



New South Wales

Legislative Assembly

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Tuesday, 8 August 2017

Authorised by the Parliament of New South Wales

TABLE OF CONTENTS

Private Members' Statements.....	1555
Container Deposit Scheme.....	1555
Tribute to Alice June Smith.....	1555
Port Macquarie Small Business Awards.....	1556
Housing Affordability.....	1557
Australian Citizenship.....	1558
United Hospital Auxiliaries Tamworth Branch.....	1559
Crown Land Occupation.....	1559
Ku-Ring-Gai Electorate Cultural Achievements.....	1560
Social Inclusion and Equality.....	1561
Taylors Arm Telephone Tower.....	1562
Nambucca District Rescue Squad.....	1562
Hands and Feet Charity Group.....	1563
Wage Rates.....	1564
Narellan Town Centre.....	1564
Mental Health Awareness.....	1565
NSW Service Medallion Award Recipient Rodney Hoddinett.....	1566
Waste Reduction.....	1566
Hilmer Street Pedestrian Bridge.....	1567
Visitors.....	1567
Visitors.....	1567
Commemorations.....	1567
Centenary of First World War.....	1567
Members.....	1568
Representation of Ministers Absent During Questions.....	1568
Question Time.....	1568
Murray-Darling Basin Plan.....	1568
Western Sydney Transport Services.....	1569
Murray-Darling Basin Plan.....	1570
Social Housing.....	1571
Murray-Darling Basin Plan.....	1572
Regional Road Upgrades.....	1572
M4 Project.....	1574
Whistleblower Protection.....	1575
Planning and Development.....	1576
Murray-Darling Basin Plan.....	1577
Committees.....	1577
Committee on Law and Safety.....	1577
Report: Violence Against Emergency Services Personnel.....	1577
Legislation Review Committee.....	1577

TABLE OF CONTENTS—*continuing*

Report: Legislation Review Digest No. 41/56	1577
Business of the House	1578
Valedictory Speech	1578
Petitions	1578
Petitions Received	1578
Motions Accorded Priority	1578
Independent Commission Against Corruption Operation Credo	1578
Consideration	1578
Planning and Development	1579
Consideration	1579
Independent Commission Against Corruption Operation Credo	1580
Priority	1580
Committees	1584
Parliamentary Committees	1584
Membership	1584
Bills	1584
Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017	1584
First Reading	1584
Second Reading	1584
Sydney Public Reserves (Public Safety) Bill 2017	1587
First Reading	1587
Second Reading	1587
Environmental Planning and Assessment Amendment (Staged Development Applications) Bill 2017	1588
Second Reading	1588
Third Reading	1602
Coal Mine Subsidence Compensation Bill 2017	1602
Second Reading	1602
Third Reading	1609
Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Bill 2017	1609
Second Reading	1609
Third Reading	1624
Justice Legislation Amendment Bill 2017	1624
Returned	1624
Private Members' Statements	1624
Blue Mountains Electorate Schools	1624
Wallis Lake Fishermen's Co-Operative Slipway	1625
Randwick Children's Hospital	1626
Wage Rates	1627

LEGISLATIVE ASSEMBLY

Tuesday, 8 August 2017

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.]

Private Members' Statements

CONTAINER DEPOSIT SCHEME

Mr DAVID ELLIOTT (Baulkham Hills—Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) (12:11): I am thrilled to inform the House that in less than six months schools, charities and sporting and community groups in my electorate of Baulkham Hills will be able to raise money as part of the New South Wales Government's container deposit scheme. Community organisations will be able to collect and receive donated eligible containers for which they can then receive a refund at an approved collection point. This is an historic litter reduction initiative that will be an environmental game changer.

The New South Wales Government's scheme will go a long way to reduce unsightly container litter in our beautiful parks, streets and waterways. These local groups are already doing great work in our community. I am confident that they will embrace the scheme with open arms as an opportunity to fundraise and take care of their local parks and environments. Every year across New South Wales around 160 million drink containers are tossed into our environment, making up to 49 per cent of all litter volume and costing about \$180 million to clean up. I have seen this firsthand on all too many occasions.

It is not unusual to see bins overflowing at Hills District Bulls rugby league games at Crestwood Reserve or at Baulkham Hills Hawks Australian Football League games at Charles McLaughlin Reserve. Amongst the worst hit areas in The Hills are those facilities that play host to multiple sporting events each weekend and it is not uncommon to see normally pristine areas such as Fred Caterson Reserve at Castle Hill, where many a wallaby has been seen passing through, covered in bottles and cans left behind by basketball, tennis, BMX and soccer players and spectators.

Other locations that will benefit from a reverse vending machine in Baulkham Hills include Kellyville Oval, Bella Vista Oval and Carmen Drive playground. However, I am most hopeful of a machine being installed at Torry Burn Reserve in Jasper Road in Baulkham Hills, which would assist both the Winston Hills Tigers and the 2nd Baulkham Hills Scouts, who share the parcel of real estate. I know my constituents in Baulkham Hills strongly support this scheme, which is one of the reasons I advocated for it on my election to this place six years ago. It will also go a long way in helping the New South Wales Government achieve the Premier's goal of reducing litter volume by 40 per cent by 2020. Container deposit schemes will have over 500 collection points across the State, including more than 800 reverse vending machines. More than half of the collection points will be automated and contain two or four reverse vending machines [RVMs]. Collection points may also be local shops, depot sites, existing recycling centres and the like. At these collection points anybody can return an eligible drink container for a 10¢ refund. Eligible drink containers under the scheme will include most between 150 millilitres and three litres. Exceptions include those that are consumed mostly at home and those that are recycled in council kerbside systems. Not only will sporting clubs benefit but those clubs which choose to forgo fundraising by recycling will open the doors to other groups such as local scouts and guides. This includes the 2nd Baulkham Hills Scout Group and Crestwood Girl Guides in my electorate who will no doubt cash in. It is an exciting time to be part of the Berejiklian-Barilaro Government, a Government that is delivering for the people of New South Wales on all fronts.

TEMPORARY SPEAKER (Ms Anna Watson): I extend a very warm welcome to our visitors in the gallery: Monica Smith, June Smith, Robert Herrmann, Susan Roper, Sally Pavitt, Ron Brown, Joan Brown, Rhonda Daley and Vince Roach. I hope you enjoy your time here.

TRIBUTE TO ALICE JUNE SMITH

Mr LUKE FOLEY (Auburn) (12:15): I pay tribute to one of Auburn's most remarkable residents, Alice June Smith, known to countless local citizens as June. June was born on 1 June 1922, hence her middle name. Her grandparents owned the Fairfield Picture Theatre, now the site of the Fairfield Returned Servicemen's League Club. June's working life commenced after she was awarded a scholarship to attend business college. At college, she was ranked second in the State for shorthand. In World War II, after the bombing of Pearl Harbor,

many operations of the United States were directed from Australia. June worked for the United States Army Adjutant General's Corps initially in Sydney and then in Brisbane. She was very proud of her work during the War. She passed away on 4 July, American Independence Day.

After World War II June worked in secretarial roles for various employers, including the Vegetable Growers Association. She also worked in the 1970s for the *Auburn Review* newspaper. June lived in Berala for many years with her beloved husband, Percy, and daughter, Monica. She first met Percy at a dance and they married on 15 October 1949. Percy was a returned serviceman like many of his generation. He had seen service on the Kokoda Track where he contracted malaria. His post-war occupation was as a truck driver. After June and Percy were married they built their home in Berala. When June's mother expressed a desire to live near them, Percy also built a home for her in the next street. When Monica began to attend school at St Peter Chanel, June volunteered as the tuckshop coordinator and held that position for the next 11 years.

What made June remarkable was not her family circumstances or longevity but the fact that at the time of life when most are contemplating a relaxing, peaceful retirement June continued to be vibrantly involved in her local community. Initially Percy was involved with the Auburn sub-branch and Western District Disabled Ex-Services and Social Welfare Club. Western District provides transport and community outings to older and disabled veterans and their families with the aim of promoting inclusion and minimising social isolation. When women began to be involved with the Western District club, June was trained to take over as secretary. She continued as secretary and organiser for more than 20 years. She enjoyed the friendship of all those involved in the club. She went on many outings with her friends in the local community. She was also the administrator for the Auburn-Lidcombe Gumbaya club. The Auburn-Lidcombe Gumbaya club was the second Gumbaya Club to be established. It opened in May 1978 and provided ongoing support for aged ex-services personnel. It was a volunteer, community-based day care centre. As part of her community service June was instrumental in organising bus trips, barbecues and social outings and functions held by the Veterans Affairs National Servicemen's Club.

June was a tireless fundraiser for various charitable causes. She loved to knit, crochet and sew. She and her friends would hold street stalls in Auburn Road in the Auburn town centre selling handicrafts and home-baked cakes and biscuits to raise funds for Western District. She was a regular visitor to elderly less mobile residents in our local nursing homes. Her independent spirit meant that June handed in her drivers licence recently at the age of 94. So much was June admired and respected in our community that I was delighted to announce her as the Auburn Local Senior of the Year in 2016. I know that her extended family and many friends will miss June enormously, as will countless others in our local community who had the pleasure of knowing her through her many years of service to the community. June's funeral took place on 4 July at St Peter Chanel Catholic Church in Berala. She was selfless to the end, requesting that donations be directed to Guide Dogs Australia in her honour in lieu of flowers for her funeral. I extend my sympathies to June's daughter, Monica, and her nieces and nephews—Robert, Doris, Nikolaus and Kristian. Vale, Alice June Smith.

PORT MACQUARIE SMALL BUSINESS AWARDS

Mrs LESLIE WILLIAMS (Port Macquarie) (12:20): Small businesses are the backbone of regional communities. The impact of our innovative local businesses in the electorate of Port Macquarie is significant; they provide exceptional services as well as employment opportunities across the region. We have a vibrant business sector that each year is recognised for outstanding service through the Holiday Coast Credit Union Port Macquarie Chamber of Commerce business awards. As a previous sponsor, I was disappointed that I was unable to attend the event this year. Unsurprisingly, it was reported as another outstanding evening of accolades and celebration. The awards consisted of 30 categories with approximately 100 nominations. The standard of winners is testament to their ability to lead the way in business and community service. Sails Resort Port Macquarie took out top honours in the accommodation category. The resort is undergoing a multimillion-dollar redevelopment and will soon be even more impressive.

CS Mechanical Repairs and Service won the award in the automotive service category, and Charles Sturt University won the award for community education services. Charles Sturt University won a number of awards on the night. The construction award was presented to Fastplast Building Supplies, and Scaramouche won the award for best creative services and communications. Smarter Financial and Insurance Solutions won the award in the financial services category. Seasalt Cafe and Restaurant won the award for the food industries category. Seasalt is a relatively new business in Port Macquarie. I congratulate the business on its ongoing success. The award for best local produce was presented to Hastings Co-Op for its Bago Bluff range. I had the pleasure of unveiling this new local brand last year and I welcome its success and well-deserved acknowledgment. The new business award was presented to the newly launched real estate business HEM Property, which was established recently by a number of local real estate agents who combined their talents to form their own company. It has proven to be a successful venture.

The Sports and Spinal Physiotherapy Clinic won the award in the personal wellbeing category. The award for professional services (five or fewer employees) went to Fuel 4 Business; congratulations to Malcolm and the team. The award for professional services (six or more employees) was presented to MBC Recruitment. Ocean Club Resort won the award for real estate and residential services. In the retail category, which was also divided based on employee numbers, Inner Vision Surf N Skate won the award for fewer than five employees and Hastings Co-op was presented the award for six or more employees. The popular Billabong Zoo and Wildlife Park won the award for tourism and attractions. It is to be commended for its continued expansion. The business has established itself as a major player in theme parks in New South Wales. The people's choice award was presented to Cassegrain Wines. A special congratulations goes to John Cassegrain on his significant business achievements over many years and for the ongoing support he provides to our local community.

The popular Alistair Flower of Settlers Inn was presented with the business leader award. Alistair has certainly made his mark in Port Macquarie in a short time, demonstrating his intentions to support the community in whatever way he can, including taking on many committee positions such as with the local Liquor Accord. The employer of choice award was presented to Charles Sturt University, which also placed third in the excellence in sustainability category. Port Macquarie Performing Arts was presented with the excellence in innovation award, and the excellence in social enterprise award was bestowed on the well-deserving Willing and Able Foundation. The start up superstar award was presented to the Drug Detection Agency Port Macquarie. Ashley Sargeson of Touchwood Flowers took home the prestigious woman in business award as well as the young entrepreneur award. Congratulations, Ashley. I have no doubt she will continue to feature as an award winner in the years ahead.

The young business executive award was presented to Jacob Deline from MBC Recruitment, and the excellence in business award went to TG's Child Care and Pre-School. Two other multiple award winners were Ocean Club Resort for excellence in small business, while the business of the year award went to Birdon Pty Ltd, which was also presented with the excellence in export award—a highly valued local company now participating on the world stage. Congratulations to all the award winners and to those who were nominated in the various categories. We have much to be proud of and to celebrate when it comes to business in the Port Macquarie electorate, so I encourage one and all to show their support by shopping locally.

HOUSING AFFORDABILITY

Mr JOHN SIDOTI (Drummoyne) (12:24): Once again I draw the attention of the House to housing affordability in Sydney, a really difficult problem that I raised last in this place on 23 February this year. We all know that this Government has recognised this issue as a priority, and again I criticise the Labor Government's State Environmental Planning Policy (Affordable Rental Housing) 2009. While the Labor Party may have had the right intention in introducing this policy, to me it is a sheep in a wolf's clothing. This Government believes that we should encourage the development of affordable housing, but not at the expense of ignoring the rigorous policies and procedures in the development application process.

In my electorate of Drummoyne, particularly in Concord West and even in the waterfront suburb of Chiswick as recently as two weeks ago, there have been proposals for the development of boarding houses. The proposal in Chiswick is for a boarding house of some 40 rooms, to the anger of many residents in the area. As I have said at length on other occasions in this place, the intention behind the Labor Government's policy for the building of boarding houses is ambiguous. Whenever a boarding house application is lodged with the City of Canada Bay council and other councils across Sydney, there is a degree of toing and froing about who must take responsibility for assessing the proposal. Often councils say it is a State Government issue, but a precedent has been set for these proposals to go to council. As part of the process, the council tries to find common ground on the proposal before taking the matter to court. If it can find common ground, the council will negotiate minor amendments in order to approve the application.

Under the State environmental planning policies there is no requirement for boarding house developments to include a suitable amount of parking for residents. Often a 30-room boarding house development will include only four or five car parking spots because there is an erroneous perception that residents of affordable housing do not drive, which is ridiculous. Many residents in my area are greatly concerned about this lack of parking, because on-street parking in many areas of Canada Bay is at a premium due to the number of unit blocks and affordable housing in the area with inadequate parking spaces for their residents. That shows that the planning requirement for parking spaces for unit blocks and affordable housing is insufficient.

There is also an incentive to build affordable housing through a distortion in the taxation system that exempts boarding houses from land tax because they are perceived as helping to house people who can least afford to pay for housing. However, boarding houses are charging residents \$300, \$400 or even \$500 per room per week. That is not exactly affordable for many despite the fact that developers have been given an incentive for the development of not having to pay land tax on their properties that are exempt to a certain threshold. Another distortion in the system is that boarding houses can be set up under many categories of zoning—R1, general

residential; R3, medium-density residential; R4, high-density residential; B1, neighbourhood centre; B2, local centre; and B4, mixed use. In contrast, those wanting to build a house must do so in a residential area, those wanting to build a commercial property must do so in a commercial area, and those wanting build a factory must do so in an industrial zone. Why are councils allowing boarding houses to be built in any zone—on the waterfront, on a main road, or away from public transport? It makes absolutely no sense.

I am calling on the New South Wales Government through the Minister for Planning to look at this serious issue not only in my electorate but also across the State. There are also distortions in the assessment of applications. Only 50 per cent of land in a residential zone can be built upon, which is the 0.5 ratio. Ratio upgrades are applied on land for boarding houses, meaning that larger residential boarding houses can be built next to ordinary houses.

AUSTRALIAN CITIZENSHIP

Mr JIHAD DIB (Lakemba) (12:29): The Turnbull Government's proposed overhaul of citizenship laws is due to be debated in Federal Parliament sometime soon. Today I will speak about the deep concerns many people in my electorate have shared with me regarding the proposed changes. While it is a debate for those in Canberra to have, I encourage all of us here to make sure we are listening to the concerns of our communities and that our Federal colleagues are hearing those concerns and taking on board the impact of such changes. I am speaking not only as the member for Lakemba but also as a migrant. Beyond what the changes entail, the message they send to those who aspire to be Australian is utterly pessimistic and exclusive.

My understanding is that the Federal Government wants to introduce a standalone English test and require permanent residents to wait four years instead of one year before applying for citizenship. It is worth knowing that the current process already includes a test requiring conversational English and a year of residency within a four-year Australian visa. The proposed new English test would involve reading comprehension, speaking, listening and essay writing sections. The outcome of this test apparently is to ensure a competent level of English. That sounds all well and good until we understand that "competent English" has a specific legal meaning and is defined as level 6 in the International English Language Testing System [IELTS]. That is the same level that overseas university students require to be able to study in Australia. The IELTS website show that level 6 is assessed on the basis that:

The test taker has an effective command of the language despite some inaccuracies, inappropriate usage and misunderstandings. They can use and understand fairly complex language, particularly in familiar situations.

Essentially, the Federal Government is requiring people to have a command of fairly complex language—the same type of complex language required for university degrees—in order to be a citizen. Really? Is this the heart of citizenship? In my view, this is nothing more than a test deliberately designed to fail people. Having looked at some of the example questions provided, I wonder as an educator whether so-called ordinary Australians could pass the test. I am speaking of ordinary Australians who did not have the means to pursue higher education but know what it means to do a hard day's work and live in their communities. If the Prime Minister is saying, "You're not welcome to be a citizen if you can't pass a university level English test", what is he saying about Australians who do not have a university education?

Hardworking permanent residents who contribute every day to our economy must already wait one year before they can apply for citizenship. Delaying the process for people who are ready to become Australians will only create an underclass of people who give to this country but do not receive in return the full spectrum of rights and responsibilities that citizenship entails. Over the past weeks my Federal colleague Tony Burke, the member for Watson, has been holding face-to-face forums in communities across Australia listening to concerns and discussing what the proposed changes might entail. I joined him recently in my electorate of Lakemba where people discussed their concerns with me.

In my electorate about 57 per cent of people were born overseas. Languages such as Arabic, Bengali, Vietnamese, Urdu and Cantonese are commonly spoken at home and being bilingual is celebrated. Not all families will be impacted by these changes but many will be. Requiring permanent residents to wait longer before they are officially welcomed into the fold of civic engagement I find offensive and morally reprehensible. I know people in my family who would not have been able to pass a test like this. For example, after 40 years of living in Australia and making an outstanding contribution to our community my dad would not be able to pass this university-level test.

People demonstrate their love of and commitment to their local community or new country in many ways. I can think of many people in my electorate who work every day to contribute even in the smallest of ways to their community and who only have conversational English. They are the small business owners throughout my electorate who come from places such as Lebanon, Vietnam and Bangladesh and strive to give their children better lives than they had growing up. They are the grandparents with endearingly broken English who work hard as

carers for their grandchildren. It is every recently arrived refugee. The message that the Prime Minister is sending to all of those people is that they are not worthy of being Australian because of their level of English. I am not romanticising the difficulties a person with a low level of English faces as they etch a life for themselves in Australia; I am painting a realistic picture of Australian life, which the Federal Government does not seem to be in touch with.

If the Government believes in strengthening the overall level of English that new citizens require, then providing greater support to the English-language services and improving access for people ought to be priorities. If these are not priorities then I am afraid the proposed changes are disingenuous at best and exclusive at worst. I have spoken before about the benefits of inclusion, multiculturalism and harmony, and of giving everyone a fair go. If we cannot include all of those things when it comes to citizenship, we really need to ask ourselves what it is that we stand for.

UNITED HOSPITAL AUXILIARIES TAMWORTH BRANCH

Mr KEVIN ANDERSON (Tamworth) (12:34): I had the pleasure of attending the Tamworth branch of the United Hospital Auxiliaries of NSW on Monday, 7 August, which was held at Tamworth Hospital. The motto of the United Hospital Auxiliaries is, "Let us hold high the lamp of service for the welfare of our hospitals." The Tamworth auxiliary members do an exceptional job of living up to that motto. Every year they work hard to fundraise for vital equipment in our hospital and every year it gets a little harder. But the resolve of the members is strong and they keep looking at new and innovative ways to fundraise—whether it be through the lolly craft shop, the lamington days, the raffles, the curry and casserole days, the Peel Street markets, the fashion parades and the barbeques at Bunnings. I thank the auxiliary members for what they do. I know that hospital staff and patients are also extremely grateful for the effort that they put in to raise funds for the hospital. The team at the auxiliary are getting older and, like most groups, is working hard to try to attract new members. We need to continue to look at ways to do that.

At the annual general meeting on Monday a new executive was formed to undertake the work of the next 12 months. I congratulate president Sally Cronberger, vice-presidents Bev Albertson and Robyn Pittman, secretary Carol Swain, assistant-secretary Janette Cross, treasurer Beth Larkham and assistant-treasurer Lesley Calcott. The auxiliary members do a fantastic job in fundraising, but the auxiliary is also an important time and place where the members get together for friendship and fellowship. It is a chance for them to catch up with one another and see how they are going in their daily lives. It gets them up, mobile and connected. The ladies and gentlemen on the auxiliary are often involved in a number of other voluntary organisations across Tamworth. We thank them for their ongoing work. I encourage the auxiliary to keep up the great work and I will do what I can. I am pleased to help and support the auxiliary whenever and wherever I can. I look forward to catching up with everyone in the Tamworth branch of the United Hospital Auxiliaries of NSW very soon.

CROWN LAND OCCUPATION

Ms JENNY LEONG (Newtown) (12:37): Just outside this place today tents are pitched in Martin Place. As a statement released by New South Wales homeless peak bodies, Homelessness NSW and Domestic Violence NSW, stated:

The Martin Place community is a small proportion of the broader rough-sleeping population in the inner city, which, in February 2017, totalled 433 people. Rough sleeping in Sydney has increased by 28 per cent since 2011. Rough sleeping represents only six per cent of the broader homeless population in this State.

