area. Luckily I have not been involved in the recovery of a body but I know of its effects on rescuers. In 100 per cent of the cases, the victims have not been wearing a life jacket when they have been swept into the ocean.

Central Coast Surf Life Saving has led the charge in requesting the mandatory wearing of life jackets. I ask the Minister to consider including that area of coastline in the trial. Most of the people who die are tourists to the Central Coast and do not understand that even though the sky is blue they need to understand the swell conditions. A swell cannot be estimated by looking at the sky. Even on a sunny and warm day, a significant swell is dangerous. The Minister interjected that rock platforms are all the same, but this is an isolated area and if

someone is swept off the rocks into the ocean it takes a significant time to reach them once a rescue has been mounted.

Further, the area has limited phone coverage, making it difficult to alert authorities. I know that the member for Swansea agrees with me that this is an ideal location for a trial. It differs from Randwick because of the lack of mobile phone coverage and the time it takes for rescue services to reach that part of the coastline. On 30 April 2014, Chris Parker, the chief executive officer of Surf Life Saving NSW Central Coast, was reported to have said that in the three-kilometre stretch within the Munmorah State Conservation Area 14 people have died rock fishing since 2008. It is a significant area but as it spans two local government areas the figure is probably lower than that recorded for Randwick. Mr Parker also said that the stretch between Flat Island and Wybund Head is one of the deadliest black spots for rock fishing in Australia. He said:

It's very exposed to the elements and no matter what the swell is like it seems to hit there and hit it bad and people aren't checking the conditions when they head to this location.

The rock shelves in the area were hard to get to, very open and there was a steep drop off into the ocean.

We believe all rock fishermen should be wearing life jackets.

Surf Life Saving duty officer Matt Slattery, who was helping in a search at that time for two fishermen, could not believe that people not wearing a life jacket were allowed to continue to fish there. He said:

The only one that we've ever found alive has been washed in and was wearing a lifejacket. If ever a spot should be chosen to trial the mandatory wearing of a life jacket it is this area. A trial in this area is backed up by the evidence. While the trial is occurring at Randwick, it would be terrible to lose another life in that three-kilometre stretch of coastline in the Munmorah State Conservation Area. We are not criticising the trial being held in Randwick; we agree with it. All we are saying on behalf of our constituents and the volunteer Surf Life Saving first responders is that the Government consider extending the trial to include that area, given the statistics I have talked about and the fact that there is limited mobile phone coverage. If someone goes into the water it is an isolated spot and it takes a long time to get to them.

I do not want the Minister to think that I am questioning his actions. The Opposition agrees to the trial at Randwick but we ask that the trial be extended to include the Lake Munmorah State Conservation Area. The nature of the two locations is different. Tourists go to the area for rock fishing; they do not just go there as a day trip. When this issue was raised at Wyong Shire Council, it was pointed out that this area is the most heavily signposted rock fishing location in the State. But the signs are not working because there continue to be deaths. I urge the Minister to not consider this request as a criticism or an insult. I ask him to please consider extending the trial to our area in order to save lives. As the local lifesavers said, there is a 100 per cent death rate when people are not wearing life jackets. The only person they found alive was wearing a life jacket. There can be no more compelling argument for the mandatory wearing of life jackets than the facts relating to the Munmorah State Conservation Area.

**Mr BRUCE NOTLEY-SMITH (Coogee) (17:21):** I will make a brief contribution to debate on the Rock Fishing Safety Bill 2016. When I was mayor of Randwick between 2007 and 2009 I would often get a phone call from the general manager or other council officer saying that another person had been washed off the rocks. More likely than not, when found they were deceased and people would say, "What are you doing about it?" I have always supported the compulsory wearing of life jackets. Many people say that we should not be mandating the wearing of life jackets and it is up to the individual to make the decision. I know of too many deaths from my time as the mayor of Randwick to not be a supporter of and advocate for this reform.

I remember as a young kid being told about Yellow Rock off Malabar headland where the sewerage outfall used to be until the deep ocean outfalls were constructed in the late 1980s and early 1990s. It was the most dangerous place in Australia for rock fishers and had claimed more lives than any other spot. Of course, that is just the people we know of. Many others could have been washed away and never seen again but were not reported missing. We do not know. I attended the launch of Project Blueprint a couple of years ago in Randwick. I thought Randwick was the ideal location because of its unfortunately tragic history of deaths of people who were pursuing the recreational activity of rock fishing. The Minister has acted on the results, and I thank him for taking a sensible approach. A trial is being undertaken because we want to make sure that we get it right by ironing out any problems with either the legislation or its implementation. The Opposition members who criticise this bill have more front than Mark Foys.

**Mr David Elliott:** You're showing your age.

**Mr BRUCE NOTLEY-SMITH:** I am showing my age. I remember going to Mark Foys when it was a department store, not the District Court as it is now. Prior to 2011, Labor was in power for 16 years. Premier Bob Carr's electorate of Maroubra had the highest number of deaths but he did not act. He failed to take care of not only his constituents but all constituents across New South Wales as well as visitors. I encourage the member for Wyong to say in his next newsletter that the Government is trialling the compulsory wearing of life jackets in Randwick and that his constituents in Wyong should do so voluntarily. I urge him to encourage people to wear

their life jackets or to tell their rock fisher friends and relatives to get used to wearing life jackets because this measure will be implemented across the State. Rock fishers can do themselves, their family and everyone in the State a favour by wearing their life jackets now.

**Ms YASMIN CATLEY (Swansea) (17:26):** I make a contribution to debate on the Rock Fishing Safety Bill 2016. As most members in this place are aware, New South Wales is in the grip of a crisis in the sport of rock fishing. The Swansea electorate in particular is home to one of the most deadly places for rock fishers in Australia. It is equally as dangerous as the trial area proposed in the Randwick local government area, which the Minister advises will be home to the 12-month trial, as set out by the bill. The Swansea electorate is home to the notorious three kilometre stretch of coastline in the Munmorah State Conservation Area which includes Wybung Head, Snapper Point, Frazer Park and, of course, Catherine Hill Bay. In that area there have been 16 deaths over the past eight years.

The three-kilometre stretch of coast straddles both the Lake Macquarie and Wyong local government areas. It has been overlooked for the proposed mandatory rock fisher life jacket trial because of rudimentary local government boundaries. By themselves, both local government areas are extremely deadly locations for rock fishers and it is absurd not to include the treacherous stretch of coast in the trial. The areas combined comprise the single deadliest stretch of coastline for rock fishers in New South Wales. It is an understatement to say that the statistics around the inherent danger of rock fishing in New South Wales are alarming.

During the past five years at least 68 people have died in Australia while rock fishing. In the past decade, 35 people have died in New South Wales. In 2014 rock fishing accounted for the most coastal drownings in New South Wales, with more people dying from rock fishing than all the drowning incidents in this State. In all but one case, the victims were not wearing life jackets. Tragically, this year the sixteenth person in the past eight years drowned in the Swansea electorate while rock fishing on the beautiful but treacherous coastline at Snapper Point. Those 16 deaths may have been preventable. It is an absolute tragedy.

In a private member's statement earlier this year I pointed out the far-reaching implications of these tragic deaths along our coast. It is not only the poor victims and their families who are deeply affected, it is also those we entrust to ensure that our harsh coastline is as safe as possible, that is, emergency services personnel, NSW Police Rescue and, of course, volunteer lifesavers. Surf Life Saving NSW has always been strong on this matter. In fact, for many years it has advocated mandating the wearing of life jackets. The Surf Life Saving NSW Coastal Safety Report 2016 made no hesitation in laying bare the dangers of rock fishing along the New South Wales coast for all to see. The report states:

Rock fishing is an inherently risky activity which has been associated with a disproportionately high number of drowning deaths along the NSW coastline over the past decade. These incidents have largely occurred at known hotspots including Munmorah State Conservation Area in Wyong-Lake Macquarie Local Government Areas and the rock platforms between Little Bay and Cape Banks in Randwick LGA.

The report continues:

In July 2015 NSW Deputy Coroner Carmel Forbes concluded an inquest into the drowning deaths of eight rock fishers. A key recommendation that came out of this inquest was the need to mandate the use of lifejackets for rock fishers and to increase shock signage at high risk locations. Surf Life Saving NSW was among a host of agencies to support these recommendations.

Earlier this year the Minister set up a working group to implement the key recommendations in this parliamentary term, and just in the nick of time it would seem. The Minister took seven months to introduce this vital legislation. The Minister has taken far too long to introduce this bill. It has taken three coronial inquests and multiple pleas by industry and community stakeholders to get this bill before the House. When handing down the finding of the final coronial inquest, which was conducted in June 2015, Deputy Coroner Carmel Forbes was unequivocal in her recommendations. Deputy Coroner Forbes recommended the introduction of legislation requiring the mandatory use of life jackets by those engaged in rock fishing. Additionally, in the coronial report handed down in July 2015, the coroner importantly noted, when addressing those who object to mandatory life jackets on the grounds of inappropriateness of design, that "the benefits of buoyancy far outweigh any potential secondary risks".

As members can probably tell, I take my cap off to our first responders, the voluntary lifesavers, police and rescue personnel, all of whom handle these issues with professionalism, empathy and compassion. However, it takes a terrible toll on those workers when their jobs go from rescue to recovery. There are surf lifesavers in my electorate who I know are still undertaking counselling as a result of recovering the body of a dead rock fisherman from the waters off our coast. Recovering the body of a rock fisher who has tragically been killed is the most horrific work imaginable. Following the death of a rock fisherman at Catherine Hill Bay on 8 January 2016, I wrote to the Minister for Emergency Services to advise him of my concerns about the high number of rock fishing deaths in the Swansea electorate. Unfortunately, I had to write to the Minister again in March following yet another tragic rock fisher death along the coast of the Swansea electorate.

The story is all too familiar in the Swansea electorate. Forty-year-old Esmeraldo San-Juan was fishing at Snapper Point on a blustery Sunday evening. His mates decided to call it a night, leaving him by himself. He was not wearing a life jacket. At some stage he tragically fell into the ocean and his body was never recovered. The Minister eventually provided me with a response in April, following an acknowledgement of my concerns from the Minister's Parliamentary Secretary in March. In their correspondence, which was dated way back in March and April, both the Minister and his Parliamentary Secretary assured me that the Government would legislate this year to introduce the compulsory wearing of life jackets for rock fishers at high-risk locations. I welcomed this advice at the time, but, as I said, seven months to introduce this bill is far too long. Now we know that the Government is not even planning to include this area in the trial. I and my community have been misled by the Minister and his Parliamentary Secretary.

As the Minister knows, we have had coronial inquests, parliamentary inquiries and countless tragic testimonies from those who have lost loved ones and members of organisations that are charged with recovering the bodies from the ocean. They all say to act now to make life jackets compulsory for rock fishers in high-risk areas so that lives may be spared. The statistics surrounding the sport show why it is so important to legislate mandatory life jackets for rock fishers so that lives can be saved in New South Wales. It has been estimated that one million residents in New South Wales apply for a fishing licence each year. Of those, it has been estimated that 15 to 20 per cent engage in rock fishing; that is somewhere between 150,000 and 200,000 people who engage in rock fishing in New South Wales every year. As I said earlier, during the past five years, at least 68 people have died while rock fishing.

The morbid reality is that each rock fishing drowning death costs the economy between \$550,000 and \$600,000. Ultimately though, the loss of a life is immeasurable. The grief of family and friends who lose a loved one cannot be measured, and the trauma inflicted on those tasked with recovery cannot be measured. The price we are paying is far too high. While I welcome the Government finally introducing the bill into the House, I do not agree with its current form. I am disappointed that as the bill currently stands it will be at least 12 months before life jackets become mandatory for rock fishers in the Swansea electorate. [*Extension of time*]

It is my belief and on the basis of the evidence presented by the New South Wales Deputy Coroner the 12-month trial period should be extended if not to all hotspots along the coast, most certainly to the Munmorah State Conservation Area in the Swansea electorate. Those on this side of the House will not oppose this bill; however, we will be moving amendments to it. I put the Minister and the Premier on notice that if this half-baked policy is implemented and in the sad event there is a rock fishing tragedy in the Swansea electorate, we will be asking the Minister and the Premier to speak to the family members and rescuers involved. I do not commend the bill in its current form.

**Dr HUGH McDERMOTT (Prospect) (17:37):** I support the Rock Fishing Safety Bill 2016, with amendments. Rock fishing is Australia's deadliest sport. On average, eight people die each year while rock fishing and it accounts for 26.7 per cent of coastal drownings. According to Surf Life Saving NSW, none of the victims were wearing life jackets. About one-third of rock fishers report having been swept away by waves at some time while they have been rock fishing. A life jacket is a simple way of reducing drowning deaths. Much like the wearing of seatbelts in cars, life jackets offer the possibility of reduced fatalities. Just as seatbelts are compulsory, the wearing of life jackets should be mandatory when rock fishing. Some may suggest that the majority of drowning deaths are due to rock fishers not being able to swim. This is not the case. Some 92 per cent of rock fishermen surveyed by Randwick City Council said that they could swim. But all 27 of the rock fishers who drowned between 2011 and 2014 were not wearing life jackets. Additionally, not one of the 10 victims in the past year wore a life jacket.

Whilst 8 per cent of surveyed rock fishers could not swim—a figure far too high—mandating the wearing of life jackets is undeniably the best way to prevent deaths. Not even Olympic swimmers like Michael Phelps would be able to beat a strong ocean current after being injured by falling onto sharp ocean rocks. Eighty per cent of drowning deaths are male, with by far the largest demographic of drowning victims being men aged over 55. Sadly, the number of drowning deaths has been consistent over the past decade. The focus must shift to general water safety and funding must be increased for public awareness campaigns regarding the need to wear life jackets when undertaking high-risk activities such as rock fishing. Just like the seatbelt argument of the 1970s, there will be resistance to implementing this law. Back then many believed they were good enough drivers never to need seatbelts and many took this belief to their graves. And just like the seatbelt reforms of the 1970s, I believe the number of rock fishing related drownings will drop dramatically once the New South Wales Government implements both a public awareness campaign and penalties for rock fishing without a life jacket.

The lower number of young people who drown compared with older people suggests several possibilities: first, that safety education campaigns in recent decades have been effective; and, secondly, that many drownings could be due to overconfidence on the part of those engaging in a water-related activities. Demographically, the

least likely to follow instructions are men aged over 55, and it is they who are at most risk of drowning. As the vast majority of drowning deaths occur in inland rivers and streams, followed by the ocean and in harbours rather than in controlled environments such as fishing pools, the data suggests that most people who drown are caught by surprise, having underestimated the danger that the water represents.

Royal Life Saving recommends five key steps to greatly reduce the risk of drowning in men aged over 55: that they be aware of their physical limitations and fitness; that they be aware of any medical conditions; that they do not drink alcohol while undertaking activities in the vicinity of water; that they wear a life jacket; and that they learn lifesaving skills such as cardiopulmonary resuscitation. The consumption of alcohol is a major factor in drowning deaths. Two-thirds of men aged 45 to 55 who drowned were found to have blood alcohol concentrations of 0.2 per cent—four times the legal limit for driving.

Approximately half of all surveyed rock fishers speak Chinese or Korean as a first language. This means that future campaigns run by the New South Wales Government in relation to life jacket requirements must be communicated in a range of languages. The facts show that rock fishing is dangerous for everyone, regardless of ethnic origin. The message of mandatory life jackets must be made clear for everybody. Both the Recreational Fishing Alliance of NSW and the Australian National Sportfishing Association agree that the bill does not address adequately the issue of life jacket standards. I thank the rock fishing groups who have worked with the community to promote water safety and the importance of wearing a life jacket.

Despite the enormous safety advantage that life jackets offer, there are no purpose-made life jackets manufactured in Australia that meet the appropriate standards for rock fishing. Overseas models are purpose made and regarded as the best personal floatation devices available for rock fishing. However, none of the overseas models are tested to the Australian Standards 4758, as required by the bill. That Australian standard has been criticised as being too low for rock fishing. The floatation grade required for that standard, known as 50S, requires the wearer to be an able swimmer and to have a means of rescue close by. Obviously, for rock fishers who are not strong swimmers, those who are strong swimmers but are injured, or those fighting against a strong current and requiring rescue by boat or helicopter, or a combination of all those factors, a life jacket that requires the wearer to be able to swim may not be of an effective enough standard to prevent drowning.

Imported rock fishing life jackets that are of a better standard than the general-purpose personal floatation devices presently available will not be legal under the bill. Common sense must prevail. A provision must be included in the bill as an amendment to include a higher standard and the testing of life jackets from overseas to meet this higher Australian standard. The New South Wales Opposition does not oppose the bill but the shadow Minister will seek to amend it. It is extremely important that this legislation's trial extends beyond the Randwick local government area [LGA]. The trial should expand to include the Munmorah State Conservation Area in the Wyong-Lake Macquarie LGA and dangerous waters in the Wollongong, Shellharbour and Kiama LGAs, where rock fishing fatalities have occurred. Relevant education targeted at all ages and given in all relevant languages must be improved. The Wet'n'Wild Water Park in the Prospect electorate does a wonderful job supporting Royal Surf Life Saving's Nipper program.

**Ms Melinda Pavey:** It is Surf Life Saving, not Royal Surf Life Saving.

**Dr HUGH McDERMOTT:** I thank the member for Oxley. Surf Life Saving teaches Western Sydney children beach safety. The Nipper program is the same as that which takes place on beaches around New South Wales every weekend. However, it offers Western Sydney children greater access to water safety education.

**Mr David Elliott:** What has this got to do with rock fishing?

**Dr HUGH McDERMOTT:** Listen and you will find out. Programs such as Nippers should be expanded and continue to be funded by the New South Wales Government. The message must be conveyed that all people are vulnerable to drowning, regardless of ethnic origin, swimming ability, age, gender or postcode. However, extra effort must be taken to ensure that those who do not come from areas where rock fishing is common, such as Western Sydney, heed the water safety message. Additionally, this legislation must be enforced. Presently it would be unthinkable to drive without wearing a seatbelt, and I hope that in the future it will be unthinkable to go rock fishing without wearing a life jacket to the appropriate standard. The sea does not discriminate. Not being aware of the danger of rock fishing is no excuse for not wearing a life jacket. Therefore, the onus is on the New South Wales Government to ensure that this message is communicated clearly and effectively to everybody. No fish, no matter what its size, is worth dying for. I commend the Rock Fishing Safety Bill 2016 to the House.

**Ms TAMARA SMITH (Ballina) (17:45):** The Rock Fishing Safety Bill 2016 will create a new Act mandating the wearing of life jackets while rock fishing at designated high-risk locations. The Greens support the bill and commend the Minister for Emergency Services for it. It is tragic that between 2015 and 2016 10 people died while rock fishing in New South Wales. Over the past 10 years there have been, on average, eight deaths

a year. That is alarming and the bill seeks to address that issue. It is also the result of the recommendations of the Coroner's inquiry into a number of rock fishing deaths. I was moved by the member for Swansea when she spoke about the tragedies that have occurred in her community. I hope the trial is successful and that it will be carried out in other high-risk areas. The Rock Fishing Working Group was established to inform government about appropriate high-risk locations where the law would operate and on other related matters, such as the content of the legislation.

As we have heard from the Minister, the bill creates two new offences under the Act: A person must not rock fish without a life jacket at a high-risk rock fishing location; and a person must not permit a child in their care or supervision to rock fish in a high-risk rock fishing location. A child is defined as a person who is under 12 years of age. I think that is an excellent provision. The proposed offences carry a maximum penalty of 50 penalty units or a fine of \$100 if dealt with by way of a penalty notice. The life jacket requirements of the bill will apply only to rock fishing by means of a rod and line or hand line or assisting a person to take fish in that manner—for example, by using a hand-held net to assist the person to land fish.

A "high-risk rock fishing location" is defined as "naturally occurring rock platforms or other rock formations exposed to ocean swell at a declared place". The law will be trialled for 12 months in the Randwick local government area, which has the highest rate of deaths and injuries in New South Wales from rock fishing. Officers from the NSW Police Force, local councils, the NSW National Parks and Wildlife Service and NSW Fisheries will be authorised officers for the purposes of the bill and will be empowered to enforce the proposed penalties for offences.

The bill provides for a moratorium of 12 months from the time of commencement. During that time a person may not be convicted of an offence or be issued with a penalty notice for offences under the legislation, which gives people time to adjust to the new regime. Once the moratorium ceases and fines are issued in a declared area, any fine revenue collected must be paid into the Recreational Fishing (Saltwater) Trust Fund. The Government intends to use the 12-month moratorium period to run a community awareness and education campaign about the new laws and about rock fishing safety generally. We welcome the fact that information will be provided in community languages because we know that those community groups from non-English speaking backgrounds are particularly vulnerable to rock fishing accidents. If the Randwick trial is successful and further areas are declared, the bill also permits a 12-month moratorium to be declared by regulation at those places.

The Greens support the bill and support actions by the Government to improve safety for people engaging in rock fishing in New South Wales. We know that legislation is not sufficient to reduce the risks alone and we welcome the commitment to an education program. As I said, it should be tailored to suit community members from non-English speaking backgrounds. As well as clear signage, the broader community should be educated because not all fishers live on the coast; people travel quite a long way to go fishing. Targeted education and awareness are essential to avoid fines and potential interaction with the legal system. That is something we want to keep an eye on.

Also, it is not clear whether a declared high-risk area is to be treated differently on low-risk days when there is little or no swell. Perhaps the Minister will clarify in reply whether it is a blanket high-risk area, 24/7, all year round or whether it is based on low-risk day when there is little or no swell. We would also like the legislation to be clear about which areas will be declared high risk initially. We commend the Minister for the legislation and look forward to safer behaviour by fishers.

**Mr TIM CRAKANTHORP (Newcastle) (17:50):** I speak in support of the Rock Fishing Safety Bill 2016 and note also that I support the amendments to be moved by the shadow Minister. The bill requires rock fishers and children aged less than 12 who are under their supervision to wear a suitable life jacket while fishing at certain declared high-risk rock fishing locations. The bill is the result of recommendations from the Rock Fishing Working Group established by the Government that consisted of a number of government organisations and a single fishing entity, the Recreational Fishing Alliance. The regulations prescribed in the bill will be trialled for a period of 12 months, with the ability to conduct further trials in other locations. The first trial will be held in the Randwick local government area but I suggest to the Minister that there should be trials in other areas on the Hunter coastline, as indicated by the member for Wyong and the member for Swansea.

There have been 16 deaths in eight years in the Munmorah State Conservation Area—tragically, it is a hotspot for rock fishing deaths. Newcastle has numerous beaches and six surf life saving clubs. It also has steep escarpments and many rocks jutting out into the ocean, in addition to the Port of Newcastle, where recreational fishers fish in both rough and calm conditions. This is welcome legislation but the trial period should be expanded to this hotspot, as 16 deaths in eight years is absolutely tragic. As a result of those deaths and many others, three coronial inquests have been held into rock fishing in New South Wales. In May 2011 Magistrate MacMahon conducted an inquest into a number of rock fishing deaths that occurred in Bondi between 2009 and 2011. He recommended that the then Minister for Industry and Investment should undertake research to identify

demographic groups that are most at risk of rock fishing-related fatalities and identify the effectiveness of educational, enforcement and engineering safety methods used to prevent the fatalities. He recommended also that the results of the research be used to develop a rock fishing safety program for New South Wales.

In June 2011 Magistrate Buscombe conducted an inquest in Newcastle Local Court into 12 deaths of rock fishermen. He endorsed the recommendations of Magistrate MacMahon and further recommended that the Department of Primary Industries consider expediting the erection of warning signs and provision of angel rings, consider whether the level of funding for education campaigns is sufficient—and I commend the Government for allocating money to such campaigns—and consider whether it should be compulsory for rock fishermen to have flotation devices. In July 2015 Deputy Coroner Forbes conducted an inquest into nine rock fishing deaths that occurred at a number of locations in New South Wales, including three deaths in the Munmorah State Conservation Area. The primary purpose of the inquest was to ascertain what more might be done to make the activity safer for rock fishermen and to prevent further fatalities. He recommended the introduction of legislation requiring the mandatory use of life jackets by those engaged in rock fishing.