I am pleased to see that there are representatives of the 24-7 Street Kitchen and Safe Space Community present in the gallery today. I give credit to them and to the people who are outside volunteering to provide support and a safe place for people who are sleeping rough in our city. They should be acknowledged in this place because it is the failure of the State Government to act that has forced those volunteers to step in to provide that support.

In Homelessness Week 2017 in particular one would have thought that the Premier, the Minister for Family and Community Services and the Liberal-Nationals Government would be providing support to those who are homeless and sleeping rough. Instead, we believe that a special meeting is taking place right now between the Premier, the Minister for Police, the Commissioner of Police and others as to how the Martin Place tent city is to be closed down and the people moved on in an attempt to sweep the issue of homelessness under the carpet. Last week I was disgusted to hear the Premier say that the tent city, located just outside the doors of Parliament House, made her feel "completely uncomfortable". The Minister for Family and Community Services was also quoted as saying, "I don't care what it takes, we will move these people on." I have a message for the Premier and the Minister for Family and Community Services: It is the responsibility of the State Government to provide people with housing and support. The Commissioner of Police should not be called in to work out whose responsibility it is to move them on. The Commissioner of Police was also quoted as saying, "If one person puts a step out of

line, I'll throw them in the back of the truck ... They should be gone and they should not be allowed back in the city."

These people do not have a place to live because of the housing crisis in this State and the failure of this State Government to act. Shame on the Premier, the Minister for Family and Community Services, the Minister for Police and the Commissioner of Police. Members have heard the Premier in this place attempt to lay blame and say that people who are sleeping rough are not taking up the opportunities being offered to them by Family and Community Services. I have spoken to some of these people. What are they being offered by Family and Community Services? They are being offered—and what does this phrase mean—"temporary permanent accommodation". Apparently it is where people are allowed to stay longer in temporary accommodation in an effort to get them off the streets. That is all good in theory, but in practice people are being put in dodgy motels with no kitchen facilities to prepare their meals, no support services and no help to be able to get food. This will affect the hundreds of people who access the Martin Place community-led safe space kitchen.

The Government could be doing three things right now. First, it could take a Housing First approach to homelessness—give people immediate access to permanent housing. The Government talks about the budget surplus. Why not use some of that money to get permanent housing for people who are homeless and sleeping rough? Secondly, it could make a massive investment in social, affordable and public housing. A 30 per cent target on all new developments would go a long way towards addressing the housing affordability crisis in this State. Thirdly, and it will cost the Liberal-Nationals Government nothing, introduce an end to no-grounds evictions to take the pressure off those who live in the private rental market. Thirty per cent of the population of New South Wales live in the private rental market. Today it will be a shameful act if the Premier calls in the police to kick out the people of the tent city in Martin Place. I will stand with those people to say that they should not be moved on; they should be given permanent housing.

KU-RING-GAI ELECTORATE CULTURAL ACHIEVEMENTS

Mr ALISTER HENSKENS (Ku-ring-gai) (12:43): When most people think about Ku-ring-gai, they usually reflect on the historic homes in its tree-lined streets, its attractive bushland surrounds, its highly regarded schools, its rich social history and its successful sporting teams. The citizens of Ku-ring-gai treasure all those features but what is not so often acknowledged and understood is the fact that Ku-ring-gai is the home of many people who have been successful in the arts. We are very proud of Grace Cossington Smith, a woman who lived a relatively private life in Turramurra but who is perhaps best known for her bold paintings of everyday events in Sydney.

Initially inspired by the impressionistic works of van Gogh, Grace achieved mainstream appeal for her detailed paintings that chronicled the construction of the Sydney Harbour Bridge, including the classic work *The Curve of the Bridge*. She is widely recognised as one of Australia's best and first modern artists. A major exhibition titled "O'Keeffe, Preston, Cossington Smith: Making Modernism", which showcases Grace's work along with that of two other pioneering artists of the twentieth century, is currently on display at the Art Gallery of New South Wales until 2 October, and I strongly recommend that everyone pay it a visit. The heritage-listed Federation house called Cossington, where Grace lived from the age of 28 until she moved to a nursing home in 1984, is today in near-original condition and one of her nieces still lives there.

Another Ku-ring-gai artist is an example of the curious but not uncommon scenario of an Australian becoming successful in their field of endeavour overseas before they are well known in this country and remaining largely obscure even after their foreign success. This was certainly the experience of Liane Moriarty, the eldest of six children, who grew up in Waitara and attended one of the Ku-ring-gai electorate's fine public schools, Our Lady of the Rosary Catholic School. Liane's novel, *Big Little Lies*, is a successful Home Box Office miniseries starring Nicole Kidman and Reese Witherspoon, but to start there would be to tell not even half of her creative journey.

A career in advertising and marketing followed Liane's schooldays. It was only when her younger sister, Jaclyn, told her that her own novel was about to be published that she was inspired to pursue a career as an author. A children's book entitled *The Animal Olympics* did not receive any interest from publishers, but her first novel, *Three Wishes*, written while pursuing a master's degree at Macquarie University, certainly did. She followed that up with five more novels for adults: *The Last Anniversary*, *What Alice Forgot*, *The Hypnotist's Love Story*, *The Husband's Secret*—number one on the *New York Times* bestseller list and the number 10 bestseller in the United Kingdom—*Big Little Lies*, which debuted at number one on the *New York Times* bestseller list, making Liane the first Australian author to achieve that, and *Truly, Madly, Guilty*, another number one on the *New York Times* bestseller list.

Liane admits that the North Shore has influenced the locations for some of her books, which are characteristically about the darker side of suburban life. *USA Today* described reading one of her books as "like

drinking a pink cosmo laced with arsenic" but her writing shows a fundamental sympathy for people and their flaws. More than six million copies of her books have been sold worldwide and her novels have been translated into 39 languages, but she is delightfully unchanged. She still lives in Pymble with her partner, Adam, and her two children, enjoys time with old friends and is a passionate reader and soccer mum—and it is clear that she has many more stories to tell. Her own life to date has been a remarkable story in itself and Ku-ring-gai is immensely proud that Liane Moriarty is one of its own.

The winner of the 2017 New South Wales Premier's Literary Award and the 2017 UTS Glenda Adams Award for New Writing is a resident of Wahroonga. Michelle Cahill was born in Kenya of Goan-Anglo-Indian ancestry and moved to England before immigrating to Australia in her teens and living in the suburb in which my electorate office is located. Growing up through cultural transitions and race anxieties, Michelle at one point wanted to become a musician but ultimately graduated in medicine and arts. Until relatively recently, Michelle was better known as a poet, and her works *The Accidental Cage* and *Vishvarupa* were both shortlisted in the Premier's Literary Awards of the Australian Capital Territory and Victoria respectively. However, it is the recent publication of her short story collection *Letter to Pessoa*, a book featuring more than 50 heteronyms, which has exposed Michelle to a wider and highly appreciative audience. The stories in *Letter to Pessoa* are extraordinary in the way that they integrate poetic language with fictional elements and narrative structures, interspersed with literary letters to famous authors. These women are but a few examples of why the arts is alive and well in Ku-ring-gai.

SOCIAL INCLUSION AND EQUALITY

Ms LIESL TESCH (Gosford) (12:48): Inequality is something most people think is removed from themselves, their friends and their families, but it is closer than we think and it manifests itself in many different ways. Disability was never going to be part of my life, nor any part of my friends' or family's lives, yet that changed in an instant when I was 19, when I crashed my mountain bike and broke my back. As a result, I have joined the group of 20 per cent of Australians who live with a disability—a group growing in size as our aging population lives with changing health circumstances and abilities.

Last Friday I joined the member for Canterbury at the base of the long staircase leading to the Sydney Harbour Bridge. We were joined by dozens of people with and without disabilities to highlight the fact that one of our nation's most recognisable and popular landmarks is not accessible to people with prams, older Australians or wheelchair users. There is no lift and there is no ramp, just a set of steep stairs. Every Australian deserves to be able to take part in civic life. Visiting and walking over the harbour bridge should be part of that. Most people would not even think about or notice the fact that there is no lift or easy access to the harbour bridge. Large parts of the community are excluded from everyday activities, not only accessing the harbour bridge. Last Friday we were joined by Daphne, aged 97, who used to walk over the bridge every day to work at David Jones in the city. Daphne now uses a wheelchair and would love to once again be able to walk over the harbour bridge in her lifetime. In 2017 it is unacceptable that people with disability, older Australians and people with mobility issues still cannot enjoy one of our city's most iconic landmarks.

But inequality extends further into our community than just easy access changes. It is about opportunity, social inclusion and equality. It is about equity, but most importantly it is about breaking down the barriers that cause inequality in the first place. In 2017 it is unacceptable that people from less advantaged backgrounds are still not fully included in Australian society. I recently delivered the graduation address at the University of Newcastle Central Coast campus. For many, this was a fantastic historic day. Whether they were the first in their family to graduate or even attend university, or whether they were juggling family responsibilities at home or juggling work or care, many in the crowd were there because they had fought hard to be there. They had overcome so much to try to make a better life for themselves and their family.

Many would not have made it as far as they had without important programs that break down the barriers of inequality that discourage people from venturing into tertiary education. Thirty per cent of people from that cohort of graduates relied on the Commonwealth Government's enabling program. Enabling courses make learning possible for so many students on the coast. They support young people who were not able to finish school and enter university immediately. They support mature people to try something new or to change careers. Enabling courses offer the individual support that people need and are a lifeline to potential students who would never have thought that university was for them. It is terrible to think these already vulnerable people, people who just need that little bit of support, are now being told they are not valued by the Commonwealth Government and that universities such as Newcastle, which are leading Australia, may have to scale back their programs.

Inequality is closer than we think and without programs to break down these barriers, it will spread further. Education is one of the best ways we have to create a more equal society. We need to make education more accessible for people, not less. I welcomed the opportunity to speak recently at the University of New South Wales PLS Alliance and Grand Challenges forum on inequality. I had the opportunity to discuss the different

manifestations of inequality both from a personal perspective and in a professional capacity. Entering this place has shown me how far we still have to go to create an equal workplace for all. I am enjoying working with the parliamentary staff to improve access within the oldest Parliament in Australia. I want to see the day when a new member of Parliament is elected and immediately transitions into their role representing their community without having to have ongoing conversations about the small and large changes required for a fully inclusive workplace.

I was shadowed last week by the grandson of one of Gosford's community leaders. His family had arranged to stay in Sydney while Joshua completed work experience at Taronga Zoo. Unfortunately, when the zoo discovered Joshua was a wheelchair user he was informed that he could complete only a single day of work experience. Luckily, the zoo then rectified the experience and he did have a good time, but only after yet another disappointment and another fight. Tomorrow I will join the member for Canterbury for a round table to discuss the importance of continuing disability, advocacy and inclusive policy. We need to fully fund and support peak bodies to provide advocacy for the community. However, we know now that with the introduction of the National Disability Insurance Scheme a number of these funding streams will cease on 30 June 2018. We need to make sure this funding continues so that everybody in this State has a full, socially inclusive life.

Mrs MELINDA PAVEY (Oxley—Minister for Roads, Maritime and Freight) (12:53): I acknowledge the passion and commitment of the member for Gosford regarding access to the Sydney Harbour Bridge. She contacted my office about pedestrian access to the harbour bridge, and the Government has responded with a continuing commitment. We are setting aside \$5 million for planning and \$15 million for the total project. Our goal is to have it completed in time for the Invictus Games. As the member for Gosford said, the harbour bridge should be accessible to young mums and dads with prams and our elderly, as well as those with disabilities. I applaud her for her advocacy. Yes, it should have happened sooner and it could have happened when the former Labor Government was in power. But it did not, and it is one of those catch-up items that we are working on in Sydney. It is a worthy project because we need to have access to that iconic bridge, just as people in San Francisco have access to the Golden Gate Bridge and those in London have access to the Tower Bridge. It will be very much part of an international experience.

TAYLORS ARM TELEPHONE TOWER

NAMBUCCA DISTRICT RESCUE SQUAD

Mrs MELINDA PAVEY (Oxley—Minister for Roads, Maritime and Freight) (12:54): Members will be pleased to note that the addition of a new mobile telephone tower at Taylors Arm means there is now one less black spot in the hinterland of the mid North Coast. Given our proximity to the Great Dividing Range and the challenges that the geography of that mountain range creates, having more mobile phone towers is important to removing black spots. I acknowledge the work of the member for Monaro, my leader the Hon. John Barilaro, who has fought hard for the State Government to join the Federal Government to expedite the rollout of mobile phone towers in regional New South Wales. On 4 July I joined local people at the site for the occasion, together with The Nationals Federal member for Cowper, Luke Hartsuyker, and Telstra representatives. Taylors Arm is a special place. However, it is hilly and I would not recommend travelling there by bicycle. I did it once and it nearly killed me! Taylors Arm is located north of Slim Dusty's birthplace at Nulla Nulla in the Macleay Valley. Slim Dusty sang about *The Pub With No Beer*, which Taylors Arm rightfully claims. I remind members of the lyrics:

It's lonesome away, from your kindred and all
By the campfire at night, where the wild dingoes call
But there's nothing so lonesome, so morbid or drear
Than to stand in a bar, of a pub with no beer

There is a new publican at the hotel in Taylors Arm, who is doing wonderful work. All Australians who grew up with Slim Dusty would know of this place and the local characters who suffered so much when the pub ran dry. Now visitors to the famous pub have full mobile reception and can make calls and tell their friends and family about it. I am sure the publican will never let the beer run out again. The new tower is great news for businesses and locals because it allows them to keep up in this modern world. It is especially important for the local emergency and rescue services to be able to use mobile technology to attend fires and accidents in this formerly remote hinterland area of the Mid North Coast. We look forward to more mobile phone towers being constructed and delivered over the coming months in similar areas.

On 15 July at Nambucca Heads I met the volunteers of the Volunteer Rescue Association [VRA] Nambucca District Rescue Squad to present a cheque for \$25,000 for the running of a series of swift water rescue training courses for the State's Volunteer Rescue Association and volunteers. The funding has been provided under the joint State and Commonwealth Natural Disaster Resilience Program. I commend VRA squad president Stuart Holmes, who also runs the shopping centre at Nambucca Heads where an open day was held. Stuart is a passionate member of his community and, as well as being a leader of the VRA, is involved with the volunteer radio station.

Other organisations attended the open day, including the NSW Rural Fire Service, NSW State Emergency Service and Marine Rescue NSW, which also has a strong presence in the Nambucca Valley.

The VRA members staged a mock rescue from a motor vehicle accident, much to the interest of all onlookers. The NSW Volunteer Rescue Association comprises 59 squads, of which 42 are general land rescue squads with close links to local communities that perform a range of rescues, including road crash rescue, land search rescue, animal rescue, flood rescue and many others. The other 17 squads are statewide specialist rescue and support squads with skills including air patrol, bush search and rescue, cave rescue, remote area communications and grief counselling. The volunteers give freely and graciously of their time to these community services and it was a pleasure to acknowledge on behalf of the New South Wales Government and the local community their selfless and valued contributions.

I might also add that over decades many of the volunteers with the NSW Volunteer Rescue Association at Nambucca Heads were the primary responders to many motor accidents on the Pacific Highway. This year there have been 12 fewer deaths than for the same period last year, and with the motorway being completed by 2020 that is the best news story out of the delivery of that motorway. But it should not go unmentioned that over many decades these volunteers have seen things that you would not wish on your worst enemy. They have been absolutely incredible contributors. I am glad that their work is reduced as the motorway is constructed. I acknowledge what they have done over many years to keep our community safe.

HANDS AND FEET CHARITY GROUP

Mr KEVIN CONOLLY (Riverstone) (12:59): I bring to the attention of the House the magnificent work of a small group of wonderful people working hard to respond to the needs they see around them in the electorate of Riverstone in north-western Sydney and more broadly across the Sydney metropolitan area. The group is called Hands and Feet, which is a small but dynamic charity operating from Western Sydney that is having a huge positive impact on the lives of many disadvantaged people. The group was born as a ministry of some members of Christian Community Churches of Australia operating from their homes in north-west Sydney, but has since outgrown those beginnings and is now based at a factory unit in Blacktown, and is soon to move to a larger warehouse in Seven Hills.

Hands and Feet exists to help the homeless, to help those struggling to feed their families and to help schools provide adequate nutrition for kids who go to school without food. Each Friday night a team of volunteers from Hands and Feet travels to the Sydney central business district and surrounding suburbs to deliver food packages and clothing for those living on the street. They deliver approximately 420 pre-prepared food parcels every Friday throughout the year, they provide help to those in desperate need and they attempt to build relationships with the people they meet who are living rough.

Hands and Feet has identified that there is a growing number of families that do not have enough money to buy food for their families on a weekly basis. It provides food hampers to families to help them get through the week. Families can visit the group's distribution centres to collect the food they require. The group maintains distribution centres at community churches located in Claymore, South Hurstville, Kings Park, Fairfield West, Mount Druitt and Concord. Hands and Feet also partners with 16 schools in Sydney's west to help provide nourishment for kids who go to school without adequate food to sustain them through the day. Schools are encouraged to purchase a freezer, and Hands and Feet supplies fresh bread, spreads and fruit to the schools, which they can then use for the kids. Hands and Feet quotes a recent report commissioned by Food Bank as stating:

Two thirds of Australian teachers (67%) are seeing children come to school hungry, with more than one in four (26%) reporting the problem is getting worse, according to new research from Foodbank Australia, the country's largest food relief organisation. Foodbank's new Hunger in the Classroom report, a survey of teachers from across the nation on the state of hunger in schools, has found that on average, three students per classroom are regularly missing out on breakfast in the morning. The research has also revealed that Government schools are three times more likely to see students coming to school without breakfast compared to non-Government schools, while the issue is worse in regional and rural areas (72%) than in our capital cities (63%).

The response of a group like Hands and Feet is immensely practical; it has simply rounded up all the support it can, has found the food supplies, and the volunteers deliver them to as many school as they can reach in their region. Hands and Feet's current warehouse is a small industrial unit in Blacktown. This warehouse becomes the conduit for the collection and distribution of food and clothing to those in need. Produce, clothes and other essential goods are donated to Hands and Feet by local stores and passionate supporting organisations. To meet the overall range of needs, however, Hands and Feet purchases essential foods and goods to ensure it provides balanced and nutritious food packs to those in need.

The remarkable individual who is the backbone of the operation is Joe Brown. Joe heads up the work, coordinates and manages it, and negotiates with stores and organisations. He sources produce and clothes and manages the work with the support of passionate volunteers. Of course, like all voluntary organisations, Hands and Feet is always looking for more willing helpers to help it sort, store, pack and distribute its emergency help.

Joe has put his heart and soul into this work for a number of years. He and his family are the essence of this group. His days are dominated by its work from early in the morning when he picks up supplies from food stores that allow him to take the produce that they no longer sell, which he then distributes that same day, or within days, to those very much in need.

Joe is an amazing man. I understand he is Fijian by background. When he does have a very rare holiday, he goes back to Fiji and spends his time voluntarily building houses for people. He has a building background. That is not the way we would all spend their holidays, but Joe Brown is an extraordinary person. A number of local Western Sydney businesses and organisations have been great supporters of this wonderful group and I congratulate them. I also acknowledge the contribution of Transurban, which has awarded Hands and Feet a community grant in both 2016 and 2017 and made an important contribution to enabling this good work to continue. The selflessness displayed by Joe Brown, his family, his small volunteer team and their local church and business supporters is a great inspiration to everyone who comes into contact with them.

WAGE RATES

Ms SONIA HORNER (Wallsend) (13:05): The Fair Work Ombudsman is taking Tokyo Sushi to court over up to \$70,000 in unpaid staff wages, including more than \$22,000 allegedly owed to 15 employees in the local Tokyo Sushi branch. Seven workers are aged between 16 and 20. Time and time again in recent months we have seen story after story of young people trying to earn an honest dollar but being underpaid or not paid at all by unscrupulous employers. However, instead of support from government there has been an all-out assault on the wages and conditions of many low-paid workers all over New South Wales and nationally.

A tax on penalty rates, failure to monitor workers appropriately and police the actions of workers have meant that young people are finding it harder and harder to get ahead. It is not spending money on going out to brunch that is holding young people back; it is exploitation and unfair working conditions. When an employer does not pay a worker what they are owed, it is theft—pure and simple. I reached out to my constituents to find out if any of them had been the victim of unscrupulous employers and exploitative employment practices. The response was immediate and overwhelming. A young worker named Adelaide told me about the unfair treatment she had received at a local small business. She said:

I was underpaid and not paid overtime. They refused to let me have breaks and then a contract was broken. I was let go when I questioned them, without the correct warning or payment. Bosses think they can put anything past young people.

Another young man who lives in my electorate, Jonathon, missed out on getting paid for an entire shift because the employee time clock was not working. He told me:

I had been working a regular shift for a while, so I was told that because it was my permanent shift I should be paid regardless. I wasn't, so that was like \$200 that they didn't pay me.

The most shocking of the lot was a story one of my constituents, Amber, told me. Amber's daughter was employed in a business that took on a number of new staff, mostly new arrivals to Australia or very young women. According to Amber:

They were told they all had to complete two weeks training. Initially, they were told it would be paid, but then they were told after they'd completed the training that it was unpaid—this employer had them perform the full duties of the job during these two weeks. Finally, they were signed to a contract which paid below minimum wage. My daughter was bullied, threatened with firing, yelled at and had her hours cut back whenever she tried to assert her rights.

Amber says that at one stage her daughter had accumulated more than 80 hours of unpaid work and got only some money out of this unscrupulous employer after fighting tooth and nail for her rights. At the July New South Wales Australian Labor Party [ALP] conference, the Opposition leader laid out a five-point plan to catch out businesspeople like those who have exploited Adelaide and Jonathon, and Amber's daughter.

Labor's plan includes a new wage theft law to criminalise deliberate failure to pay wages and entitlements, rules to hold franchises accountable for the misbehaviour of franchisees, and expanding the powers of workplace inspectors. This is not an attack on employers. The businesspeople who pay and do the right thing by their workers will be safe and we will support them. I will fight to make sure that every young worker and every other worker in the Wallsend electorate is treated fairly by all our employers. The exploitation of young people must stop.