The survey of rock fishers undertaken during the 2015 coronial inquest by Randwick City Council found that 21 per cent of those interviewed were on their first rock fishing trip; 15 per cent could either only swim and float for more than one minute in swimming pool conditions or not swim at all; 91 per cent of those interviewed, worryingly, did not know any first aid; and 67 per cent recalled seeing a message relating to rock fishing safety in the past 12 months. Despite this, it appeared that the risks associated with rock fishing were not well recognised by the survey cohort. Also, 49 per cent of the interviewees never wore a life jacket whilst fishing; 21 per cent regularly fished alone; 22 per cent did not always carry a mobile phone whilst fishing; 37 per cent did not always wear non-slip shoes or cleats; and 55 per cent indicated that life jackets should be mandatory for rock fishing. The survey concluded that rock fishermen do not deliberately put themselves in danger but either overestimate their abilities or underestimate the dangers.

I worked in mine safety for a decade so I am very aware of risks to life and engineering solutions that can be put in place. Certainly, solutions that will work and save lives should always be put in place first. That is what this bill seeks to do. Indeed, the process needs to be broadened so we have a trial in the Hunter where hotspots exist so that the statistics can be reduced to zero. The 10-year average is eight deaths a year in New South Wales. In 2015-16 there were 10 drowning incidents and not one victim was wearing a life jacket. In conclusion, I support the legislation and also support my colleagues on the Central Coast in their pursuit of a further trial in the Hunter. I commend the bill to the House.

**Mr DAVID MEHAN (The Entrance) (17:56):** I note at the outset that the Labor Opposition will not oppose the Rock Fishing Safety Bill 2016. I support the comments of my colleagues the shadow Minister, the member for Wyong, and the member for Swansea. As a Central Coast member, I am well aware of the danger posed by rock fishing in the Munmorah State Conservation Area and I ask the Minister to seriously take on board their comments. As a Central Coast member, I believe the bill as it currently stands may be a lost opportunity to do something more regarding safety in our coastal environment. I note the deaths earlier this year of two Central Coast visitors who were fishing in The Entrance channel. The Entrance channel is a body of water that connects the ocean to the Tuggerah Lakes estuary. It is a very popular fishing spot. It has sand bars that move and have hard and soft bottoms and the tidal water can be fast moving or it can be still. The conditions can change rapidly but it is a great place to fish. It attracts many visitors to the area, particularly during the summer months.

Unfortunately, earlier this year we had what has become a regular occurrence with people getting into trouble in the channel. In January Mr Jin Qui, 38 years of age, from Turramurra, and his father-in-law, Mr Lei Zhao, 65 years of age, from Shanghai, were out prawning during January when they got into difficulties. They were well equipped with waders and other paraphernalia but they were not wearing life jackets. Subject to the Coroner's finding, it is most likely that without life jackets they were not able to save themselves when they got into trouble. I suggest to the Minister that there is an opportunity to increase ministerial power to declare areas that are not rock fishing areas to be high risk and require life jackets to improve overall safety. I ask the Minister to consider this issue when he responds to the debate. I note that the definition of "high risk" in proposed section 4 states:

- (1) The Minister may, by order published in the Gazette, declare an area to be an area where high risk rock fishing takes place (a declared area).

Is there facility in the legislation for the Minister to declare the beaches and channels adjoining rock fishing areas, such as occurs at The Entrance, to be high risk in order to increase the coverage of the Act and improve safety in those areas? I note that the Labor Opposition will not oppose the bill. I commend the bill to the House.

**Mr RYAN PARK (Keira) (18:01):** I make a brief contribution to debate on the Rock Fishing Safety Bill 2016. I acknowledge the diligent work of my colleague the shadow Minister, the member for Fairfield, on the



bill. The Opposition will not oppose the bill. However, I will outline a few issues. Port Kembla in my neck of the woods is renowned as one of the most dangerous rock fishing sites in New South Wales. In 2009 Honeycomb Rocks, Port Kembla, was rated the fifth most dangerous rock fishing site in the State. A large number of people visit from south-west and Western Sydney to enjoy the coastline and to fish in some of the best waters in the country. That comes with a risk to those people and to the emergency service men and women who risk their lives to recover people who have fallen into the Tasman Sea.

In 2011 a coronial report recommended the wearing of life jackets while rock fishing. Unfortunately, it has taken a while for that to be instituted. I encourage a broader trial and would like to see the waters of the Wollongong, Shellharbour and Kiama local government areas included. Many lives have been lost in those areas. As the shadow Minister for the region, I am willing to work with the Government to support such a trial. While walking along the coast I have told rock fishers that they should be wearing life jackets or should not be fishing. To be blunt, that is a responsibility for anyone who lives on the coast—and I am sure others have done that as well. When people who are not from your neck of the woods are fishing in areas that are known to be dangerous it must be made clear to them that it is not appropriate. Surf lifesaving is dear to my heart and I know it is also dear to the heart of the Temporary Speaker, the member for Oxley. Surf Life Saving NSW supports the wearing of life jackets by rock fishermen.

I hope that people will not be penalised for not wearing a certain type of life jacket. I acknowledge that some life jackets are better than others for rock fishing and that not all presently meet the official Australian standard. But when someone has purchased a fit-for-purpose jacket they should not be penalised for doing so. I acknowledge the detailed contribution by the shadow Minister to the debate. I will work with the Government to improve the legislation. I stand ready to work with the Government to ensure that life jackets are rolled out for people who choose to rock fish along the coastline, particularly in the dangerous areas of Port Kembla, Kiama and beyond.

**Mr ANDREW FRASER (Coffs Harbour) (18:05):** I speak in debate on the Rock Fishing Safety Bill 2016. With the exception of a few years in Moree, I have lived on the coast all my life. Anyone who has done so knows the dangers of rock fishing. It is sad that we have to legislate to make it compulsory for people to wear a life jacket when fishing in dangerous areas. The Government is often accused of over-regulating—that this is a nanny State. However, the statistics presented during the debate concerning the number of people who die each year while rock fishing are alarming. I recall the drowning of two swimmers at Coffs Harbour and that members of the Temporary Speaker's family were involved in the rescue. Those who perform such rescues are also put in danger.

I am amazed at the derogatory comments made by members opposite in relation to the Government's lack of action on this issue. Labor had 16 years to do something about it. Year in and year out, misinformed or pig-headed people get into dangerous situations while rock fishing and are swept into the sea. Surf Life Saving NSW recommended a 15- or 16-year-old girl for a bravery award after she rescued two rock fishermen from the sea off Red Rock. These two tourists were fishing where they should not have been and they were not wearing life jackets. It was amazing that their lives were saved. Those opposite have offered criticism that the Government has not done enough and that legislation has taken too long. The member for Prospect rabbitied on about lack of funding.

The Government provided \$11 million over three years to address the issue of water safety. For the sake of a media release, members opposite would belt up a Minister who has acted on a problem that has been present in coastal New South Wales for generations. Those opposite spoke of amending the legislation as it does not do this or that, while others complained it is the product of a nanny State that over-regulates. Unfortunately, the legislation must be in this form to ensure that it works before the provisions are rolled out across the State. I commend the Minister for taking the first step in improving people's lives and safety, not just in Sydney and Newcastle and on the Central Coast but also in regional New South Wales.

I commend this bill to Opposition members. If nothing else, this legislation gives us the opportunity to praise the Minister and the Government for taking action. It highlights the importance of reminding people to wear life jackets, especially in holiday areas such as my electorate and the electorate of the member for Oxley, not only while rock fishing but also if they are poor swimmers or they are swimming in areas that they do not know where rips abound. Let's take out the politics. We got the member for Keira hook, line and sinker, because he said he supports the legislation. It will be interesting to see whether the Opposition's amendments are acceptable. This is yet again an issue on which Labor members are looking to criticise the Government for doing the right thing. I commend the bill to the House.

**Mr NICK LALICH (Cabramatta) (18:10):** I speak in debate on the Rock Fishing Safety Bill 2016. The object of this bill is to require people to wear appropriate life jackets when fishing at certain declared high-risk rock fishing locations. Fishing is a leisurely pastime for many in our society. Those who can afford it go out on

boats and enjoy a leisurely day on the water, seeing what fish their luck brings. For others, rock fishing is the preferred activity. They enjoy standing on rocks near the shore, casting their lines into the water and waiting for the fish to bite. Unfortunately, the unpredictability of weather can cause very quick changes to the strength of the tide, bringing danger to this leisure activity.

On average, eight people die each year as a result of being swept into the sea at high-risk rock fishing locations. Those people probably do not realise that by going out onto the rocks they are putting their lives at risk. From the accounts I have read, it appears that people who come from inland areas such as Liverpool get into trouble more frequently. They go out onto the rocks with no idea about tides and conditions that can cause the waves to change in an instant. They seem to get into trouble more often than people who have lived near the ocean all their lives. The Opposition does not oppose the bill but will move some amendments in the spirit of the legislation. We would like to see the trial extended to more than one area.

The working group established by the Government to look into the safety aspects of rock fishing comprised representatives of various government departments and organisations and a single fishing entity, the Recreational Fishing Alliance of New South Wales. The working group was charged with the outcome of developing strategies aimed at preventing deaths from rock fishing. The recommendations and report of the inquiry by the working group have yet to be released. There is uncertainty as to whether the report will ever be released to the public.

Clause 5 of the bill says that a person must not fish by any means nor assist a person to land their catch from a high-risk rock fishing location unless they are wearing an appropriate life jacket. An appropriate life jacket is defined as one that meets either the performance level of 100 for children or 50S for adults, or exceeds Australian Standards AS4758. Avid rock fishers will be able to work out which areas are designated as high-risk rock fishing locations by checking the website [www.watersafety.nsw.gov.au](http://www.watersafety.nsw.gov.au). Under this bill, a person committing an offence may be subject to a penalty notice of \$100, up to a maximum of 50 penalty units, or \$5,500. However, there is a moratorium on the Act, lasting 12 months, when no penalty notices may be issued. Any moneys recovered from offences will be paid into the Recreational Fishing Saltwater Trust Fund.

The first trial of the regulations will be undertaken for 12 months in the Randwick local government area, which experiences a high number of rock fishing incidents each year. The measures in this bill do not go far enough. Following consultation with the Recreational Fishing Alliance of New South Wales and the Australian National Sportfishing Association, the Opposition believes the trial must be extended to include the Munmorah State Conservation Area in the Wyong and Lake Macquarie local government areas and dangerous waters in the Wollongong, Shellharbour and Kiama local government areas.

Another problem with this legislation is the life jackets prescribed in the bill. Presently in Australia there are no purpose-made life jackets suitable for rock fishing that meet the AS4758 standard. The industry tells us that purpose-made rock fishing life jackets are accepted as the best personal flotation devices for rock fishing. The problem is that these purpose-made life jackets, many of which are designed and manufactured overseas, have to be tested to see whether they meet the AS4758 standard. Thus a superior life jacket may be ruled out by this legislation by virtue of the fact that the authorities have yet to grade or test it against the standard. Both the Recreational Fishing Alliance of New South Wales and the Australian National Sportfishing Association believe that this legislation fails to adequately address safety issues for professional and amateur rock fishers.

Many years ago a mate of mine, who lived in Liverpool, went fishing in Wollongong. He had no idea of coastal conditions. He was washed off the rocks and was swept about two miles out to sea. He was lucky he did not hit his head on the rocks. He did not drown. He could see boats searching for him but he was about a mile away from them. He was yelling and screaming but nobody could hear him over the noise of the wind and the waves. He said the worst thing was when he saw the boats give up after a couple of hours. He said that was demoralising. It was late in the afternoon and the rescuers had decided to resume the search in the morning. This young bloke could float pretty well. He ended up ashore a couple of kilometres down the coast. He went to a house and the people there took him to hospital. He appeared on the front page of the *Daily Telegraph* the next day. He was very lucky: he could swim and had no problem floating and was able to save himself.

I think people should wear not only life jackets but also headgear. When someone is washed into the ocean they can dog paddle or tread water for a while but even if they are wearing a life jacket, hitting their head on a rock and being knocked out can kill them. In time, we should consider making headgear a requirement for rock fishers. I commend the Government and the Minister for their actions on this matter. It has been said that we should have done this many years ago. As with many issues, we keep putting it off until one day we say, "Enough is enough. We have to do something." With this legislation, we are getting somewhere but I do not think it goes far enough. We need to extend the trial to other areas. I hope the Government will support the Opposition's amendments and let the trial go ahead in other areas. I do not see a problem in that, given the 12-month moratorium. Inspectors in those areas can keep an eye on people. We would then see how the trial worked in not

one but several coastal areas. The Opposition, while not opposing the bill, will move amendments to improve it in the interests of safety for our community.

**Ms ANNA WATSON (Shellharbour) (18:17):** I am pleased to make a brief contribution to debate on the Rock Fishing Safety Bill 2016. The Opposition will not oppose the bill but will move amendments to it. The bill requires rock fishers and children aged 12 and under to wear a suitable life jacket while fishing at certain declared high-risk rock fishing locations. This legislation has come about as a result of recommendations from a rock fishing working group. The working group was formed to develop a strategy aimed at preventing deaths from rock fishing. That is a worthwhile objective.

Rock fishing is very popular in the electorates of Shellharbour and Kiama and down the eastern seaboard of New South Wales. When I see people rock fishing without life jackets I always think, "What are they doing?" My brother is a rock fisher. On average, eight people die each year as a result of being swept into the ocean while rock fishing in very high-risk locations. In 2015-16 there were 10 drowning deaths in New South Wales attributed to rock fishing. Not one of those poor victims was wearing a life jacket.

Clause 5 of the bill stipulates that a person must not fish by any means, or assist a person land their catch from a high-risk rock fishing location unless they are wearing an appropriate life jacket. Clause 4 prescribes that the Minister may, by order published in the *Gazette*, declare an area to be a high-risk rock fishing location. Any platforms or area prescribed as a high-risk rock fishing location must subsequently be published on the website. Any individual who has committed an offence under this Act or the regulations may be subject to a penalty notice of \$100, up to a maximum of 50 penalty units, which is \$5,500. However, during the 12-month moratorium period for this legislation no penalty notices may be issued.

Any moneys recovered as a result of an offence under this Act will be paid to the Recreational Fishing (Saltwater) Trust Fund. The regulations prescribed in this legislation will be trialled for a period of 12 months, with the ability to conduct further trials in other locations. The Minister has noted that the first trial area will be in the Randwick local government area, which has a high number of incidents relating to rock fishing each year. The Minister should expand this trial to other areas of the State where rock fishing platforms pose a high risk to the safety of rock fishers. I suggest that there are high-risk rock fishing platforms along the coastline, including in the Illawarra and further down the South Coast.

Rock fishing is a very popular pastime, but it does put lives at risk. Since 2011 three coronial inquests into rock fishing deaths have occurred. The last two have recommended this Parliament legislate to make life jackets mandatory. Measures put in place following the last two coronial inquiries in 2011 have not seen a reduction in rock fishing deaths, indicating that we must do far more to raise public awareness. We need to do better. As indicated, the Opposition does not oppose the bill. But we should expand this trial to include other places along the State's coastline, including rock platforms along the coastline of my electorate and other Illawarra electorates.

**Mr DAVID ELLIOTT (Baulkham Hills—Minister for Corrections, Minister for Emergency Services, and Minister for Veterans Affairs) (18:21):** In reply: I appreciate the contributions of all members in this debate. I am a little disappointed that some members made their contributions without having read or researched the reasons behind this legislation. I note that some members opposite have called for an increase in public funding for water safety education and given that, it is important to highlight that the Baird-Barilaro Government has provided \$11 million in water safety funding over the next three years. It is certainly not walking away from water safety. As the member for Coffs Harbour and members on both side have said, we cannot legislate for stupidity. All the laws in the world, like the laws in relation to seat belts, drink-driving and cyclists wearing helmets, are no good if they are ignored and people then find their own lack of effort results in death or disability.

My office has received a few enquiries from crossbenchers in the Legislative Council and I will address their concerns. I am able to confirm that at the last meeting of the Rock Fishing Working Group the committee resolved to set up a sub-committee to examine and review appropriate types of life jackets for rock fishing. I note the shadow Minister, the member for Wyong, has some props. I remind him that the use of props is unparliamentary. As has been made clear, people from multicultural backgrounds are over-represented in rock fishing-related fatalities. Advertisements and information will be placed not only in mainstream media but also in media such as community language newspapers that appeal most to rock fishers in those communities. So that should address other criticisms from those opposite.

Further, signage and other materials will be produced in languages such as Vietnamese and Chinese. It is also my intention to invite Aboriginal Affairs NSW to become part of the Rock Fishing Working Group to ensure appropriate consideration of cultural fishing and Indigenous matters in the implementation of this legislation. The shadow Minister, the member for Wyong, as well as the member for Prospect, spoke about the

quality of life jackets and some have even called for us to look at the United States Coast Guard standard. The Government requires evidence and proof of the performance and quality before recognising the United States Coast Guard standard.

I do not know what members of the Opposition have against Australian Standards but our standards have been tried and tested for Australian conditions. If those opposite think that Donald Trump can do it better that may be true but Australia has its own standards. I do not know why members of the Opposition are making a political point by moving away from our standards and thinking that they do it better overseas. That is un-Australian and derogatory. If they want to walk away from our sovereignty they need to look at the result of the last couple of elections. I commend the bill to the House.

**TEMPORARY SPEAKER (Ms Melinda Pavey):** The question is that this bill be now read a second time.

**Motion agreed to.**

**Consideration in detail requested by Mr Guy Zangari.**

#### **Consideration in Detail**

**TEMPORARY SPEAKER (Ms Melinda Pavey):** By leave: I will deal with the bill in groups of clauses and schedules.

**Clauses 1 to 10 agreed to.**

**Mr GUY ZANGARI (Fairfield) (18:26):** By leave: I move Opposition amendments Nos 1 and 2 on sheet C2016-124 in globo:

No. 1      **Appropriate lifejackets**

Page 5, proposed Schedule 1, clause 3 (1) (a), line 37. Insert "or complies with US Coast Guard Approval Number 160.064" after "that lifejacket".

No. 2      **Appropriate lifejackets**

Page 5, proposed Schedule 1, clause 3 (1) (b), line 41. Insert "or complies with US Coast Guard Approval Number 160.064" after "that lifejacket".

The Opposition will not oppose the bill. I note the comments made by the Minister that the Labor Opposition is walking away from the sovereignty of this country. We have moved in these amendments that life jackets comply with United States Coast Guard approval number 160.064. The Minister said that I have brought props into the Chamber but they are not props, they are examples of personal flotation devices. One meets the Australian Standards, the others comply with the United States Coast Guard standard. The first is a vest with appropriate straps that are placed upon the torso of a rock fisher which can be used during summer. I am referring to these vests as my amendment refers to United States Coast Guard standard. The next vest is suitable for rock fishers.

**Mr David Elliott:** Table them.

**Mr GUY ZANGARI:** They are on the table. It is suited for rock fishers during winter. The Government in its infinite wisdom should look at these amendments and consider to including them with the Australian Standards. I am now holding a life jacket that is to the Australian Standards. The Minister should know that this is an Australian Standards type of vest. It is segregated with foam in parts and has straps to it. I bring this forward as the shadow Minister to suggest to the Government that this vest needs further development.

I note the Minister is upset and is taking this matter personally. He should not do that because all speakers have said that this has to do with the safety of the rock fisher. The Minister said in his second reading speech that for as little as \$20 a person can get a personal flotation device and set about fishing. I do not know who advised the Minister but that cannot be the case. The personal flotation device the Minister referred to that costs \$20 is the cheeseboard variety that has two large foam packages on the front and one large package at the back. The Minister is referring to the life jacket that has three rectangles of foam and costs \$16.99 at his local Anaconda store. It is simply not possible to buy a vest that is deemed to be appropriate for rock fishing for \$20. The Minister knows that a personal flotation device that costs \$20 would be limiting to the rock fisher and could subsequently be dangerous.

**Mr David Elliott:** It still complies.

**Mr GUY ZANGARI:** I note that the Minister says it still complies, yet I mentioned to him that an inappropriate vest of that type could be to the detriment of a rock fisher. The Minister has said that the vest must be appropriate. I am saying that the vests I have in the Chamber are appropriate. The Government needs to conduct

further research and development in relation to life vests so that we can reduce the rock fishing death toll to zero by making sure that no more lives are lost on rock platforms in New South Wales.

**Mr DAVID ELLIOTT (Baulkham Hills—Minister for Corrections, Minister for Emergency Services, and Minister for Veterans Affairs) (18:31):** There are Australian Standards life jackets already on the market that are marketed to rock fishers. For example, on one retailer's website the Marlin Bumbag Inflatable PFD 150 is described as being "perfect for stand up paddleboarding and rock fishing, as it is slim-line against the chest and doesn't restrict movement". A range of other types of Australian Standard compliant life jackets would be suitable for rock fishers. They are comfortable, do not restrict movement and could very well save someone's life. The New South Wales Government has produced a brochure providing examples of appropriate Australian Standards life jackets for rock fishers. Suitable life jackets might include jackets that are manually inflated and allow a fisher to choose when to inflate them. That would enable the fisher to perhaps swim under the waves away from rocks and then inflate the jacket. There are also foam life jackets that will not, for example, snag and puncture on fishing hooks. Many Australian Standard life jackets are on the market and already being used by rock fishers.

Australian Standards life jackets are tested and must perform to a minimum standard. Without such testing and compliance, how can a rock fisher be sure they will work in accordance with their expectations? Members opposite seem to think that we should be able to wear rock fishing life jackets that are not compliant with the Australian Standards. That is ludicrous and defeats the purpose of the exercise. Members opposite are happy to expand the program but they do not want fishers to wear life jackets that are compliant with the Australian Standards. To recommend any type of flotation device that is not Australian Standards approved gives rock fishers no assurance and is a recipe for disaster. What the member for Fairfield is suggesting is tantamount to telling rock fishers that they should strap on their floaties and they will be good to go. The Government supports mandating Australian Standards-approved life jackets, which provide rock fishers with the assurance that putting their life jacket on can save their life. Anything less provides no such assurance.

A level 50 special purpose jacket, or a level 50S, is the lowest-buoyancy jacket that will comply with the new law. A strong swimmer might choose that level of jacket. However, a fisher who is not a strong or confident swimmer or who cannot swim at all can choose a jacket with higher buoyancy such as a level 100 or level 150 jacket. Rock fishers will have the choice of jackets. How to choose the right Australian Standard approved life jacket will be addressed as part of the communication and education campaign that we will deliver in Randwick and eventually across the State. The Opposition amendments are useless.

**TEMPORARY SPEAKER (Ms Melinda Pavey):** The question is that Opposition amendments Nos 1 and 2 on sheet C2016-124 be agreed to.

**The House divided.**

Ayes .....31  
Noes .....42  
Majority.....11

#### AYES

Aitchison, Ms J  
Catley, Ms Y  
Daley, Mr M  
Foley, Mr L  
Haylen, Ms J  
Kamper, Mr S  
McDermott, Dr H  
Mihailuk, Ms T  
Parker, Mr J  
Smith, Ms T  
Zangari, Mr G

Atalla, Mr E  
Chanthivong, Mr A  
Doyle, Ms T  
Harris, Mr D  
Hoenig, Mr R  
Lalich, Mr N (teller)  
McKay, Ms J  
Minns, Mr C  
Piper, Mr G  
Warren, Mr G (teller)

Barr, Mr C  
Crakanthorp, Mr T  
Finn, Ms J  
Harrison, Ms J  
Hornery, Ms S  
Lynch, Mr P  
Mehan, Mr D  
Park, Mr R  
Robertson, Mr J  
Watson, Ms A

#### NOES

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

Aplin, Mr G  
Brookes, Mr G  
Coure, Mr M  
Elliott, Mr D  
George, Mr T

Barilaro, Mr J  
Conolly, Mr K  
Crouch, Mr A  
Evans, Mr L  
Goward, Ms P

## NOES

Gulaptis, Mr C  
Hodgkinson, Ms K  
Kean, Mr M  
Marshall, Mr A  
Petinos, Ms E  
Rowell, Mr J  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

Hazzard, Mr B  
Humphries, Mr K  
Lee, Dr G  
O'Dea, Mr J  
Provest, Mr G  
Sidoti, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

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

## PAIRS

Dib, Mr J  
Smith, Ms K

Baird, Mr M  
Gibbons, Ms M

**Amendments negatived.**

**TEMPORARY SPEAKER (Ms Melinda Pavey):** The question is that schedule 1 be agreed to.

**Schedule 1 agreed to.****Third Reading**

**Mr DAVID ELLIOTT:** I move:

That this bill be now read a third time.

**Motion agreed to.****FISHERIES MANAGEMENT AMENDMENT (SHARK MANAGEMENT TRIALS) BILL 2016****Second Reading**

**Mr ADAM MARSHALL (Northern Tablelands) (18:42):** On behalf of Mr Anthony Roberts: I move:

That this bill be now read a second time.

As this bill was introduced in the other place on 9 November this year and is in the same form, the second reading speech appears at pages 52 to 54 in the proof *Hansard* for that day. I commend the bill to the House.

**Mr CLAYTON BARR (Cessnock) (18:43):** I make a brief contribution to the second reading debate on the Fisheries Management Amendment (Shark Management Trials) Bill 2016. I believe that this is a step we all would rather not take. I do not believe anyone is particularly keen to implement new nets. The Government has taken a range of steps to try to avoid this situation. Labor has supported the Government all along the way. We must be mindful of the preservation of marine life and understand that marine life other than sharks can be caught and perish in shark nets. However, we in this Chamber must consider the need to preserve human life and weigh that up against the risk to marine life. The first paragraph of the overview of the bill reads:

The object of this Bill is to amend the *Fisheries Management Act 1994* and a regulation under that Act to promote the safe use and enjoyment by the public of coastal beaches and other tidal waters by facilitating shark management trials.

The trials will introduce netting at five beaches on the North Coast: at Sharpes, Shelly and Lighthouse beaches near Ballina, Seven Mile Beach at Lennox Heads and Main Beach at Evans Head. Those five beaches will be netted for approximately six months of the year and, as the Minister in the other place noted in his second reading speech, the nets will be removed at night when marine activity and the movement of marine life around the waters are at a higher level than during the day. I assume that means that the nets will need to be installed every morning and removed every night, but the Minister did not make clear about the checking of the nets. He said that the nets would be checked daily but he did not indicate whether the nets would be checked at some stage during the day in between the installation of the nets in the morning and the removal of them in the afternoon. I ask the Minister to clarify that aspect.

The New South Wales Labor Party supports the inclusion of SMART technology, such as that used in the drum lines trial, and we support whale alarms and dolphin pingers, which are intended to be used. The success of the shark net trial in preventing or minimising damage to marine life depends on human resources taking the necessary action on the nets, which are intended to catch attack sharks and not other species of sharks, whales,

dolphins and other marine life. NSW Labor also notes that other parts of the shark plan include the need for more watchtowers, increased drone use for surveillance, supporting smart phone technology, more tagging of sharks, more support for local shark watch and marine rescue organisations, and further education for swimmers and surfers to reduce the likelihood of contact with sharks.

Further, we must be very careful about the community's interpretation of what is known as shark tagging. Shark tagging does not mean that every single shark is tagged, and it should not be interpreted as such. It also does not mean that those sharks that are tagged will always be in the vicinity of a detection buoy and therefore will be detected. While shark tagging is useful and indicative of shark movements, we need to be very careful about the language we use in the broader community when we refer to the ability of shark tagging to accurately, on a second-by-second, minute-by-minute, hour-by-hour basis, reflect the movement of sharks along our coastline. However, shark tagging, as well as a number of measures that are being implemented, informs science and the research about our ability to identify the movement patterns of sharks. I also indicate that NSW Labor does not support shark culls. With a somewhat heavy heart, I indicate that the Opposition supports the Government on the proposed use of shark net trials to preserve human life.

**Ms TAMARA SMITH (Ballina) (18:48):** I speak on behalf of The Greens on the Fisheries Management Amendment (Shark Management Trials) Bill 2016, which will enable the trial of shark mesh nets along the North Coast of New South Wales. The bill gives the Minister for Primary Industries the power to approve trials of mesh nets in New South Wales for five years without approvals under the Environmental Planning and Assessment Act 1979, the Threatened Species Conservation Act 1995, the National Parks and Wildlife Act 1974 and the Fisheries Management Act 1994.

The increase in shark bites on the North Coast and in my electorate have unsettled my community. The tragic loss of life and the near fatal bites that we have occurred recently have affected victims, their families and friends and the first responders. It has affected the whole psyche of our coastal community, whose identity is implicitly connected to the ocean. I know that everyone in this place and every member of my community wants people to be as safe as possible both in the ocean and on land. None of us wants to see people being killed or harmed.

The Greens oppose this bill for several reasons: It reintroduces outdated and clunky technology; at a cost of millions of dollars each year, it is not a sustainable mitigation strategy; and it kills threatened and endangered species. As a marine scientist remarked to me recently, it is like wanting to be protected from elephants in the Serengeti and asking the Tanzanian government to let off cluster bombs in the hope of killing a few elephants whilst wiping everything else out in the process. We are smarter than that. We know that wiping out our biodiversity is creating a hot and uncertain planet in the not-too-distant future. The Greens are committed to a science-based approach to keep people as safe as possible whilst respecting our oceans and the creatures that live in them. The Minister has acknowledged that netting will not guarantee public safety.

I will not discuss the blatant and despicable political opportunism of the Opposition, which stands for nothing when it comes to the environment. My community knows about that, so there is no need to waste time going over that ground. I want to praise the efforts of a group of dedicated volunteers from the Ballina area who call themselves Shark Watch NSW. Shark Watch has taken the initiative to set up a shark surveillance service to help protect swimmers and surfers at Ballina's beaches. Recently I saw a demonstration of drone technology at Tallows Beach and the footage taken by the drone was incredible. Working full time, the volunteers watch for shark sightings through binoculars, with trained eyes on the water. I watched for a couple of hours as the team, visible in their white uniforms, worked. Surfers coming out of the water said how safe they felt with their eyes on the water.

Lifesavers have provided that service since the early 1900s but now we also have the incredible drone technology. When sharks are seen, the volunteers activate an alert system so that local surf life saving patrols and police can get the water cleared as quickly as possible. An additional benefit is the citizen science aspect of their spotting, as other marine animal sightings are also recorded and that information is made available for research purposes. Shark Watch is based on the South African Shark Spotting Programme, which has run for 13 successful years on Cape Town beaches. I helped sponsor the shark spotters from Cape Town to come out last year and I spent two days with them. I was incredibly impressed with the work that they do. I also commissioned a feasibility study with the Sea Shepherd organisation and Byron Shire Council for shark spotting in my electorate. Ballina's beaches are badly in need of such a service.

The Department of Primary Industries, in its own desktop study Cardno review, found that shark spotting was the best method for shark mitigation. However, now that a cost-effective, organised group is ready and willing to provide such a service, the New South Wales Government does not appear to be interested. Instead, Shark Watch has received funding from the local council to protect swimmers and surfers in the Byron shire to the north of Ballina. Byron's beaches will receive shark spotting even though arguably Ballina needs it far more. But I am

determined as the local member to see the Shark Watch program rolled out in Ballina. Shark Watch was planning to have five teams operational in Ballina by the Christmas holiday season, a goal that required only very modest start-up funding. This would allow the group to cover five sites between Lennox Point and Lighthouse Beach and provide a valuable community service.

Shark Watch was willing to provide a non-lethal shark detection service in time for the summer holiday season, so that residents and tourists alike would know there were beaches in Ballina where there were volunteers dedicated to spotting sharks, backed up by drone flights and a real-time warning system for ocean users. Instead, Byron shire beaches will get an extra level of protection. The online public consultation has been rushed and, as was pointed out at a recent Shark Management Strategy stakeholder meeting in Ballina, consultation around the nets is taking place after the decision has already been made. Shark spotting was recommended in the Cardno review. Smart drumlines and Clever Buoy technologies were also recommended and have been funded. Why has the number one recommendation, that is, shark spotting, not been funded?

It is not true to say that shark nets are the most effective form of protection from shark bites. Researchers, scientists, fishers and surfers still have not discovered a guaranteed form of protection, mostly because we still do not know what causes sharks to bite humans. As part of the shark inquiry, members of this Chamber and I visited John West of the Australian Shark Attack File based at Taronga Zoo. He listed 18 separate theories of why sharks bite humans and concluded that their motivations remain unclear and that predicting unprovoked attacks is virtually impossible. Statistically, shark nets are no more likely to provide protection from shark bites than any other method, apart from killing all sharks. Associate Professor Laurie Laurenson from Deakin University analysed 50 years of data about shark mitigation programs and coastal populations in New South Wales and South Africa. He came to the conclusion that statistically there was no relationship between the number of sharks in the ocean and the number of shark attacks. Shark nets are used to reduce shark numbers by killing them, but if there is no correlation between shark numbers and shark attacks then shark nets are useless.

Since nets were first dropped in Sydney in 1937, one person has died at a meshed beach in New South Wales, at Merewether in 1951. Attributing low fatality rates to beach nets is questionable. Over the last 15 years, 14 shark attacks have occurred at meshed beaches. Several of those attacks were serious but because of swift action by on and off duty lifeguards and prompt medical attention the victims survived. Internationally, fatality rates from shark bites have declined dramatically using all shark control methods, including doing nothing. A Department of Primary Industries report in 2009 found 23 of the 139 unprovoked shark attacks in New South Wales since 1937 were at meshed beaches. A follow-up report in 2015 indicated there were four attacks at meshed beaches between mid-2008 and mid-2015 that resulted in serious injury.

So shark nets do not stop shark bites. If the science is accurate and the number of sharks in the ocean do not correlate to the rate of shark bites, what are shark nets good for, apart from providing a false sense of security? Nobody has a clue as to why there are sharks biting humans on the North Coast, not even CSIRO'S Barry Bruce, Australia's foremost white shark expert, whom we also met as part of the shark inquiry. What is non-controversial is the damage that shark mesh nets do to marine life. The Department of Primary Industries report in 2014 stated that 189 animals were reported entangled in nets during that period, and 77 per cent of them were threatened, protected or non-target species. The region of Ballina is of high significance to several coastal cetacean species, particularly the Indo-Pacific bottle-nosed dolphin.

It is not clear how success with the mesh nets trial will be measured. If there are no shark bites it does not necessarily mean that the nets prevented them. To my knowledge, there was not a bite last year over a six-month period. Will such a result mean a successful trial? That matters because there is a lot of contention about how the meshing program in New South Wales has been assessed in the past. I will end with this scientific hypothesis that a marine scientist put to the Department of Primary Industries at a recent meeting. If traditional nets are based on culling sharks—and that is how they work: the principle of fewer sharks, fewer attacks—and the nets will be checked once or more a day to release sharks and bycatch, how exactly will the nets work and how different is that to the smart drum line program which captures and tags sharks with precision? I know the answer: the difference is politics.

**Mr CHRISTOPHER GULAPTIS (Clarence) (18:58):** It is with pleasure that I speak on the Fisheries Management Amendment (Shark Management Trials) Bill 2016. I commend the Minister and new Deputy Leader of the National Party, the Hon. Niall Blair, for introducing this legislation. This is vital legislation to ensure the communities on the North Coast that the Government recognises that their safety is its number one priority. I have lived on the North Coast in Maclean for 36 years and I have been an avid beachgoer over that time but I have never seen as many shark attacks as have occurred over the last two years. It calls for drastic but measured action.

The Government has been very measured in its approach to shark mitigation measures on the North Coast. It held a summit where the foremost experts came to Sydney to consider mitigation measures. Many of the findings from the summit were discussed with the community on the North Coast. The Government has been in



step with the community from the first attack. I commend the Government for its initiative and I commend the Minister and the Premier for taking an interest in the North Coast. I assure the House that the mayor of Ballina, David Wright, is very appreciative of the efforts of the Minister, the Department of Primary Industries, the Premier and the Government in their avid interest in preventing further shark attacks and tragedies along our coastline.

I have an interest in this matter because the locations where the nets will be trialled are Lighthouse Beach, Sharpes Beach and Shelly Beach at Ballina, Seven Mile Beach at Lennox Head and Evans Head Beach, which is in my electorate of Clarence. I assure the House that the community that I represent wants these trials. I emphasise that these are six-month trials and the success of the trials will be determined. The member for Ballina is correct when she says it will be hard to measure the success of these trials. However, community members need to feel that they are being listened to and that all options are on the table to deal with this problem that has beset the North Coast.

The Government is not moving unilaterally towards the trial of nets. The North Coast community has been surveyed online and through a targeted phone survey of Evans Head and Ballina residents. The majority of respondents support the trial of nets. The nets will be tested in a number of environments to give the trial the best chance of success before the six-month campaign gets underway. The nets will complement a number of other measures put in place in the \$16 million Shark Management Strategy, which includes the use of smart drum lines, more VR4G stations to identify tagged sharks, increased traditional aerial surveillance and trials of drone surveillance. It is important to recognise that the Government's detection and deterrent measures are cutting edge, world first and innovative. No single solution will solve this problem; it will require a range of measures to ensure the safety of our beachgoers. I acknowledge that Beachwatch is one such measure, but it is not the only solution. Other solutions are required and we must ensure that the safety of our beachgoers is a priority.

Australia is a nation of beachgoers; an iconic image of Australia is the beach and our lifeguards. We must do everything we can to protect our beachgoers. The phone poll of 600 Ballina and Evans Head residents showed that 57 per cent were extremely or very concerned for the community about shark bites; 54 per cent felt the trial would have a positive impact on the community compared with 12 per cent who felt it would have a negative impact; and 63 per cent of surfers felt the trial would have a positive impact. More than 5,400 people also participated in an online survey and dropped in to a community stand in Ballina. Those results were similar, with 61 per cent of surfers believing it would be a positive initiative for the area.

Our beaches and coastline are some of the most beautiful in Australia, if not the world. In the summer, tens of thousands of people head to the coast to enjoy the surf and sand. In the last school holidays there were two shark attacks. Following the second attack, the Premier announced the trial of nets on the beach. This was not a kneejerk reaction but a measured approach because it is necessary to prioritise the safety of our beachgoers, which is something the community has been calling for. The Government is committed to ensuring that everyone can enjoy our world-class beaches with as little risk as possible while at the same time ensuring that measures to protect our communities minimise any negative impacts on marine life. The Government is committed to doing this in a way that harnesses technology and drives innovation to achieve outcomes for our beachgoers, our visitors and our environment.

The Government has invested more than \$16 million in the Shark Management Strategy to introduce and trial innovative shark detection and deterrent technologies. This includes an investment of \$7.7 million in surveillance, detection and deterrent measures; \$1.3 million in education and community awareness; and \$7 million in funding for science and research. The Government's focus will continue to be on trialling new technologies and seeing what works because there is no silver bullet for this problem. Some of the best people are leading the way in implementing the most innovative shark management technologies in the world. As part of the Shark Management Strategy we have been conducting trials of smart drum lines and shark tagging on the North Coast. Smart drum lines are state-of-the-art technology that alerts Department of Primary Industries scientists when a shark is hooked on the drum line. Departmental staff then tag and relocate the shark.

Smart drum lines differ significantly from traditional drum lines. The smart drum lines are not designed to kill sharks. The Government has had huge success with this technology, so much so that it is expanding the program from 15 to 100 units. It has now been adopted as the preferred method of catching and tagging sharks in New South Wales. The Government is implementing a range of measures to protect our beachgoers, surfers and tourists, as there is no single solution to this problem. The Government will try everything possible—innovative measures as well as the tried and proven traditional mesh nets. Eight smart drum lines are currently in operation on the North Coast and an additional five units were used in Port Stephens in October this year and then deployed on the North Coast. The Government has ordered an additional 85 smart drum lines and is working specifically with North Coast communities on how they can best be deployed at high-risk beaches. The Government is keen to know how best and most effectively to detect sharks.

The use of drones has been a key component for detection in the Shark Management Strategy. Drone trials have been conducted on the North Coast, the South Coast and near Newcastle. These drones fly approximately 60 metres above the ocean and have been hugely effective in providing real-time vision of sharks at low cost. The Government is also using helicopters to conduct aerial surveillance of sharks. Aerial helicopter surveillance has been occurring up and down the coast during high-risk periods such as during school holidays, on weekends and in summer. The Government is investing in satellite-linked shark listening stations. These listening stations record the presence of tagged animals swimming within a 500-metre radius of the listening station and provide real-time updates of tagged sharks close to key swimming and surfing locations. I commend this bill because it is the next logical step in protecting our beachgoers.

**Mr ADAM MARSHALL (Northern Tablelands) (19:08):** On behalf of Mr Anthony Roberts: In reply: I thank all members of the House who have contributed to the debate on the Fisheries Management Amendment (Shark Management Trials) Bill 2016. I particularly acknowledge the member for Cessnock, the member for Ballina and the member for Clarence. As noted in the second reading speech, this bill amends the Fisheries Act 1994 by enabling shark net trials to be approved and implemented in New South Wales in time for the 2016-17 summer school holidays.

I will not repeat or go through what Minister Niall Blair said in the other place in his second reading speech on this bill other than to say that the purpose of this bill, as has been noted, is to ensure that we minimise shark attacks where possible. It is time to trial additional measures to minimise shark attacks this summer, and this bill will allow for that to occur. It allows for the rapid deployment of nets in water on the North Coast and it creates a new approval path for the trial of nets. The proposed trial will help determine the effectiveness of nets in deterring and capturing white, tiger and bull shark species along the North Coast. I acknowledge the concerns expressed by the members for the electorates of Cessnock and Ballina about the impacts of nets on marine life. I also note that this is an issue that communities right along the North Coast have been concerned about.

This trial seeks to minimise harm to marine fauna and to closely monitor environmental impact every step of the way. Shark nets will be fitted with whale alarms and dolphin pingers—the very best and latest technology available—to deter marine mammals from entering the netted area. Nets will also be regularly checked and any fauna will be released where safe to do so. Response times and reporting measures will be part of the management plan for the trial. I note that those management plans will be publicly available for everyone to scrutinise. In addition, the data from the trial will be publicly available for people to scrutinise. The member for Cessnock asked for some further detail in his contribution to the second reading debate. I am advised that during the trial, the contractors will set and check the nets with a trained Department of Primary Industries observer present on most or all trips. Nets will be checked frequently, possibly daily, and there will also be fully trained whale disentanglement crews on standby to assist with whale disentanglement. If a whale happens to get entangled in the nets, these teams will be able to be deployed to disentangle the whale.

This bill also allows for another measure to be trialled on the North Coast: mesh netting, which will complement the other measures deployed under the Government's \$16 million Shark Management Strategy. The member for Clarence spoke quite eloquently about concerns on the North Coast about the measures in this strategy, but I also note the point that the member for Ballina made—and she is quite right—that the Government knows, as does the community, that there is no single solution to reducing the risk of shark bites and no combination of approaches will ever guarantee that all interactions are completely prevented. The member for Ballina also raised concerns about the level of community support and consultation on the North Coast for traditional mesh nets. The Government understands that there is a variety of opinions on this matter on the North Coast. However, the results of a community consultation undertaken in the past three weeks, and well before that through a variety of means, confirm that there has been a shift in community sentiment. We will continue consultation on the North Coast throughout the implementation of this legislation. It is not consultation post legislation. Consultation has been there before and it will continue throughout the implementation of this trial.

More than 5,400 participants were involved in an online survey, 600 people participated in a random phone poll and around 1,000 local people visited community stands in Ballina, Lennox Head and Evans Head. That certainly sounds like community consultation to me. The data from the survey supports this bill and the Government's decision to trial mesh nets on the North Coast. The phone poll of 600 residents of Ballina and Evans Head had strong results: 57 per cent were extremely or very concerned about shark bites and 54 per cent felt the trial would have a positive impact on the community, compared with 12 per cent who felt it would have a negative impact. Of the surfers surveyed, 63 per cent felt the trial would have a positive impact. I now turn to observation towers and I acknowledge the concerns of the member for Cessnock regarding the use of these towers.

Since 2011 the Government has made \$30,000 available for up to 10 towers to be built per year. It is a great program and we on this side of the House remain committed to continuing it. I welcome the bipartisan approach to shark management. I also welcome the support for non-lethal measures in our \$16 million Shark

Management Strategy, which is scientifically driven—not politically driven, as some in the debate chose to characterise this legislation. This is a scientifically driven program integrating a range of innovative approaches to mitigate the risk of shark attack. The member for Ballina also questioned the efficacy of the shark meshing program, which has been in existence for more than 60 years on beaches between Newcastle and Wollongong. For the benefit of the House, I will relay some information about that program.

Since the program began in 1937 there has been one fatality at a meshed beach. This occurred at Merewether Beach in 1951. In the period from 1900 to 1936, before the program was in place, there was an average of one fatal shark interaction per year in New South Wales waters. This program protects about four million beachgoers at 51 beaches between Newcastle and Wollongong every season. In the 2014-15 meshing season there was a total of 189 marine life interactions with the shark meshing program, comprising 23 per cent, or 44 of those interactions, with white, bull and tiger sharks, and 77 per cent, or 145 of those interactions, with other species. Of those 189 interactions, animals were released alive on 73 occasions. Whilst this program has proven to be successful, the New South Wales Government is always committed to looking at new and emerging shark detection and deterrent technologies. Our record in recent months has certainly shown our willingness to do that. We need to make sure that everyone—locals and visitors—can enjoy our world-class beaches with as little risk as possible of being injured by sharks. That is what this bill seeks to do. I concur with the member for Cessnock that while we acknowledge the importance of marine life, human life is, and must always be, our first priority. I commend the bill to the House.

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

**Motion agreed to.**

### **Third Reading**

**Mr ADAM MARSHALL:** On behalf of Mr Anthony Roberts: I move:

That this bill be now read a third time.

**Motion agreed to.**

## **INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL 2016**

### **Second Reading**

**Debate resumed from an earlier hour.**

**Mr PAUL LYNCH (Liverpool) (19:17):** I lead for the Opposition on the Independent Commission Against Corruption Amendment Bill 2016. The Opposition will be opposing this appalling bill and I foreshadow that we will be moving amendments in the Committee stage. There are two significant flaws in this bill. The first flaw, which is fatal to the Opposition's support for the bill and potentially fatal to the institution of the Independent Commission Against Corruption [ICAC], is the constructive dismissal of the ICAC Commissioner. The second flaw is the provision that requires merely consultation with the Chief Commissioner in relation to the appointment of two other commissioners rather than concurrence. The Government sought bipartisanship on this bill. A number of us have said for some time that bipartisanship on issues concerning ICAC is entirely desirable—indeed, when there last was significant legislation in the Parliament, it was entirely bipartisan. However, we cannot do that with this bill. The Government seemed a little surprised by that. It has no basis to be surprised: We have made it very clear from very early on that the chief commissioner under this model should be the current commissioner. We said that the day after the committee report was tabled and we have said it a number of times since.

The Premier said when he introduced the bill that he would not tolerate corruption in this State. That is very interesting. Heaven help the investigator who discovers corruption in the Liberal Party because he will then come after them and their jobs will go. It is like Henry VIII lopping off heads. There is not the slightest possibility of viewing it in any other way. The Premier is trying to walk on both sides of the street. On the one hand he is saying that he is fighting corruption and being very tough, but then he throws some red meat to the ICAC haters in his party room and says, "Let's get rid of the commissioner." That is a disgraceful position to adopt. It is also potentially fatal to the institution. What commissioner in the future will have the temerity to investigate a governing party? If the consequence of investigating a governing party is that a commissioner will lose his or her job, they will not do it and will not be the sort of ICAC commissioner that we require.