NARELLAN TOWN CENTRE

Mr CHRIS PATTERSON (Camden) (13:09): Last Friday the new expansion of the Narellan town centre was opened by our Premier, the Hon. Gladys Berejiklian, MP. I thank the Premier for officiating at the opening. I know she was looking for a few bargains at this wonderful shopping facility. The much-anticipated extension of the existing shopping centre has given local communities a first-class facility comparable to any shopping centre in New South Wales. The \$200 million expansion has extended the Narellan town centre to a 70,000-square metre retail shopping, dining and banking precinct, including 70 new stores that will provide further

local employment opportunities. Indeed, some 4,000 jobs have been created, in the construction phase and ongoing. This is fantastic for the area.

I shall now highlight some of the milestones. In 2007 an eight-cinema complex was built, and United Cinemas has proven to be very successful. In 2011 plans were developed to expand the shopping centre and it became necessary for a bridge to be constructed across Camden Valley Way to connect both retail centres. As if in slow motion, we have watched the 30-metre bridge take shape during its installation. The Narellan town centre will be one of the major shopping precincts in the south-west, servicing customers from Penrith, the Southern Highlands, Campbelltown, Wollongong and further afield.

With the population growth in the Camden area, the centre is a much-welcomed facility. It is hard to believe that in 2013 Campbelltown City Council proposed to write to the then Premier of New South Wales opposing the expansion of the Narellan town centre claiming that, in its opinion, it was unsustainable. That has proven to be totally inaccurate. The first development of the town centre has served the people of the Camden area for many years and the expansion will prove to be just as successful. In February 1995, when the first plan for stage one of the town centre was lodged, it was difficult to envisage—given there were only about 40,000 people living in the Camden local government area [LGA]. The proposed growth in the area was a mere vision. We blinked and now, 22 years later, potentially up to 300,000 people will live in the Camden LGA. So the long-term vision to forge ahead with the plans and now the expansion of the Narellan town centre are to be commended.

In 1810 land grants were made by Governor Macquarie but it was not until 1827 that the Narellan township was established, even though it was not inhabited at the time. By 1840 the town started to grow and, as they say in the classics, the rest is history. I thank the Camden Historical Society for supplying the historical information about Narellan. The Camden Historical Society, which recently celebrated its sixtieth anniversary, plays a very important role in Camden. The society's passion and dedication to the history of Camden and its surrounding areas are unwavering. The area has many historical homes and properties and their preservation is vital to maintaining over 200 years of national history. The naysayers who could not see the advantage that the Narellan town centre would bring to the area have now been proven wrong. The town centre is very much part of the ongoing growth of the area, it is part of the fabric of the area, and it is a huge employer within the area.

I acknowledge the families who own properties in the shopping centre and who had the vision for and have developed the town centre. They are Arnold and Irene Vitocco, Ron and Lyn Perich and Tony and Cathy Perich and their extended families. Four generations of these families attended the opening. The Narellan town centre is now the largest family-owned shopping centre in Australasia. To those three families and all involved, thank you for your foresight. I commend you on your wonderful vision and a wonderful facility which has directly created more than 4,000 jobs in our area. Well done. I look forward to many more prosperous years.

MENTAL HEALTH AWARENESS

Mr ANOULACK CHANTHIVONG (Macquarie Fields) (13:15): One of the great joys in being a member of this Parliament is meeting the wonderful people in my local communities. Each person has their own story to tell, their own reflections on the history of the local area, and their own ideas on how to shape our community going forward. Each person I meet inspires me to work harder and to continue my efforts to fight for our community's fair share. I recall clearly one of my earliest conversations, and one of the most touching moments I have had, shortly after I was elected to office. A local mother spoke to me about her son's mental health challenges. She told me she felt hopeless and did not know what to do or how long it would take for her son to get better. I could clearly see the emotional pain she was feeling and the toll it was taking on her.

Yet despite all of this, the most important words she said to me were, "I just want my boy to get better." It was her only wish, the words of a loving mother whose thoughts were for her child. It was enough to move any of us; her words certainly moved me. Advocating for greater awareness of mental health and more services was important to this mother just as it is important for every person with mental illness and their family, carers and friends. It is important to me and to my community. Mental health is a genuine issue in our local area and one of the key pressing issues that are presented at my electorate office in Ingleburn. Mental health is also one of the most pressing issues for young people in our local area. With one in four young Australians at risk of serious mental illness and with suicide rates at the highest they have been in 10 years, we have to act now.

I recently hosted the Community Mental Health Forum—Young People and Anxiety in Ingleburn in direct response to a genuine community need for information on this important public health issue. The forum was held in partnership with local mental health advocate and our champion Sandra McDonald, One Door Mental Health, Headspace Campbelltown, and other local service providers. The evening was a huge success, with more than 150 people braving the cold to learn more about anxiety and to connect with local service providers. I thank

all of those involved in the forum but particularly two outstanding young people, Alessandro and Bridget, for so bravely sharing their personal stories to help others and advocate for greater mental health awareness.

Alessandro spoke on the importance of acceptance—acceptance of one's self, of one's life journey and of mental health as an equally important part of one's physical health and wellbeing. Bridget spoke of the abuse she suffered as a child and how that trauma led to mental health issues. She travelled halfway across the world from Detroit to start a new life in Sydney. Bridget turned to substance and alcohol abuse to numb her pain but could not escape it. It took genuine love and connection with others and the support of mental health services to help Bridget out of the depths of her darkness. Bridget credits her family and friends, her cats and her daily poetry writing for helping her to, in her own words, "dust off her broken wings and learn to fly again".

Early intervention is key. The sooner someone experiencing mental illness seeks support, the greater the chance of their full recovery. Both Alessandro and Bridget highlighted the importance of creativity in managing their wellbeing and acknowledged the value of speaking with others who shared similar experiences. When people hear someone talking about their personal mental health journey, it opens the door for others to speak for themselves. As our local mental health champion Sandra McDonald rightly pointed out, we must normalise conversations about mental health. We must reach a point when we feel comfortable talking about mental health around the dinner table and at every opportunity, much like we comment on our physical health. The more we talk, the more we listen, the better we will be at helping others in need.

One of the key messages to come out of the forum is that we must continue the conversation. There should be more opportunities for people to connect with local health service providers and learn what support is available for people living with mental illness, their families and their friends. The journey does not end there; there is more work to be done. I truly hope that together we can create more opportunities to raise mental health awareness and continue the conversation because mental health matters. It mattered to the local mother I met, it matters to our local community and it matters to me.

NSW SERVICE MEDALLION AWARD RECIPIENT RODNEY HODDINETT

WASTE REDUCTION

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (13:20):

I acknowledge my constituent Mr Rodney Hoddinett of West Ryde who was awarded the NSW Service Medallion recently. Rodney's long and distinguished career with the public service began in 1949 when he was a 15-year-old boy. He began work as an apprentice electrical mechanic with the Department of Railways. For the next 15 years Rodney applied his trade, working his way through the ranks as an electrical mechanic and electrical technical officer and engineering assistant. He distinguished himself and was involved in many projects during that time. Rodney played a role in the closing down of the White Bay Power Station, which provided half of the power to Sydney's railways, and the transition of Sydney's railways from 25 hertz power to 50 hertz.

In 1965, Rodney joined the Department of Public Works and he served New South Wales with the highest level of professionalism and integrity until his retirement in October 1989. During his years with Public Works, Rodney designed and supervised construction of a power station at Tibooburra in 1977, oversaw the upgrade of the power supply to Lord Howe Island—which would have been a great job—and managed works at high security jails, forestry camps and country police stations in New South Wales. Rodney contributed greatly to the New South Wales community and the public service. I congratulate him on his 40 years of service. The medallion he received is a small token that has great meaning to a person who has spent their working lifetime giving so much to the people of our State.

Service to our community is ever increasing in the Ryde electorate. Many people are concerned with the need to reduce waste, especially plastic, and they are actively encouraging others to do the same. A local community organisation named 5 for Ryde, spearheaded by Corina Seeto and Joanne Taranto, is aiming to reduce waste in our community. Inspired by the *War on Waste* series, the Ryde locals have embarked on a mission to encourage people to ditch disposable cups, ban the plastic bag, say no to plastic straws, turn down the plastic water bottle, and know their waste so they get it in the right bin on bin night. Corina and Joanne have been busy spruiking the benefits of Keep Cups with more than 20 local cafes now offering discounts to customers who bring their own cups. I was inspired to purchase Keep Cups for my office from Beck Ho, chief executive officer of the Touched by Olivia Foundation, and I have spares available for visitors.

It does not stop there. The community organisation 5 for Ryde is working alongside other organisations, such as the Tzu Chi Foundation in Eastwood, to produce boomerang bags. A team of volunteers has been busy sewing recycled materials into bags to reduce the reliance on plastic bags. At last count, the group had sewn more than 1,000 bags which are soon to be made available throughout our community. I know our community is pleased with this Government's recent announcement that the container deposit scheme will come into effect in December

this year, offering customers a 10¢ refund on eligible containers. Many in the Ryde community are looking forward to this program and will welcome the introduction of reverse vending machines into our local area.

HILMER STREET PEDESTRIAN BRIDGE

Mr BRAD HAZZARD (Wakehurst—Minister for Health, and Minister for Medical Research) (13:24): I acknowledge the opening of an important new piece of infrastructure in my electorate of Wakehurst, the Hilmer Street pedestrian bridge that is adjacent to Forest High School. Yesterday I had the great pleasure of being in the company of Mick de Groot and Emma de Zeeuw, with their teacher Cathy Thompson, from Forest High School to open the bridge, which crosses Warringah Road at Frenchs Forest. It is just a coincidence that I was in the presence of a member of the De Groot family, because it was Captain Francis de Groot who on 19 March 1932 pre-empted Premier Lang's attempt to open the Sydney Harbour Bridge by charging up to the ribbon on his apparently inelegant steed to slash the ribbon with his sword. I am pleased to say that Mick de Groot and fellow year 10 student Emma de Zeeuw behaved much more appropriately yesterday when cutting the ribbon to open the pedestrian bridge with a pair of golden scissors.

Yesterday, we collectively enjoyed the moment on behalf of the community of Wakehurst. It was appropriate that the ribbon was cut by two young people from Forest High School, a wonderful school under the leadership of principal Rosemary McDowall. Many generations to come will benefit from the construction of this amazing pedestrian bridge in association with the building of the new Northern Beaches Hospital. The Department of Health is working in conjunction with Healthscope in a public-private partnership to build the hospital, and I thank all involved in the process, together with staff of the Roads and Maritime Services and the Ferrovial York Joint Venture, the partners in the construction of the almost half-billion roadworks adjacent to the new hospital.

After the opening ceremony we celebrated the fact that many people will benefit from the construction of the bridge, especially young people in generations to come who live in Frenchs Forest. Mick, Emma and I walked across the bridge, which spans the Warringah Road upgrade at the site of the new hospital. The road upgrade involves a 1.3 kilometre underpass built to improve traffic flow, efficiency and capacity for motorists, both locals and visitors. Overall, the project will deliver 6.8 kilometres of widened roads that will immeasurably benefit local road users, who will have a far better travel experience.

The road will cater for access to the new hospitals for motorists as well as pedestrians and cyclists and will increase the capacity of the road network. By 2028 the project will deliver travel speeds almost 50 per cent faster than if the upgrade were not built. It has been a delight to work with the community to deliver this critical and complex upgrade. A significant amount of work is being carried out, and I thank members of the community for their patience. During their construction phase, major infrastructure developments disrupt communities but once the new hospital is open we will all love it. Once again, I thank the well-behaved Mick de Groot and Emma de Zeeuw for opening the Hilmer Street pedestrian bridge on behalf of the community.

TEMPORARY SPEAKER (Ms Anna Watson): I will now leave the chair. The House will resume at 2.15 p.m.

Visitors

VISITORS

The SPEAKER: I welcome to the gallery Serena Davies from Picton High School, who is doing work experience with the member for Camden, guest of the Government Whip, and member for Camden. I also welcome members of the Penshurst RSL Sub-Branch John Hoban, Kim Thompson, Graham Grant, Warwick Richardson and Kevin Kelly, guests of the Parliamentary Secretary for Transport and Infrastructure, and member for Oatley. I welcome to the gallery Monica Smith, Susan Roper, Sally Pavitt, Rhonda Daley and Vince Roach, guests of the Leader of the Opposition, and member for Auburn. I also welcome students from Strathfield Business College, guests of the member for Strathfield. Finally, I welcome Bob and Helen Hunter, guests of the member for Charlestown.

Commemorations

CENTENARY OF FIRST WORLD WAR

The SPEAKER (14:18): In August 1917 General Sir William Birdwood, commander of the 1st Anzac Corps, wrote to four women advising them that they would be awarded the Military Medal. The women were army nurses and the first Australian recipients of the highest Imperial award for which women were eligible during the First World War. The previous month, the No. 2 Australian Casualty Clearing Station had been relocated to Trois Arbres in France in preparation for the upcoming third battle of Ypres. Positioned perilously close to the front line, the nurses worked in makeshift triage stations and operating theatres that were little more than hastily erected canvas tents. At 10.25 p.m. on 22 July 1917 a low-flying German plane dropped two bombs on the clearing

station. One of four small marquees used to treat pneumonia patients was destroyed and the others damaged. Two patients and two orderlies were killed.

With no regard for their own safety, Dorothy Cawood, Clare Deacon, Mary Jane Derrer and Alice Ross-King ran into the burning tents to rescue their patients. Ignoring the injured men's pleas that they seek shelter in nearby dugouts, the nurses carried their patients to safety or shifted tables and other objects in order to protect those wounded who could not be moved from the flames and falling debris. The four nurses were accorded the Military Medal for their "coolness and devotion to duty" that night. They received their medals from King George V personally. Cawood, Deacon, Derrer and Ross-King were four of only eight Australian women awarded the Military Medal during the war. Lest we forget.

Members

REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS

Ms GLADYS BEREJIKLIAN: I inform the House that the Minister for Lands and Forestry, and Minister for Racing, will answer questions today in the absence of the Deputy Premier. I further inform the House that the Attorney General will answer questions today in the absence of the Minister for Police, and Minister for Emergency Services.

Question Time

MURRAY-DARLING BASIN PLAN

Mr LUKE FOLEY (Auburn) (14:23): My question is directed to the Premier. Will the Premier amend the water theft terms of reference to allow Mr Matthews to investigate the conduct and decisions of National Party water Ministers Blair, Humphries and Hodgkinson?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:23): I acknowledge the Leader of the Opposition's question and I refer him to the answers I gave last week in this place. In particular, on Tuesday and Wednesday last week we discussed an independent inquiry that would give an initial report to government by the end of this month and a more detailed one by the end of November. There was also a referral to the Independent Commission Against Corruption [ICAC]—a body that the Labor Party is very familiar with. Let there be no mistake, when allegations of a serious nature are made those on this side of the House always make sure that every effort is made, and more, to ensure full cooperation with all the inquiries being conducted. We do this to ensure complete openness and transparency in these processes. If those opposite have any additional information to what is currently on the public record then I urge them—

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

Ms GLADYS BEREJIKLIAN: —to do the right thing and provide any information they have to the formal inquiries being conducted. I again stress that whenever any serious allegation is made this Government always ensures full cooperation. We have also set-up the processes to ensure a full and independent inquiry and last week Mr Matthews issued a statement about his role in that. We will also fully comply with any inquiries held in any other jurisdictions. This raises the question of integrity. The Leader of the Opposition pretends he was not friends or associated with any of those found to be corrupt. He pretends that he never knew Ian Macdonald or that he was ever his friend. He pretends they were never factional allies, they never shared a meal or went overseas together.

Ms Jodi McKay: Point of order: My point of order relates to Standing Order 129. The question related specifically to the terms of reference of the inquiry.

The SPEAKER: Order! There is no point of order. I can only require the Premier to remain relevant to the question.

Ms GLADYS BEREJIKLIAN: Whenever there are integrity issues one should always be judged by their actions, not by their words. Ministers on this side of the House are required to provide full disclosure of all meetings they hold, and we are prepared to do that. The Leader of the Opposition gave a commitment to also do that with his diaries. I raised the fact that he had not produced his diaries for six months. If that is what he is like in Opposition, what would he be like in government?

Mr Nick Lalich: Remember Bob Askin.

The SPEAKER: Order! Members will come to order. Nobody remembers Bob Askin—I do not. I call the member for Drummoyne to order for the first time.

WESTERN SYDNEY TRANSPORT SERVICES

Dr GEOFF LEE (Parramatta) (14:27): My question is addressed to our excellent Premier. How is the New South Wales Government delivering vital transport services to Western Sydney?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:27): I thank the excellent and outstanding Parliamentary Secretary, and member for Parramatta for his question. The member for Parramatta is smiling from ear to ear because of the extra services this Government is delivering in Western Sydney. This morning I was pleased to catch the train to Central railway station with the outstanding Minister for Transport and Infrastructure. When those opposite were in government they were too distracted by their own political interests to provide good transport. In fact, they cut about 400 weekly train services.

The SPEAKER: Order! I do not want a repeat of what happened last Thursday. Today members who interject will be called to order immediately.

Ms GLADYS BEREJIKLIAN: When it came to providing services those opposite went cut, cut, cut. When it came to important rail projects it was axe, axe, axe. When it came to projects like the Tcard it was failure, failure, failure. Those opposite were too busy worrying about themselves—their jobs and their power plays—rather than governing for the people of New South Wales. The Minister for Transport and Infrastructure and I were able to stand at Central railway station this morning and announce that in the new timetable this year Western Sydney will get an extra 300 weekly rail services. We did that with an enormous sense of pride because our primary focus, day in and day out, is improving the quality of life for those we are here to serve. Through hard work and respect, our utmost priority is to deliver for Western Sydney.

Ms Yasmin Catley: What about the Central Coast?

Ms GLADYS BEREJIKLIAN: You are getting plenty too, don't worry. Just say thank you.

The SPEAKER: Order! The question was about Western Sydney. The member for Swansea should have listened to the question; her interjection is irrelevant. I call the member for Swansea to order for the first time.

Ms GLADYS BEREJIKLIAN: I know the Opposition does not like to face reality, but since we have been in government I am very pleased to say that we have delivered more than 19,000 additional weekly transport services on our buses, ferries and trains, including 1,500 weekly train services.

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

Ms GLADYS BEREJIKLIAN: We are purchasing the rolling stock. We are building projects, whether it is metro rail, light rail or other types of public transport. We are purchasing extra buses and building the B-line—just to name a few of the projects we are developing. It is also extremely important to this Government to improve the customer experience. That is why we know that the extra 300 weekly rail services to Western Sydney alone will be a huge boost because not only will it reduce travel times but also it will ease overcrowding. With more train services under the new timetable there will be less crowding.

As part of the 300 extra rail services, I am pleased to say there will be 20 express trains during peak hours between Parramatta and the Sydney central business district [CBD]. I announce this specifically because we made a promise to do this and we are delivering it. That means there is a train every three minutes from Parramatta to the CBD in the peak hours. Altogether there will be more than 250 express trains from Parramatta to the CBD every single week. We know that the T1 western line, the T2 airport line, the inner west and the south west line are some of the busiest and most popular on the network, and because of the implementation of this new timetable, those lines will receive more services.

We have also invested in the infrastructure to simplify the network to make sure that when people are connecting to services or trying to reach those popular destinations they will have shorter travel times. I know the member for Strathfield will not want to concede this, but commuters on the inner west rail line will have their peak services boosted from 15 minutes up to every six minutes at many stations. I know the member for Drummoyne is excited about that package because it means more services for his community. I also appreciate that the member for Newtown, the member for Balmain and others would also be very pleased with the extra investment in public transport services because their constituencies like the option of using public transport. There is no doubt that Western Sydney is growing quickly and with this growth we are improving our services, but I am also pleased to say that the good news is not just about Parramatta. [*Extension of time*]

We are doubling the services on weekends and late nights for customers between Penrith and Doonside, which means there will now be a train every 15 minutes. I know the member for Penrith in particular is very happy about that, as is the member for Mulgoa and others, because they appreciate what it means for their constituents.

Capacity is also being boosted on weekends. We know people want to travel more on the weekends, especially with the convenience of the Opal card, so for places like Blacktown, Seven Hills, Westmead and Parramatta there will be a service on average every 10 minutes on weekends, which is pretty good. We are also boosting the morning peak services for Seven Hills. I know the member for Seven Hills is very happy about that. In fact, I have stood on train stations with him and appreciate how happy he is, because it means there will be an additional four city-bound trains every hour, or a train every three to four minutes from Seven Hills, which is a wonderful achievement for his constituents.

In the morning peak, there will be more trains for Penrith, Kingswood and Werrington stations, with a service on average every 7.5 minutes instead of every 10 minutes today; so that frequency is improving. St Marys and Mount Druitt will get a train service on average every six minutes. Places such as Rooty Hill and Doonside will also receive benefits in peak hours. We have an outstanding Transport Minister. He has worked his guts out to make sure that these services are delivered. Whilst the Opposition is worried about their own jobs, their politicking and their factions, this Government is getting on with the job of delivering more services, more public transport and more infrastructure. That is the kind of government we are.

MURRAY-DARLING BASIN PLAN

Mr MICHAEL DALEY (Maroubra) (14:34): My question is directed to the Premier. Will the Premier give an assurance to the House that Mr Matthews' investigation into water theft will specifically examine whether the member for Barwon gave a room full of irrigators permission to pump during an embargo, given that its terms of reference do not seem to include the ability for him to do that?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:35): I am concerned about the implication in the question; however, I will say that of course Matthews will be given any resources and powers he needs to conduct his full and frank investigation. In the member for Maroubra's first speech to this place there were two ministers he thanked for getting him to this place, Joe Tripodi and Eddie Obeid.

Mr Michael Daley: It has been on the public record for 12 years. What a scoop!

The SPEAKER: Order! The member for Maroubra is making a spectacle of himself. I call the member for Maroubra to order for the first time.

Ms GLADYS BEREJIKLIAN: I am saying if you open the integrity Pandora's box, we are happy to respond. Look at what those opposite failed—

The SPEAKER: Order! I direct the Clerk to stop the clock until Opposition members come to order.

Ms GLADYS BEREJIKLIAN: That might take several hours.

The SPEAKER: It might take some time. The poor member for Maroubra has overreacted.

Mr John Sidoti: He wants to do his inaugural speech again.

Ms GLADYS BEREJIKLIAN: Yes, he might make some deletions.

Mr Michael Daley: You might delete Michael Photios from yours.

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

Ms GLADYS BEREJIKLIAN: I am proud of everything I said in my inaugural speech. I am proud of every single word. Are you proud of Eddie Obeid and Joe Tripodi in yours?

Mr Michael Daley: Point of order: I have never left a dead dog on a table to go and cop a quid in the back of a Bentley.

The SPEAKER: Order! The clock has been stopped. The Premier was responding to interjections. There is no point of order. The member for Maroubra will resume his seat. I call the member for Maroubra to order for the third time.

Ms GLADYS BEREJIKLIAN: Unfortunately, when the Opposition were in government they focused on themselves and their power plays and not enough on the people of New South Wales. That is a stark contrast to this Government. That is why they left us with deficits, failed projects and failed services.

Ms Jodi McKay: Point of order: The Premier is focusing way too much on the Opposition. There is a critical issue around water and her ministers.

The SPEAKER: Order! I suggest that the member for Strathfield learn the standing orders so that she can take valid points of order rather than simply arguing and making debating points. I call the member for Strathfield to order for the first time.

Ms GLADYS BEREJIKLIAN: As the Minister for Transport and Infrastructure eloquently said last week, the best predictor of future behaviour is past behaviour.

SOCIAL HOUSING

Mr DAMIEN TUDEHOPE (Epping) (14:38): My question is addressed to the Minister for Family and Community Services, the Minister for Social Housing and Minister for the Prevention of Domestic Violence and Sexual Assault. How is the Government's record investment in social housing and homelessness support services helping our State's most vulnerable?

Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (14:39): I thank the member for Epping for his question.

The SPEAKER: Order! There is too much audible conversation in the Chamber. I will direct the Clerk to stop the clock so that the Minister can answer the question and be heard in silence.

Ms PRU GOWARD: No government has been more committed to supporting the homeless than those of us on this side of the House. We are committed to prevention, we are committed to continuous improvement in our service system, and we are committed to supporting those in crisis. We are investing \$198 million in specialist homelessness services, homelessness programs and critical referral services such as Link2home. We do not want anyone in Sydney thinking they need to live in a tent. Let me be clear: We will work with anyone who is willing to engage with us to find them a long-term solution.

For example, Family and Community Services [FACS] will continue to visit Martin Place every day this week. FACS staff were there yesterday, they are there today and they will be there tomorrow offering housing supports and services. FACS staff have visited Martin Place 46 times this year, and 73 people are now in permanent housing as a result. No-one in Sydney needs to sleep in a tent in Martin Place; there is support available. Every eligible person who has engaged with FACS workers on the ground in Martin Place has been offered accommodation. FACS staff have been proactive in offering accommodation; however, some people have not taken up these offers.

The SPEAKER: Order! The member for Wyong is not helping to find a solution to the problem by interjecting.

Ms PRU GOWARD: It is clear that the Lord Mayor of Sydney is far too busy trying to score political points and is not doing her job.

The SPEAKER: Order! The member for Newtown is not solving the problem by interjecting. I call the member for Newtown to order for the first time.

Ms PRU GOWARD: This is a lord mayor who has actively facilitated and enabled the political protest movement in Martin Place. She is more interested in making deals with the so-called leader of the Occupy Sydney movement than she is in supporting those genuinely in need.

Ms Jenny Leong: She's trying to sort it out.

Ms PRU GOWARD: Welcome to government.

The SPEAKER: Order! I call the member for Newtown to order for the second time. The member for Newtown is not solving the problem by yelling at the Minister. The Minister will be heard in silence.

Ms PRU GOWARD: The Lord Mayor's political grandstanding is shameful. The New South Wales Government has and will continue to call her inaction out at every step of the way.

The SPEAKER: Order! The member for Newtown will remove herself from the Chamber for a period of three hours.

[Interruption]

The SPEAKER: Order! I suggest that the member for Newtown does not continue shouting on her way out of the Chamber. I direct the Deputy Serjeant-at-Arms to remove the member for Newtown from the Chamber under Standing Order 249.

[The member for Newtown left the Chamber at 14:42 accompanied by the Deputy Serjeant-at-Arms.]

Ms PRU GOWARD: But what are the policy solutions of those opposite? There are none. What have we heard from the Opposition on this issue? Nothing. There was one shabby press release from the member for Bankstown.

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

Ms PRU GOWARD: There has been nothing sensible from the Leader of the Opposition. Those opposite are completely unwilling to support the Government's efforts to help our most vulnerable.

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

Ms PRU GOWARD: It is shameful and it is gutless.

The SPEAKER: Order! I call the member for Bankstown to order for the second time. I reiterate that yelling across the Chamber or at the Minister will not solve the problem. If members want to be part of a solution, they should do something positive rather than interject.

Ms Jenny Aitchison: Point of order: My point of order relates to Standing Order 73. It is highly inappropriate for the Minister to call people on this side of the House gutless when what has happened in Martin Place has been terrible.

The SPEAKER: Order! No imputations were made against individual members. There is no point of order.

Ms PRU GOWARD: It is shameful and it is gutless. The best those opposite could do was to wheel out Labor Senator Sam Dastyari, who has nothing to do with this matter. And what do we hear from him? We hear nothing—

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

Ms PRU GOWARD: —no plans, no ideas and no vision. [*Extension of time*]

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

Ms PRU GOWARD: In stark contrast, this Government has a plan. As I announced with the Premier today, people sleeping rough in Sydney will soon benefit from access to a new after-hours homelessness service. The New South Wales Government has committed funding to the Wayside Chapel, which will deliver the after-hours service in Potts Point. The Wayside Chapel has been providing support and a sense of community to the city's homeless since 1964. The service will now be able to do this valuable work after hours. The space will be a place where rough sleepers can engage with services so they can get off the streets and into accommodation. It will also provide access to hot showers, meals and laundry facilities.

The Premier and I have also announced measures which will empower the NSW Police Force to move persons or goods in Martin Place, and those powers will also apply in other public reserves in the city of Sydney by proclamation. I call on Labor to support the bill because critical to this Government's effort to tackle homelessness will be its support of our plan for social housing. The Government now has the biggest social housing building program of any State or Territory in Australia. Our Communities Plus program will deliver 23,500 new and replacement social housing and affordable housing dwellings and 40,000 private housing dwellings over 10 years. In addition, the Government's \$1.1 billion Social and Affordable Housing Fund will deliver 2,200 additional social and affordable homes in Phase 1.

Just weeks ago we saw the Leader of the Opposition rushing out to condemn the Millers Point sales. He thought he could score a political point. I am proud of what we have achieved as a result of those Millers Point sales—more than 1,000 houses. [*Time expired.*]

MURRAY-DARLING BASIN PLAN

Mr CHRIS MINNS (Kogarah) (14:47): My question is directed to the Premier. Will the Premier provide a guarantee that Mr Matthews will be able to investigate all reports of water theft, not only the four instances listed in the terms of reference?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:48): Again, there is an implication in the question, but I appreciate the nature of the question. I am not sure whether the member for Kogarah was listening to the first two questions in question time today, but they were both the same, as they were last week. I refer the member to my previous answers.

REGIONAL ROAD UPGRADES

Mr DARYL MAGUIRE (Wagga Wagga) (14:48): My question addressed to the Minister for Roads, Maritime and Freight. How is the New South Wales Government funding regional road upgrades across New South Wales and any other related funding matters?

Mrs MELINDA PAVEY (Oxley—Minister for Roads, Maritime and Freight) (14:48):

I acknowledge the member for Wagga Wagga and thank him for his question. I do not talk to him without his asking for money for roads, and it certainly works. All that hard work is paying off because the Government is providing more than \$3 million to finish the Kapooka Bridge replacement, \$1 million for planning and development of sections of the Snowy Mountains Highway, more than \$1 million to the Wagga Wagga council for local roads, and more than \$1 million to Lockhart Shire Council for local roads.

The SPEAKER: Order! There is too much audible conversation. Members who wish to have private conversations will do so outside the Chamber.

Mrs MELINDA PAVEY: I also acknowledge the member for Cootamundra for her work in fighting for the people of southern New South Wales since entering Parliament in 1999 as the member for Burrinjuck. Even this year the member was knocking our doors down to make sure her electorate received proper funding for roads in her electorate. More than \$84 million has been invested in roads alone compared to \$60 million in Labor's last year in office. The \$84 million investment in Cootamundra includes \$7 million to complete construction of the Newell Highway realignment at Grong Grong near Narrandera, \$4 million for the West Wyalong Highway heavy vehicle alternative route, more than \$2 million for pavement upgrades on the Mid Western Highway west of Cowra, and \$250,000 for intersection improvements on the Hume Highway near Gundagai.

If the people of Cootamundra want to see continued investment in their local roads, local hospitals and local schools then only the Liberal-Nationals Government can deliver. This is a Liberal-Nationals Government that is delivering local infrastructure across regional New South Wales. One need only look at our proven track record of investment to see this, including investment in the Pacific Highway. Only today the Federal member for Page, Kevin Hogan, was reported in the *Northern Star* as celebrating the fact that 10,000 jobs will be created with the upgrade of the Woolgoolga to Ballina section of the Pacific Highway motorway. I repeat that 10,000 jobs will be created in northern New South Wales thanks to both the State and Federal Liberal-National governments. I congratulate those members who have been fighting very hard for that upgrade—seven million cubic metres of soil moved on the Woolgoolga to Ballina section and another seven million cubic metres of soil to go. It is an enormous job and we are getting on with the job on track for 2020.

The \$4.8 billion allocated to regional roads in this year's regional budget represents an increase of more than \$800 million compared to last year's budget. It is no accident that we are investing \$73 billion in infrastructure across New South Wales and delivering a \$4.5 billion surplus. That can only happen thanks to this fiscally responsible Government. We know the shadow finance Minister, the member for Cessnock, struggles with numbers, so much so that he is desperately trying to keep Country Labor from sinking further into debt. The member may well hug him? Is the member the convenor of Country Labor or is the member for Cessnock?

Ms Jenny Aitchison: Point of order: My point of order relates to Standing Order 73. I think that is a very unfair attack on the member for Cessnock.

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

Mrs MELINDA PAVEY: It is no wonder they are in debt when they produce failed candidates like Steve Whan and subsidise the existence of Tony Kelly's time in the other place. This may hurt, but it is the truth. In 2011 the *Sydney Morning Herald* contained an article entitled "Country Labor a dying a breed". If we fast-forward to July this year not only is Country Labor a dying breed, it is a very poor breed. It turns out that Country Labor is \$1.68 million in debt and senior New South Wales Australian Labor Party figures are calling it an embarrassment.

Ms Kate Washington: Point of order: My point of order relates to Standing Order 129. The question was clearly about roads and the Minister has strayed into areas that have nothing to do with roads.

The SPEAKER: Order! The Minister has strayed slightly from the leave of the question, but I will hear further from her before I rule on the point of order.

Mrs MELINDA PAVEY: It relates to the fact that the Government has been able to increase the roads budget by \$800 million on last year. This Government has increased it by 105 per cent compared to Labor's last year in office, and we are able to do that because we can manage money. We can manage finances and because of that we have record funding going into regional New South Wales and into the city. Because we can manage funding we can invest in infrastructure to make our roads safer— [Extension of time]

We also have the chair of the Country Labor Committee running around the electorate of Monaro saying how good he is, but his problem is that he is forgetting to tell people that he cannot manage money. How is he supposed to oversee a \$100 million roads budget in the mighty electorate of Monaro when he cannot control a couple of million thrown at him by his union mates?

Mr Clayton Barr: Point of order: It is hard to determine whether Standing Order 73 applies to a person who is not even in this House to defend himself.

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

Mr Clayton Barr: The Minister is attacking a person who is not in this place and who is unable to defend himself. I ask the Minister to cease and desist.

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

Ms Jodie Harrison: Point of order: It is my understanding that when members of the Opposition take points of order Ministers should sit down until a ruling has been made.

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

Mrs MELINDA PAVEY: The point is that if you cannot manage your party's finances, how are you going to manage an \$8.5 billion roads budget? That is the point.

Ms Jenny Aitchison: Point of order: My point of order relates to Standing Order 73. The Minister asked, "if you cannot manage your party's finances, how are you going to you manage an 48.5 million Roads budget". How many blowouts have those opposite had on their roads in Sydney?

The SPEAKER: Order! There is no point of order. I call the member for Maitland to order for the first time.

Mrs MELINDA PAVEY: It is very simple. There is only one party that can ensure regional New South Wales gets its fair share of funding whilst ensuring New South Wales remains in a strong economic position. Only one government can do that and it is made up of Liberal and Nationals members who are delivering for the city and delivering for regional New South Wales so that we can finally get our fair share and drive on roads that are worthy of our communities.

M4 PROJECT

Mr JOHN SIDOTI (Drummoyne) (14:57): My question is addressed to the Minister for Western Sydney, Minister for WestConnex, and Minister for Sport. How is the New South Wales Government getting on with delivering the new M4 for the people of Sydney?

Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (14:58): I thank the member for Drummoyne for his question. It is incredibly important to talk about how the Government is continuing to deliver infrastructure for the people of Western Sydney. Nothing is more important than finishing the motorway network that those opposite were not able to finish over their 16 years in government.

[Interruption]

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

Mr STUART AYRES: The New South Wales Government is getting on with the job of delivering the M4 motorway. Recently the Premier and I were underground in the new M4 East tunnel for one of the most important breakthroughs of the tunnelling project. Nearly nine kilometres of tunnelling has been undertaken in developing the new M4. Labor ignored this project for generations. This section of the M4 forms a crucial part of WestConnex. We are now 70 per cent of the way through the project. It will mean that motorists travelling across Western Sydney, particularly along the M4 corridor, will be able to bypass 22 sets of traffic lights. We have already seen significant savings in travel time for people travelling on that section of the new M4.

The first section of WestConnex includes new viaducts and a widened road, which is delivering savings in travel time. In fact, up to 17 minutes has been saved in travel time. Members should not take my word for it; they should hear from road users. Jack Tyce, who travels to James Ruse Drive from Penrith, said he no longer has to wait 10 minutes to 15 minutes backed up at Church Street. Nisha Suthar said that her travel time has been cut by eight minutes, which means she is spending less time on Parramatta Road each day. Jason Felkin said his journey has improved considerably. He now has an hour less on the road each day. Greg Hills wonders why this was not done in the first place, and everyone on this side of the Chamber agrees with him. Mark Abela has noticed a significant difference. These people have made public statements about the improvements already made to the M4. There is more. Tim Cassidy said:

I love it. The traffic snarls at Church Street and approaching James Ruse Drive have disappeared completely.

Daniel Rose said:

It is light years better than before. I am saving 15 minutes on a bad day and 20 minutes on a good day.

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

Mr STUART AYRES: John Nicholas said:

This has been great. It saves me 10 to 15 minutes on each trip to work.

Despite that feedback from people who are using the road, we are still hearing from those opposite that they are opposed to the road. We still hear interjections that they do not want the road. As we have continued to develop the WestConnex project I have noticed that Labor has moved around a little bit. Its infrastructure strategy stated that Labor did not support building all of the sections of the WestConnex. On 7 June the *Daily Telegraph* stated:

Mr Foley for the first time has also committed to seeing through all three stages of the WestConnex project.

I say congratulations to Labor for finally recognising that WestConnex is one of the most important infrastructure projects that exist. It is finally listening to the people who are experiencing savings in travel time on that road. However, I sense there is a bit of a gap. If they will build all sections of WestConnex, they have to be able to pay for it. That means that the tolling regime we have put in place helps deliver each one of these roads.

[*Interruption*]

If Labor wants to call it a tax, let us go back to—

Ms Jodi McKay: It is tax for your residents.

Mr STUART AYRES: I have heard a lot of things coming from Opposition members about the duration of the toll. Labor's M7 toll was 43 years. Labor's Eastern Distributor toll was 49 years. The Cross City Tunnel toll was 30 years. The Lane Cove tunnel toll was 41 years. That is their record. They want to talk about the duration of the tolling regime, but Opposition members have done the same thing.

Ms Jodi McKay: This is not a new road.

[*Extension of time*]

Mr STUART AYRES: I acknowledge the interjection of the member for Strathfield, "This is not a new road." Can she explain to me what the tunnel is?

The SPEAKER: Order! The member for Strathfield will cease arguing across the Chamber. The Minister has the call. I call the member for Strathfield to order for the second time. The member for Strathfield will be removed from the Chamber if she continues to interject.

Mr STUART AYRES: I am not sure what the three lanes in each direction which will take people under Parramatta Road for first time in history are if not a new road. It is the road that Labor could not build on the M4 corridor. It could not finance it. If Labor does not support the toll, it does not support the completion of this project. If Labor does not support the toll, how will it pay for WestConnex? It will end up with a \$17 billion black hole in the New South Wales budget, demonstrating that it has no capacity to deliver infrastructure in this State. Opposition members do not believe that the tunnel under Parramatta Road is a new road. They have form. I have seen what the Labor Party does to people in Western Sydney. Labor campaigned in an election to remove the M4 tolls, but the day after the election it announced it was keeping the M4 toll for 15 years. The people of Western Sydney would have accepted that toll for 15 years if they had received the road we are building now.

We are fixing the things that Labor could not. It has no way of paying for WestConnex unless it charges the toll it says it does not support. It will create a \$17 billion hole in the budget. The important transport projects that we want to build across Sydney will come out of the budget if it cannot fund this project. The western metro will create the opportunity to link the North South Rail Line. Other projects such as the north-west and south-west metro lines that support Western Sydney will go out the door. Labor should get on board with WestConnex and tell us how it will finance it.

WHISTLEBLOWER PROTECTION

Ms JODI McKAY (Strathfield) (15:05): My question is directed to the Premier. Will the Premier guarantee that any public servant or former public servant who provides information to the Matthews investigation will be protected under the Public Interest Disclosure Act?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:06): This question is slightly different from the other 10 I have been asked, so I am happy to answer it. It was members on this side of the House who gave greater protection to whistleblowers. We saw how Labor treated people, including its own staff, when they were whistleblowing. That is the most hypocritical question I have been asked in a long time. When Labor wants

to see integrity measures tightened for whistleblowers, they should look at this side of the House. I will end my answer there.

Ms Kate Washington: Point of order: My point of order relates to Standing Order 129.

The SPEAKER: Order! I direct the Clerk to stop the clock.

Ms Kate Washington: The question is clear.

The SPEAKER: Order! I heard the question. What is the member's point of order?

Ms Kate Washington: The Premier is talking generally about whistleblowers. The question is about the current inquiry and whether will those laws apply.

The SPEAKER: Order! The Premier remains relevant to the question. The Premier has completed her answer.

PLANNING AND DEVELOPMENT

Mr MARK COURE (Oatley) (15:07): My question is addressed to the Minister for Planning, Minister for Housing, and Special Minister of State. What is the Government's plan to introduce new probity measures to ensure the integrity of development applications and any other related matters?

Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (15:07): I thank the member for his question and his interest in the matter. I note the keen interest of all members in the lead-up to the local government elections in September in ensuring that our councils make determinations with the highest level of integrity. New South Wales is in a housing boom. The Liberal-Nationals Government is responding to the challenge of housing affordability with record-breaking approvals and new dwelling completions. We are building better, more affordable homes supported by the best and biggest infrastructure spend in our State's great history.

However, there are serious concerns about the way in which planning decisions are being made. If we are to build the hundreds of thousands of new homes to meet demand, the decisions supporting them must be taken with exceptionally high levels of probity. Independent Hearing and Assessment Panels [IHAPS] are a proven, tested tool for ensuring that local decisions are made with that requisite level of probity. At the heart of our concerns are inappropriate relationships between councils and developers. Feedback from the community is that this concern is echoed across the board. The Independent Commission Against Corruption has investigated at least 20 planning decisions by councils that potentially did not meet the rules. The resounding majority of these investigations were into greater Sydney councils. Of course, who can forget the investigations into Wollongong council?

Under our policy to be introduced, all councils in greater Sydney will have to set up a panel to adjudicate decisions for projects between \$5 million and \$30 million. These IHAPs will comprise four members. Three, including the chair, will be independent and must have expertise in planning, architecture, heritage, the environment, urban design or other related fields. Two will be chosen from a pool by the council. The chair must have expertise in law or government or public administration and will be chosen by the Department of Planning and Environment. The other panel member will come from the geographical area within the local government area where the proposed development has been lodged to provide a local perspective and will be nominated by the council. Panel members will be bound by a code of conduct.

I, the member for Coogee and others who were in local government for many years before coming to this House know the frustration of arguing for hours about a balcony DA and the council then spending five minutes in approving a \$100 million or \$200 million budget. This policy is about refocusing councils on the strategic planning that will inform the work of the IHAPs and on service delivery for their ratepayers. Councils will still be responsible for their local environmental plans that set overarching strategic policies for their area, with the IHAPs taking over the minutiae of individual development applications. This may affect some business models on the other side of the House—and we may come to that—but the real target, to speak plainly, are the shonks, the lurk merchants, the sketchy lobbyists and the spivs.

This policy is designed to break the business model of anyone seeking to use their influence—political or otherwise—over a council or councillors for profit. The Government is putting them and their clients on notice that if they are paying a lobbyist to secure a development application because of their perceived influence they are wasting their money. The message to people running for council in this election is: If you are running to feather your nest or put money in your pocket because you are a developer or are controlled by a developer you can forget about it because that business model is finished. There have been enough incidences of corruption in development application processes to more than warrant these reforms. As a society, we cannot simply throw our hands in the

air and accept that there will always be corrupt conduct between councils and developers in some local government areas. [*Extension of time*]

This is not an acceptable price to pay when we have IHAPs working well in other local government areas, proving that there is a better model for handling development applications in a way that is cleaner, more transparent and with better outcomes. Wollongong, Bayside, Canterbury-Bankstown, Cumberland, Georges River, Inner West, Mosman, North Sydney, Northern Beaches, Parramatta, Strathfield, Waverley, Liverpool, Sutherland and, of course, the wonderful Lane Cove are prime examples of councils in which IHAPs are successful and popular. That brings me to the point that Government members made so forcefully last week: There is a bad smell coming from the Labor benches. Over the weekend we heard disturbing allegations about sinister elements of the Labor Party on Canada Bay council stacking and attacking our own Leader of the Opposition. They are out to get someone from the hard Left who I have to say actually believes in something. There is a concerted effort by the Construction, Forestry, Mining and Energy Union and its former boss, Andrew Ferguson, to stack the branch to secure Ferguson the number one spot on the Labor ticket.