The current ICAC commissioner and commission investigated the Liberal Party and made significant findings against it that caused considerable political embarrassment. This bill is revenge for that. No chief commissioner or leader of ICAC will ever again take on a governing party. The dismissal—that is effectively what it is; it is the constructive dismissal of a current commissioner—flies in the face of the law. Schedule 1 to the principal Act contains a mechanism providing for the removal of commissioners. It involves an address by

both Houses of the Parliament to the Governor. That is a very important protection for the ICAC commissioner. I will quote someone who knows a little about these things:

The commissioner will have total direction and control of the commission. He or she can be appointed only for a term or terms totalling five years and can be removed from office only by the Governor on the address of both Houses of this Parliament. This is one way in which the independence of the commission from the Executive is safeguard.

That appears on page 675 of *Hansard* dated 26 May 1998. It is the second reading explanation presented by the Hon. Nick Greiner on the ICAC legislation. Greiner gets it dead right. The independence of the ICAC commissioner and ICAC is assured by the commissioner being able to be removed only by an address by both Houses of Parliament to the Governor. That is not what will happen under this legislation. There is no possibility that the Government will get rid of the commissioner by an address by both Houses of Parliament to the Governor. Instead, this Government is using a contrivance, an entirely disingenuous strategy, to get rid of the commissioner by undertaking a restructure.

Of course, the reason the Government will not pursue that course is that it does not have the necessary evidence. It would need an argument, allegations, and evidence. It does not have the evidence, and one of the reasons it does not have it is that the committee did not find it. The committee made no finding against the commissioner nor did it in any way shape or form adopt Inspector Levine's recommendations—nor did anyone else for that matter. There is no basis upon which to make an address to the Governor from both Houses of Parliaments, and that is why the Government cannot use that mechanism to get rid of the commissioner. That is why it is using this duplicitous contrivance to get rid of her under the guise of a restructure.

Members should bear in mind that the three commissioner model was in a submission from the Department of Premier and Cabinet to the ICAC committee. The department made it clear that the three-commissioner model was no adverse reflection upon anyone, including the current commissioner. Even the department can be used to establish that there is no evidence to justify an address to the Governor by both Houses of Parliament. The only conclusion that can be drawn is that this approach is motivated by malice. In August 2016, the Independent Commission Against Corruption released its report into Operation Spicer. That investigation exposed prohibited donations, funds channelling, and non-disclosure during the Liberal Party's 2011 State election campaign. ICAC's findings were adverse with regard to a significant number of Liberal Party members in finding that they acted with the intention of evading provisions of Election Funding, Expenditure and Disclosures Act relating to the disclosure of political donations and the ban on donations from property developers. I do not propose to go through the detailed history of that; it is well known and no-one would dispute what happened.

I note that ICAC found that during November-December 2010, the Free Enterprise Foundation was used to channel donations to the Liberal Party for its 2011 State election campaign so that the true identity of the donors was disguised. A substantial portion of the money that was provided by the foundation and used by the Liberal Party in its election campaign originated from donors who were property developers, and therefore prohibited donors. The Premier also resigned. The New South Wales Electoral Commission reviewed the matters investigated by ICAC and the Liberal Party's failure to disclose a series of political donations received by the party in 2010 and 2011 in the lead-up to the State election. As a result of that investigation, in March 2016 the Electoral Commission ruled that the Liberal Party was ineligible to receive \$4.4 million in public funding. After further disclosures from the Liberal Party in September 2016, the commission decided that the party was eligible to receive \$5.8 million in public funding. However, it withheld almost \$600,000, being the amount of the donations that the Liberal Party accepted.

The ICAC's work cost the Liberal Party \$600,000 and it ended the career of many Liberal members. The conclusion one would inevitably draw is that that is the reason Commissioner Latham is being shafted. In my view, the consequence of this is that no-one who heads ICAC will ever again take on party whose members are governing the State. This legislation will quarantine the Liberal Party from ICAC, and that is what this bill is all about. If this legislation had been introduced some time ago and if it had been made retrospective, the Government would not have got Joe, Eddie or Ian. That is the consequence of this legislative approach. Other consequences may follow. Mr Sturgess knows a bit about some of these topics. He made the point that what has happened over the past few years is that we have two ICAC commissioners who have been far more aggressive and far more energetic than their predecessors. I suspect that he is right; in fact, I am sure he is right. I do not always agree with him but on that point I think he is correct.

When the Government has done over Commissioner Latham, it will appoint some elderly, eminent retired jurist who will be eminently non-partisan—probably from the conservative side of politics—and who will behave entirely properly. He or she will not have anything like the enthusiasm of commissioners Ipp and Latham to take on corrupt government structures. That is what I believe will happen. That is the way to nobble ICAC in the long run, and it is exactly what the Government is up to. There is no basis in the committee's report for this course of action. I have made the point that there were no findings against Commissioner Latham. Mr Levine's

recommendations were unanimously rejected and he was kicked into the long grass, where he belongs. More significantly, this was not the Tink report. Tink recommended the abolition of the Police Integrity Commission, the crime commission inspector, and effectively the NSW Ombudsman's Police Division. That gave rise to the three-commissioner model, the calling for expressions of interest, and the appointment of an entirely new crew. If Tink's recommendations are to be accepted, that is not an unreasonable approach. However, it is not what the committee recommended.

The committee did not recommend the abolition of the ICAC or the removal of the commissioner. It recommended the addition of a couple of commissioners, not the beheading of the current commissioner. Frankly, this is an incredibly radical bill emerging from a moderate report, and I think that stands to the disadvantage of the Government. The second flaw in this legislation relates to the issue of the concurrence of the chief commissioner in the appointment of the other commissioners. We were told that the three-commissioner model was based upon a provision in the Law Enforcement Conduct Commission Bill [LECC]. That legislation provides that commissioners can be appointed only with the concurrence of the chief commissioner. If in fact this legislation is based on the LECC model, why is that provision missing? Why was the LECC provision not included in this bill? If we take the Government at its word, that provision should refer to concurrence rather than consultation.

Whatever its flaws, this bill does not have as many as it might have had. The original submission from the Department of Premier and Cabinet proposed that the entire staff of ICAC be part of the government sector employment structure—that is, they would be public servants employed by the State Government. We would have State Government employees investigating the State Government. That is a nonsense and the committee did not recommend it. There was also a proposal that there be a unanimous decision by the three commissioners. That has been reduced so that it is only a majority rather than unanimous. Indeed, even more recently there was an agreement that the LECC provision be adopted that the commissioner had to be part of a majority.

There was a proposal at one stage that only the panel of three could call for compulsory examinations—that is the private hearings. That has not been contained in this bill either. So whilst I am resolute in my position that there are flaws in this bill that we on this side cannot get over, I am happy to concede there are some things that have been changed along the way. I also note briefly some comments today by the member for Balmain who seems outraged about the three commissioner model. I simply point out to him—and his party voted for the legislation—that both the Electoral Commission and the LECC have a three commissioner model. Indeed, as I recall it, Mr David Shoebridge in the other place was one of the leading critics of the Police Integrity Commission and one of the leading supporters of the LECC, so perhaps the member for Balmain might work out exactly where his party stands on this.

It seems to me an inevitable conclusion that Government members are pursuing this model not because they are supportive of the merits of the model. They are supporting and pursuing this model to achieve a particular outcome. That is an outcome that I think will do more damage to anti-corruption forces in this State than anything I can possibly think of. You cannot do this to the commissioner without fatally injuring ICAC. It is particularly appalling that the Government does not have the integrity, transparency or courage to actually address the Governor through both Houses. If you want to get rid of the commissioner, that is the way to do it. Because, frankly, ramming this bill through this House in the one day is an indictment upon anti-corruption forces in this State. In my view the Government decision on this bill is probably the most corrupt I have seen in two decades.

**Mr DAMIEN TUDEHOPE (Epping) (19:31):** I acknowledge the contribution made by the shadow Attorney General, the member for Liverpool. In fact I acknowledge that he is one of the more respected lawyers in this place and I have enormous respect for his contribution to the committee's deliberations. I also note that Mr Hoenig, the member for Heffron, is in the Chamber. He was also a contributor to the outcomes of the committee report. I have enormous respect for both men as lawyers. The shadow Attorney General made reference to some amendments that he sought to the report, which, if he was being entirely frank, he would have put at my door because they were positions that I had sought to have included in the report. He was more than persuasive in terms of the outcome that he thought was achievable—a unanimous report.

That is why I am astonished that this bill should be opposed on the basis upon which it is being opposed in this place tonight. This bill does nothing more than adopt the 35 recommendations that are contained in the report, subject to some tinkering to eliminate compulsory examinations from the requirement for a majority decision and limiting that to public inquiries only. The appointing of three commissioners and the restructuring of ICAC was something that the committee considered and something that was unanimously adopted by the members of the committee, of which I was the Chair. It appears to me, and I think it is the fact, given that the Leader of the Opposition now wants to politicise this report for his own benefit, that the Leader of the Opposition has thrown his own shadow Attorney General under the bus. Why did he—

**Mr Luke Foley:** That is a bit harsh, Damien, but I get to speak after you. Go your hardest.

**Mr DAMIEN TUDEHOPE:** I will go my hardest, because the fact of the matter is that the wonderful lawyers that were on this committee had an opportunity to raise exactly this issue when considering the new model for the three commissioners for the purposes of the restructure of ICAC. This was never an issue at the time. Latterly, because the Leader of the Opposition seeks to obtain some political advantage, he stumbles on what he calls an inherent defect in the bill for his own political purpose, but he has no doubt admonished his shadow Attorney General, "Why did you not pick this up before? Why did you not tell me about this?"

**Mr Paul Lynch:** I told him to say that we wanted Latham chief commissioner when it was tabled.

**TEMPORARY SPEAKER (Mr Lee Evans):** Order! The member for Liverpool has had his opportunity to contribute to the debate.

**Mr DAMIEN TUDEHOPE:** He is likely to have been told it was because I sat around the committee table and I agreed to it. That is exactly what this bill does. This bill reflects all the recommendations of a bipartisan report. I have to say, and did the Premier: The current commissioner is not precluded from applying for the position of the chief commissioner—

**Mr Luke Foley:** She won't get the job; we all know that.

**TEMPORARY SPEAKER (Mr Lee Evans):** Order! I remind the Leader of the Opposition that he is on three calls to order.

**Mr DAMIEN TUDEHOPE:** She is not precluded from applying for the position of the chief commissioner. In the circumstances in which she was the best person for the position she would be appointed. To come into this place and say, "We will not agree to this bill, notwithstanding that it was a bipartisan report, unless you adopt a view that this particular commissioner has to be reappointed," is like saying, "Oh, we have made a bad mistake and we want to fix it up later on." This is good reform, reform that was necessary for ICAC following a significant problem with the public perception of ICAC following the Cunneen High Court proceedings and subsequently the Murray Kear issues.

The committee was very balanced in its approach to obtaining reform. As the shadow Attorney General pointed out, there were issues on which we disagreed. They were negotiated and a report was agreed upon. The reforms appear to have been agreed upon unanimously and this issue has not been raised until today. Those opposite now come and say, "Heck, what have we done?" This report has been tabled for almost three weeks, yet this issue was not raised until today. Bipartisanship has been thrown out the door because the Leader of the Opposition says, for political gain, we need to be able to oppose this bill and be seen as somehow whiter than the Government. It is a tragedy for the way that the committee system works. It is a tragedy for the manner in which bipartisanship ought to be perceived.

We have a bipartisan report but, "No, we want to have a second bite because there is something that we should have seen. We did not see it, but now there is an opportunity to raise this issue." To call this sneaky is just ridiculous, because it is sneaky only in the eyes of the Leader of the Opposition—because his shadow Attorney General did not pick it up. Today, for the first time, for some political advantage, he seeks to raise it. The report has a number of really important components. The first component is the structural reform that I have alluded to. The second component is procedural fairness that is afforded to people who appear before ICAC. There is no complaint about any of the reforms proposed, which are seen as being entirely fair. The third recommendation relates to a fair and reasonable account being provided in relation to the submission of a person of interest who is the subject of an adverse finding. The Government has rejected the inspector's submission that the whole submission be published and material included on the website. The bill allows that a fair and reasonable account by the person against whom a finding is made is included as part of the report.

There is also a provision for the office of the inspectorate. There is general agreement in relation to the establishment of the Law Enforcement Conduct Commission. There is an inspector for the ICAC and an inspector for the Law Enforcement Conduct Commission. Both those bodies will have an inspector and the resources of the inspectorate will be available to both inspectors for the purpose of carrying out their work as inspectors. As the Premier alluded to, persons of interest will not be precluded by new section 112 from disclosing to the inspector material that they had put before the ICAC. This is important legislation that should have bipartisan support. The lack of bipartisan support is by virtue of those opposite having adopted a different view of the bill, and they ought to be ashamed of taking that position.

**Mr LUKE FOLEY (Auburn) (19:41):** The Labor Opposition opposes the Independent Commission Against Corruption Amendment Bill 2016 as a tawdry and disgraceful exercise to sack the Independent Commission Against Corruption [ICAC] Commissioner, Megan Latham, and Labor will not be part of it. The Government is railroading the Hon. Megan Latham, the current Commissioner of the Independent Commission Against Corruption, out of a job for one reason: She inquired into corruption in the ranks of the Liberal Party.

That is what is going on tonight. The Government has sneaked this legislation in under the cover of a change of Deputy Premier and will seek to pass it in one evening in order to hide its intent. Some 28 years ago Premier Greiner introduced the Independent Commission Against Corruption in this State. We on this side of the House are proud to say that, under Bob Carr's leadership, Labor supported the creation of that body and has done so ever since.

I will tell members the big difference between the Labor Party over the past 20 years and the Liberal Party today under the leadership of Premier Baird. When the Independent Commission Against Corruption inquired into and reported on the activities of people in my party who were engaged in corrupt activity Labor said "Fair enough" and we said that we had to change. Under this Premier, when the ICAC inquires into and reports on corruption within the ranks of the Liberal Party the Premier terminates the ICAC commissioner. That is the difference between the Labor Party and the Liberal Party under the leadership of this Premier.

**TEMPORARY SPEAKER (Mr Lee Evans):** Order! The Leader of the Opposition does not require assistance from other members.

**Mr LUKE FOLEY:** This Premier who poses as a Sunday School teacher is aiding and abetting the corrupt; he is terminating the corruption fighter. This bill is conceived in malice. I do not think the Premier himself is corrupt—I do not think so—but what I know today is that he lacks the character to stand up to the corrupt elements in his own party. There was no discussion within the parliamentary committee about terminating the Hon. Megan Latham as ICAC commissioner. The commissioner made that point this afternoon in a blistering statement. She said:

...the bill represents an unprecedented attack on the independence and effectiveness of the commission as a leading anti-corruption agency.

They are not my words; they are the words of the current Commissioner of the Independent Commission Against Corruption. She continues:

The most significant practical consequences of the provisions were not the subject of any discussion or submission before the ICAC parliamentary committee (or in any other forum) and find no expression in the committee's report.

I will not have the shadow Attorney General or the Labor representatives on that committee verbalised by the Premier, the chair of the committee or anyone else. What the Government is doing this week through the passage of this legislation—terminating the services of the Hon. Megan Latham—was never once raised in the committee. All members understand what is going on here. Labor has said the Government can have bipartisanship. We have always given bipartisan support to the Independent Commission Against Corruption. I worked with the Premier last year following the High Court judgment regarding Margaret Cunneen and gave bipartisanship. The Premier can have bipartisan support on one condition: Do not include a clause that was never raised in the committee that terminates the Hon. Megan Latham. She further states:

The bill should provide that the person holding office as commissioner immediately before the commencement of the amending legislation is taken to have been appointed for the balance of his or her term of office as chief commissioner.

That is what we insist upon. The Government can have bipartisan support if it includes that in the bill. But the Premier and his Ministers refuse to include it because the most significant practical consequence, as Commissioner Latham put it today, of the provisions of this bill is to dispense with her services. I turn to the relevant provision, at the end of schedule 1 to the bill. It is new part 15, "Provisions consequent on enactment of the Independent Commission Against Corruption (Amendment) Act 2016". In clauses 40 and 41 it is spelt out in black and white: the abolition of the office of the former commissioner. The definition in clause 40 states the "former commissioner means the Commissioner for the Commission", who is Megan Latham—the commissioner today. She was appointed for five years. The Hon. Nick Greiner put it well in his second reading speech on 26 May 1988. He said:

I made it clear in my statements before the election that the proposed Independent Commission Against Corruption would be responsible to Parliament and not to the executive Government. The commission can be removed only by the Governor on the address of both Houses of Parliament.

That was Premier Greiner's commitment when he brought the creation of this commission to the Parliament, with the support of the Labor Opposition leader Bob Carr. It was clear that the commissioner would have authority, unimpeded by the politics of the day, to inquire into corruption wherever it occurred and whoever engaged in it. That has been the case—an article of faith in New South Wales politics—for the past 28 years. Bob Carr gave bipartisan support to Greiner when the legislation was introduced. That bipartisanship has ended today because this Premier will not stand up to the corrupt elements in his own party. That is what is going on here. On 30 August this year the Independent Commission Against Corruption reported on the Operation Spicer investigation. The corruption exposed by Operation Spicer included prohibited donations and the channelling of funds.

**Mr Alister Henskens:** No-one was found corrupt except the Labor Party.

**Mr LUKE FOLEY:** I hear an interjection from Chris Hartcher's barrister. There will be a party at the Hartcher residence tonight because Latham is getting the sack for inquiring into all those members of the Liberal Party who procured prohibited donations and channelled funds.

**TEMPORARY SPEAKER (Mr Lee Evans):** Order! The Leader of the Opposition will be heard in silence. I remind members that many of them are on three calls to order. Members will cease interjecting or be removed from the Chamber. The Leader of the Opposition will be shown the respect to which he is entitled.

**Mr LUKE FOLEY:** Operation Spicer exposed prohibited donations, the channelling of funds and non-disclosures by the New South Wales Liberal Party in the 2011 State election campaign. I will not give chapter and verse, in the short time available to me to speak, about the Liberal members of Parliament and officials of the Liberal Party who were found to have engaged in nefarious activities. Tonight is payback. When the disgraceful activities of Obeid and Macdonald were exposed by the ICAC, to his great credit the then Leader of the Labor Party, John Robertson, said that the Labor Party must change. He did not take on the ICAC.

Now we see the exposure of rotten activities in the New South Wales Liberal Party and this Premier takes on the Commissioner of the ICAC and seeks to terminate her employment rather than stand up to the corrupt members of his own party. The Opposition will not accept that. I do not think the Premier is corrupt, but I know today that he does not have the character to stand up to the corrupt in his own party. This brings him no credit. This is the lowest point in the fight against corruption in New South Wales public life in 28 years, and it has been brought about by this Premier. I will never let him or the public of New South Wales forget it.

**Mr JAMIE PARKER (Balmain) (19:51):** On behalf of The Greens I speak in debate on the Independent Commission Against Corruption Amendment Bill 2016. I take this opportunity to highlight the history and to reflect on the decision in this bill. Today we see exposed the plot to kill the Independent Commission Against Corruption [ICAC]. The Government was desperate for cover. It was desperate for the Labor Party to cover it. But the Government took a step too far. The agreement that the Government came to with the Labor Party, through the bipartisan committee, was not good enough for this Government. Even though the committee endorsed the three commissioner model, which I will come back to, it did not endorse sacking the existing Commissioner of the ICAC. This should not be a political debate about the commissioner. This should not be about the role of the commissioner. The Government has made this about the commissioner by proposing to sack her through this legislation.

**Ms Jenny Leong:** It is shameful.

**TEMPORARY SPEAKER (Mr Lee Evans):** Order! The member for Newtown will come to order. The member for Balmain has the call.

**Mr JAMIE PARKER:** I will talk about the genesis of this bill. As was well put by the Leader of the Opposition, members of the Labor Party were implicated in corrupt conduct and the party responded honourably. The Labor Party identified that it needed to change and that those members should not be supported and should be expelled from the party. As the Leader of the Opposition pointed out, this Government cannot stomach criticism. It cannot stomach the opposition that has been generated not by the ICAC but by the corrupt activities of its own members—members who accepted envelopes containing \$10,000 in the back of a Bentley.

**Mr Alister Henskens:** Have you read the report?

**Mr JAMIE PARKER:** It was admitted.

**TEMPORARY SPEAKER (Mr Lee Evans):** Order! The member for Ku-ring-gai will come to order.

**Mr JAMIE PARKER:** Mr Cornwell admitted that he took \$10,000 in the back of a Bentley as a political donation. We do not need the ICAC to tell us that that is corrupt conduct. I believe that conduct—accepting a donation from a developer—is contrary to the law. It is clear that the uncovering of that type of behaviour began with the ICAC's investigations. I mentioned the issue of the three commissioners. The member for Liverpool raised my concern about it. The Law Enforcement Conduct Commission [LECC] model includes three commissioners, which The Greens support. That is a very different state of affairs. In that model the three commissioners cover three separate areas. Within the LECC there are three specific jurisdictions of inquiry and examination. In our view it is reasonable and justified to have three commissioners in that case.

The bill before the House proposes to implement two part-time ICAC commissioners, and the concurrence of the existing chief commissioner is not required. The Greens express serious concern about that, not least because it was opposed by the existing ICAC. The current Commissioner of the ICAC opposed the three commissioner model. Former Commissioner Ipp, in his submission, opposed that model. The independent review that was undertaken by the Government did not find in favour of the model. Yet, as Government members have



identified, there was a bipartisan view. I criticise that. The Greens say that that is not acceptable. That committee should not have supported a position that was opposed by the ICAC.

This bill goes a step further. It seeks to sack the Commissioner of the ICAC. When people were talking today about whether this would happen, I did not believe it. After the drubbing the Government received in the recent by-election, who would have thought it would seek the next day to sack the Commissioner of the ICAC and radically overhaul the organisation, in opposition to the views of the ICAC and a former commissioner? Only a government committed to its own destruction would do that. Only an arrogant government that believes it is right and everyone else is wrong could make that kind of decision. This decision will hang around the Government's neck. People will say, "You sacked the Commissioner of the ICAC. Your people were skewered by the ICAC so you sacked the commissioner. You radically overhauled the ICAC in the face of opposition from the ICAC."

If the Government had kept to the arrangement with the Labor Party to have a bipartisan decision, the legislation would have passed this House. If the Government had said it would not sack the commissioner, the legislation would have passed this House. The amendments the Labor Party is proposing are about concurrence and sacking the commissioner. The bipartisan arrangements did not satisfy Coalition members. They wanted to go further than what was agreed between the Government and Labor. The Greens were critical of that bipartisan agreement. The Government's actions demonstrate how desperate it is to verbal the member for Liverpool. The Government is desperate to use the discussions that took place in the bipartisan committee to try to cover its attacks on the Independent Commission Against Corruption.

This legislation concerns me because, as every member of this House knows, the ICAC is strongly supported by the people of this State. Forget about the barristers and the right-wing legal professionals who bicker and argue about it. I want Government members to go to their local shopping centre and say, "We are sacking the Commissioner of the ICAC." Where there any findings against her? No. Has anyone said that she has acted improperly? No. Has anyone proved any misconduct by her? No. But the Government's attitude is "Let us sack her anyway." Why? People will say that there is a relationship between the findings of the ICAC investigations, and the publicity surrounding them, and this action today. Surely there is a relationship? What else could there be?"

The community, the people in our electorates, will not treat the Government well because of this decision. That, to me, is a great concern. I did not believe this Government would take such a step. I thought the Government would take forward the 35 recommendations of the bipartisan committee and implement them through legislation. I did not think it would add the sacking of the commissioner. The Government is so desperate to get rid of the commissioner that the matter is obviously personal. It is obviously personal because it was not bipartisan, and the member for Epping knows it.

**Mr Damien Tudehope:** The recommendation for the restructure was bipartisan.

**Mr JAMIE PARKER:** The recommendation to sack the commissioner was not bipartisan. It is disingenuous of Government members to suggest that there was bipartisan support for that. The critical issue is the state of our democracy and of the most important body that exists to keep members of Parliament honest. The role of the Independent Commission Against Corruption is to make sure that we, as members of Parliament, amongst others are kept honest. By interfering in such a gratuitous manner and in such a clumsy and aggressive way to remove the current ICAC commissioner, to forbid concurrence of the chief commissioner, in my mind is the most nasty step that I think that this Government has taken in the entire time I have been a member of Parliament.

Surely politics could be put aside at least in the matter of the Independent Commission Against Corruption. We should all acknowledge that the commission is a great achievement of this State and of the Parliament, which has continued to endorse ICAC and its independence from political interference. I am sure that the steps the Government has taken to target the existing commissioner and to politicise her role make her feel very uncomfortable—they make me feel uncomfortable. The role of the commissioner should be beyond politics. No government should seek to sack the commissioner, but that is exactly what this Government is doing today. The Greens have expressed concern about the three commissioner model—the new model—that was proposed by the bipartisan committee.

**Mr Ron Hoenig:** So-called.

**Mr JAMIE PARKER:** The so-called bipartisan committee—that is what the Government calls it. But it was not bipartisan because, as the member for Liverpool identified, there was never an agreement to sack the commissioner. The member for Liverpool has been badly misrepresented in this place. If there were any proposal to do that he certainly would not have supported it. While The Greens disagree about the model, we are also

concerned that the Cabinet will simply approve new commissioners. The Government will seek the concurrence of a committee that it dominates and simply stack the ICAC with commissioners who are less enthusiastic about addressing matters of corruption. The Government stands condemned for introducing this legislation. We strongly oppose it.

**Mr RAY WILLIAMS (Castle Hill) (20:01):** As Parliamentary Secretary to the Premier and the chair of one of his committees, I have had the pleasure of reviewing the Independent Commission Against Corruption Amendment Bill 2016. I take this opportunity to commend the member for Epping for his leadership, and that of the Hon. Trevor Khan in the Legislative Council, on the parliamentary committee. I had intended to congratulate all members of the committee for their bipartisan support for this legislation. Unfortunately, I cannot do that because, while the Australian Labor Party put forward some of its legal luminaries, such as the member for Liverpool and the member for Heffron, to serve on the committee—and they played an important role in the formulation of this amending bill—the Leader of the Opposition has decided to throw them under the proverbial bus.

The Leader of the Opposition has discarded the bipartisan support that they gave to the committee and to this legislation because he has seen another headline. He has spotted another headline on the horizon and, once again, he has thrown his principles out the window and chosen to oppose this legislation. It is disappointing that the bill will not have bipartisan support because it adopts the committee's 35 recommendations. We know that the Leader of the Opposition stands for very little, as has been proven time and again. From time to time, it becomes evident that laws need to be amended by legislators—and this is one of those occasions. We trust our judiciary to implement laws but when those laws fall out of favour with the mood of the broader community it is up to legislators such as us to amend them. That is what is happening with the Independent Commission Against Corruption Amendment Bill 2016.

The bill introduces amendments to: improve the structure and governance of the Independent Commission Against Corruption [ICAC], promote fairness in the exercise of the ICAC's powers, and provide enhanced evidence-gathering powers for criminal prosecutions and improved oversight arrangements for the ICAC. The bill introduces amendments to improve the ICAC's structure and governance by restructuring the ICAC as a panel of three commissioners. The restructured ICAC will consist of a full-time chief commissioner appointed by the Governor and two part-time commissioners appointed by the Governor after consultation with the chief commissioner. I take exception to the comments of the member for Balmain and the Leader of the Opposition that the current commissioner is being sacked. The current commissioner, like other people, will be invited to be appointed to a new role with ICAC.

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

**Mr RAY WILLIAMS:** It is not automatic, as is pointed out in the legislation. Successful applicants will be appointed as the three new commissioners of the ICAC. It is alarming that both the Leader of the Opposition and the member for Liverpool suggested that only the current commissioner can keep Liberal and Nationals members of Parliament from being corrupt or engaging in corrupt activity. They stated that she is the only person who can do that. It is not only a slight on the current commissioner but also a slight on all decent judges in this country to suggest that they would not uphold the highest processes and laws in this land to stamp out corruption.

As a proud member of this Government, I back my Premier who has stated continually that the Government has zero tolerance for corruption in this State. We have gone a long way towards improving the legal processes, and this is yet another way to ensure that corruption is stamped out. Yet the Leader of the Opposition has seen a headline, and the member for Liverpool suggests that the only person who can keep members from straying into the depths of corruption is the current commissioner. That is a slight and places that person in a position of conflict by suggesting she must be a long-time supporter of the other side of politics to hold us in such disdain.

Restructuring the ICAC as a three member commission will strengthen its decision-making processes and bring a more diverse set of skills and experiences to bear on the ICAC's deliberations. Importantly, the bill amends section 6 of the ICAC Act to provide that a decision of the commission to conduct a public inquiry must be authorised by the chief commissioner and at least one other commissioner. While public inquiries serve an important purpose in exposing and preventing corruption, they can also occasion significant reputational damage for the individuals involved—as we have seen. Requiring a majority of the commissioners to approve the commencement of a public inquiry will bring greater accountability and transparency to the decision-making process. It will also balance concerns expressed by the inspector about the potential for public inquiries to cause reputational damage to affected individuals with the benefits of public inquiries in exposing and preventing corruption.

The Leader of the Opposition tried to rewrite history by suggesting that the only people who have indulged in corrupt conduct are members of this Liberal-Nationals Government. I remind members that the only people found guilty of corrupt conduct by the ICAC were former Labor Ministers Eddie Obeid and Joe Tripodi. I will cite some classic examples for the Leader of the Opposition. Who can forget Operation Napier and Currawong, when Tony Kelly and Warwick Watkins were found to be corrupt? Operation Jarilo found the famous luncher Ian Macdonald and Ron Medich to be corrupt. Operation Jasper about the Mount Penny exploration licences found Eddie Obeid and Ian Macdonald to be corrupt for a second time. Who can forget Operation Acacia relating to the Doyles Creek mine and involving John Maitland and Ian Macdonald?

**TEMPORARY SPEAKER (Mr Lee Evans):** Order! The member for Bankstown will not have an opportunity to make a contribution to this debate if she continues to interject.

**Mr RAY WILLIAMS:** I am talking about Ministers and luminaries from the senior levels of the Labor Party when Labor was in government. Who could ever forget Operation Indus with Eddie Obeid's son Moses Obeid, none other than former Treasurer and Minister for Roads Eric Roozendaal and that famous Honda CRV? We also remember operations Cyrus, Meeka and Cabot once again involving Fast Eddie and Slippery Joe and about the Circular Quay leases. It was amazing to watch the Leader of the Opposition feign all the indignation he could muster to point the finger of corruption at this Government. Through this bill the Government is strengthening the ICAC processes.

To promote fairness in the exercise of the commission's powers the bill introduces a number of amendments to ensure that its powers are exercised fairly and in accordance with rules of procedural fairness. The bill inserts a new section 31AA into the Act requiring the commissioners to issue procedural guidelines relating to the conduct of public inquiries of the ICAC to members of staff and counsel appointed to assist the ICAC. These guidelines will provide guidance on the investigation of exculpatory evidence and the disclosure of exculpatory and other relevant evidence to affected persons. They will also provide the opportunity to cross-examine witnesses as to their credibility, provide affected persons and witnesses with access to relevant documents and reasonable time to prepare before giving evidence, and relate to any other matter the ICAC considers necessary to ensure procedural fairness. That is an extremely important aspect of the bill. This proposal is consistent with the recommendations of the committee and is intended to make existing procedural fairness obligations clearer for ICAC staff and counsel assisting.

The bill also requires the ICAC and the Inspector of the Independent Commission Against Corruption to give affected persons a reasonable opportunity to respond before including an adverse finding about the person in a report and include a summary of their response in the report when the person requests to have it included. This will help to ensure that persons against whom an adverse finding is made have the opportunity to respond to claims made against them and to have their response made public. The bill introduces a new section 52A to the Act to make clear that the ICAC may use certain evidence-gathering powers after it has completed its investigations. If the Director of Public Prosecutions or the Electoral Commission requests the ICAC to do so, the ICAC may exercise certain powers to gather and assemble evidence that may be admissible in the prosecution of a person for a criminal offence and to furnish that evidence to the Director of Public Prosecutions [DPP] or to the Electoral Commission. [*Extension of time*]

This amendment will allow the ICAC to obtain evidence in response to requests from the DPP and the Electoral Commission for additional evidence, such as bank documents or telephone records, and furnish that evidence to the DPP or the Electoral Commission. The bill also inserts a new section 112 (1B) into the Act to provide that a non-publication order given by the ICAC will not prevent the disclosure of material by a member of staff of the ICAC to the Director of Public Prosecutions in accordance with the duty of disclosure under section 15A of the Director of Public Prosecutions Act. The bill also makes amendments to provide that a person may complain to the Inspector of the Independent Commission Against Corruption regardless of any non-publication order issued by the ICAC under section 112 of the Independent Commission Against Corruption Act. The bill inserts a new section 112 (1B) (a) to provide that a direction under section 112 does not apply to the making of a complaint to the inspector or the disclosure of information, documents or other things to the inspector. This will provide for more effective oversight of the ICAC by removing potential limitations on information that may be provided to the inspector.

In closing, I say on behalf of the good people of New South Wales that nobody wants to see corruption at any level of government. Our Premier has made that very clear. He has stood his ground in the face of some extremely challenging circumstances and called for zero tolerance of any corruption whatsoever. We have gone above and beyond the call of duty to ensure the ICAC has the powers it needs in the future to obliterate corruption from all levels of government and its bureaucrats. I commend the bill to the House.

**Ms TANIA MIHAILUK (Bankstown) (20:13):** I had not intended to speak in debate on the Independent Commission Against Corruption Bill 2016 but decided it would be remiss of me not to, given that

I am a member of the Committee on the Independent Commission Against Corruption. Last week I sadly lost the opportunity of speaking in the take-note debate on the committee report because I was expelled from the Chamber during question time. I take the opportunity to say a few words tonight. What is most disturbing about the legislation being presented and the reason why I am objecting to it is the suggestion from both the member for Epping and the member for Castle Hill that in some way there was bipartisan support for what effectively is an instrument to sack the Hon. Megan Latham as a Commissioner of the Independent Commission Against Corruption. There is no other way to put it.

Remembering some of the words that the member for Liverpool and our leader, the member for Auburn, said earlier, it is clear that there is a vendetta. I was loath to say it until now, but as a member of the committee when we reviewed the inspector's report into Operation Hale I began to have concerns that members of our committee had an agenda. There was no doubt about that. We felt it during the public hearing.

**Mr Damien Tudehope:** Point of order: The member ought to withdraw the insinuation that there were improper motives by any member of the committee. There is no evidence to suggest any improper motives. For her to make that allegation in the course of her contribution is quite improper and she ought to withdraw it.

**Ms TANIA MIHAILUK:** That is not a point of order. I will not withdraw it but I will explain it. I am in the middle of an explanation and I am happy to do that.

**Mr Damien Tudehope:** In that case, the member for Bankstown ought to make out the case against members of the committee who she says engaged in improper conduct.

**TEMPORARY SPEAKER (Mr Lee Evans):** Order! I will listen further to the member. The member for Bankstown has the call.

**Ms TANIA MIHAILUK:** At no stage did I say there was improper conduct. I have been a member of the committee for five years. If I feel that some members had an agenda I am entitled to say it in this Chamber and I will. When we went through the inspector's report to the Premier, the inspector's review of the ICAC public hearing, it was obvious that the agenda continues to this day. I raise this here because I must raise it. I thought the inquiry was a genuine attempt to bolster and strengthen the ICAC. Labor members had an open mind to participating in the public hearings and deliberations on recommendations in response to the inspector's report to decide how we could best support a stronger and better ICAC. At no stage did we think that this Government would have the gall or the stupidity to use this legislation as a means of carrying out this vendetta. We never thought that this Government would attempt to carry out its vendetta against Commissioner Latham. I will quote Mike Gallacher, who perhaps summed the situation up in his interview with Sharri Markson in the *Australian* on 30 August this year. Maybe we should have read the interview more carefully. The article says:

Reforms from the 1995 NSW royal commission into policing, together with other reforms, such as those to the NSW Crime Commission, should be implemented at ICAC, Gallacher says.

"There also needs to be a regular turnover of personnel in both ICAC and the Crime Commission given the extraordinary secretive powers and resources these organisations have," he says.

"The turnover of staff can bring about fresh eyes on any investigation and provide significant safeguards to preventing institutionalised ways of thinking with regards to investigations.

"You can often develop a mindset that can cloud your judgment by assuming those accused are automatically guilty." I think those words from Gallacher are relevant because it clearly suggests that in some way there is a concern about the judgement of ICAC and the report that ICAC finally handed down in August this year in relation to Operation Spicer. The Leader of the Opposition was quite right in making it clear earlier that it is the final report of the commission that was handed down on 16 August that has cemented in the minds of those opposite their need to satisfy their original vendetta against the commissioner and to find any way they possibly can to have her removed from her chief role as the commissioner of ICAC.

It should be remembered that the member for Castle Hill stated that the legislation was brought before the ICAC committee. That is not the case. The legislation was introduced today—we have never seen the legislation before today. When Labor members on the ICAC committee gave some commitment towards approving a range of recommendations, never did I see anywhere in the minutes of the ICAC committee meetings, nor did we hear or see during our committee deliberations any intention by anybody, in writing or by formal motion, that the current commissioner would have to reapply for her position. That is absurd, and the member for Epping knows it. That suggestion has never been before this committee. I have the committee minutes here and I am happy to table them, although they are already on record. Nowhere in those minutes was any motion moved by anybody on the committee to suggest that any upcoming legislation would involve an attempt to set up a new panel that would result in the current commissioner not fulfilling her five-year tenure which, I believe, finishes in April 2019. No-one on the committee—certainly not any of the Labor Party members—ever believed that this would be brought forward in the manner in which it has been brought forward today by the Premier.

I think about former Premier Barry O'Farrell who stood by the institution of ICAC when he made the decision to resign. He appointed the Hon. Megan Latham as the commissioner of ICAC and he respected the institution of ICAC; that is why he made the decision to resign as Premier. I am sure we all recall that resignation. I never thought I would be this concerned about the actions of this Premier. At the time of his appointment I was happy for Mike Baird to become the Premier of New South Wales. I thought he was a lovely guy and, like the rest of the electorate, I thought he had decent intentions. I am utterly disturbed that he could satisfy the agenda of the Right within his party room and its horrible vendetta against Megan Latham. Whilst I will not criticise different elements of the report that we passed in our ICAC committee meetings, because there are aspects of the report that will improve the commission, what is concerning is the manner in which this legislation has been used to remove an honourable judicial officer of this State. [*Extension of time*]

I was concerned to hear the member for Castle Hill say earlier that he supports the judiciary and the role of the judiciary but that once it loses the support of the community we must be able to amend legislation. I do not think he is referring to the community; I think he is simply referring to the party room. This is a very angry Liberal Party and the Right is particularly angry and is gutted that the dreams of Gallacher are gone, that Hartcher has gone from the Chamber and his dreams are gone, that the entire Liberal Party of the Central Coast is in tatters, that the way they collect donations is in tatters, and that the Electoral Commission deemed it appropriate to not return \$600,000 of their full public funding because those funds were illegally obtained. All of this is important. The Electoral Commission was able to do that on the back of the good work of ICAC—on the back of the good work of the commissioner and her tenacity in ensuring that we stamp out all corruption in this State.

We know that things have not been entirely perfect, and that is why the committee members kept an open mind to try to strengthen ICAC. It is an old institution of 28 years and there is always an opportunity to have genuine reflection of the type of structure that is in place and how we can make improvements. But to dump this legislation in this Chamber today and expect it to be passed tonight and to only give a copy of it to the commissioner at 3.30 this afternoon is a sign of complete arrogance. The Liberal Party is not learning from its defeat in Orange, it is not learning from the swings against the Government in the recent by-elections and it is not learning from the concerns raised about many of its policy decisions in recent times. I am very disappointed with the Premier that the Government would use this opportunity tonight to satisfy that vendetta. I thought that in the end the Premier would not do this and that is why it is so important to pass the amendments that have been foreshadowed by the member for Liverpool. If the real agenda is not about removing the commissioner from her post, the Government should support the amendments.

**Mr Damien Tudehope:** There might be someone better.

**Ms TANIA MIHAILUK:** The member for Epping just interjected and said there might be someone better. That goes back to the agenda of the committee members that I was talking about. The member for Epping is the chair of the ICAC committee and he just said that there might be someone better. I thank the member for Epping for making clear the concerns we have on this side of the Chamber.

**Mr Damien Tudehope:** It's all about merit.

**Ms TANIA MIHAILUK:** It is about merit, and the commissioner has proved herself. I have a copy of the transcript of the inspector's review of ICAC. I recall all the individuals who attended that public hearing, including the Ombudsman, the Acting NSW Ombudsman, the Inspector of the ICAC and his office, the Director of Public Prosecutions, the former Inspector of the ICAC, and Bruce McClintock, SC. None of those individuals at any time during that public hearing ever considered the notion that the commissioner would have to apply for her job as a result of the Government presenting new legislation to this House.

The point needs to be made that nowhere in that public hearing—and I was at the public hearing, as was every other member of the committee—did we hear anybody disparage Latham or suggest that she would need to reapply for her position as a commissioner or chief commissioner. This legislation is disgraceful. This Government should be ashamed of itself and it should support the amendments. I challenge the Premier. If he does not want to remove Megan Latham he should support the amendments that Labor proposes.

**Mr RON HOENIG (Heffron) (20:28):** The member for Liverpool and the Leader of the Opposition have indicated the Opposition's position to the Independent Commission Against Corruption Amendment Bill 2016 and I endorse their views. The member for Liverpool has proposed some amendments to that bill and those amendments are to clause 4 in schedule 1, clause 20 in schedule 1, and clause 6 in schedule 2. The effect of those amendments places the House in this position: If it rejects the Opposition amendments Government members are simply voting to sack her Honour Justice Latham. That is the situation in which the Government has now placed itself in by opposing the Opposition amendments.

This is not the first time provisions contained in legislation have been inserted by the Parliament in an effort to remove a statutory officer. In 1985 this Parliament carried the Local Courts Act and in decisions made in 1986, when stipendiary magistrates were abolished and magistrates were appointed and the Local Court was established, five magistrates were not reappointed. It was the way in which the Government of the day rid itself of troublesome magistrates that it could not otherwise get rid of. The provisions are not unique but it has been 31 years since they were last used. The Opposition has thrown down the challenge and the Government is now in a position where it will need to make a decision that effectively only has one result.

It is unfortunate that this provision has distracted the Parliament's attention from a very comprehensive review undertaken by the statutory joint committee. The report that was tabled several weeks ago, about which I made some observations only last Thursday, was a bipartisan report prepared in very difficult circumstances. The joint committee had considered extensive evidence, many very comprehensive submissions, and had private briefings, including one from the main architects of ICAC from 1989. I remarked in the House last week, and I say again, that I am extremely grateful for the assistance that all the witnesses gave, of all the people who made submissions and for the private briefings that I received as a member of the committee.

It is clear that the purpose of the Independent Commission Against Corruption is the same today as it was 27 years ago—to investigate and expose serious and systemic corruption in the public sector. I agree with the evidence, the briefings and the submissions made to the committee and that is that the concept of "serious corruption" generally occurs in secret, conducted by persons of influence. Whilst on nearly all occasions that conduct is criminal, I accept that the prospect of obtaining admissible evidence by traditional law enforcement means is limited and at times not possible. As was put to us by the architects of ICAC some 27 years ago, the nature of the corruption that ICAC was established to deal with would make it virtually impossible to collect admissible evidence and the successful prosecution of people for that criminal conduct would be very rare. That was the mode of reasoning under which ICAC was established 27 years ago.

As I pointed out to the House last week, and I say again in respect of this bill, I have come to consider this matter as being influenced by fundamental principles. It is a pity that the Parliament does not consider those fundamental principles but has descended into a personality debate. Those principles are what I believe in and not, as I said last week, academically. I believe—and the House should also believe—in the doctrine of separation of powers, the presumption of innocence, and the proof of guilt being required beyond reasonable doubt. Those cornerstones are the principles of our democracy and if we impede those principles with legislation, it is not just contrary to principle but risks bringing into disrepute the arm of the Executive that Parliament charges with responsibility for administering the Act. That is exactly what has happened in recent times with the Independent Commission Against Corruption. The attacks on that organisation by a broad-ranging section of the media have put focus on the organisation and led to criticism of it. The Parliament has set up an organisation in such a way that has resulted in it being exposed to criticism.

Serious corruption by the powerful has been evidenced in recent years by the activities of people from both major political parties. I accept that, without the commission's extraordinary powers, that conduct would not have been uncovered. If Parliament wished to extend the commission's investigative power—subject to proper balance—I would support it. In my view the real issue and the controversy that plagues the commission's activities has to do with the fact that Parliament has not created an investigative body to investigate and get rid of corruption but, as Mr McClintock, SC, told us it has established a hybrid model which is both investigative and determinative. As soon as we give an organ of Executive Government a determinative function, we bring in concepts of procedural fairness and natural justice. If the commission did not have a determinative function we would not have to worry about three commissioners or procedural fairness. None of those issues would present themselves.

The committee's report will achieve a bipartisan result and some level of procedural fairness, but I put on record that while the legislation has a determinative function, the commission will always be left open to criticism relating to procedural fairness. As I pointed out to the House last week, the Independent Commission Against Corruption is an organ of the executive branch of government. However, it is presided over by eminent jurists or eminent members of the bar; the presiding officer sits on a bench under the State's Coat of Arms; counsel bow to presiding officers; and witnesses are called and cross-examined. It is given the appearance of operating like a judicial arm of government, with determinative functions. But it is not the judicial arm and the problems that it has run into recently relate to that. ICAC is an organ of the Executive Government and the public will ultimately expect that organisation to operate fairly. [*Extension of time*]

Something that I asked one of the architects of ICAC 27 years ago, which I thought was fascinating, was: How did you expect fairness to apply to the commission? His response was that he thought fairness would apply by virtue of the bar rules. But it is pretty clear that the bar rules were not applied. That issue has now been resolved by clauses 96 to 100 of the Legal Professional Uniform Conduct (Barristers) Rules 2015. The problems envisaged 27 years ago by the architects of the ICAC, such as operating with fairness, the principles applying to a Minister

for justice also applying to counsel assisting, no interviews with the media and so on, were rectified last year by the Legal Profession Uniform Conduct (Barristers) Rules. Therefore, I question the need for these procedural fairness guidelines.

Last week I told the House and I say again: in order to achieve a bipartisan decision I was prepared to accept the recommendation of a three commissioner model, as outlined in a submission by the Premier's department. Part of the justification for this was to prevent agency capture. But as I stated last week, there was no such evidence and I was not a supporter of that model. Indeed, if the determinative function is removed, there is no need for it. I told the House last week and I say again—and it relates to the Opposition's amendment—I do not accept the criticism of the ICAC officials, who have been lawfully administering this legislation.

It has been one of this Parliament's great failings over the past 27 years that it tells an ICAC commissioner to perform a function and exercise a discretion and then complains when the commissioner does so. There is no point having eminent jurists preside over the commission and then expect them not to follow the legislation. That is what they are trained for and that is what they are required to do. If this House is not happy with the way in which the Independent Commission Against Corruption undertakes its functions it ought to examine its own legislation. Again there has been no discussion about fundamental principle in this legislation; the discussion has been about the commissioner because clearly the Government wants the commissioner removed. I would have much preferred the House to be talking about principle, in particular, the doctrine of the separation of powers and the principles that need to be applied when an organisation is given considerable power to root out corruption that cannot be achieved by ordinary and traditional means.