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

Mr ANTHONY ROBERTS: It gets worse. It seems that all the new members stacking the branches share the same address. That is one way of dealing with housing affordability! If this is what these shonks are doing before they are elected, what will happen once they get their hands on a DA? At least we know their position and their views on density: Labor is driving up density in Canada Bay by cramming more branch stackers into single-bedroom apartments. When strata owners in Canada Bay complain about a party house it is of a different type—it is a Labor Party house. [*Time expired.*]

Ms Jenny Aitchison: Madam Speaker—

The SPEAKER: Order! The member for Maitland missed the call earlier. I remind members to seek the call in a timely manner. I will allow the member for Maitland to ask her question.

MURRAY-DARLING BASIN PLAN

Ms JENNY AITCHISON (Maitland) (15:15): My question is directed to the Premier. Given comments by Mal Peters, the former head of the NSW Farmers' Association, that the Government's changes to water rules were "bloody disgusting", will the Premier amend the terms of reference to require Mr Matthews to examine the impact of these changes on the Murray-Darling Basin Plan?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:15): Again, that is a repetitive question. My learned ministerial colleague has just found a quote from former Minister Whan, who is now the Chief Executive Officer of the National Irrigators Council. He said:

We do need to remember though that people are innocent until proven guilty and I support full investigations to ensure those accused have the opportunity to put their case.

I say to members opposite that a number of independent and robust processes are in place. If they have additional information they should provide it to the bodies that are investigating the matters raised. In addition, Opposition members have asked me the same question about 15 times. They should try a different question time strategy.

Committees

COMMITTEE ON LAW AND SAFETY

Report: Violence Against Emergency Services Personnel

Mr GEOFF PROVEST: As Chair, I table the report of the Legislative Assembly Committee on Law and Safety entitled, "Violence Against Emergency Services Personnel", dated August 2017. I move:

That the report be printed.

Motion agreed to.

LEGISLATION REVIEW COMMITTEE

Report: Legislation Review Digest No. 41/56

Mr MICHAEL JOHNSEN: As Chair, I table the report of the Legislation Review Committee entitled, "Legislation Review Digest No. 41/56", dated 8 August 2017. 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. 40/56, dated 3 August 2017.

Business of the House

VALEDICTORY SPEECH

Mr ANTHONY ROBERTS: I move:

That the business before the House be interrupted on Wednesday 9 August 2017 at 12 noon to permit the presentation of a valedictory speech by the member for Cootamundra.

Motion agreed to.

Petitions

PETITIONS RECEIVED

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

Inner West Bus Services

Petition opposing the privatisation of inner west bus services, received from **Ms Jo Haylen**.

Motions Accorded Priority

INDEPENDENT COMMISSION AGAINST CORRUPTION OPERATION CREDO

Consideration

Mr GARETH WARD (Kiama) (15:18): What is the difference between an incorruptible member of the Labor Party and Bigfoot? Bigfoot has at least been sighted once. My motion should be accorded priority because it deals with corruption. I note that the Minister for Innovation and Better Regulation is in the Chamber. We know that buying and selling is controlled by legislation. When those opposite are in government it seems that the first thing to be bought and sold is the Government itself. We on this side of the House will continue to draw this to the attention of the public because the standards that were set by the former Labor Government were intolerable and abominable. Last week the Minister for Corrections said that a new branch of the Labor Party is to be established in Cooma. That is very exciting.

I understand there has also been discussion about who the first guest speaker will be. It was suggested that it should be the member for Shellharbour but the parole board said that would be cruel and unusual punishment. The member for The Entrance was also suggested but the collective response was: Who? A call was made for the member for Kogarah to attend but the response from his office was in a language other than English, so they did not know whether he would be attending. My motion should be accorded priority because those on this side of House make no apologies for taking a zero-tolerance approach to corruption. But that cannot be said of those who sit opposite because it was hear no evil, see no evil and speak no evil in their Cabinet. Their eyesight was even worse than mine. How could they not see what was going on before their very eyes? Cabinet minutes were being rewritten by backbenchers and Ministers were falsifying documents in order to abuse the trust and confidence of the people of New South Wales.

The trust and confidence of the people of this State is the most important thing vested in this Parliament. Day after day, that trust was abused by a party likened to the Rum Corps by the counsel assisting the inquiry, and that is totally unacceptable in this State. Have those opposite learnt from their mistakes? Will the Leader of the Opposition stand up to corruption and ensure that a future Labor Government is transparent and open? I say to him that in the kingdom of glass everything is transparent and all that will be revealed is Labor's dark heart. Those opposite do not reveal their diaries. They have been asked time and again to tell us what they do—I am sure there is not very much to write home about, but they said they would. Not even in opposition can they deliver a transparency measure, and it continues to get worse.

Mr John Robertson: Where is yours?

Mr GARETH WARD: I am happy to show my diary to you any time. It looks like you are going to have a bit more time on your hands shortly. We will continue to stand up to those opposite because they have never improved. They continue to engage with the people who have brought them down to their level. This Government will stand up against corruption every day of the week.

PLANNING AND DEVELOPMENT

Consideration

Ms KATE WASHINGTON (Port Stephens) (15:22): My motion should be accorded priority because there is no issue more important than the protection of our communities from harm. That is what my motion is about. Government should be about ensuring fairness and equity in local government decision-making. It should be about upholding democratic processes and ensuring that the interests of communities are put first by decision-makers. The Government should put in place expenditure caps on local government elections, as it said it would. Instead, because of its inaction, we will see the continuation of the status quo. Indeed, that will play out before our eyes over the next four weeks. People are fed up with the status quo: where those with the deepest pockets win elections, where conflicts of interest are rife in local government, and where people who profit from planning and zoning decisions are in the room when those decisions are being made. That is not right.

That is why the Leader of the Opposition is committed to spending caps for local government elections. He is also committed to banning developers and real estate agents from council elections. Those on this side of the House know that the risks are too high. We are not here to demonise developers but they should not be in the very place where they can personally benefit from the decisions being made. I have said before in this place—and I will say it again—that corruption is not something you just read about in the papers. We have read about brown paper bags changing hands in the back of a Bentley; it is not frivolous and it is not funny. Breaking the law is serious and so is corruption. The people of the Hunter and the Central Coast are fed up with dodgy developer mayors and dodgy donation scandals.

I have seen it time and again in Port Stephens. One local family told me that the Independent Commission Against Corruption [ICAC] saved their lives. Why? It is because ICAC revealed what was going on. It revealed that developers were controlling every level of government in our area, and they were getting away with everything and anything. I have met with families torn apart by decisions made by councils pandering to our developer mayor—a council that was still awarding contracts to Nathan Tinkler at a time when no-one was touching him with a barge pole. The Minister, the Ombudsman and the Electoral Commission even failed to follow up on reports in the *Newcastle Herald* that donations were passing from a developer mayoral candidate to other candidates. Nothing has happened. This Government's failure to act on integrity measures for local government and to put protections in place for our communities has laid bare its complete lack of integrity for all to see. That is why my motion should be accorded.

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

The House divided.

Ayes47
Noes38
Majority.....9

AYES

Anderson, Mr K
Berejiklian, Ms G
Conolly, Mr K
Crouch, Mr A
Elliott, Mr D
Gibbons, Ms M
Gulaptis, Mr C
Hodgkinson, Ms K
Kean, Mr M
Marshall, Mr A
Patterson, Mr C (teller)
Petinos, Ms E
Sidoti, Mr J
Taylor, Mr M
Upton, Ms G
Williams, Mrs L

Aplin, Mr G
Bromhead, Mr S (teller)
Constance, Mr A
Davies, Ms T
Evans, Mr L
Goward, Ms P
Hazzard, Mr B
Humphries, Mr K
Lee, Dr G
Notley-Smith, Mr B
Pavey, Mrs M
Provest, Mr G
Speakman, Mr M
Toole, Mr P
Ward, Mr G
Wilson, Ms F

Ayres, Mr S
Brookes, Mr G
Coure, Mr M
Dominello, Mr V
Fraser, Mr A
Griffin, Mr J
Henskens, Mr A
Johnsen, Mr M
Maguire, Mr D
O'Dea, Mr J
Perrottet, Mr D
Rowell, Mr J
Stokes, Mr R
Tudehope, Mr D
Williams, Mr R

NOES

Aitchison, Ms J
 Car, Ms P
 Cotsis, Ms S
 Dib, Mr J
 Finn, Ms J
 Harrison, Ms J
 Hornery, Ms S
 Lynch, Mr P
 Mehan, Mr D
 Park, Mr R
 Robertson, Mr J
 Tesch, Ms L
 Watson, Ms A (teller)

Atalla, Mr E
 Catley, Ms Y
 Crakanthorp, Mr T
 Donato, Mr P
 Foley, Mr L
 Haylen, Ms J
 Kamper, Mr S
 McDermott, Dr H
 Mihailuk, Ms T
 Parker, Mr J
 Scully, Mr P
 Warren, Mr G
 Zangari, Mr G

Barr, Mr C
 Chanthivong, Mr A
 Daley, Mr M
 Doyle, Ms T
 Harris, Mr D
 Hoenig, Mr R
 Lalich, Mr N (teller)
 McKay, Ms J
 Minns, Mr C
 Piper, Mr G
 Smith, Ms T F
 Washington, Ms K

Motion agreed to.**INDEPENDENT COMMISSION AGAINST CORRUPTION OPERATION CREDO****Priority****Mr GARETH WARD (Kiama) (15:32):** I move:

That this House:

- (1) Welcomes the findings of the Independent Commission Against Corruption's Operation Credo inquiry.
- (2) Notes the Independent Commission Against Corruption investigation found that three former Labor Ministers, Tony Kelly, Eddie Obeid and Joe Tripodi, acted corruptly during their dealings with Australian Water Holdings.
- (3) Acknowledges this brings the number of former Labor Ministers that have been found to be corrupt to four.
- (4) Condemns the New South Wales Labor Party after yet another example of the way the former Labor Government held the people of New South Wales in contempt and ran the State to line its own pockets.

It was interesting hearing the motions that were proposed for priority today. One motion was in relation to election expenditure and disclosure. I am more than happy to debate Opposition members on those issues. Government members came into this place and sought to ban corporate entities and unions from donating to political parties in this State. But of course the Labor Party wanted to ensure that it continued to receive funds funnelled from the trade union movement that it uses to run its election campaigns. We have a great donations for deals culture in this State, with members of the Labor Party receiving donation after donation from the trade union movement and believing they are not held captive to a particular sectional interest. The Opposition is totally captive to the union movement, and it wallows in it.

Here we have another example of that donations for deals culture—the feeling that government is just a personal plaything. We saw Craig "tap-and-go" Thomson with his credit card do what he wanted with union members' money. We have seen union official after union official appear before the royal commission to explain their abominable conduct. We have seen the Federal Leader of the Opposition abuse the entitlements of some of the poorest paid workers in order to prop up his own failing political career. Those people do not give a stuff about workers; they care only about lining their pockets. There was no better example of that than the recent findings of the Independent Commission Against Corruption [ICAC] in relation to Australian Water Holdings. Three former Ministers from the Right faction of the Labor Party—the so-called controlling bloc; the people who have total purview over the Labor Party—were pulling strings.

Mr Chris Minns: When are you going to rank-and-file ballots in the Liberal Party and stamp out the corruption?

Mr GARETH WARD: There are members on the benches opposite, like the member for Kogarah who is interjecting, who are mates with the people who are now serving time at Her Majesty's pleasure. The ICAC made it very clear what was happening in relation to this—the lies that were told, the use of Cabinet minutes, processes abused and fraudulently presented in order to extract potentially billions of dollars in relation to this particular deal.

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

Mr GARETH WARD: In fact, were it not for this particular arrangement being found out, there is no doubt that the people of New South Wales may have suffered one of the worst frauds ever perpetrated on them. The ICAC found that Gilbert Brown engaged in serious corrupt conduct:

By, in 2010, misusing his public office through his involvement in the preparation of a minute for submission to the Cabinet Standing Committee on the Budget (Budget Committee of Cabinet) with the intention of improperly favouring Edward Obeid Sr by enabling AWH to proceed to direct negotiations with the New South Wales Government concerning its public private partnership proposal for the purchase, supply and operation of water infrastructure in the North West Growth Centre.

Tony Kelly engaged in serious corrupt conduct:

By, in 2010, misusing his office as a Minister of the Crown by arranging for the preparation and submission of a minute to the Budget Committee of Cabinet, with the intention of improperly favouring Edward Obeid Sr by enabling AWH to proceed to direct negotiation with the New South Wales Government concerning its PPP proposal for the purchase, supply and operation of water infrastructure in the North West Growth Centre.

Eddie Obeid engaged in serious corrupt:

By, between late 2007 and 2010, misusing his position as a member of Parliament to promote AWH's interest to each of Michael Costa, the Hon. Nathan Rees, the Hon. Morris Iemma, Phillip Costa and the Hon. Kristina Keneally, at a time when he knew that the advancement of those interests would financially benefit the Obeid family in the event a member of the Obeid family or an Obeid family entity acquired shares in AWH.

Yet those opposite sit there and interject. They are interjecting because they know that their party is still racked with corruption and they know that the Opposition leader does not have the courage or the spine to stand up to those people who still have their greasy mitts all over the Labor Party.

Mr Stephen Kamper: They are in jail.

Mr GARETH WARD: I acknowledge the interjection. There are still a few people who are not in jail. If people look at the inquiry report they will find that Tony Kelly and Joe Tripodi were found to have been corrupt. They are not in jail yet, but they are going to be before too long.

Mr RON HOENIG (Heffron) (15:37): Why would the member for Kiama, who appropriately represents the blow hole, move a motion such as this? I know him; he is better than that. There has to be a motive behind the Coalition running an issue like this. After all, the commission made a determination last week and persons have been referred to the Director of Public Prosecutions—we know who they are; there is no need to mention their names. They may well have an indictment made against them and they are entitled to a fair trial. That is the statesmanlike position to take, and it is the position that I would expect from the member for Kiama. But the Coalition is trying to hide something, and it relates to water. It is the very matter that was referred recently to Independent Commission Against Corruption [ICAC], which has agreed to conduct a preliminary investigation.

That matter relates to National Party members and a National Party Minister allegedly making favourable or improper decisions in relation to irrigators or, alternatively, it is alleged, not policing the allocation of water, to the detriment of the working people in Broken Hill who as a result of drought did not have drinking water—people who have donated to the National Party. That matter is being examined now. If Government members want to know why that is being raised in relation to their credibility, it is because they are raising it. But it is worse than that. Whilst the member for Kiama, on behalf of the Coalition, prances up and down this Chamber trying to condemn the Labor Party through guilt by association, he seems to have forgotten in relation to Operation Credo that the then president of the Liberal Party, who now sits in the Senate in Canberra, went into business with the Hon. Eddie Obeid. He was a director of that company.

Mr Gareth Ward: He was totally exonerated.

Mr RON HOENIG: The member for Kiama interjects that he was exonerated. I refer to the report on Operation Credo, a very well-written report by the Hon. Reginald Blanch, a former Chief Judge of the District Court and former Director of Public Prosecutions. Acting Commissioner Blanch did an exceptional job in carefully analysing the evidence and making findings on the evidence—as he did in another report that he wrote. If members read the report, they will see that just because there is no evidence to conclude dishonesty on the part of a number of people that does not mean that they have not acted improperly.

Those opposite who want to attack the Labor Party should not refer to Cabinet minutes but to draft Cabinet minutes. When representations were made to the then Minister for Water, the Hon. Nathan Rees, he said "no". When representations were made to the then Premier, the Hon. Morris Iemma, he said "no". When the draft minute went to the Premier's office, the then Premier of New South Wales, the Hon. Kristina Keneally, said "no". The Labor Government and the Labor Premiers, irrespective of the nature of the arrangements and the deal, ensured that it did not proceed.

But after March 2011, which government continued to deal with Australian Water Holdings? Who knew that the Hon. Eddie Obeid had shareholdings in that company? It was the Tories. They have got their sticky fingerprints all over Australian Water Holdings. They lost a Premier over Australian Water Holdings—a Premier with the greatest mandate this State has delivered in its history. They have lost two Premiers, and they are on their third Premier in six years. Do those opposite want me to name every single one of their members who went to the crossbench, who got kicked out and who lost their political career over allegations of corruption? Those opposite should be the last people to accuse the Labor Party of corruption.

Mr MARK TAYLOR (Seven Hills) (15:42): We have just heard the greatest rewriting of history. Let us get back to the black-and-white facts, the report of which was tabled last week in Parliament, in relation to this Independent Commission Against Corruption [ICAC] investigation. The people of New South Wales deserve to know that they were deceived and cheated by former Labor Ministers Obeid, Kelly and Tripodi. The people of this great State, particularly those in Western Sydney and in my electorate of Seven Hills, are honest, hardworking family-focused people. They go out every day to earn a living in order to put food on the table, to provide for their families and to seek a bright future for their kids. They deserve an honest, ethical and effective government—not one like the former Labor regime which stole from the pockets of the mums, dads and workers of this State.

This side of the House, the Liberal-Nationals Government, supports those working families. We do not come to this place to try to put our hands in the pockets of workers and steal from them. We are here to run this State ethically and with integrity, unlike those opposite who for years sat on their hands and watched as the heart of the Labor ministry acted like a bunch of common criminals. Last week's damning ICAC report found that the former Labor Ministers Eddie Obeid, Tony Kelly and Joe Tripodi "engaged in serious corrupt conduct in relation to their actions" concerning a proposal by Australian Water Holdings that was aimed at substantial financial rewards for Obeid or the family entity. This was not about a benefit to the community or improving the lives of mums and dads and families; it was about improving the lavish lifestyle of a crooked and corrupt Obeid family.

The ICAC was satisfied that Eddie Obeid used his position as a member of Parliament to promote the company's interest to a number of Ministers and Premiers at a time when he knew that it was he and his family who would benefit. The Government is not celebrating the fact that three Labor Ministers have been found to have been corrupt. But the clear message to the Leader of the Opposition is that he should apologise to the people of New South Wales for the corrupt behaviour of his former colleagues. These corrupt characters should never have been present in his party in the first place. As we all know, the behaviour that you walk past is the behaviour that you accept.

Mr STEPHEN KAMPER (Rockdale) (15:46): Of course those opposite welcome the Independent Commission Against Corruption's report on Operation Credo. They had to have a distraction from the matter we were talking about last week. The Nationals walk into this place with their halos on, but last week they were falling all over the parliamentary carpet. They burned the parliamentary carpet and they burned the people of Broken Hill. Of course those opposite want to talk about other matters.

Mr Kevin Anderson: Point of order: My point of order relates to Standing Order 76. The House is debating a motion accorded priority brought by the member for Kiama.

The DEPUTY SPEAKER: Order! There is no point of order. I will hear further from the member for Rockdale.

Mr STEPHEN KAMPER: The pretend soldiers opposite are part of the Premier's attack on my colleagues in the Labor Party who were elected by their communities; they did not choose to do business with Eddie Obeid like Arthur Sinodinos did. Eddie Obeid was participating in business activity with the president of the Liberal Party and other Liberal Party celebrities such as big fundraiser Nick Di Girolamo. But those opposite do not want to talk about that; they just want to talk about members of the Labor Party. By the same token, when Barry O'Farrell became Premier of this State he embraced the business model of Australian Water Holdings and in 2012 that company had a contract with the Government. Why should we forget all that? And who was a shareholder of Australian Water Holdings? Eddie Obeid.

Mr Chris Minns: Who else?

Mr STEPHEN KAMPER: None of us here is a shareholder of Australian Water Holdings. Those opposite should be ashamed of themselves for trying to attach us to those activities when their own Premier drank the wine and took the path of Judas. That is what happened. Government members should not come in here passing comments or degrading my colleagues when the Government is choosing to deal with these people and that business model. As to donation rorts, 11 people have either resigned or been stood aside. They could make up a soccer team on the Central Coast—although they have not been very well trained. [*Time expired.*]

Mr GARETH WARD (Kiama) (15:49): In reply: I was waiting for some apology from Labor members for the way in which their members treated the people of New South Wales and the way in which they turned this Parliament into a veritable pigpen of democracy, with slothful misuse of taxpayers dollars, disgraceful abuse of transparency and accountability and no regard for the trust and confidence that was vested in them. It seems that the Opposition speakers that we have heard—

Mr Nick Lalich: What about O'Farrell?

Mr GARETH WARD: I acknowledge the interjection from the Opposition Whip, "What about O'Farrell?" It seems that Labor has a chronological disability when it comes to the construction of events that led to the corruption findings in relation to this matter because it was the former Labor Government that was crafting minutes to put to Cabinet in order to take advantage of shareholder dealings of the Obeid family, instigated by Tony Kelly who has already been found to have been backdating letters. In relation to Mr Tripodi, his misdemeanours are well renowned. I would have thought that Labor members would have spoken in here about possible reforms, such as reforms to part 4A of the Crimes Act that would seek to make common law offences statutory so that this Parliament defines what is actually meant by the misuse of public office and pecuniary interest offences.

In fact, I refer honourable members to the case of *Sneddon v State of New South Wales* where the court shed some doubt on whether or not members of Parliament could be subject to such provisions. I am concerned that at the moment the Crimes Act may only allow for statutory charges to be brought against individuals in relation to crimes committed by members of the Cabinet. In this instance, we have seen Mr Obeid successfully charged with common law offences, but I think they need to be codified. I say again that I think the Parliament should take up that opportunity to turn 200-year common law offences into statutory ones. Of course, Labor Party members did not come in here with any suggestions about how to make this State better. They did not talk about how to raise the bar.

Mr Chris Minns: Neither did you, Gareth.

Mr GARETH WARD: I just did.

Mr Chris Minns: You just slurred everybody.

Mr GARETH WARD: I just talked about part 4A of the Crimes Act; I just made a suggestion. Instead, the Labor members just created a lot of noise and stuck up for their mates in the Right faction. We know that they are a product of head office and they seek to defend their friends Eddie Obeid, Joe Tripodi and those people they seem to want to defend. The member for Heffron, for whom I have a great deal of respect, came in here, donned his cap as a public defender and sought to stick up for these people who have abused the trust and confidence of the people of this State. This side of the House will not stand for it.

Labor has four people who are either in jail or are on the way. We make no apologies for standing up to corruption regardless of whether it is on this side of the House or on the Opposition side of the House. I would have thought that everyone would agree with that. I will continue to be a champion for the strongest corruption measures and I will continue to support the Independent Commission Against Corruption. This Government will continue to do more to combat corruption and stop Labor's corrupt behaviour, such as the disgraceful, appalling, disgusting display that we saw when they were in government.

The DEPUTY SPEAKER: Order! I call the member for Rockdale to order for the first time. I call the member for Canterbury to order for the second time. I call the member for Swansea to order for the second time. The question is that the motion as moved by the member for Kiama be agreed to.

The House divided.

Ayes49
Noes35
Majority..... 14

AYES

Anderson, Mr K
Berejiklian, Ms G
Conolly, Mr K
Crouch, Mr A
Donato, Mr P
Fraser, Mr A
Griffin, Mr J

Aplin, Mr G
Bromhead, Mr S (teller)
Constance, Mr A
Davies, Ms T
Elliott, Mr D
Gibbons, Ms M
Gulaptis, Mr C

Ayres, Mr S
Brookes, Mr G
Coure, Mr M
Dominello, Mr V
Evans, Mr L
Goward, Ms P
Hazzard, Mr B

AYES

Henskens, Mr A
 Johnsen, Mr M
 Maguire, Mr D
 O'Dea, Mr J
 Perrottet, Mr D
 Roberts, Mr A
 Speakman, Mr M
 Toole, Mr P
 Ward, Mr G
 Wilson, Ms F

Hodgkinson, Ms K
 Kean, Mr M
 Marshall, Mr A
 Patterson, Mr C (teller)
 Petinos, Ms E
 Rowell, Mr J
 Stokes, Mr R
 Tudehope, Mr D
 Williams, Mr R

Humphries, Mr K
 Lee, Dr G
 Notley-Smith, Mr B
 Pavey, Mrs M
 Provest, Mr G
 Sidoti, Mr J
 Taylor, Mr M
 Upton, Ms G
 Williams, Mrs L

NOES

Aitchison, Ms J
 Car, Ms P
 Cotsis, Ms S
 Dib, Mr J
 Harris, Mr D
 Hoenig, Mr R
 Lalich, Mr N (teller)
 Mehan, Mr D
 Park, Mr R
 Robertson, Mr J
 Tesch, Ms L
 Watson, Ms A (teller)

Atalla, Mr E
 Catley, Ms Y
 Crakanthorp, Mr T
 Doyle, Ms T
 Harrison, Ms J
 Hornery, Ms S
 Lynch, Mr P
 Mihailuk, Ms T
 Parker, Mr J
 Scully, Mr P
 Warren, Mr G
 Zangari, Mr G

Barr, Mr C
 Chanthivong, Mr A
 Daley, Mr M
 Finn, Ms J
 Haylen, Ms J
 Kamper, Mr S
 McKay, Ms J
 Minns, Mr C
 Piper, Mr G
 Smith, Ms T F
 Washington, Ms K

PAIRS

Barilaro, Mr J
 Grant, Mr T

Foley, Mr L
 McDermott, Dr H

Motion agreed to.

*Committees***PARLIAMENTARY COMMITTEES****Membership**

The DEPUTY SPEAKER: I report the receipt of the following message from the Legislative Council informing the Legislative Assembly that it has this day agreed to the following resolutions:

- (1) That Mr Amato be discharged from the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, and Mr Martin be appointed as a member of the Committee.
- (2) That Mr Pearson be appointed as a member of the Committee on the Health Care Complaints Commission to fill the vacancy created by the resignation of Ms Barham.

Bills

**ENVIRONMENTAL PLANNING AND ASSESSMENT AND ELECTORAL LEGISLATION
 AMENDMENT (PLANNING PANELS AND ENFORCEMENT) BILL 2017**

First Reading

Bill introduced on motion by Mr Anthony Roberts, read a first time and printed.

Second Reading

Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (16:00): I move:

That this bill be now read a second time.

I am pleased to introduce the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017. Corruption in the exercise of planning functions by local councils will always be a potential risk. Who can forget Wollongong and the "table of knowledge" or, more recently, the corruption issues that have been raised in relation to the former Auburn and Canterbury councils? These potential risks can arise, for example, when an individual councillor has an interest in land that is the subject of development or is the developer or has a connection to the developer, or the council is both the applicant and the owner of land that is the subject of proposed development. In these cases, a legitimate concern arises. Because of the actual or perceived conflict of interest, can the councillor or council objectively consider the proposed development and will they take into account concerns of other stakeholders?

The risk of conflict of interest is highlighted by the regular investigations the Independent Commission Against Corruption [ICAC] has undertaken into corruption in the planning system. To date, there have been at least 20 investigations in this area, which includes the ICAC's Operation Atlas investigation into Wollongong council. A vast majority of these investigations have involved councils in the Greater Sydney region, with most of these relating to potentially inappropriate relationships between applicants and decision-makers. To reduce this risk of corruption, one option that has been consistently recommended is the use of independent panels. Under this model, development applications, or DAs, are determined by a panel of independent persons with appropriate expertise. The panel decides whether to approve the DA based on a technical assessment of its merit in light of the planning controls.

When a panel is truly independent and expertly qualified, it greatly reduces the risk that the decision-maker will have a conflict of interest. This approach also helps to de-politicise planning decisions and improves the thoroughness and quality of decision-making. Data has shown that it also reduces the approval times, which means reduced costs. As part of its response to Operation Atlas, Wollongong council established an Independent Hearing and Assessment Panel "to provide transparency and probity in the development application assessment process, and also provided an independent forum for stakeholders (applicants and objectors) to present and discuss issues relating to controversial development proposals".

A range of other councils have chosen to do the same. Currently, some 15 councils in New South Wales have Independent Hearing and Assessment Panels, or IHAPs as they are currently known. Many of these were established by administrators of newly merged councils. My department has had strong feedback from stakeholders that these panels are working extremely well and are valued by their communities. Stakeholders report that panel decisions are seen as both rigorous and credible. However, there is a pressing need to strengthen the use of panels and to build additional safeguards into the model to ensure their independence. Some administrators have raised strong concerns that existing IHAPs will be abolished by newly elected councils after September and, therefore, the corruption risk will return. They are aware of some candidates who have promised to sack some existing IHAPs.

For those reasons, the Government is introducing this bill to require all councils in the Greater Sydney region and Wollongong to have a local independent planning panel. To ensure the model is best equipped to prevent corruption, the model must include safeguards such as: a mechanism to verify panel members are appropriately qualified and do not have conflicts of interest in that local government area; a strong code of conduct, which is important for good governance and helps to ensure that decisions taken by the panel are honest, fair, transparent and in the best interests of the community; clear criteria for the referral of matters to the panel to ensure that the panel is considering all significant or controversial development in the council's area; and a limit on the length of time a member can serve on the same panel to prevent the formation of inappropriate relationships between applicants and decision-makers.

The bill introduces consistent provisions for establishing and operating a panel. Key features of the proposed local planning panels are that each panel will have four members. Three of these, including the chair, must be experts in one or more of the following areas: planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, tourism, or government and public administration. The chair must have expertise in law or government and public administration. The three expert members will be drawn from a pool that will be established by the Department of Planning and Environment and approved by the Minister.

The chair of each panel will be chosen by the Minister for Planning, and the council will choose the two other expert members from this pool. The creation of the pool will help to ensure that the chair and expert members are qualified and, importantly, independent. The fourth member will be a community representative chosen by council from the ward or area in which a proposed development would occur. Councillors will not be able to be a panel member in their own local government area, as this would undermine the basic objective of having DAs determined by independent experts. Members will be appointed for three years and may only sit on the same panel

for a maximum of two terms. Statutory rules will govern the operation of these panels, including a thorough code of conduct.

The bill will allow the Minister to make rules about which DAs must go to a local planning panel for determination. The DAs determined by the panel will include any DA above \$5 million; any DA where the applicant or landowner is the council, a councillor, a member of council staff or a State or Federal member of Parliament; and any DA that receives 10 or more objections. The types of DA associated with a high risk of corruption, which also will be determined, will be residential flat buildings assessed under State environmental planning policy [SEPP] 65, the demolition of heritage items, places of public entertainment and sex industry premises, designated development as set out in the Environmental Planning Assessment Regulation 2000, and modern applications that fit this criteria.

These criteria will ensure that the vast majority of DAs continue to be determined quickly and efficiently by expert council staff. The panel's time should be focused on determining DAs of high value, corruption risk, sensitivity or importance. The panels will also provide advice on planning proposals such as proposed rezonings. In these cases, the final decision to proceed will remain with the council, but the panel will provide expert advice on the merit of the proposal.

Initially, the requirement to have an IHAP will apply only across greater Sydney, and in Wollongong where a panel has already been established. This ensures there will be consistency across the areas covered by the Greater Sydney Commission, further improving the strategic focus on development for the future. For now, councils outside of Sydney and Wollongong will continue to be free to establish a local planning panel if they wish, and any two councils or more will be able to share a panel if this is more efficient. It is unlikely that a mandatory model will be suitable for smaller regional councils because they generally do not have the volume and complexity of development to warrant this approach.

With the introduction of mandatory IHAPs it is appropriate that more development be determined at the local level. The bill does this by raising the basic threshold for regional planning panels. Currently, development with a capital investment value of more than \$20 million is determined by regional planning panels. The bill increases this to \$30 million for councils in the greater Sydney region and for Wollongong. DAs below this threshold will be determined by either the local planning panel or council staff on delegation. This will ensure that more local development is determined at the local level. The bill will move the thresholds for regional planning panels to the State Planning Policy (State and Regional Development) 2011 so that they sit alongside the thresholds for State significant development.

The bill also makes a number of savings and transitional arrangements to facilitate the new panels. This includes ensuring that existing panels, whether established under the Environmental Planning and Assessment Act or the Local Government Act 1993, are preserved until their composition is brought into alignment with the new requirements. This will ensure that existing IHAPs remain in place until the new requirements commence. It is expected that this will occur in March 2018.

The benefits of IHAPs extend not only to reducing corruption risks; they are also fundamental to providing strategic, streamlined and balanced decision-making. Panels can achieve greater certainty for all parties by providing rigorous and credible determinations on the merits of an application, reducing the likelihood of reviews and appeals. Panels also elevate the role of the council—they allow the council to focus on the strategic task of setting the overall vision, policies and controls for development in the local area. It is for these reasons that we are introducing this vital, game-changing reform to the planning system.

This is the first element of a broader package of improvements to the Act that the Government is considering. Proposed improvements to the Environmental Planning and Assessment Act were publicly exhibited at the beginning of the year and have generally been well received. Stakeholders have expressed support for our efforts to modernise and streamline the planning system. The submissions and the information sessions held during the public exhibition provided invaluable feedback from the community and industry about not only the workability of the proposals but also how best to implement these changes. My department has been working hard analysing these submissions to determine what changes are needed to the package and ensuring that any concerns or matters raised are appropriately reviewed and addressed.

Separate to IHAPs the bill also proposes to amend the Parliamentary Electorates and Elections Act 1912 and the Local Government Act 1993 to ensure that the NSW Electoral Commission has sufficient powers to enforce local government electoral laws. In 2016 the Local Government (General) Regulation 2005 was amended to require that candidates for local government elections declare in their candidate information sheets whether they are a property developer or a close associate of a corporation that is a property developer. The proposed amendments in this bill give the Electoral Commission the ability to exercise its investigative powers under the Election Funding, Expenditure and Disclosures Act 1981 for the purposes of ensuring compliance with the

provisions of the Local Government Act relating to local government elections. These include powers to inspect and take copies of banking records, and to require the production of information and documents under the Election Funding, Expenditure and Disclosures Act 1981.

These additional powers will enhance the ability of the Electoral Commission to investigate alleged offences in connection with local government elections, including any allegation that a candidate has provided a false declaration regarding his or her status as a property developer. The proposed amendments also make clear that the Electoral Commission can enforce compliance by instituting proceedings for offences under the Local Government Act relating to local government elections.

Lastly, the bill amends section 693 of the Local Government Act to extend the limitation period for offences relating to local government elections under that Act. Currently, a 12 month limitation period applies to electoral offences under the Local Government Act. The bill proposes to extend this period to three years from the time the offence is alleged to have been committed. This will allow an additional two years for potential contraventions to be detected and for the NSW Electoral Commission to investigate allegations before any prosecution becomes "time-barred". As with panels, it is vitally important that these changes are made before September's local government elections. For these reasons, I commend the bill to the House.

Debate adjourned.

SYDNEY PUBLIC RESERVES (PUBLIC SAFETY) BILL 2017

First Reading

Bill introduced on motion by Mr Paul Toole, read a first time and printed.

Second Reading

Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (16:18):

I move:

That this bill be now read a second time. I ask the House to consider the Sydney Public Reserves (Public Safety) Bill 2017. This bill is an appropriate and measured response to the unauthorised tents and other materials currently located in Martin Place Reserve. Martin Place Reserve is Crown land reserved for public recreation and is managed by the City of Sydney as the reserve trust manager. It is a public reserve used by the public as a major thoroughfare and by organisations authorised for specific events consistent with the reserve purpose. The current camp site on Martin Place impedes the reasonable use of the reserve by other members of the public. It operates a 24/7 open kitchen, which includes barbecues, gas bottles and knives. None of these activities are authorised or appropriate under the Crown Lands Act.

The City of Sydney knows this is an issue. It has used its powers under section 125 of the Local Government Act 1993 to address the problems created by this unauthorised use of a reserve before. It could—and should—use them again but so far it has failed in its duty to act. Instead, the council wanted the New South Wales Government to use its powers under the Crown Lands Act. This would require the Minister for Lands and Property to apply to the local court for a warrant for the removal of the occupants at Martin Place. The issuing of warrants is an extreme course of action for dealing with this situation. The City of Sydney might think this is an appropriate way to deal with vulnerable, homeless people, but the Government does not. This bill will ensure that in future the New South Wales Police Force will be able to exercise reasonable powers to remove items and persons from Martin Place reserve where they materially interfere with the reasonable enjoyment of the rights of the public or where the use of the reserve is unlawful.

The public expects that police will have appropriate powers to support a reasonable resolution of the issues at Martin Place Reserve. The bill is only one part of a broad approach by this Government to peacefully resolve this issue. Since 23 March the Department of Family and Community Services has visited the Martin Place campsite 46 times to offer services, support and accommodation. As a result, 73 people are now in permanent social housing. The Government will ensure that the department will continue to attend Martin Place every day this week to offer permanent accommodation for any homeless person in Martin Place who is eligible for social housing and who is willing to engage. The bill applies to the whole of Martin Place between Macquarie and George streets, which is a public reserve. It can also apply to other public reserves in the City of Sydney by proclamation. However, the Minister is not to recommend the making of a proclamation by the Governor unless the Minister is satisfied that, as a result of relocation of persons occupying Martin Place or another occupation of a public reserve, it is in the public interest for police to intervene.

These restrictions on the Minister will ensure proper consideration that takes into account the public interest before the powers authorised by the bill are extended to any other public reserves within the City of Sydney. Police will be given powers to direct people to "move on" immediately and to require that person not return within six hours. This has been modelled on the Law Enforcement (Powers and Responsibilities) Act 2002. However, these move-on powers will apply only to persons occupying a public reserve if the police officer

believes on reasonable grounds that the person's occupation of the reserve materially interferes with the reasonable enjoyment of the rights of the public or is unlawful. Police will also be able to remove tents, goods or other items, but only if it is necessary or expedient for the purpose of removing or remedying any material interference with the rights of the public in relation to the reserve or any unlawful occupation of the reserve.

In accordance with proposed section 8 (4), a thing that a police officer has seized and removed from a public reserve may be returned to the person from whom it was seized if it is lawful for the person to have possession of the thing, or may be disposed of in accordance with the directions of the Commissioner of Police, or may be delivered to the council of the area in which the reserve is situated. The intention of the relevant provision is to provide police with discretion—that is, the discretion to exercise any of these options. It is not intended to mandate any action or any particular action stated in proposed section 8 (4). It is not intended that these move-on powers will apply generally or specifically to homeless persons in the City of Sydney area. Under the bill, police will exercise powers to remove items or move people on only where their occupation is unlawful or materially interferes with the reasonable enjoyment of the rights of the public in relation to Martin Place or another proclaimed public reserve within the City of Sydney.

These move-on powers will not apply to industrial disputes and they will not apply to authorised demonstrations, protests, processions or assemblies under part 4 of the Summary Offences Act 1988. It is important for any citizen to have the right to participate in and to reflect a strong and healthy democracy such as that of New South Wales. This bill is modelled on the move-on powers in the Law Enforcement (Police Powers and Responsibilities) Act 2002, so the safeguards applicable to those provisions will apply to the new move-on power. This includes requirements for police officers to give reasons for exercising the move-on power and warnings that their requirements must be complied with. Further, the bill provides that a code of practice may be developed and applied to the exercise of powers under the Act, setting out how powers are to be used.

There are only two offences under the bill. First, it will be an offence when a person, without reasonable excuse, refuses or fails to comply with a direction to leave the reserve. The court can apply a maximum penalty of two units—that is, \$220—or a fine can be issued for \$110. The penalty for this offence is particularly low. The intention is clearly to create a compliance and enforcement mechanism that is appropriate in the circumstances. Secondly, it will be an offence when a person, without reasonable excuse, obstructs a police officer exercising the power to seize and remove things. The court can apply a maximum penalty of 20 penalty units—that is, \$2,200.

This Government has and will continue to provide support to the vulnerable people camping out in Martin Place. However, it has a duty to the people of the city of Sydney and New South Wales more broadly. That is why we are introducing these specific, limited provisions to ensure the public areas of the city of Sydney are available for use and enjoyment by all members of the public. I commend the bill to the House.

Debate adjourned.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (STAGED DEVELOPMENT APPLICATIONS) BILL 2017

Second Reading

Debate resumed from 2 August 2017.

Mr MICHAEL DALEY (Maroubra) (16:28): I lead for the Opposition in debate on the Environmental Planning and Assessment Amendment (Staged Development Applications) Bill 2017. I note that this legislation was necessitated, or so the Government says, to rectify irregularities—in its words—or the application of the Environmental Planning and Assessment Act arising out of a matter before the Court of Appeal in New South Wales, *Bay Simmer Investments Pty Limited v State of New South Wales* [2017] NSWCA 135, which was delivered on 15 June 2017. That court action arose in respect of an application submitted to the New South Wales Minister for Planning by Arts NSW on 1 July 2014 to develop what was called the Walsh Bay Arts Precinct. On 21 May 2015, a delegate appointed by the Minister granted consent to the application and a matter was taken to the court. The appellant operated a restaurant on the southern side of the development site. As noted in the judgement, the business took this action primarily on the basis that no consideration had been given to the effects of the proposed construction phase on local businesses, including its own.

The development goes back to 21 May 2015, when the then Deputy Premier, Troy Grant, and the Minister for Planning, Rob Stokes, announced planning approval of a concept plan for a public square over the water between wharf 4/5 and pier 2/3 with steps down to the water; using the Walsh Bay Precinct for an arts festival as an event; establishing restaurants, cafes and bars, a reconfiguration of wharf 4/5, which is currently occupied by a number of arts' organisations, including the Sydney Theatre Company, the Australian Theatre for Young People, and the Bangarra Dance Company; changing the internal layout of pier 2/3, the last undeveloped pier at Walsh

Bay for arts and cultural uses, including events and performances, both public and private; and modifying the roof of pier 2/3 to provide enhanced acoustics for the Australian Chamber Orchestra auditorium.

Ten months later, on 17 March 2016, the then Deputy Premier issued a media release saying that an architect had been appointed to coordinate the design across the Walsh Bay Arts Precinct. I do not know how one can appoint an architect 10 months after granting approval for a concept plan, but that seems to be how this Government rolls in all that it does. Witness exhibit A, the CBD and South East Light Rail project, and the chaos it is creating across Sydney. Then, 18 months later—that is, on 16 November—the Minister for Transport and the then Deputy Premier issued a media release saying the final plans were on display and that a redeveloped Walsh Bay would have state-of-the-art transport connections. Members opposite began talking about transport 18 months after the concept had been approved in court and 2½ years after the application had been lodged.

Almost two years—in fact, 23 months—after the delegate approved the concept plan, the Minister for the Arts, the Hon. Don Harwin, issued a media release saying that there was an additional allocation for Walsh Bay, even though work was still underway on the concept, that there was another \$30 million for the Sydney Theatre Company, and that the approval plan for the precinct was being reworked. Despite the fact that this has been going for three months, there is still uncertainty. That should not be happening. As I have said ad nauseam in a number of forums, speeches and this place, planning from day one prevents confusion and mayhem, which seems to attend everything this Government does. It can implement neither policy nor project.

The concept plan was then invalidated by the Court of Appeal. I note for the benefit of residents in and around Walsh Bay who are concerned about the legislation that is before this House that the overview of the bill states:

The bill validates previous decisions but does not render valid the development consent that the Court declared invalid in relation to Walsh Bay Arts Precinct, nor any subsequent development application lodged in reliance on that development consent.

This issue goes primarily to the construction of the Act, but it also raises how the application of the Act works and the planning regime, particularly in respect of staged developments, interacts with the applicants/developers or the Government and, primarily and importantly, with communities. It is important to note some of the matters that were raised in the Court of Appeal decision. Basten JA states:

A specific application form is provided for State significant development and was used by the proponent. The application lodged on 1 July 2014 was a skeletal document. It identified the proposal as:

'State 1 SSDA for an integrated performing arts and cultural precinct together with an enhanced public domain at Wharf 4/5 and Pier 2/3, Walsh Bay.'

...