For 27 years members of both major political parties, in fear of being branded soft on corruption, have failed to address these fundamental principles. If Parliament seeks to have an investigative organisation root out corruption it needs to decide whether or not it is determinative. I question whether applying procedural fairness to a hybrid commission will achieve the objective that is being sought. It will open up the commission, irrespective of how it is constituted, to litigious attacks—which may well be successful because it imposes concepts of procedural fairness that must be imposed on an organisation that is determinative. If the organisation is not determinative its investigative power can be increased without procedural fairness. One does not need three commissioners to provide balance. We should at least have this discussion. This has been one of the most important reviews of this Act in 27 years. For the first time there was the prospect of bipartisan support but the discussion of principle is now whether or not the Government wants to sack the commissioner in the same way that it sacked magistrates 31 years ago.

**Mr ALEX GREENWICH (Sydney) (20:44):** The Independent Commission Against Corruption [ICAC] plays a vital role in exposing and deterring corruption. It is a sad truth that when decisions by public officials can deliver private profit some will take advantage of opportunities to use undue influence to achieve private benefits at the expense of public outcomes. The ICAC provides some assurance that wrongdoing can be uncovered. The ICAC has exposed illegal donations and the sham businesses created to conceal them, and personal favours to obtain advantageous government property leases, planning approvals, tenders, contracts and mining licences.

The ICAC has implicated former and current members of Parliament from both sides, including friends and colleagues of people here. The ICAC is the chief oversight body of the Government and indeed the chief oversight body of members of Parliament. I have serious misgivings about the Independent Commission Against Corruption Amendment Bill 2016. While I support changes for procedural fairness, the bill seems predominantly aimed at changing the current commissioner and reducing public inquiries. The commissioner has been strong in exposing government wrongdoing and seems to be targeted in this bill. There was not bipartisan support for the sacking and reappointment of the position. I will support the Opposition's amendment to continue the current commissioner's term. This is the only way to assure the community that changes we are dealing with tonight are not based on a vendetta against the current commissioner.

With regard to public inquiries, they are used when an issue is in the public interest. Public inquiries help uncover and deter corruption by public authorities and figures and provide community confidence that there is an effective oversight system that will investigate wrongdoing. Because of media attention, public inquiries are more likely to result in policy and legislative changes to close loopholes that have provided opportunities for corruption. The ICAC public inquiries contributed to the multi-partisan support that has ensured New South Wales has the strongest electoral funding laws in the country. There is a valid argument that replacing the one commissioner model with a three commissioner one where two commissioners—one being the chief commissioner—must approve a public inquiry for it to proceed is about protecting members and colleagues from future public adverse findings. The extra approval step could act as a barrier to a case going to public inquiry. Because the two deputy commissioners will be appointed by Cabinet with a veto power by the ICAC committee, which can be stacked by the government of the day, the deputies could both be persons who do not believe in public inquiries.

This model does not ensure community confidence in the process. The current ICAC commissioner believes the veto power should be vested in the commissioner instead, as is the case with the new Law Enforcement Conduct Commission. This is certainly worth considering. The bill also broadens the scope of who can be a commissioner, making it even easier for the government of the day to cherry-pick who it wants in that position. This could include former members of Parliament. I have had little time to consider these complex and important changes and the rushed approach of pushing the bill through only strengthens my concerns and indeed the community's concerns. I am not confident that the proposed structural changes are beneficial or necessary or that they are not about reducing oversight of members and the Government. I cannot support the bill.

**Mr GREG PIPER (Lake Macquarie) (20:47):** I, too, speak in debate on the Independent Commission Against Corruption Bill 2016. I state at the outset that I will not be supporting the bill in this form and I will be supporting the Opposition amendments. I do not wish to slight any member of this House, Opposition or Government. It is easy to fall into such a trap. But the reality is that over the years persons of interest from both the Opposition and the Government have appeared before the Independent Commission Against Corruption [ICAC]. The ICAC is an important institution within the democratic State in which we live. Because it is such an important component of our system, it is unfortunate that the Government has chosen to introduce and proceed posthaste with this bill today. These kinds of actions invite suspicion as to the Government's intention, whether or not there is any dark or sinister motive.

It comes at a time when the Government has been punished across the State in by-election results for errors in judgement. Most notable was the Orange by-election. It is bad timing to introduce the bill in the last week of the parliamentary sitting year. I am sure the intention of the Government is to have a strong corruption watchdog across New South Wales. It is of concern to me that this matter has been about an individual, Commissioner Megan Latham. After reading correspondence from Ms Latham, I was concerned that she took the view that she is key to the functioning of the Independent Commission Against Corruption. That might be unfair.

This should not be about one person, but if it is it is unfortunate that the measures in this bill are not through bipartisan agreement of the committee members who reviewed the operation of the Independent Commission Against Corruption. The measures to set aside the present commissioner make this matter all about Megan Latham. The Government has made this debate about Megan Latham, and that is unfortunate. I fully support the other provisions in the bill, which include the provision of natural justice and procedural fairness for people who appear before the ICAC. Many people in operations Spicer and Credo were not afforded that procedural fairness. I listened to the member for Heffron but I am confused as to whether or not he was supporting the provisions that allow people to make a contribution to defend themselves in that situation. I think he was but it was hard to work out. I saw people whom I considered to be good people in an invidious situation that made it difficult for them to put their case fairly. This bill sets out to make that possible.

There are a number of other matters that I do not feel qualified to comment on; other speakers have done so. There is the issue of the additional commissioners to make it a tripartite arrangement, comprising a chief commissioner and two part-time commissioners. At face value that should be a workable arrangement. There has been criticism of the arrangement but I have not been convinced by the argument that it will not work. The chief commissioner of the ICAC would be a lonely position both personally and professionally. It would be helpful for the chief commissioner to draw on experience and assistance from part-time commissioners. There are connotations as to the independence of the chief commissioner in choosing to make an inquiry public. The process should proceed to see how it works out.

I would be surprised if the Government used the appointment of assistant commissioners to subvert the intention of a robust Independent Commission Against Corruption. If it did, it would be strongly held to account not only in this Chamber but also by the other strong institution and corruption watchdog in New South Wales, the free press. I understand the intention of the greater part of the bill, which has the bipartisan agreement of the members of the committee. However, this aspect has been introduced into the bill and distracts from other matters. Therefore, I cannot support the bill on that basis and I indicate that I will support the Opposition amendments. It is important to continue to support a strong Independent Commission Against Corruption in New South Wales.

**Ms JENNY LEONG (Newtown) (20:54):** I make a brief contribution to debate on the Independent Commission Against Corruption (Amendment) Bill 2016. I note that the member for Balmain, Jamie Parker, outlined The Greens serious concerns with this bill. I will put on record my serious concern that what has occurred today in this Chamber is a suspension of standing orders to introduce amendments to the Independent Commission Against Corruption Act. It is important for members to consider this matter. The key factor is that this is an independent body to provide oversight in relation to one of the most serious issues that can be faced by this Parliament. It ensures that the workings of the New South Wales Parliament and its members are not corrupt.

Instead of having time to consider the bill, to show it to the community and to have it debated in public, it is being rushed through by the Government. There is interference with that independence through the



amendment that will see the current commissioner removed and a new commission set up in her place. It is important to place on the record for the community that the Parliament is playing with the independence of the commission. The moment the Government of the day suspends standing orders because it has the numbers in order to bring in amendments relating to the Independent Commission Against Corruption without the support of Opposition members we must question the independence of the ICAC.

**Mr Daryl Maguire:** It is called democracy.

**Ms JENNY LEONG:** I acknowledge that interjection. The Government calls it democracy but the reality is that independence must be assured. It is concerning when a change to a supposedly independent body and corruption watchdog is rushed through Parliament. The ICAC ensures that the wrongdoing of members in this place and their actions in the past are dealt with. The member for Balmain said it is a sign of arrogance. Even if there are no bad intentions from the Government in introducing this legislation tonight, at least that perception should be reflected on by Government members. It is the perception of interference with the independence of ICAC that members are concerned about. This Parliament has seen the damage caused by corruption to the State and to the standing of politicians in the community. It is not for us to rush through change and interfere with the independence of the ICAC. Even if there are no bad intentions, the perception of wrongdoing is a matter of concern.

**Ms GABRIELLE UPTON (Vaucluse—Attorney General) (20:57):** Make no mistake, the discussion in the Chamber tonight is one of complete political opportunism. Labor was fine with the bipartisan and unanimous report of the committee until this afternoon. There were no issues with the report until this afternoon. The question is: Were the Labor members of the committee faking support for these considered and reasonable changes? Were they asleep at the wheel during all the committee discussions? Were those members overruled by the State's most blatant political opportunist, the Leader of the Opposition. It does not really matter which scenario it is; it reflects badly on the Opposition.

This bill includes all the recommendations in the committee's bipartisan report. This is good reform and it is overdue. It is about making the ICAC fairer. The bill proposes both structural and procedural reform. It was well considered, with bipartisan support for all 35 recommendations of the parliamentary committee. The bill introduces the legislative change required to implement those recommendations. It will deliver a stronger and fairer ICAC that is fully equipped to fight corruption. This Government is committed to integrity in public administration. We will not tolerate corruption in this State. I remind the House that it was a Liberal Premier, Nick Greiner, who introduced the ICAC, and he did so because of the stench of corruption around the Labor Party in the 1980s. Let us not forget that. Now we are improving the ICAC, making it stronger and fairer.

The bill brings to a close a period of uncertainty for the ICAC, following the High Court decision in *Independent Commission Against Corruption v Cunneen*. The committee's comprehensive inquiry drew on work undertaken by the Inspector of the Independent Commission Against Corruption, the independent panel, Andrew Tink, AM, and others. It received submissions from a wide range of stakeholders and conducted public hearings. As a result of that extensive work and consultation, the committee's report delivers a balanced set of reforms that are now before the House for consideration. There are a couple of matters requiring clarification. The Government has no power to remove an independent commissioner of the ICAC, and nor should it. A commissioner can be removed from office or the office can be abolished pursuant only to Parliament's approval.

The current Commissioner of the Independent Commission Against Corruption will be invited to apply for a role on the restructured commission as part of an extensive, merit-based search to secure three world-class individuals for the State's anti-corruption watchdog. The appointment of a commissioner will continue to be subject to veto by the committee. The chief commissioner will be consulted about the proposed appointment of other commissioners. This will give the chief commissioner the opportunity to comment on the proposed appointments. The Opposition has proposed that the current commissioner be automatically appointed as chief commissioner and be given veto rights over the appointment of the other part-time commissioners. If that model were adopted, the three-member structure of the commission might never come into operation. I note that the current commissioner is on the record as opposing the new structure.

Consultation with the chief commissioner over proposed appointments will avoid the chief commissioner having an effective veto over the appointments of other commissioners while still allowing the chief commissioner to have valuable input into proposed appointments. The Government strongly believes that this consultative approach is the most appropriate for delivering the new structure recommended by the bipartisan and unanimous report of the parliamentary committee. Ensuring that the ICAC is properly equipped to fight corruption is a priority for this Government. We have made that clear. That is why we are undertaking the most significant reform to the ICAC since its inception in 1988. We will not tolerate corruption in this State. At the last minute, Labor has become tricky and now seeks to score cheap political points. The 35 fair and considered recommendations

encompassed in the bill before the House will ensure that the ICAC will be even better equipped to fight and prevent corruption, with the full support of this Government. On that basis, I commend the bill to the House.

**Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (21:04):** In reply: I commend all members who made a contribution to debate on the Independent Commission Against Corruption Amendment Bill 2016. Consideration of this important issue has been going on for many months. The independent committee and the joint parliamentary committee have considered the matter. I state clearly that this legislation will implement the 35 recommendations contained in the bipartisan report. That is important. The Government remains committed to delivering a stronger and fairer Independent Commission Against Corruption [ICAC] that is fully equipped to fight corruption. We have had a determination to do that over the past few years, and I believe this bill achieves that. The Government remains resolute in its commitment to integrity in public administration. We have said time and again that we will not tolerate corruption in this State.

I have a couple of key points to make before I address the points made by individual speakers, whom I thank for their contributions. It has been suggested that this legislation has been rushed. The joint parliamentary committee brought down its recommendations on 27 October 2016, after a considerable time. A lot of work went into that report, and I congratulate every member of the committee. They were involved in many months of deliberation. The committee made strong recommendations, and we are implementing those recommendations tonight. Concern has been raised about the issue of independence. The commission remains independent. This bill proposes a new structure and it provides a path of appointment that is entirely consistent with that. It allows for an independent review process. It takes account of recommendations to Cabinet and recommendations from Cabinet to Parliament. The parliamentary committee has the right of veto.

Labor members made some outlandish claims in this debate which they know are not true. They are trying to make a political point. Opposition members have told me that they do not really know why they are fighting this legislation. It appears that their leadership wants another political fight, and this is the issue today. If that is the approach Labor members want to take it is a matter for them. I turn to the contributions of individual speakers. The member for Liverpool made a number of points. He said that Labor has been clear from the outset that there are two points of contention. That is it. I believe every other part of the legislation has been confirmed. I will wait to see how the vote goes. He said that the Government should not be surprised by that. The Government has negotiated with the Opposition for more than a week, as the member for Liverpool will acknowledge, and concessions were given that were not in the committee report. The Government has been reasonable. We have tried to deliver through a bipartisan approach.

The member for Liverpool acknowledged that the Government had made some good amendments. At the same time, the member for Liverpool said that the Government is out to get the commissioner of the ICAC. Nothing could be further from the truth. The ICAC is being reconstituted and the role no longer exists. The committee proposed a new commission and the Government has accepted that. The Government believes that a merit-based process should be followed to determine the new commissioners. That will go to Cabinet and back to Parliament. We strongly believe that the best people should be chosen for those important roles. We anticipate and expect that the existing commissioner will apply and be part of the process. That is what we have outlined and we hope will happen.

The member for Liverpool also said that the provision to appoint deputy commissioners should be based on concurrence, not consultation. The Government believes that having a chief commissioner who is able to veto commissioners takes away the Parliament's powers of appointment. We are taking this back to the Parliament. The Parliament should decide through Cabinet and then the committee, and the appropriate interaction with the chief commissioner should take place. There will be consultation. The Government will discuss with the commissioner the people it is considering for appointment; we will seek the commissioner's views and take them on board. The member for Liverpool said that the amendments will fatally injure the ICAC. The Government is implementing the bipartisan recommendations of the parliamentary committee. The member then said that the Government's position on the bill is the most corrupt in 20 years.

**The DEPUTY SPEAKER:** Order! The member for Liverpool has made his contribution. The Premier has the call.

**Mr MIKE BAIRD:** The bipartisan committee, of which the member for Liverpool is a member, spent months developing the recommendations. The Government is implementing the member's recommendations and he makes that sort of allegation.

**Mr Paul Lynch:** You are a fool and you are corrupt.

**Mr MIKE BAIRD:** There he goes again. I ask the member to retract that statement.

**Mr Paul Lynch:** If it upsets him I will withdraw it.

**The DEPUTY SPEAKER:** I thank the member for Liverpool.

**Mr MIKE BAIRD:** Thanks very much; the truth hurts. I am amazed that a member of a committee that made recommendations to this Parliament when we introduce legislation to implement them then says that it is the most corrupt he has seen in 20 years. The Leader of the Opposition said, "They have snuck it in over a day and a night." The Leader of the Opposition knows—and I put it on record—that in the past two weeks my chief of staff has tried to negotiate a meeting with his chief of staff. It was delayed. We asked to see the Leader of the Opposition and it was delayed. We were trying to implement a bipartisan approach to this legislation and we thought that surely the Opposition would not try to play politics with it.

**The DEPUTY SPEAKER:** Order! I remind the member for Bankstown that she is on three calls to order.

**Mr MIKE BAIRD:** Concerns were raised about the commissioner by the member for Bankstown, the member for Balmain and the member for Heffron. It is clear that the bipartisan recommendations have agreed to a new commission. As part of that new commission there will be an independent process for anyone who wants to apply and recommendations will be made to Cabinet. Cabinet will make endorsements and then send them back to the parliamentary committee, which has the right of veto. That is the process we have established.

The member for Sydney said that the legislation seems to be about limiting public inquiries. No, it provides protections and provisions. It is a serious power, a serious responsibility. The recommendations from the committee suggested having additional protection—that is, the eyes of not just one commissioner but of three commissioners—in relation to use of the powers. That is a good, sensible protection. Public inquiries are still important and will be part of the operation of the ICAC—as they should be. But there is a protection and a sensibility in relation to when and how they should be used. We support that additional protection. The bipartisan committee made recommendations about that, and we support them absolutely.

I also thank members representing the electorates of Lake Macquarie and Newtown and the Attorney General, the member for Vacluse, for their contributions. We believe strongly that this is incredibly important legislation. I thank the joint parliamentary Committee on the Independent Commission Against Corruption for its recommendations and what we are doing.

**Mr Ray Williams:** Bipartisan recommendations.

**Mr MIKE BAIRD:** Members recommendations were not just bipartisan; they were unanimous. Every member from each party agreed with the recommendations. The Government is implementing them tonight because we want a strong ICAC with appropriate powers and protections. That is exactly what this bill delivers.

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

**The House divided.**

Ayes .....46  
Noes .....33  
Majority..... 13

#### AYES

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

Aplin, Mr G  
Berejiklian, Ms G  
Conolly, Mr K  
Crouch, Mr A  
Evans, Mr L  
Gulaptis, Mr C  
Hodgkinson, Ms K  
Kean, Mr M  
Marshall, Mr A  
Pavey, Ms M  
Piccoli, Mr A  
Rowell, Mr J  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

Baird, Mr M  
Bromhead, Mr S (teller)  
Constance, Mr A  
Dominello, Mr V  
Fraser, Mr A  
Hazzard, Mr B  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Perrottet, Mr D  
Provest, Mr G  
Sidoti, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

## NOES

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

Atalla, Mr E  
 Chanthivong, Mr A  
 Dib, Mr J  
 Foley, Mr L  
 Harrison, Ms J  
 Hornery, Ms S  
 Leong, Ms J  
 Mehan, Mr D  
 Park, Mr R  
 Robertson, Mr J  
 Watson, Ms A

Barr, Mr C  
 Crakanthorp, Mr T  
 Doyle, Ms T  
 Greenwich, Mr A  
 Haylen, Ms J  
 Kamper, Mr S  
 Lynch, Mr P  
 Mihailuk, Ms T  
 Parker, Mr J  
 Smith, Ms T  
 Zangari, Mr G

## PAIRS

Gibbons, Ms M  
 Grant, Mr T

McDermott, Dr H  
 Smith, Ms K

**Motion agreed to.**

*Visitors*

## VISITORS

**The DEPUTY SPEAKER:** I welcome to the Speaker's gallery Mr Bede Burke from Tamworth.

*Bills***INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL 2016**

**Consideration in detail requested by Mr Paul Lynch.**

**Consideration in Detail**

**The DEPUTY SPEAKER:** By leave: I will deal with the bill in groups of clauses and schedules.

**Clauses 1 and 2 agreed to.**

**Mr PAUL LYNCH (Liverpool) (21:19):** I move Opposition amendment No. 1 on sheet C2016-121B:

No. 1 **Appointment of Commissioners (other than Chief Commissioner)**

Page 3, Schedule 1 [4], lines 40 and 41. Omit all words on those lines. Insert instead:

- (2) The 2 other Commissioners may only be appointed with the concurrence of the Chief Commissioner.

This amendment deals with the mode of appointment of the commissioners. It requires that there be concurrence by the chief commissioner regarding the two other commissioners. It replaces the provision in the bill that at the moment provides only for consultation. I listened to the intellectually underwhelming contribution of the Premier in response to this point. The difficulty with his argument is that what he is opposing is precisely what he put into the Law Enforcement Conduct Commission Bill 2016. If in fact he believed in the Law Enforcement Conduct Commission Bill 2016 why on earth is that provision not in this bill? He is taking one position in one bill and another position in another bill in exactly the same circumstances. That is an appalling inconsistency.

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

**Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (21:20):** I am sorry that I intellectually underwhelmed the member for Liverpool. For the dummies in the House I will outline—

[*Interruption*]

Really? Imagine implementing a joint committee's bipartisan recommendations. Imagine that. We have said that the provision to appoint deputy commissioners should be based on consultation and not concurrence, as the member for Liverpool has said. In simple terms, nominations come through Cabinet and go to the committee, which has a right of veto. During that process the committee consults with the chief commissioner by asking for his or her views on the candidates and incorporates that in its decision-making process. Ultimately the right of

veto comes back to the committee. That may be intellectually underwhelming to those opposite but it kind of makes sense to me.

**Mr PAUL LYNCH (Liverpool) (21:21):** The proposition that came to the committee and that gave rise to the three commissioner model originated from the Department of Premier and Cabinet. The Premier's department said it should be based on the Law Enforcement Conduct Commission. Why can the Premier not do what his department says?

**The DEPUTY SPEAKER:** The question is that Opposition amendment No. 1 on sheet C2016-121B be agreed to.

**The House divided.**

Ayes .....33  
Noes .....46  
Majority.....13

**AYES**

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

Atalla, Mr E  
Chanthivong, Mr A  
Dib, Mr J  
Foley, Mr L  
Harrison, Ms J  
Hornery, Ms S  
Leong, Ms J  
Mehan, Mr D  
Park, Mr R  
Robertson, Mr J  
Watson, Ms A

Barr, Mr C  
Crakanthorp, Mr T  
Doyle, Ms T  
Greenwich, Mr A  
Haylen, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mihailuk, Ms T  
Parker, Mr J  
Smith, Ms T  
Zangari, Mr G

**NOES**

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

Aplin, Mr G  
Berejiklian, Ms G  
Conolly, Mr K  
Crouch, Mr A  
Evans, Mr L  
Gulaptis, Mr C  
Hodgkinson, Ms K  
Kean, Mr M  
Marshall, Mr A  
Pavey, Ms M  
Piccoli, Mr A  
Rowell, Mr J  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

Baird, Mr M  
Bromhead, Mr S (teller)  
Constance, Mr A  
Dominello, Mr V  
Fraser, Mr A  
Hazzard, Mr B  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Perrottet, Mr D  
Provest, Mr G  
Sidoti, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

**PAIRS**

McDermott, Dr H  
Smith, Ms K

Grant, Mr T  
O'Dea, Mr J

**Amendment negatived.**

**Mr PAUL LYNCH (Liverpool) (21:27):** By leave: I move Opposition amendments Nos 2 and 3 on sheet C2016-121B in globo:

No. 2      **Commissioner to become Chief Commissioner**

Page 10, schedule 1 [20]. Insert after line 22:

**41 The Commissioner to become Chief Commissioner**

The person holding the office of the former Commissioner immediately before the substitution of Part 2 of this Act by the amending Act is taken, on that substitution, to have been appointed as Chief Commissioner for the balance of the person's term of office as the former Commissioner.

**No. 3 Commissioner to become Chief Commissioner**

Page 12, schedule 2 [6], lines 28–32. Omit all words on those lines.

These provisions establish the current Commissioner of the Independent Commission Against Corruption as the chief commissioner. They will show the difference between those in this Chamber who care about the Independent Commission Against Corruption as an institution and those who do not. The removal of the current commissioner, which is effectively what the bill does, is overturned by the amendments. The removal of the Commissioner of the Independent Commission Against Corruption will be fatal for that institution because it will no longer be able to investigate a governing party. That is precisely what the Government has achieved.

**Mr MIKE BAIRD (Manly—Premier, and Minister for Western Sydney) (21:27):** Let us go through this in simple terms. The joint parliamentary committee has made recommendations on a process. I would expect through that process the best possible person will be appointed. Is that not what we want? Do we not want the best possible person for the job, over whom the parliamentary committee has the right of veto? We have established a process that was agreed by a committee of which the member for Liverpool was a member. Labor has made this about an individual. This is about the best process to get the best person. We make no apologies for a process that establishes independence because it ultimately goes from a nomination committee to Cabinet and then it must come back to the joint parliamentary committee. We want the best possible person for the job. Labor seems to want to make this about an individual. It is about appointing the best person possible to undertake this role, and the parliamentary committee has the right of veto. We are doing what we think is right for the State. Our aim is to implement the recommendations of the committee, but Labor members have tonight come up with an opportunity to turn this into something political. That is what they do and they do it well: They create political issues.