The information describing the stages of the development was apparently to be gleaned from the EIS, as submitted on behalf of the State. Relevantly, both the executive summary and the introduction to the EIS contained the following statement:

'This Stage 1 SSDA seeks 'in principle' approval for the overall WBAP concept only. It will be followed by one or more detailed SSDAs for the construction of the public domain, building alterations and specific uses. The purpose of this concept SSDA is to provide an overview of the project and potential impacts across the precinct, and to establish a framework for the future detailed design, land use and construction works required to deliver the proposed WBAP project.' Members should note the language. The judgment states: "The purpose of this concept SSDA is to provide an overview of the project and potential impacts across the precinct." I do not think it did that, neither did the court. It continues: "and to establish a framework for the future detailed design, land use and construction works required to deliver the proposed WBAP project." The court found that it did not do that. The court then turns to the application of relevant sections of the Act, and in the judgment Basten JA states: Section 83B(1) envisages the development of a site which will take place in stages; that is, 'separate parts' of the site will be developed sequentially. The development of the separate parts may take place sequentially in accordance with 'concept proposals' which have been the subject of a single initial application. The purpose of this scheme is tolerably clear: from the point of view of the developer, it allows certainty that the whole of the sequential development will be permitted if it is conformity with the consent given to the concept; from the point of view of the consent authority, in approving one part of the development, it will know how that part fits within the overall concept for the site. Potential objectors will also benefit from the initial overview of what might otherwise appear to be piecemeal development. The judgement continues:

This structure is not consistent with the formulation of a concept proposal which may be followed by a single detailed development application for the whole of the site. The issue raised by the amended grounds of appeal is whether the application by ArtsNSW satisfied these requirements of s 83B.

As noted above, the application described the development application as "an integrated performing arts and cultural precinct together with an enhanced public domain at Wharf 4/5 and Pier 2/3, Walsh Bay." Although in s 4 the application form required information which "describes the stages of your development", the form as submitted did not do that. However, such information might be gleaned from the EIS which accompanied the application and was prepared on the instructions of the proponent.

The EIS repeated the description of the proposal as an integrated performing arts and cultural precinct, and described the application as a 'Stage 1 SSDA'. Although the site was said to comprise four specific elements, being the pier, the wharf, shore sheds and the area of water between the wharf and the pier, at no point did it identify sequential development. Indeed, it expressly left that aspect unaddressed, stating that the "in principle" approval "will be followed by *one or more* detailed SSDAs for the construction of the public domain, building alterations and specific uses."

Importantly, there is no statement in the EIS that the development will be carried out in sequential stages.

The judgement continues:

The primary submission for the State, accepted by the trial judge, was no assessment of construction-related impacts was required because the application sought approval only for the concept.

The question is then: What did the community say about the impact on them and what did the community say about how the initial application informed, or failed to inform, them about what might happen in the future? The Department of Planning has provided me with submissions to the draft legislation that was released. One of those submissions was lodged on behalf of the Walsh Bay Precinct Association. It states:

The requirement for a staged development application to comprise two or more stages and not a mere legal nicety leading to unnecessary complexity. Rather, it is inherent to the scheme of staged development applications in Part 4, Division 2A. As Basten J commented in *Bay Simmer Investments v the State of NSW* ... Division 2A according to its terms only applies to developments involving multiple, discrete, stages. In this context, the facility of obtaining consent approval gives the developer certainty that the whole of a sequential development will be permitted if it is in conformity with the concept-level approval given to the whole. By contrast, there is no real justification for splitting up the assessment process if the subject matter of the "concept" and "detailed" stage is identical.

The decision of the Court of Appeal in *Bay Simmer* has clarified how Part 4 Division 2A was intended to operate. The fact that some approval authorities may not have been acting in accordance with this understanding is no justification for changing the Act to transform this mistaken practice into law.

Concept plan approvals without staging are inimical to public participation because they deprive the general public of the opportunity to have input into a detailed approval process before the consent authority gives in-principle approval.

On balance, the Opposition has thought long and hard about this bill. We will oppose the bill primarily because I agree with that last contention, which I will repeat:

Concept plan approvals without staging are inimical to public participation because they deprive the general public of the opportunity to have input into the detailed approval process before the consent authority gives in-principle approval.

The submission goes on to say:

When the initial "Stage 1" application for the Walsh Bay Arts Precinct was lodged in July 2014, very few of the owners and occupiers lodged objections, because the lack of detail in the application resulted in little awareness of the impacts. After the Stage 2 application was exhibited there was a high degree of concern among members of the Precinct Association about the potential impacts of the proposal, particularly construction noise, construction and operational traffic, noise generated by events in the public square and noise generated by the proposed event space at the end of Pier 1/2. Acting on these concerns, we lodged an objection to the Stage 2 proposal. However, we did so with an awareness that the only elements of the proposal up for discussion at this stage were those relating to the detailed design and operation. Because the legislation provides that the detailed approval cannot be inconsistent with the initial approval, it was too late to submit, for example, that the public square should be deleted or relocated because of impacts about which we had no or inadequate information in Stage 1.

This goes to concerns about the regime, but they can be addressed by the approach taken by the Court of Appeal process. The submission on behalf of the precinct went on to say:

On one view, this would make the assessment of any or all of the impacts of the concept proposal completely optional at the concept approval stage. This would make a mockery of the concept approval process, since the proponent would then be able to obtain an "in principle" approval providing supposedly bankable certainty of future approvals, based on an assessment process which left out of consideration a raft of potentially significant impacts.

Let us keep in mind that His Honour Justice Basten described the initial concept application as "skeletal". So the residents of the precinct and the business owners at Walsh Bay are entitled to put forward that proposition with some veracity. The submission goes on to say:

Nor would this situation be much improved if the amendment were expressly limited to construction impacts. As Basten JA said in the Court of Appeal at [62] "(it) would be curiously artificial to assess any development application on the basis that the completed development had simply materialised without regard to how it had materialised". His Honour then gave examples of cases where the impacts of construction may be more serious than the impacts of operation. The Walsh Bay Arts Precinct is an example of this, because the construction traffic and noise impacts have the potential to seriously impact upon residential amenity for a long period, and to drive some business owners out of business. This demonstrates why construction impacts should not be treated any differently from the other impacts of a concept proposal. If there is to be a two stage approval process, then construction impacts should be assessed, along with the other impacts of the proposal, at the concept stage in order to determine whether the construction impacts are so severe as to warrant the refusal of concept approval, or the imposition of overarching conditions to protecting neighbouring owners and occupiers from these impacts. This need not result in duplication if the level of detail of consideration at each stage is calibrated to the level of detail in the proposal.

The residents at Walsh Bay have spoken to me—and we should keep in mind that they are potentially representative of a class from any community if the bill is passed—and they said that they felt there was no transparency. There was no detail about the commercial functions of any of the function centres that were going to be imposed upon the residents, nor the effect of those commercial centres. They said that there was no estimate or even consideration of the cumulative effects of the Roslyn Packer Theatre, the Wharf Theatre, the Australian Chamber Orchestra Theatre, the Youth Theatre and other private commercial operations, in addition to the fact that massive construction is going on at Barangaroo—which will continue for almost another decade.

At the time the concept was lodged there was no transport plan, no connections to Circular Quay, no prospect of any transport anywhere near the precinct—given it is mooted that the proposed metro at Barangaroo will not be up and running until 2024—no noise impacts and no cumulative impacts assessed at all. It has been submitted by some who support this bill—they are largely in the development industry, and I have nothing whatsoever against them—that the preferred view on whether the bill should be passed into law is that it should be because it provides the development industry with certainty. Planning considerations largely involve matters of balance. So when people say that applicants for staged developments should have a concept plan approved so they can make certain the land use provisions of the development application at a later date and need certainty so they can secure finance and so on, it might be true.

However, let us take into consideration a resident or, more to the point, a business in Walsh Bay that might be subject to their own financial requirements. It might be that a restaurant or business is coming to the end of its lease and is trying to work out whether to stay, whether to renew the lease or whether to relocate. If they were given the opportunity to know that there was going to be 18 months or two years of severe construction-related activities—perhaps there will be a concrete batching plant next door, wooden hoardings hiding their businesses from the street, a different parking regime or traffic severely impacted, as is occurring along Anzac Parade and a raft of other streets as a result of light rail construction—they might say, "We are not going to renew our lease." It might be that their financiers or mortgagees would say, "We are not going to grant you the refinancing you are looking for because your business will be severely impacted."

According to the wisdom underpinning the bill, those considerations are secondary or subordinate to those of developers. Why? I do not think they should be, and I do not think changing the regime that was judged to be correct by the Court of Appeal in the case of Bay Simmer Investments Pty Ltd imposes an onerous regime upon developers. New section 83B (5) is a bridge too far. It states:

The consent authority, when considering under section 79C the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.

With respect to the person who drafted that provision, it might be that the concept proposal appears, on its face, to be completely harmless and innocuous and, as the court found and the submissions mentioned, it is the construction-related activities that are the real devils in the detail. Why should a consent authority not have to take into consideration things such as those set out in section 79C (b)—namely, the likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality? Section 79C (c), the suitability of the site for development, is key here.

If new section 83B (5) passes into law, it effectively means no concept application will be submitted to a consent authority that can ever be refused effectively at the concept stage because there is so little onus on the developer to include significant details about the real impacts on the site with the application and the consent authority has now been given the legislative blessing to ignore them if it so wishes. I cannot think of even the most constrained site being subject to a determination by a consent authority at the concept stage that the very nature of the development should not proceed on the site. I think that is a nonsense, and it is a waste of everyone's time.

I am worried that this will apply, as it did at Walsh Bay, to other applications by the Government. I trust developers more than I trust the Government. Consider the debacles unfolding across Sydney as we speak—the light rail, the metros that keep sliding on and on with budgets blowing out, the debacle of the WestConnex and other projects. They are a complete and utter dog's breakfast because they were not planned at the start. One could not conceive how a major public transport initiative such as the light rail project could proceed with every box ticked wrongly, as happened with that application. It proceeded with haste, the planning was not done properly and contracts were signed before the design was completed. The project is now under construction and the designs are still not finalised. Traffic counts have not been done.

The Auditor-General handed down a report in December last year saying that the Government had to publish publicly by March this year the details of benefits, costs and risks associated with the project. But, unless it is hidden somewhere deep on the Darknet, the Government still has not done that. We know that detailed traffic modelling with respect to major intersections along the route has not been done. I believe public consultation improves the quality of the process and leads to a better outcome because there are experts in the community—those pesky residents that the Government seems to want to ignore with great glee. When a proposal is put out for public consultation one always learns something—and I have been in public life for more than 20 years. If the Government had proceeded properly with the applications for Walsh Bay, WestConnex, the light rail and a raft of other projects and not treated those communities as inconveniences to ignore, it would have arrived at better outcomes.

The regime as set out by the Court of Appeal in the Bay Simmer case will, if it is not overturned, protect the public from this Government, which is proceeding like a wrecking ball across Sydney with its projects, the sale of public assets and the like. It is not the developers I mistrust; it is the Government. It is worth noting that, according to documents provided to the Opposition through leaks within the Department of Transport, every major project that has been designed, procured and built by the Government is either late or over budget. The only one that is on time and on budget is NorthConnex. Why? It is because the Government has nothing whatsoever to do with it; it is being built by Transurban. I do not think the regime as set out by the Court of Appeal in the Bay Simmer case is unreasonable for developers. I note that there is another complication. I thank Mills Oakley Lawyers for publishing a paper entitled, "Bombshell court decision to hit staged development applications." It states: In *Bay Simmer Investments v NSW* [2017] NSWCA 135 a development consent was granted by the Minister for Planning for the development of an "integrated arts precinct" at Walsh Bay, on the south-western side of the Harbour Bridge.

The development consent was challenged by the operator of a restaurant business on the southern side of the development site. One of the grounds of the challenge was that the Minister had not assessed the effects of the construction of the precinct on local businesses, when granting the development consent. This challenge was upheld. The construction impacts of the development were a mandatory relevant consideration, and the failure to consider those impacts was enough to make the development consent invalid.

However, more significantly, the Court also decided that the development consent was invalid for a second reason.

The development application was lodged as a "staged development application". This means that it was supposed to be a development application that sets out concept proposals for the development of a site—with detailed proposals for "separate parts of the site" to be the subject of subsequent development applications.

This is interesting for the City of Sydney, as it continues:

Staged development applications of this kind are particularly commonplace in the City of Sydney. Typically the first development application, which approves the "concept proposals" is called a "stage 1" application, and the subsequent "detailed" development application (which seeks approval for the actual buildings/works) is called a "stage 2" application.

The Sydney Local Environmental Plan 2012 forces development applicants down this path, because (in clause 7.20) it prevents the grant of any development consent for new buildings or increases in gross floor area, for some categories of development, unless a "development control plan" is prepared.

Under the Environmental Planning and Assessment Act 1979 when a "staged development application" is made, and consent granted, the requirement for a site-specific development control plan is waived. As neither the City of Sydney—nor individual applicants—normally want to spend time and money writing site-specific development control plans, the City instead steers people into making a "staged development application".

For example, in Central Sydney, the two-stage development application process applies to sites that have an area of more than 1,500 square metres or development that will result in buildings that are more than 55 metres in height.

A building of 55 metres in height is a big building. However, 1,500 square metres is not a big development. To force a developer to do a site-specific development control plan is a dumb idea. If the Government is doing this because developers in the City of Sydney are whingeing that it might place onerous considerations upon them, get rid of the clause in the Sydney Local Environmental Plan, because it is a dumb one. It creates an artifice. For the reasons I have enunciated, the Opposition will not support the bill.

Mr JOHN SIDOTI (Drummoyne) (17:01): I speak in support of the Environmental Planning and Assessment Amendment (Staged Development Applications) Bill 2017. The purpose of the bill is to amend the Environmental Planning and Assessment Act 1979 to restore the procedures for staged development applications following the decision of the Court of Appeal about the State significant development consent for the Walsh Bay Arts Precinct. The bill will restore established law and practice, resolving the current uncertainty and avoiding potential delays in the delivery of more than \$8 billion worth of major and State significant development, including more than 14,500 new homes across the State.

Much of what the member for Maroubra said was not relevant. He spoke about a wrecking ball of projects across the city. We are lucky to have the infrastructure projects that are changing lives and making this State great for years to come—unlike Labor's non-wrecking ball of nothing whatsoever other than a long list of promised projects. One of those projects was the Rozelle metro, which cost \$500 million for nothing—not even one track was delivered. That is the legacy of the former Labor Government. It did nothing for 16 years—in fact, it sold off corridors and made it virtually impossible to construct current projects that Opposition members wanted to build when they were in office but never could and now oppose. It is a bit rich for them now to speak in this Chamber about irrelevancies.

A sad feature of politics is hypocrisy—what members say in this Chamber and what they do in their electorates is often different, and vice versa. New members are enthusiastic, but they often do not do their homework and learn about what their party did previously when it was in office. By introducing the bill today, the Government is acting swiftly—which governments are often criticised for not doing—to address uncertainty for investors and prevent delays. The Government consulted on the bill in June and July, inviting public comment

from a range of key stakeholders. The member for Maroubra spoke about his 20 years' experience of consulting and claimed that the Government has not listened. We have listened and we have made changes.

A range of different views were put forward in submissions during the exhibition of the exposure draft. Some called for greater flexibility in the concept proposal provisions. I note that broadening the flexibility of the provisions for the concept proposals is not consistent with the purpose of the bill, which is to restore the law to the way it operated before the decision to ensure that development is not delayed. The exposure draft appropriately contained a savings provision, which would see the amendment apply to pending applications and give certainty to stage consents granted since the public release of the bill on 30 June this year.

A submission received on behalf of Bay Simmer Investments, the applicant in the Court of Appeal proceedings, requested it be made clear that no provision in the bill will inadvertently enable the currently undetermined stage two application for Walsh Bay to proceed. This was not the purpose of the exposure draft bill, so the Government ensured that an additional provision was included in the bill, as introduced in this House, to ensure that the currently undetermined stage two would not be given a leg up by the bill. The provision in paragraph 2 (b) of the validation clause makes it clear that nothing in the bill will affect the status of that particular application. The bill, and the change made as a result of consultation, strikes the right balance between resolving the current uncertainty and respecting the decision of the court.

The member for Maroubra spoke also about stakeholder feedback on the draft bill. For the information of members, the bill was exhibited publicly from 30 June 2017 to 24 July 2017. During that period of public exhibition, 14 submissions were received. The majority of public submissions supported the draft bill. The bill was amended to address a concern raised in one of the submissions by ensuring the bill's provisions did not apply to the undetermined second stage of the Walsh Bay Arts Precinct proposal. This contradicts what the member for Maroubra said about consultation, that nothing takes place. He said we must listen to the community. The amendment is a direct result of a submission. The department considered a range of drafting suggestions proposed in the public submissions and ultimately decided not to make any further changes. This will ensure that the amendments are limited to restoring the procedures for staged DAs to how they were previously, which is in line with prior assessment practice.

The bill and the changes made as a result of the consultation strike the right balance. I commend the Minister for Planning. He is making changes and listening to community feedback and stakeholder consultation. That is what people expect, particularly in planning, which is always quite controversial. Many measures have been introduced in a short period addressing issues like this which are prevalent across Sydney. In my Drummoyne electorate there are many planning issues, particularly along the industrial waterfront. As the member for Maroubra said, larger developments often do not have certainty because of the costs associated with them. I know the Minister is doing a great deal in a short period to address many of those uncertainties. Bills such as this will strike the right balance.

The number of infrastructure projects under construction across this State is to be commended. There will always be associated disruptions and issues. Unfortunately, that is what happens when you build something, whether it is a small dwelling or a major \$17 billion project. We are doing something about the lack of infrastructure in this State, and members opposite are complaining about us doing it. I commend the Government and in particular the Minister for Planning for moving so fast to address this important issue, for consulting with the community and, more importantly, for responding to the issues raised during that consultation. This bill will restore the law to the way it previously operated and was understood by consent authorities and industry, thereby preventing additional cost and time delays in the delivery of significant developments across the State. I commend the bill to the House.

Ms JULIA FINN (Granville) (17:10): I have a number of concerns with the Environmental Planning and Assessment Amendment (Staged Development Applications) Bill 2017, many of which I share with the member for Maroubra. This bill provides certainty for developers but great uncertainty for their neighbours. It is a major concern that the Minister has rushed to introduce this legislation after the Government lost the Bay Simmer Investments court case. The case highlighted a major flaw with the City of Sydney local environmental plan [LEP] that states that certain types of developments require a site-specific development control plan [DCP]. In and of itself that is restrictive and difficult, and if hundreds of DCPs are operating in one council area it will be confusing for the local community when they look up documents in the future. It is ridiculous that this measure applies to sites as small as 1,500 square metres. That is probably the size of my and my neighbour's properties combined.

The way to address the problem is to correct that aspect of the City of Sydney LEP, not to introduce legislation across New South Wales that will create problems for neighbours who are not given certainty about the impact of staged developments when they first see the concept plan. It is disappointing that the Government has chosen to ignore the court findings about impacts on adjoining neighbours. The Government lost its court case because of the construction impacts on the adjoining restaurant business owned by Bay Simmer Investments. The

initial concept design did not adequately outline the impacts the construction would have on top of the cumulative impacts of the work being done on the nearby Barangaroo development. What is needed is detailed community consultation on development proposals at the outset.

Proper, up-front community consultation was missing in the Walsh Bay redevelopment case, and it will be facilitated through this amendment. This bill allows the current situation in the city of Sydney to continue. This is not only an issue in the city of Sydney. Developers often know exactly what they will build but they put in a staged development application to obfuscate impacts and talk about the development at the high concept level without fully explaining it to the community. It is how they get their foot in the door. It is very unfair for neighbours and the community as a whole that developers can do that. Developers need certainty, but that certainty needs to be framed by the context of the community being told up-front about the full extent of the impact of developments. Projects cannot keep growing and developers cannot obfuscate major construction impacts like those we have seen caused by many projects across Sydney.

In my neighbourhood the M4 widening project and the construction of WestConnex have had major impacts. Developers cannot keep making it up as they go along and pretending that they do not know what impacts their projects will have on their neighbours. That is how developers and the Government like to do things but it is not what the community expects. It is certainly not in the spirit of the Environmental Planning and Assessment Act 1979, which was about making sure we had a fair balance in New South Wales. That Act has been amended over many decades but the concepts of fairness and community consultation must be retained. It is not lost on me that this bill was introduced last week and today the Government has introduced legislation to further circumvent the involvement of the community in development applications. They will now go to independent hearing and assessment panels and the democratic representatives on the council will not make decisions on developments anymore.

The Government likes to see developers as its friends and allies in building New South Wales and thinks that everybody else is just in the road. I have major concerns with this and the other bill and the pattern this Government is demonstrating at every opportunity of helping developers instead of the community. It is consistent behaviour and it is really disappointing. We have seen it time and again at councils with administrators in place such as those in my area. People are acting on the instructions of the Government and ignoring the wishes of the community. More than 200 people were ignored in the approval of the DCP for the North Parramatta precinct. That would not have happened if elected councillors had made the decision instead of bureaucrats. The independent hearing and assessment panel is not speeding things up at Parramatta council. In fact, it is slowing down the development approval process.

People who were caught up in the transfer of Granville and Guildford to Cumberland Council from Parramatta council have had no certainty whatsoever. Residents submitting applications for small developments that would have little impact on their neighbours but need concurrent approval from Sydney Water have been shunted from pillar to post. The goalposts have been shifted since those suburbs were transferred from Parramatta council to Cumberland. I also know of people who have had conditions in their application interpreted differently and in a much more expensive way. For example, some have been made to build traffic islands and all sorts of things that were not in the original approval. The Government has no concern about small applicants; however, when it comes to big developers and government developers it is rushing forward with legislation to shut the community out. It is incredibly disappointing.

Mr GEOFF PROVEST (Tweed) (17:17): The purpose of the Environmental Planning and Assessment Amendment (Staged Development Applications) Bill 2017 is to amend the Environmental Planning and Assessment Act 1979 to restore the procedures for staged development applications following the Court of Appeal decision about State significant developments [SSDs] consent for the Walsh Bay Arts Precinct. On 15 June 2017 the Court of Appeal determined judicial review proceedings relating to the Walsh Bay Arts Precinct by declaring that the staged SSD consent was invalid. This overturned an earlier decision of the Land and Environment Court.