**The DEPUTY SPEAKER:** Order! The member for Maitland is on her final warning.

**Mr MIKE BAIRD:** All we are doing with this legislation is implementing bipartisan recommendations and suddenly those opposite are confecting rage. We have established a process that will give us every opportunity to get the best person, and we believe that is a good thing—not just for today but for the future of this State.

**Mr LUKE FOLEY (Auburn) (21:30):** I have no doubt that the Government will appoint the best person—as long as that person's name is not Megan Latham. This is an exercise conceived in malice to chop the head off a commissioner who had the temerity to inquire into corruption inside the ranks of the Liberal Party. If members do not believe my words listen to what the commissioner said this afternoon:

The most significant practical consequences of the provisions were not the subject of any discussion or submission before the ICAC parliamentary committee or in any other forum and find no expression in the committee's report.

That is what the commissioner said, and it is why the commissioner of the ICAC said today that this is an unprecedented attack on the independence and effectiveness of the commission. Every member of this House should understand what is happening tonight. After 28 years of bipartisanship on ICAC, this Premier at this time is acting to terminate the ICAC commissioner—an action conceived in malice. The ICAC commissioner is being offered up as a blood sacrifice to the far right wing of the Liberal Party. The Premier will not have any bipartisanship on this—no way.

**The DEPUTY SPEAKER:** The question is that Opposition amendments Nos 2 and 3 on sheet 2016-121B be agreed to.

**The House divided.**

Ayes .....33  
Noes .....46  
Majority..... 13

AYES

Aitchison, Ms J  
Catley, Ms Y  
Daley, Mr M  
Finn, Ms J  
Harris, Mr D

Atalla, Mr E  
Chanthivong, Mr A  
Dib, Mr J  
Foley, Mr L  
Harrison, Ms J

Barr, Mr C  
Crakanthorp, Mr T  
Doyle, Ms T  
Greenwich, Mr A  
Haylen, Ms J

## AYES

Hoenig, Mr R  
Lalich, Mr N (teller)  
McKay, Ms J  
Minns, Mr C  
Piper, Mr G  
Warren, Mr G (teller)

Hornery, Ms S  
Leong, Ms J  
Mehan, Mr D  
Park, Mr R  
Robertson, Mr J  
Watson, Ms A

Kamper, Mr S  
Lynch, Mr P  
Mihailuk, Ms T  
Parker, Mr J  
Smith, Ms T  
Zangari, Mr G

## NOES

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

Aplin, Mr G  
Berejiklian, Ms G  
Conolly, Mr K  
Crouch, Mr A  
Evans, Mr L  
Gulaptis, Mr C  
Hodgkinson, Ms K  
Kean, Mr M  
Marshall, Mr A  
Pavey, Ms M  
Piccoli, Mr A  
Rowell, Mr J  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

Baird, Mr M  
Bromhead, Mr S (teller)  
Constance, Mr A  
Dominello, Mr V  
Fraser, Mr A  
Hazzard, Mr B  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Perrottet, Mr D  
Provest, Mr G  
Sidoti, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

## PAIRS

McDermott, Dr H  
Smith, Ms K

Grant, Mr T  
Gibbons, Ms M

**Amendments negatived.**

**The DEPUTY SPEAKER:** The question is that schedules 1 to 3 be agreed to.

**Schedules 1 to 3 agreed to.****Third Reading**

**Mr MIKE BAIRD:** I move:

That this bill be now read a third time.

**The House divided.**

Ayes .....46  
Noes .....33  
Majority..... 13

## AYES

Anderson, Mr K  
Barilaro, Mr J  
Brookes, Mr G  
Coure, Mr M  
Elliott, Mr D  
Goward, Ms P  
Henskens, Mr A  
Johnsen, Mr M  
Maguire, Mr D  
Patterson, Mr C (teller)

Aplin, Mr G  
Berejiklian, Ms G  
Conolly, Mr K  
Crouch, Mr A  
Evans, Mr L  
Gulaptis, Mr C  
Hodgkinson, Ms K  
Kean, Mr M  
Marshall, Mr A  
Pavey, Ms M

Baird, Mr M  
Bromhead, Mr S (teller)  
Constance, Mr A  
Dominello, Mr V  
Fraser, Mr A  
Hazzard, Mr B  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Perrottet, Mr D

## AYES

Petinos, Ms E  
 Roberts, Mr A  
 Skinner, Ms J  
 Taylor, Mr M  
 Upton, Ms G  
 Williams, Ms L

Piccoli, Mr A  
 Rowell, Mr J  
 Speakman, Mr M  
 Toole, Mr P  
 Ward, Mr G

Provest, Mr G  
 Sidoti, Mr J  
 Stokes, Mr R  
 Tudehope, Mr D  
 Williams, Mr R

## NOES

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

Atalla, Mr E  
 Chanthivong, Mr A  
 Dib, Mr J  
 Foley, Mr L  
 Harrison, Ms J  
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 Mehan, Mr D  
 Park, Mr R  
 Robertson, Mr J  
 Watson, Ms A

Barr, Mr C  
 Crakanthorp, Mr T  
 Doyle, Ms T  
 Greenwich, Mr A  
 Haylen, Ms J  
 Kamper, Mr S  
 Lynch, Mr P  
 Mihailuk, Ms T  
 Parker, Mr J  
 Smith, Ms T  
 Zangari, Mr G

## PAIRS

Gibbons, Ms M  
 Grant, Mr T

McDermott, Dr H  
 Smith, Ms K

**Motion agreed to.***Committees***LEGISLATION REVIEW COMMITTEE****Report: Legislation Review Digest No. 29/56**

**The DEPUTY SPEAKER:** The question is that the House take note of the report.

**Mr MICHAEL JOHNSEN (Upper Hunter) (21:42):** As Chair: I speak tonight about the Legislation Review Committee's twenty-ninth digest for the Fifty-Sixth Parliament. I will briefly discuss the committee's comments in respect of four of the bills introduced into Parliament in the last sitting week. First, the Committee considered the Biodiversity Conservation Bill 2016 and cognate Local Land Services Amendment Bill 2016. The committee commented on issues related to personal rights and liberties and other issues concerning the inappropriate delegation of legislative powers. The committee noted that the bill contained clauses which reverse the onus of proof. This is contrary to the principle that a person is presumed innocent until proven guilty.

The committee highlighted how the reversal works and that it applies only to certain offences. However, the committee referred the clauses to Parliament to consider whether reversing the onus of proof in certain circumstances is justified. The committee also commented on provisions in the bill which abrogate the privilege against self-incrimination. The bill requires individuals to provide records, information or answers even though it might incriminate them. The provision includes some safeguards, including limiting the kinds of proceedings in which evidence of this nature can be used. The committee also noted that similar provisions occur frequently in legislation. Despite this, the committee questioned whether the abrogation is justified in the circumstances.

Another issue the committee commented on concerned the ability of a court to make a number of orders where a court finds an offence proved. These orders can apply to a situation where a court has made an order under section 10 of the Crimes (Sentencing Procedure) Act 1999 to dismiss the charge. The committee noted that some of the orders are appropriate, however the committee considered that others, such as requiring an offender to publicise his or her offence, appear to contradict the intention of the scheme established by section 10.

Turning now to provisions concerning an inappropriate delegation of legislative power, the committee highlighted that the bill permits the regulations to create offences with a penalty of imprisonment for up to two



years. The committee noted that the regulation is subject to disallowance and that any new offence would not affect rural landowners. Nevertheless, the committee was concerned that the Executive would be empowered to create offences with a period of imprisonment.

The final issue concerning the Biodiversity Conservation Bill 2016 I wish to speak to is a clause allowing the regulations to update the schedules to the Act. They are commonly referred to as Henry VIII clauses and the committee noted that generally it is preferable for Acts to be amended by principal legislation, rather than by regulation. However, in this instance, schedules 5 and 6 to the Act list protected plants and animals and, as such, updating these by regulation will not impact on personal rights or liberties.

The second bill I wish to speak to is the Human Tissue Amendment (Trafficking in Human Organs) Bill 2016. This bill will make it a crime for citizens of New South Wales to obtain organs through illegal and unethical means, including where such conduct occurs overseas. The committee noted that the bill retains existing offences in the Human Tissue Act but also creates aggravated versions of these offences. These aggravated versions provide for significantly higher penalties, including imprisonment for 25 years. The committee noted the increased penalties, however also acknowledged that serious aggravated offences under other New South Wales laws carry similar periods of imprisonment. As such, the committee made no further comment on that issue.

The committee also noted the extra-territorial application of the bill. The committee noted that New South Wales residents who commit crimes under the bill while in another jurisdiction will be liable to punishment in New South Wales. This may have implications relating to criminal processes. The committee highlighted some complications which could occur, however it balanced these against the objectives of the bill. The committee therefore made no further comment.

The final bills which I make brief comment on are the Aboriginal Land Rights Amendment (Local Aboriginal Land Councils) Bill 2016 and the Retail Leases Amendment (Review) Bill 2016. With both these bills the committee noted that they are to commence by proclamation, rather than on assent or a fixed date. Commencement by proclamation is a common provision within bills and it is one on which the committee generally comments. In these instances the committee found commencement by proclamation to be justified in the circumstances. That concludes my remarks on this digest. I thank the committee staff and members for their input. I commend the digest to the House.

**Mr DAVID MEHAN (The Entrance) (21:48):** I speak on behalf of the Labor Opposition on the twenty-ninth report of the Legislation Review Committee. It being the end of the year, on behalf of the Labor Opposition I thank my fellow committee members and I particularly thank the secretariat. They do a fantastic job in putting together all the work that the committee goes through each week and in providing a bunch of information for members to use in their contributions in this place.

However, I remind the House that the committee performs an important function. It was a response by the Legislature to a demand in this State for a bill of rights. Instead of a bill of rights we got the Legislation Review Committee. When the committee comments on an issue in a bill, it is a simple courtesy for the member who has put the bill before the House, be it a Minister or a private member, to address the House directly. That has not been the case over the past 12 months. I remind the House that it would be appropriate in the next 12 months to adopt that approach. Having said that, I thank all committee members, especially the chairperson, who does a workmanlike job for a Government member. I thank the House for listening to me. I wish all members a Merry Christmas.

**The DEPUTY SPEAKER:** I thank the member for The Entrance. I am sure the member for Upper Hunter will get that comment out of *Hansard* and put it beside his bed so he can read it every night. The question is that the House take note of the report.

**Report noted.**

*Matter of Public Importance*

#### **DOMESTIC VIOLENCE**

**Ms JENNY AITCHISON (Maitland) (21:50):** This year on average more than one woman a week has died due to domestic violence. A woman is most likely to be killed by her male partner at home and domestic and family violence is the principal cause of homelessness for women and children. Intimate partner violence is the leading contributor to death, disability and ill health in Australian women aged 15 to 44. Violence and abuse against women and girls is the endpoint of disrespecting women. That does not mean that all acts of disrespect against women will lead to violence but all violence against women begins there.

It is the responsibility of men and boys to make the social changes to end the violence against women. If little boys see their dads disrespect their mums, they grow up to disrespect their partners. If they see their mother

is respected, they will grow to respect the women in their lives. But men are not just fathers; they are not just sons and brothers. They do not belong to just one cultural community. They are also members of other social and cultural groups, including workplaces, school and communities.

White Ribbon Day on 25 November is the world's largest movement of men and boys working to end men's violence towards women and girls and to promote gender equality, healthy relationships and a new version of masculinity. I extend sincere and deep thanks to every member of this place who turned up to the Speaker's Garden today in support of White Ribbon. I urge every male member who turned up to that event to take the White Ribbon Day oath and I would like every female member to become an ambassador because we need to change attitudes towards women in this place and we need to change attitudes towards women in the community.

Part of my work as chair of the Commonwealth Women Parliamentarians and as deputy chair of the national steering committee will be about respecting women and about violence against women, not just in their homes but in all levels of society. In fact, when the Commonwealth Parliamentary Association meets later this year in London it will be discussing violence against women at all levels, particularly in the political field. We will remember people like Jo Cox, who on 16 June 2016 died as a result of violence against her. As women, we face violence in all aspects of our lives—in our homes as children, wives, partners and loved ones, in our workplaces and on the street. This is wrong.

Amazing women in our community like Mariam Veuszadeh, Van Badam, Clementine Ford, Caroline Wilson and many others have high profiles in our community. Thanks to the keyboard warriors, the people who perpetrate violence on computers, they are also at risk. Violence against women needs to be addressed at every level. I challenge every man in this place and every man in our State that when they think about making a joke about a woman, they should think about how they would feel if that joke was made about them. Would that belittle them or give permission to someone else to take that a step further towards violence because violence is a continuum? It starts with power and control and extends to economic, psychological, social and then physical and sometimes sexual violence against women.

We must be vigilant in every aspect of our interactions as human beings to not perpetrate violence against anyone in our community, particularly women. People say to me that this is not a gender situation; that violence against women is not really real; and that domestic violence is the issue. I want to know why we do not see the same numbers of women in our community dying from violence as we see men. We know that women are the targets of this kind of abuse. I again thank all members for their personal work on this issue and I urge them to make greater efforts in the future.

**The DEPUTY SPEAKER:** I add my congratulations to the Commonwealth Women Parliamentarians for making women's safety a men's issue too. I congratulate the member for Maitland on today's event. I am sure every member in this House, whether male or female, is 100 per cent behind her.

**Mr LEE EVANS (Heathcote) (21:56):** I thank the member for Maitland for bringing this matter to the attention of the House. In my local area Sutherland Shire Family Services has commissioned a film called *Pull Ya Head In*. This has been very powerful in the Sutherland shire because it is shown in all our theatres. It is about men and boys not stepping over the line and not making fun of or ridiculing women, which should start at a very young age. Next year I would like to bring it in to show the member for Maitland as it is fantastic.

The Government acknowledges and applauds the significant work that White Ribbon Australia does to engage men and make them a critical part of the campaign to stop violence against women. Domestic violence is about power and control. It is an absence of respect—respect for women, respect for children, respect for a partner and respect for one's self. The community is more aware than ever about the prevalence and impacts of this crime. The community is also now more willing to talk about it and about the experiences we have had in our families, workplaces and neighbourhoods.

The New South Wales Government is leading the nation in tackling domestic violence. For the first time in New South Wales rather than a patchwork of services the Government is creating a domestic and family violence system that responds consistently and effectively. To better help and support victims we need to put the perpetrator clearly in the centre of the frame, as well as continuing to invest a record amount of funding for victims. That is why we doubled this year's budget for specialist domestic violence initiatives to more than \$300 million over four years.

This is in addition to the hundreds of millions of dollars the Government spends each year to combat domestic and family violence through mainstream services in child protection, justice, police, health, social housing and homelessness services. The Government will continue to work hard to support victims, intervene with perpetrators and change attitudes in the longer term. However, the Government alone will not break the

cycles of violence and solve this complex social issue. Tackling domestic and family violence must be a whole- of- community response if we really want outcomes that make women, men and children safe.

That means neighbours, families, friends, sporting teams, workplaces, community groups, the media, the corporate sector and businesses big and small must play a part. White Ribbon challenges men to stand up, speak out and act to prevent violence against women. The work of White Ribbon is broad reaching. It includes the White Ribbon Campaign, White Ribbon Advocates and Ambassadors, the Workplace Accreditation Program, the Breaking the Silence in Schools Program, university programs and the White Ribbon Diversity Program. We will see change only through the effort of all parts of the community.

Each of us needs to have the courage to stand up, speak out and act to prevent violence against women. Preventing violence and reducing victimisation and reoffending is no easy task. It will take time and persistent effort to change the behaviours and attitudes in our community that have made it acceptable for women and children to live in fear. The New South Wales Government is fiercely committed to breaking these cycles of violence. New South Wales will continue to be the champion of social policy that makes people safe in New South Wales. I am proud of the work being done for domestic and family violence by Assistant Commissioner Mick Fuller. I have known him since I was 12 years old. I hope to catch up with him over Christmas to discuss the progress of domestic violence mitigation in New South Wales. I thank the House.

**The DEPUTY SPEAKER:** I note the presence in the Chamber of the Minister for Women and Minister for the Prevention of Domestic Violence and Sexual Assault. This issue forms a large part of her portfolio and it is significant that the Minister is in the Chamber.

**Mr GUY ZANGARI (Fairfield) (22:01):** I join the member for Maitland and other members to discuss White Ribbon Day. Strong men respect women. The upcoming White Ribbon Day takes place on 25 November each year. It works to put an end to domestic violence through education and engagement. In order to put an end to domestic violence we need to stand up and stand together. All the male members in this House say no to domestic violence and others should too. Most men believe that violence against women is wrong, however, there is an unfortunate bunch who just have not got the message.

White Ribbon Australia has noted that men speaking to other men about violence against women is a powerful catalyst for change and we need more of our male role models across the country to talk to young men, boys and older men regarding this significant issue and the scourge in our community. Through education, raising awareness and preventative programs and partnerships, White Ribbon Australia is empowering men with the necessary tools to initiate change and stop violence against women in the community. Domestic violence is not just physical or sexual assault; it can be psychological, social or financial abuse as well as intimidation and stalking.

Victims of these deplorable acts are not unfortunate statistics on paper, they are wives, sisters, mothers, daughters, friends and colleagues. It is as simple as that. The objective of the White Ribbon Day campaign is to drive change in the community and to encourage people to speak out against violence against women. Violence against women is a serious problem throughout the world and Australia is no exception. Without strong advocates who want to make real change for the future, remarkable campaigns such as White Ribbon Day would never have come to fruition.

One in three Australian women over the age of 15 has reported having experienced physical or sexual violence at some stage in their lives. This means that there is a very good chance that every one of us in this Chamber today has someone in our families who has been a victim of violence in the past. I am proud to stand in this House in solidarity with every member. Together we can pledge our support to put an end to domestic violence. Be sure to wear white to spread the word throughout the community and to ensure that every man knows that violence against women is not okay.

**Ms JENNY AITCHISON (Maitland) (22:04):** In reply: I thank the member for Fairfield for his heartfelt contribution. I thank the member for Heathcote and the Deputy Speaker for their comments. As chair of the Commonwealth Women Parliamentarians and in conjunction with Parliamentary Friends for the Prevention of Domestic Violence and Sexual Assault the White Ribbon morning tea was held in this place. It set a tone in this place to commemorate the day and to start making a plan for a stronger commitment to reduce violence against women. I thank the Minister for her contribution to that discussion. I thank the Hon. Natasha Maclaren-Jones, chair of the Parliamentary Friends for the Prevention of Domestic Violence and Sexual Assault.

I thank Mr Raj Kumar. His generosity and courage in sharing his story of multigenerational family violence gave members the opportunity to reflect on the complexity of this situation. Often these incidents happen close to us without our awareness—someone next door to us or someone related to a victim of family violence. I congratulate Raj Kumar on the White Rahki event held at the University of Technology, Sydney. It focused on

combining the cultural event, where sisters give brothers a bracelet to protect them as they meet challenges in life, with the White Ribbon event. It was a hopeful moment and experience for me to see young people from migrant communities giving the tradition a deeper meaning.

We need to talk about victims as well as perpetrators. I met earlier today with Dr Simon Hackett, a world expert on sexual abuse of children by children. He highlighted to me the issue of child perpetrators as victims. It is important that we give support to victims of child sexual assault and other forms of abuse. Without adequate help and support through those traumatic experiences they often become perpetrators. The earliest intervention that we can provide to perpetrators is to see them as victims and to offer them help to deal with the trauma so they can improve their behaviour. I thank everyone for their contribution to the debate concerning White Ribbon Day.

#### *Community Recognition Statements*

### **ST GEORGE COMMUNITY AWARDS**

**Mr MARK COURE (Oatley) (22:07):** One of the best parts of my role as a member of Parliament is coordinating the St George Community Awards. On 3 November I had the pleasure of hosting the sixth annual awards at Club Central in Hurstville. The St George community is fortunate to have so many people willing to volunteer and serve in order to assist others. The spirit of volunteerism and dedication is exemplified by the people who received awards. I thank all the award winners for their service and commitment to our local community and the nominators for their enthusiastic response and desire to see effort and achievement rewarded and recognised. My thanks also to the master of ceremonies, 2NBC's Paul McGrath, and the performers from Sing Australia. These awards recognise service in a number of categories including individual achievement, senior volunteer, youth volunteer, sport volunteer, environmental volunteer and business achievement. I commend all those who were recognised and thank them for their service to the St George area.

### **AUSTRALIANS MADE IN ITALY GALA DINNER**

**Mr GUY ZANGARI (Fairfield) (22:08):** On Friday 4 November 2016 I had the great privilege of attending the Australians Made in Italy gala dinner at Club Marconi. The evening acknowledged the contribution made by Australians of Italian heritage to politics, business, entertainment, sport and fashion. The evening was attended by more than 500 people. Ms Emma Alberici was master of ceremonies. Many famous Italian Australians were recognised on the evening, including the De Bortoli family of De Bortoli Wines; Mr Filippo Navarra of Navarra Venues; comedian Mr Vince Sorrenti; ABC presenter and journalist Ms Emma Alberici; Mr Paul Okon, coach of the Central Coast Mariners; gold medallist in the pentathlon at the 2016 Olympics in Rio, Ms Chloe Esposito; Mr Vince Foti of Foti International Fireworks; designer and jeweller Mr Nick Cerrone; fashion designer Ms Carla Zampatti; and Senator Concetta Fierravanti-Wells. Congratulations to Club Marconi, IGT and the Italian Chamber of Commerce and Industry in Australia for promoting a great night.

### **TRIBUTE TO DOROTHY AND DICK BABB**

**Mr MATT KEAN (Hornsby) (22:09):** Usually when people think of retirement they think of relaxing in the sun somewhere after a lifetime of hard work, but not Hornsby couple Dorothy and Dick Babb. Retired for 18 years and now in their seventies, Dorothy and Dick are busier than they ever were during their working lives. Mr and Mrs Babb were nominated for the Pride of Australia award for their decades of work with the Hornsby Ku-ring-gai Women's Shelter. Dorothy was a schoolteacher and Dick was an executive with the Commonwealth Bank. Since their retirement the Babbs' commitment has stretched into all areas of community life in Hornsby, where they have lived for almost 45 years. Their causes include refugees, Parkinson's disease and Aboriginal reconciliation.

When asked how they managed their volunteering life, Dorothy remarked that they were always busy through their working lives, so they were happy to take on things that popped up in front of them. For Dorothy and Dick, volunteering offers more than one might immediately assume. It has enhanced their relationship, building common interests and expanding their circle of friends. Dorothy and Dick said that, more than anything, being selfless and thinking about the needs and wants of others has been critical to giving them a renewed perspective on life. Today I pay tribute to the remarkable contribution made by Dorothy and Dick Babb who, through their dedication, initiative and courage, have offered so much to build a stronger, healthier community.

### **TIM HODGE, PARALYMPIAN**

**Mr JOHN ROBERTSON (Blacktown) (22:10):** I congratulate Tim Hodge on his exceptional sporting success in representing Australia at the 2016 Paralympic Games. Tim's story is inspirational. When Tim was four his right foot was amputated due to a deficiency in his lower leg. Falling in love with swimming at a young age, Tim worked tirelessly to become a fierce competitor in his sport, often competing with and claiming victory over his able-bodied rivals. In June this year Tim, a student at Patrician Brothers' College, Blacktown, travelled to

Berlin for the World Swimming Championships, where he set a new world record in the 400-metre individual medley. Having impressed Australian selectors with both his determination and performance, Tim was selected to represent Australia at the 2016 Paralympic Games in Rio, where he competed with the world's best and made our community incredibly proud. I thank Tim for being such a fine representative of the Blacktown community and extend to Tim both the Parliament's and my congratulations on his many achievements.

#### **ERINA FAIR SHOEBOX REVOLUTION**

**Mr ADAM CROUCH (Terrigal) (22:11):** With Christmas fast approaching our thoughts turn to those who will be without on Christmas Day. In my local area, the management of Erina Fair is working with the shopping community to support the Shoebox Revolution. It is a homegrown charity organisation that is endeavouring to make Christmas festive for those in need. The Erina Fair management is offering a place for people to drop off non-perishable goods such as tinned food, packaged snacks and toiletries. Centre manager Stephen Ross said he is proud that his staff and Erina Fair customers are supporting this initiative to assist locals who need help at Christmas. The wonderful people who donate their time and efforts to the Shoebox Revolution will use the donated goods to make up care packages for those without homes, to make their Christmas a little more festive.

#### **BASS HIGH SCHOOL COMMUNITY CAFE**

**Ms TANIA MIHAILUK (Bankstown) (22:12):** I was delighted to attend the recent opening of the Bass Community Cafe at Bass High School. The Bass High School Parents and Citizens Association successfully obtained \$20,000 through a 2014 Community Building Partnership grant to help fund the construction of the cafe. The cafe will provide students with the opportunity to receive firsthand experience and training in food handling, food service and coffee making. Students will learn vital hospitality, business and customer service skills in an innovative way. The cafe will also be open to community organisations. Rotary recently hosted an event at the community cafe that was catered by Bass High School students. I congratulate principal Mr David Horton, Mr King and parents and citizens association president Ms Carol Tomkinson for having the vision to deliver such an outstanding project for the school community. I also thank the students at Bass High School, who masterfully prepared some delicious pizzas, cinnamon scrolls and watermelon shakes at their newly opened cafe.

#### **TRIBUTE TO IMANTS "IAN" RAMMA**

**Mr ADAM MARSHALL (Northern Tablelands) (22:13):** I honour Senior Constable Imants "Ian" Ramma, APM, from Tenterfield, who is retiring from the NSW Police Force after 45 years of dedicated service. Senior Constable Ramma has served the people of the New England and New South Wales for 45 years, 40 of them with the New England highway patrol in the Tenterfield area. What an exemplary career, keeping people safe on our roads. Senior Constable Ramma is the longest-serving highway patrol officer in New South Wales. He was named in the Queen's Birthday 2013 Honours List and awarded the Australian Police Medal by the NSW Police Force for his distinguished service. At 2.00 p.m. on Friday 18 November 2016, in a special ceremony, Senior Constable Ramma will be marched out of Tenterfield police station by his colleagues, including the assistant commissioner, inspectors, traffic and highway patrol officers, and local police. I congratulate Senior Constable Ramma on an exemplary career and wish him all the best in retirement.

#### **BATTLE OF THE MINDS**

**Mr NICK LALICH (Cabramatta) (22:14):** On 20 and 21 January next year teams of young people from all over Cabramatta will be competing in the Battle of the Minds competition, hosted and organised by Pal Buddhist School in Canley Vale. This community event will help students to gain confidence, social skills and academic skills. It is a fantastic interactive initiative that will shape the students into young all-rounders. Students from years 6 to 10 will compete as teams in important subjects like English and literature, maths and engineering, science and technology, social science and personal development, health and physical education. Congratulations to Panha Pal, principal of Pal Buddhist School, teachers, staff and students who will be participating in the Battle of the Minds. I wish all the competing teams luck and look forward to updating the House in 2017 on the results of the Battle of the Minds.

#### **JDRF ONE WALK**

**Mr MARK COURE (Oatley) (22:15):** JDRF One Walk is the world's biggest type 1 diabetes fundraising event. Each year, JDRF walks around the globe bring together around one million people to raise more than \$85 million for life-changing research into type 1 diabetes. This success is possible only because of the support, commitment and strength of our community. As chair of the New South Wales Parliamentary Friends of Diabetes I organised a parliamentary team to participate in the walk. This year the JDRF One Walk Sydney was held on Sunday 13 November at Olympic Park, Homebush. I was joined by the member for Terrigal and his lovely wife, Jill, along with my wife and my son, James, and staff from my office. Our team raised more than \$6,000 for

research. If members have not already done so, I urge them to donate to this terrific cause. Type 1 diabetes is an autoimmune disease in which a person's pancreas loses the ability to produce insulin, a hormone that turns food into energy. Type 1 diabetes strikes both children and adults suddenly. More than 120,000 Australians have this disease, and there are more than 2,000 new diagnoses each year.

#### **BURWOOD COLLIERY BOWLING CLUB**

**Ms JODIE HARRISON (Charlestown) (22:16):** In my electorate of Charlestown, perched on a hill overlooking Dudley Beach, is the iconic Burwood Colliery Bowling Club. It boasts some of the most spectacular views on the Hunter coastline. Before its sudden closure 18 months ago, the club had been a popular venue for parties, birthdays, weddings and get-togethers. Not wanting the club to sit vacant for any longer, local residents have rallied the community and are calling for the Burwood Colliery Bowling Club to be reinvigorated. The group of Dudley and Whitebridge residents is developing a proposal and forming a community-based organisation to take over the old club. They have a vision for a welcoming, vibrant, family-friendly and community-run hub. They, like many in the community, want to see the club maintained as a sustainable community asset. I commend all the members of the group who are working to bring the iconic site back. In particular, I thank Carmen Blanco, who founded the group, for all her hard work.

#### **MEMBER FOR KIAMA STAFF**

**Mr GARETH WARD (Kiama) (22:17):** All of us in this place are very well supported by our staff. I take this opportunity to acknowledge the staff of the Department of Premier and Cabinet who assist me in my role as Parliamentary Secretary: Anthony Body; Katherine Fulton; and Jonathan Wheaton, who recently moved to the Community Building Partnership program. We have undertaken a number of programs this year. In particular, excellent work was done on the Illawarra Youth Employment Strategy, which I know will be of benefit to many young people across the region. I also thank the staff of my electorate office for their great work this year, led by Melissa Jobson, Ben Blackburn, Bryan Fishpool and Cameron McLeod. They do a great job. I acknowledge them, their hard work and their dedication.

**Mr Mark Coure:** I thank the writers, the make-up artists.

**Mr GARETH WARD:** The member for Oatley interjects because he could not hope to have such good staff. I am very proud of each of them.

**Ms Jodi McKay:** They are not your staff.

**Mr GARETH WARD:** They will never be the staff of the member for Strathfield because they have self-respect in choosing who they work for. I thank them for their assistance this year.

#### **KIRIBATI CLIMATE CHANGE**

**Ms JO HAYLEN (Summer Hill) (22:18):** The highest point in Kiribati is three metres above sea level. One hundred thousand people are crowded along 2,485 square miles of land, an area which is shrinking fast as climate change raises sea levels, swallowing more and more of their homeland. I was proud to host two remarkable women, Sennai and Varsiti, representing the Kiribati Climate Change Action Network and the Kiribati Health Retreat Association. They visited the New South Wales Parliament to deliver a simple message: do something, do anything to help their people. They said that we in Australia are their brothers and sisters, that they look to us for guidance, leadership, support and compassion. For the members of Parliament in attendance, their visit was a powerful reminder that we have to balance our interests with those of our nearest neighbours in the South Pacific. I thank all those who came to hear these wonderful women speak. I also thank the Edmund Rice Centre, Micah Australia and the Pacific Calling Partnership for organising their visit. Most of all, I thank Sennai and Varsiti for their courage and passion and for travelling to the Parliament to stand up for their people.

#### **SUTHERLAND SHIRE LIONESSE CLUB**

**Ms ELENi PETINOS (Miranda) (22:19):** I recognise the fantastic Sutherland Shire Lioness Club, which celebrated its thirty-eighth charter dinner on 27 October 2016. The club was created in 1978, when women were not accepted as members of Lions clubs, although wives and partners of Lions members worked side by side with the men. The only recognition they received was as Lions Ladies. To get around this, the Engadine Lions Club formed a Lioness Club under the guidance of Lion Dennis Weatherall.

This fellowship of like-minded women volunteer for countless hours at events such as street stalls, farmers markets and fashion parades, raising money for important community projects. I acknowledge the Lionesses from the Miranda electorate whose contribution has been vital to the success and continuation of this indispensable club: Pat Coates, Diane Curtis, Carole Henry, Colleen Jackson, Noelene Kerfoot, Sue Maclean,

Diane Miller, Marilyn Morrison, June Orsman, Joy Palmer, Valda Patterson, Margaret Rule, Lydia Thuell and Wendy Trainor. Congratulations to each and every member of the club on 38 wonderful years.

#### **TRIBUTE TO JANETTE PERRAM**

**Ms JODI McKAY (Strathfield) (22:20):** I bring to the attention of the House Janette Perram, a volunteer with Burwood Community Welfare Services. For more than 25 years, Janette has committed a day a week to volunteer at Burwood Court's safe room, known as the Shine Room, expressly to work on apprehended domestic violence order cases. Janette has assisted thousands of marginalised and vulnerable women and families to obtain legal protection from the courts. Janette meets, greets, settles and emotionally supports women and often their children too. She assists with paperwork and obtaining interpreters and resources. Her role extends to keeping women informed about court procedures and processes and their rights.

Janette has been exceptionally supportive of Aboriginal women and women from culturally and linguistically diverse backgrounds as well as those with a disability. Her work involves long days and situations that can be emotionally challenging, as victims seek to navigate daunting courtroom situations and complex legal issues. In many cases, her support can make the difference to a case proceeding. On behalf of the local community, I thank Janette for her many years of dedicated service to women and their children.

#### **OLIVER BROWNE, JUNIOR SPORTS STAR AWARD**

**Mr MATT KEAN (Hornsby) (22:20):** I am delighted to congratulate an outstanding local sportsman, Oliver Browne, on celebrating his 150th game with the Hornsby Berowra Eagles Australian Football Leagues Club. For Oliver, footy takes priority, even when this means missing out on parties or going out with mates. Eternally committed to the Eagles, Oliver never wants to let his teammates down. For his dedication, Oliver was nominated to the *Hornsby Advocate* Junior Sports Star awards by the Eagles club president, Paul Stafford, who commended Oliver for always demonstrating the club's ethos of inclusion, fun, sportsmanship and respect.

Off the field, at the age of 15 Oliver is already mentoring the under 11s team. He is motivating them and providing insight into teamwork and professional sportsmanship. Oliver has been an outstanding leader and role model to the under 11s. He is a great credit to his parents, Adrian and Hanna, and everyone who has been involved in his impressive formation. Oliver's dream is to be an Australian Football League player. I believe it is only a matter of time before Bruce McAvaney is yelling out his name as he runs up the goals on the Sydney Cricket Ground. Good luck, Ollie, and all the best. I look forward to watching your star continue to shine.

#### **YOUTH FRONTIERS**

**Mr DAVID MEHAN (The Entrance) (22:22):** Central Coast students took home three of the eight awards on offer in this year's Youth Frontiers program awards ceremony today. The program, which is financed by Family and Community Services, encourages students to develop leadership and civic engagement skills through a mentoring program and deliver a community-based project. Each student produced and implemented a community project that tackled needs in the community. The program involves more than 1,200 participants and was hotly contested, with more than 24 finalists visiting Parliament House for the awards ceremony. Tarni Stepheson from Lisarow High took the prize for Engaging in Sport. Madeline Consolino-Bouzaid from Henry Kendall High School won the Youth Mental Health and Wellbeing category and Aaron Melhorn from Tuggerah Lakes Secondary College took out the General Category. Susie Miller of Leadership Within, who coordinated the project on the Central Coast, did a great job. I congratulate all participants.

#### **JDRF ONE WALK**

**Mr ADAM CROUCH (Terrigal) (22:23):** I pay tribute to JDRF NSW. On Sunday, together with the member for Oatley, his lovely wife, Adler, and son, James, I took part in the One Walk, a fundraising event with the aim of turning type 1 diabetes into type none. My wife and I have been affected by diabetes with our godson Max Cooper Salmon being diagnosed at the young age of 18 months with type 1 diabetes. It is a scourge and a terrifying experience for parents who wonder whether their children will wake up each morning. I am so proud of the work of JDRF NSW. I congratulate the chief executive officer, Mike Wilson, and the team at JDRF NSW; they are a brilliant group of people. I am also very proud that the Parliament has started fundraising for the walk with a target of \$1,000. To date it has raised in excess of \$5,984. I thank all those who contributed generously.

#### **THOMAS ACRES PUBLIC SCHOOL**

**Mr GREG WARREN (Campbelltown) (22:24):** I acknowledge the thirtieth anniversary of Thomas Acres Public School and the outstanding service the school has provided for Campbelltown over those years. For the past three decades, Thomas Acres has proudly served the Campbelltown community and provided young students with the power of knowledge and willingness to learn. The school has played an integral part in the development of our Campbelltown community. It is a fine illustration of the benefits of public education. Thomas

Acres exemplifies Campbelltown with its student diversity and its achievements. Just this year the school was a finalist in Operation Art. I once again thank principal Sean Pope and the hardworking staff and students of Thomas Acres Public School for their continued efforts and relentless pursuit of education. I ask the House to join me in congratulating all staff and students, and I acknowledge the importance of public education.

#### **TRIBUTE TO JAKE CRACKNELL**

**Mr ADAM MARSHALL (Northern Tablelands) (22:25):** I congratulate year 11 McIntyre High School student Jake Cracknell on achieving a silver medal for Australia at the WorldSkills Australia Vocational Education and Training in Schools competition in Melbourne last month. Jake won gold in New South Wales in November last year, which earned him a place to represent New South Wales at the national WorldSkills competition to show the judges his expertise in a field of his passion: primary industries. Competitors at the nationals were assessed on field operations, animal management, farm safety and fencing. The skills he was tested on included driving a tractor, containing and disposing of chemicals, weighing, fat scoring sheep and mouthing sheep to age them. I also acknowledge Jake's agriculture head teacher at McIntyre High, Deb Snaith, for her dedication to all her students, particularly Jake, in providing them with every opportunity to exceed in agriculture. I acknowledge Jake's skill level in all areas of agriculture and the fact that he has done Inverell and his family incredibly proud.

#### **BLUE MOUNTAINS FAMILY HISTORY SOCIETY**

**Ms TRISH DOYLE (Blue Mountains) (22:26):** Last week I had the good fortune to attend a celebratory event for the thirtieth anniversary of the Blue Mountains Family History Society. The society was founded in 1968 and provides various services to the Blue Mountains community, holding seminars and regular meetings and offering assistance to people interested in tracing their ancestors. I acknowledge the society's fabulous journal, the *Explorer's Tree*, which is published three times a year. It is a highly valued account of family history. The society's Facebook page archives incredible research of the society and includes a full library catalogue. Workshops are held at Springwood Library every Tuesday and Thursday and I am told that new members are most welcome. I thank the lovely president Yvonne Wright for inviting me along to a nice morning tea, which included an array of fabulous cakes.

#### **NATHAN AYLETT, DAPTO HIGH SCHOOL**

**Mr GARETH WARD (Kiama) (22:27):** I congratulate Dapto High School student Nathan Aylett on his fundraising efforts to establish an Anzac memorial at Dapto High School. Nathan raised considerable funds and approached the Government to support this initiative. I thank the Minister for Veterans Affairs for granting \$1,000 towards the establishment of this memorial. Recently I attended Dapto High School and met the principal in order to witness the unveiling of the memorial. I know that Mr Fitzsimons was very proud of Nathan. Nathan was present in Parliament as part of the Youth Frontiers program. I am proud that we have such significant young people in our community who are making a great contribution to their school community as well as demonstrating great leadership skills. There is no doubt that the veterans who attended on the day were very proud of Nathan's achievements in recognising the service and sacrifice of so many who had gone before them. I congratulate Nathan on his efforts and thank those who supported him.

#### **TRIBUTE TO ODETTE FARAH**

**Ms JULIA FINN (Granville) (22:28):** I pay tribute to Odette Farah, who passed away last Friday. Her funeral this morning at Our Lady of Lebanon was extremely moving, with more than 1,000 people joining her large, loving family. It seemed like everyone from The Trongate and Blaxcell Street in Granville, and everyone from Karam el-Mohr, had come to farewell Odette. I came to know Odette through her husband, Peter, who sought my help with a complicated council problem a few years ago. She was friendly, kind and humble. Their whole family is incredibly generous but none more so than Odette, who was also a famously good cook and often spoilt me with her delicious mjadarra and saj bread. Odette was born in 1947 in Lebanon and met and married Peter in 1966—50 years ago. They moved to Granville and raised seven children: Jackie, Nabil, Teresa, John, Tammy, Milad and Michael. They now have many grandchildren. To those relatives and others I offer my deepest condolences. Odette will be truly missed.

#### **CRONULLA SURF LIFE SAVING CLUB**

**Ms ELENI PETINOS (Miranda) (22:29):** I acknowledge Cronulla Surf Life Saving Club, which announced its executive staff for the 2016-17 season at its recent annual general meeting. Cronulla Surf Life Saving Club has a rich history and has been providing patrols at Cronulla Beach for more than 100 years. Each season the club provides 13,000 volunteer hours, performs more than 100 rescues, provides more than 200 first-aid cases and its members can proudly state that no lives have been lost whilst the lifesavers have been on patrol. I acknowledge and thank the outgoing executive staff for a successful 2015-16 season. They are deputy president



Brad Turner, honorary secretary Paul Larssen and club captain Wayne Druery. I also congratulate the executive staff for the 2016-17 season: president Rob Short, deputy president Daniel Wood, honorary secretary Emma Larssen, honorary treasurer Daryn Metti and club captain Chris Barber. As Australians we love to spend our summers with our families at the beach swimming and surfing but it is not possible to do that safely without the dedicated efforts of our lifesavers. I thank the lifesavers from Cronulla Surf Life Saving Club for their efforts and wish the club the best for the 2016-17 season.

#### **BETHEL MAR THOMA CHURCH SILVER JUBILEE**

**Mr GUY ZANGARI (Fairfield) (22:30):** On 5 November 2016 I had the pleasure of attending the Bethel Mar Thoma Church Silver Jubilee function at the Parkside Church in Edensor Park. I extend my congratulations to the parishioners who celebrated their 25 years in grand style in that marvellous church. I thank the Most Reverend Thomas Koshy, vicar of the Bethel Mar Thoma Church in Sydney, for organising for many religious leaders from different Christian churches from the Sydney metropolitan region to celebrate with the Bethel Mar Thoma community. I look forward to joining that community to celebrate the opening of its new church in Horsley Park in the near future. On behalf of the House I wish the Bethel Mar Thoma community another 25 years of success.

#### **NARWEE RAILWAY STATION UPGRADE**

**Mr MARK COURE (Oatley) (22:31):** I inform the House that Narwee railway station is finally being upgraded. The upgrade will include new lifts and stair access, new canopies for weather protection, refurbishment of the heritage platform building to include new toilet facilities, improvements to bicycle facilities, interchange areas, new wayfinding signage, better lighting and closed-circuit television surveillance. The upgrade will provide enormous benefits to those who use Narwee station on a regular basis, especially older people, people with disabilities, and parents with prams and strollers. This is a great win for our local community that has campaigned through many petitions for the station to be upgraded. I am confident that the Narwee station upgrade will make catching public transport in Narwee a much more attractive option. This is a great win for the local community and for me as the local member.

#### **JOHN TERRY CATHOLIC HIGH SCHOOL**

**Mr GREG WARREN (Campbelltown) (22:32):** I acknowledge the brilliant work of staff and students at John Terry Catholic High School in Rosemeadow. Earlier this year the school was recognised for the fourth time in the Federal Government Anzac Day Schools Awards, which promote initiative and creativity in the way that schools commemorate Anzac Day. This year 68 schools from around Australia entered, with each winning school receiving a \$2,000 prize. Last week I had the privilege of attending the John Terry Catholic High School Remembrance Day service, which was equally as impressive as the school's annual Anzac Day service for which it has received its awards. It is great to see our younger generation carrying on the important tradition of commemorating the soldiers and service men and women who made the ultimate sacrifice defending our country. I ask the House to join me in congratulating the staff and students at John Terry Catholic High School.

#### **HORNSBY RELAY FOR LIFE**

**Mr MATT KEAN (Hornsby) (22:33):** Cancer touches the lives of so many. In fact, one in three Australians will be affected by it either directly or indirectly. The Hornsby Relay For Life celebrates the ways in which the community can help raise money to fight this insidious disease. For the past 14 years Rofe Park in Hornsby Heights has been the home of the Hornsby Relay for Life. At 10.00 a.m. on Saturday 5 November 2016 Rofe Park was painted purple, with 31 teams—including teams from Hornsby RSL Club, Specsavers at Hornsby and the Hornsby SES—and about 200 people participating in the relay. There was no barrier for age, fitness or disability as the community came together to raise a whopping \$65,700. One of the first teams to register was Westleigh Rural Fire Service, which raised more than \$4,500 before even stepping onto the field. Community Relations Manager of Cancer Council NSW Becky Dadswell said the inspiring increase in registrations this year compared with last year is providing much hope of finding a cure for cancer. I thank everyone involved in the wonderful Relay For Life for helping to find a cure.

#### **DAVISTOWN PUTT-PUTT REGATTA**

**Mr ADAM CROUCH (Terrigal) (22:34):** I congratulate the Green Point Avoca Lions Club and the Davistown Progress Association on yet again holding a fantastically successful Putt-Putt Regatta. The event was full of colour and atmosphere as the foreshore was packed with spectators, live entertainment and food stalls. Even the NSW Corps of Marines re-enactment group lent some pomp and ceremony to the event. A fantastic day was had by all. While it was a little windy, the quality of the locals' vessels were outstanding. Brisbane Water is the home to many finely crafted putt-putts. There were more than 30 entrants in the timber boat regatta and I congratulate all who took part. It was a true family affair. We also had the privilege of the Deepwater Dragon

Boat Club attending on the day and I again congratulate all involved. I am looking forward to next year's Putt-Putt Regatta.

#### **RAG AND TRADER, ARMIDALE**

**Mr ADAM MARSHALL (Northern Tablelands) (22:35):** I inform the House that Armidale ethically sustainable clothing store Rag and Trader received the award for Excellence in Sustainability at the NSW Regional Business Awards in Tamworth recently. I congratulate store owner Becky Smouha, who is passionate about making a conscious decision about where clothes come from, who is making them and how people came to be wearing them. Becky has a background in fashion, journalism and sustainability, and has been able to combine that experience to build an outstanding local Armidale business. I commend her business for its close links with a village in Indonesia to create her brand, Ellington, which is made up of a mix of Australian- and Indonesian- made garments. Rag and Trader is a great example of the grassroots sustainable culture that Becky has established. Her influence on others in Armidale to do the same is a credit to her.

#### **SANDHURST FINE FOODS**

**Ms ELENI PETINOS (Miranda) (22:36):** Sandhurst Fine Foods is a wonderful business based in Miranda that held the first Family Business Morning Tea on 19 September 2016. National Family Business Day gives us a chance to recognise the hard work of so many families that contribute to our local community. It is the small, family-run businesses that provide support to our local sporting clubs and community organisations, and thereby contribute to the greater Australian economy, community and culture. Like so many other family-run businesses across New South Wales, the Lubrano family has built Sandhurst from the ground up. It started out operating a small corner store owned by Vincenzo and Geraldine Lubrano, who sold Italian wine and foods to people from the outer suburbs of Sydney in the 1950s. The whole family pitched in during holidays and weekends. That dedication has led to the success of Sandhurst, which today is run by brothers Mimmo and Ray Lubrano. I thank the Lubrano family for their hospitality and for sharing their success story. I wish them the very best for the future.

#### **TRIBUTE TO CHRIS LAMONT**

**Mr GARETH WARD (Kiama) (22:37):** I congratulate Chris Lamont on his appointment as executive director of the Illawarra Business Chamber. Chris brings a great deal of experience in government to this role. I know that he has already impressed a number of people across the Illawarra business community with his dedication and diligence as well as his ideas for the future of the region. I thank Debra Murphy, the former chief executive officer, who is now working with Regional Development Australia Illawarra. Both Chris and Deb have made and will continue to make a considerable contribution to the Illawarra business community. Business chambers across the region are great advocates. As a Government member I appreciate and support what small business does for our region. There is no doubt that small business appreciates the advocacy of our business chambers, but they require strong leadership in order to make a meaningful contribution. I congratulate Chris on his appointment and look forward to working with him well into the future.

**The House adjourned, pursuant to resolution, at 22:38 until  
Wednesday 16 November 2016 at 10:00.**