The court made this decision on the basis that the proposal was not a "staged development application" within the meaning of section 83B of the Environmental Planning and Assessment Act. It came to this conclusion because the concept proposal was followed by only a single further development application for the whole of the site. In the Court of Appeal's view there must be at least two detailed proposals for the site. This decision created uncertainty for a number of complex development proposals recently approved or currently under assessment, many of which have high capital investment values. As a result of the uncertainty, significant investment in Sydney and New South Wales could be delayed.

I turn to the issue of staging and the requirement for multiple second stage development applications following the Court of Appeal's decision. If this law is not returned to what it was before the Court of Appeal's decision, it will place significant limits on the circumstances in which stage development provisions can be used and will require applicants to break proposals into two or more subsequent stages for different parts of the site if

they wish to utilise these provisions. To require applicants to prepare and lodge multiple subsequent development applications when there is no compelling reason for more than one second stage application is at odds with established practice and project need, and it will lead to unnecessary cost and time delays for no good commercial, technical or community benefit.

The preparation and assessment of unnecessary staged applications is highly artificial and will increase time and costs for industry, councils and government. To not restore the law to what it was will undermine the Government's work to reduce assessment time frames and increase housing supply, including the work done by the Department of Planning and Environment to halve the time taken to assess State significant development applications. Indeed, it would leave the staged development application provisions of the Act to be of little utility to consent authorities and industry alike. The court's decision now places at risk of legal challenge a large number of major local and State significant development applications that have relied on the staged provisions in the Act. Peak bodies and councils, including the City of Sydney, have expressed serious concerns about the impacts of the decision, including the uncertainty in the planning system and added cost and delay for industry. By introducing this bill, the Government has acted swiftly to address this uncertainty and prevent delays.

The bill will restore the law to the way it previously operated and was understood by consent authorities and industry. It makes it clear that a project utilising the concept development application provisions need only comprise a stage one concept proposal and a single subsequent development application for the whole of the site. This will avoid projects having to be carved up into multiple subsequent stages, which would otherwise be required if the legislation were left unchanged. In June and July the Government consulted on the bill for several weeks and invited public comment from a range of key stakeholders. A range of different views were put forward in submissions during the exhibition of the exposure draft. Some called for greater flexibility in the concept proposal provisions. I note that broadening the flexibility of the provisions for concept proposals is not consistent with the purpose of the bill—namely, to simply restore the law to the way it operated before the decision and ensure development is not delayed.

Nothing in the bill will result in a reduction in the level of assessment undertaken by councils and other consent authorities, or limit the opportunities for stakeholders and the community to provide feedback at the conceptual stage and at subsequent development application stages. The bill will continue to ensure that all impacts are fully assessed before any construction can be carried out. The draft bill is a conservative measure to restore established law and practice. It will resolve the current uncertainty and avoid potential delays and additional cost in the delivery of major staged development across the State. On a personal note, it is important to my constituents that it be returned to the way it was. In this year's budget the Tweed Hospital was allocated \$534 million and if this bill is not passed that funding could be affected. If this is not changed, it will result in not only extra costs for the taxpayers of this State but also the possibility of delayed essential health services for the good people of the Tweed and New South Wales. I note that the Health capital infrastructure spend this financial year is around \$2 billion. Many of those projects could be affected, including as the member for Drummoyne pointed out—

Mr John Sidoti: Concord hospital, \$341 million.

Mr GEOFF PROVEST: The list goes on and on. It is not about looking after developer mates; it is about delivering infrastructure, including hospitals, bridges and prisons. I know that the member for Clarence is looking forward to the benefits that will flow from the 1,500-bed prison being built at Grafton. I know from my dealings on several committees with the judicial system and from observing the work of the Land and Environment Court that decisions are often made which require the continuation and modernisation of legislation, but this is a very simple case. I am advised that all the key stakeholders who have been consulted have expressed concern about the potential of legal challenges and, as I said, it may hold up many of the hospitals being built across this State. I commend the bill to the House.

Ms JODIE HARRISON (Charlestown) (17:25): I contribute to debate on the Environmental Planning and Assessment Amendment (Staged Development Application) Bill 2017 and like the Opposition speakers before me I also oppose the bill. The main purpose of this bill is to allow staged development applications where a concept approval is followed by only one detailed development application. Development applications are required for certain developments, land uses and activities in New South Wales. They are submitted and decided by a consent authority, which can be a local council, the Minister for Planning and other bodies like Joint Regional Planning Panels, depending on the type and value of development being undertaken. When considering a development application, the consent authority is required to take into consideration section 79C of the Environmental Planning and Assessment Act 1979.

Section 79C contains considerations such as relevant statutory provisions, the suitability of the site for the development, and public interest. A crucial consideration is section 79C (1) (b), which requires a consent authority to take into consideration the likely impacts of that development, including environmental impacts on

both the natural and built environments, and social and economic impacts in the locality. Staged developments are exempt from these important requirements. Section 83B of the Planning Act defines a staged development application as a development application that sets out concept proposals for the development of a site and for which "detailed proposals for separate parts of the site" are to be the subject of separate development applications. I note the use of the letter "s" at the end of the word "proposal".

The staged development provisions were introduced to enable the grant of a high-level concept approval for development, providing early certainty of outcomes for developers and members of the public. Subsequent development applications cannot be inconsistent with the initial concept approval. The staged development application scheme is commonly used by proponents of large-scale or complex development with multiple stages. It is often accompanied by a detailed proposal for the first stage such as subdivision and preliminary works or demolition, which can be approved with the development concept. Staged development applications allow for an initial concept proposal application to be lodged with and considered by a consent authority, at which time the consent authority is able to consider the concept proposal without taking into account section 79C.

The standard practice in New South Wales has been to allow staged development applications [DAs] to consist of a concept DA followed by one or more subsequent DAs. Often, staged DAs consist of a concept DA and only one additional DA to set out the entire scope of the project. However, the Court of Appeal in *Bay Simmer Investments Pty Ltd v State of New South Wales*, which has previously been spoken about in this place by the member for Maroubra and the member for Granville, looked at the issue of staged DAs and held that for a DA to be considered as part of a staged DA the initial concept must be followed by at least two subsequent DAs. That decision diverges from what has become the common practice of as few as one subsequent DA.

In the Bay Simmer case, a development consent was granted by the Minister for Planning for the development of an integrated arts precinct at Walsh Bay, on the south-western side of Sydney Harbour Bridge. The development consent was challenged by the operator of a restaurant business on the southern side of the development site. One of the grounds of the challenge was that the Minister had not assessed the effects of the construction of the precinct on local businesses when granting the development consent. This challenge was upheld. The construction impacts of the development were a mandatory relevant consideration, and the failure to consider those impacts was enough to make the development consent invalid. However, more significantly, the court also decided that the development consent was invalid as the development application was lodged as a staged development application but it failed to have the initial concept followed by at least two subsequent DAs.

The amendments in this bill respond to this decision, nullifying the effect of the court's decision. The bill also reflects the Government's concerns for the redevelopment plans for the Walsh Bay precinct. The Environmental Planning and Assessment Act 1979 objectives are to provide increased opportunity for public involvement and participation in environmental planning and assessment and to encourage the promotion and coordination of the use of and development of land. This bill diverges from these objectives. By overturning the Bay Simmer decision, this Government is, unsurprisingly, continuing its habit of avoiding transparency and is rubbing shoulders with developers. It is actively making it harder for the general public to know about what developments are being proposed in their community and the impact they will have on those communities.

I am proud to stand on this side of the House as a Labor Party member because we stand for communities and their right to be treated with respect and for disclosure at all times. We, on this side, recognise and believe wholeheartedly that consultation improves outcomes. My constituents in the Charlestown electorate value being given the opportunity to be aware of and to understand what is happening in our community. I am going to talk about a couple of developments in the Charlestown area that have caused community angst. Whether or not one agrees with these developments, there is no doubt that people both in support of or them think that it is right that they know what is being proposed up-front and transparently. That is why this bill should not be supported.

In October 2010 Charlestown Square was a controversial \$470 million development. It was the largest development application that had ever been approved by Lake Macquarie City Council. It saw the rezoning of community land for commercial use and included the relocation of Charlestown Bowling Club. The 2010 redevelopment effectively saw Charlestown Square almost double in size to 88,000 square metres. While this project was at times extremely unpopular in the local community, the proper application of the Environmental Planning and Assessment Act meant that most local residents and the community knew what was happening. Any big and contentious development should be able to be seen transparently to enable people to have their say and to share their point of view.

Another development in my local area is at Whitebridge. In 2015 an application for a \$23 million development in Whitebridge for 91 dwellings and three commercial tenancies attracted much attention. Lake Macquarie City Council received 747 submissions to the plan over three rounds of public exhibition. Most of those submissions were objections. Residents argued that the plan was more suited to an inner suburb of Sydney than to a neighbourhood suburb such as Whitebridge. They argued that it did not fit the community's identity and

certainly that the density was too high. The company responsible for the development, instead of considering residents' concerns, erected an inflammatory billboard on the development site displaying a cartoon humouring the conflict. The cartoon billboard included the arrogant text "Fernleigh Track Race 7, Future Whitebridge Cup" and it depicted developer Hilton Grugeon, who co-owned the development company, as a jockey on a horse, leading a horse race and throwing money into the air. Lagging behind was a horse, ridden by a caricature of one of the leaders of the dissenting community, depicted as the "vocal minority".

Mr Jamie Parker: That is horrible, nasty.

Ms JODIE HARRISON: Absolutely nasty, and Lake Macquarie City Council rightly ordered the developer to remove the billboard. It just goes to show why legislation ensuring that the voices of members of the public are heard is so important. Developers are never going to consider community needs and wishes of their own accord. Developers are motivated by profit, not by the betterment of local communities. For these reasons, I feel for the Walsh Bay local community. They have the right to have the impact of construction on their community considered, especially in an area that is already constrained, has no public transport and where there is already an enormous amount of construction underway in nearby Barangaroo and more to come. Developers and government should not have the right to dictate the future of suburbs. Community groups must have their right to understand the impacts of development and to have a say protected. I oppose this bill.

Mr EDMOND ATALLA (Mount Druitt) (17:35): I make a contribution to debate on the Environment Planning and Assessment Amendment (Staged Development Applications) Bill 2017. This bill is not in the public interest, as it will provide an easy pathway for developers to get major and contentious developments approved. Currently, any development requires a development application and that development application is assessed under section 79C of the Environmental Planning and Assessment Act. The development goes through a thorough assessment process, including public submissions in relation to each of the aspects under section 79C.

What is proposed here is more emphasis on approving a concept plan. Initially, the developer would submit a concept plan, which could be an artist's impression of the proposed building or some glossy brochures, and would sit down with the assessors and talk about their development. I am concerned that no details of the development application are required to be submitted at the time of the concept plan. Earlier speakers have said that developers support this bill. Why would they not support it when they are given an easy pathway to have their development approved without full scrutiny during an assessment process? That should ring alarm bells.

The Government should be concerned about the approval of developers' concept plans. We have been told that developers want approved concept plans in order to give them certainty. Let us think about that. If an approved concept plan gives certainty, then the approved concept plan must mean they have a green light for an approved development application. If that is not the case and it does not mean an approved development application, then the developer would not have certainty. It rings alarm bells that, first, a concept plan displayed to the public without details cannot be scrutinised by the public. The public cannot raise objection to aspects of a development if they have not been detailed in the concept plan.

The crux of this legislation is an approved concept plan and then some staged developments to follow. I cannot see how once a developer's concept plan has been given a green light it will be knocked back after capital has been invested. I have thought about how this legislation will impact on some of the major developments in my electorate in Western Sydney. A development application is now before the Government for the world's largest incinerator, which was recently the subject of an upper House inquiry. The applicants say that they want this development to be staged. There is so much public opposition to the incinerator that the applicants thought they could get it approved if they said it would be built in two stages and thereby minimise the impact.

The applicants have submitted a development application for the entire 1.03 million tonnes, but they indicated during the upper House inquiry hearings that they were going to build the incinerator in two stages. At the moment that does not mean there are two separate development applications. However, should this legislation be passed, the applicants will find it easier to submit a development application for half the size of the proposed incinerator and get that approved and then submit another development application for the other half. It will be difficult to knock back that application because they have a concept plan that may be approved in the first instance.

It raises alarm bells that this legislation is not in the interests of the public but for the benefit of the developers. This is another instance of the Government giving developers a green light to find an easy way to have their contentious developments approved. This legislation will not make it easier to scrutinise developments. Rather, it will see many developments approved at stage one, and then at stage two there will be no assessment of the cumulative impact of the two stages.

Mr Chris Minns: That is exactly right. It is so important.

Mr EDMOND ATALLA: This is an important issue because if a developer has stage one approved and then submits an application for approval of stage two, the assessment will be only for stage two—it will not be on the cumulative impact on the neighbourhood of stages one and two, being the entire development. That is a major concern because when a development application is submitted, the full impact of the entire development application should be taken into account, not parts of it.

In my former role as chair of the planning and development committee at Blacktown council for a number of terms, I saw developers submit plans for part developments without advising the council of the full development they propose to build. They have that part of the development approved and then they come back with another development application to expand the proposal. The assessment says, "Sorry, we cannot review the first development; that has already been approved. We can assess only the second part of the development." When we look at the first part and the second part together, it may have a major impact on the community. However, if we look at the two stages in isolation, they may be okay. This will create development nightmares for the public. Developments will be approved in stages and then, when the development application for the second stage is lodged, the cumulative impacts might be a disaster for the community. The horse will already have bolted and nothing can be done about it. That is why the Opposition opposes this bill, and I do not support it.

Mr JAMIE PARKER (Balmain) (17:44): On behalf of The Greens, I address the Environmental Planning and Assessment Amendment (Staged Development Applications) Bill 2017. I thank members who have made contributions to this debate because many of us, including me, have spent a long time in local government and we have heard some of the issues that local government representatives have raised. The bottom line is that we know the current planning laws are flawed in that they do not consider cumulative effects. It is a huge issue in local government. We have seen it with section 94 amendments and we have heard the member for Mount Druitt speak about it. We are concerned that this approach will allow concept approvals that do not adequately address operational impacts and that it will exacerbate the issue.

It is interesting to look at the Walsh Bay case, because it is an example of staggering incompetence. People obviously did not know how the planning Act worked. We saw hundreds of thousands of dollars wasted in the courts with the Government defending a position which was intolerable and on which the courts judged the Government harshly because it said it was not following the planning legislation. What did the Government do in response to that? It said it would change the law. Because the Government got caught out and it was determined that the Government had done the wrong thing, it is now seeking to change the law.

We should not be surprised because we have seen the destruction of local governments with the sacking of local councils, the abolition of councils, the imposition of priority precincts, the attempts—and we are now seeing further attempts—to rid councils of accountable, democratically elected representatives. It has imposed instead unelected, unaccountable industry hacks paid for by the ratepayers to determine developments in their interests. Now we have the Greater Sydney Commission, which has about 20 people working for it and which supposedly will introduce district plans that it says will make a huge difference. We know that, yet again, this is about imposing planning controls on democratically elected councils and, sadly, passing them to unelected, unaccountable bureaucrats who supposedly have the best interests of this city in mind.

This bill has generated a great deal of concern. It has probably also generated the clinking of champagne glasses amongst developers. However, for those people who are concerned about overreach, democratic participation, and the involvement and respect of local communities, it certainly has not done that. Any government that considers a major urban redevelopment should carefully consider what impacts it might have on locals. Surely this Government should take that seriously. If it does not, we have seen that the courts will judge it harshly, which is what has happened in this case. This legislation is an attempt to shirk that scrutiny. It means the impacts of large developments on their surroundings can be ignored as part of the assessment process.

It is hard to see how any effective and realistic assessment of a concept plan can be undertaken without considering the construction impacts of the development, if built. It is a simple reality of construction in New South Wales that often it can be a lengthy and disruptive process for nearby residents and businesses. In The Greens' view, failing to take this into account when green-lighting a project will further remove community and legitimate business concerns from the planning process. Other speakers have mentioned, and I too highlight, the submissions from the Environmental Defenders Office [EDO] and the Nature Conservation Council, which have expressed significant concerns with this legislation. The EDO raised important concerns about the proposed change. It stated:

One concern related to longer-term projects. If an initial concept application for a 20-year project like a mine did not have to address the operational impact of the mine, later stages of that mine might make a significant impact on its surrounding community, though that would never be adequately assessed up front.

The issues raised by the Nature Conservation Council [NCC] and the EDO should be addressed by the Minister in reply. The effect of the proposed amendments is that for staged development applications—renamed as concept

development applications—there will be no upfront requirement to consider the impacts of construction or carrying out the development. That is an important point of concern for the EDO and the NCC. I encourage the Government to address those concerns in reply. This legislation provides for an assessment of the impact of only the completed project.

As we know, this was an error that the Court of Appeal identified in the Walsh Bay approval. The court found that there was no assessment of the impacts of construction on the arts precinct, only the impact of the development once it was built. I understand that was the key issue, and the Government seeks through this bill to avoid that in future. The EDO identifies four key issues. The amendments provide that the new version of staged development may involve a concept plan followed by a single development application [DA]. The intended consequence of the amendments seems to be that the proposed process will give proponents upfront certainty that their subsequent development applications will be approved prior to the assessment of all of the impacts. However, it is questionable how a single-stage DA with a concept plan is any different from an ordinary development project, or why it should receive special treatment if it is not a staged DA.

The EDO gives an example. The proponent of a single-stage development could apply to use the proposed concept plan process to avoid detailed upfront scrutiny of the project construction. The EDO, the NCC and people in the Inner West, where there is considerable development, have raised this real concern with me. That is why the EDO recommends that a single-stage DA be assessed as an individual project on its merits—something that seems to elude this Government—taking into account all impacts under section 79C of the Environmental Planning and Assessment Act or its equivalent without the constraint of having to be consistent with any prior concept plan.

The EDO also raises adverse consequences regarding multistage projects. The lack of a requirement to assess impacts from the commencement of a development upfront is particularly concerning for large, long-term projects where the development may be carried out, say, over 20 years. That would not necessarily occur in my electorate. These would be things like mining projects and large-scale projects that probably would not happen in the seat of Balmain, but the EDO cites that example. If a concept application for a 20-year coal seam gas project were not required to address the impact of carrying out the project, later stages of the project may significantly impact the surrounding community and environment. Those cumulative impacts would not have been assessed upfront. The draft amendments pose a risk that the assessment process will consider only chunks of the project over time rather than the cumulative and foreseeable impacts over the entire project.

Those concerns about long-term projects and an assessment process that will not consider the cumulative and foreseeable impacts of the project are worthy of consideration. That is why the EDO recommends that the Act require assessment of cumulative construction and operational impacts at the concept stage, particularly for projects where construction and operation is a significant part of the relative impact. This should not detract from fully assessing each stage based on the best available science and most up-to-date information. The Government has a challenge. It was caught napping in respect of the Court of Appeal's determination that it clearly did not understand the Act and sought to fix something that was not in fact a problem by seeking to shirk its responsibility through legislation.

Finally, the Nature Conservation Council highlighted these issues. It believes that the draft bill must ensure that the consent authority can consider new information in a subsequent DA if the information was not fully assessed at the concept stage or if new information becomes available after approval of the concept stage, and a DA for a site to which a concept plan applies may be refused. The scheme for assessment of staged development is fundamentally flawed for the reasons stated by the EDO and the NCC. It should be of concern to all residents in New South Wales. The Government's approach to planning is of great concern to the community, whether it be the Greater Sydney Commission and its so-called district plans or the bodgie transformation plans for Parramatta Road. The Government must address all these matters, and unless it respects community members and takes their matters to heart, it will continue to make poor planning decisions.

Mr RON HOENIG (Heffron) (17:55): I make a contribution to the Environmental Planning and Assessment Amendment (Staged Development Applications) Bill 2017. I endorse the remarks of the member for Maroubra. What I say should not be seen, either expressly or by implication, to be inconsistent with anything he said to the House. I say in all sincerity that this bill is designed to perpetuate a rort in the planning process. There is no justification for this bill. It has no intellectual substance. Indeed, I would not have expected the Minister's predecessor to have introduced such a bill. I think someone is putting this Minister up to running a ridiculous piece of legislation, and I will explain why.

The reasons are contained in the New South Wales Court of Appeal judgement of 15 June 2017 in the case of *Bay Simmer Investments Pty Ltd v The State of New South Wales* reported 2017 NSWCA 135. The Court of Appeal has caught the Government out in a rort, and this bill perpetuates that rort. I have no view one way or the other about the merits of the application that was before the court, and I hold no brief one way or the other.

However, the bill affects the State's entire planning concepts and further perpetuates legislative intervention that cuts across the function of the Environmental Planning and Assessment Act, which was enacted by this Parliament in 1979. That is one of the most far-reaching and impressive pieces of environmental planning legislation. It was enacted by the Wran Government, probably the most impressive and finest government of this State.

Mr David Elliott: You're kidding. You wait until the Murphy papers.

Mr RON HOENIG: Mate, you just stop the prisoners from running out of your jail and smuggling drugs into your jail before you start interjecting. As one can envisage, a government as good as the Wran Government would certainly not create a situation where matters of significant State interest would be determined by councils; it retained adequate control over matters of State significance as required. Since 1979 this Parliament has cut across the objects of that fine legislation with no understanding of what it was doing, and this bill perpetuates legislative interference contrary to the objects of that Act. The Minister should listen to something he has ticked off because he might understand the errors he is about to perpetuate.

A State significant development application was to be considered by a delegate of the Minister. A submission was made in respect of an integrated arts precinct by a local businessperson. Justice Basten found that in response to the public exhibition of the development application, the objector stated that no attention had been paid to the effects of construction of the precinct on her local business, which was expected to take 18 to 24 months. The applicant contended that in approving the application the Minister's delegate could treat it as a concept proposal and therefore not take into consideration section 79C of the Environmental Planning and Assessment Act, which is fundamental to the consideration of any development application. The issue of contention before the Court of Appeal was that the delegate failed to consider construction-related impacts, which would be required to be considered by consent authority under section 79C of the Act.

This person's business was going to be substantially impacted for 18 months to two years during the construction period, which she wanted taken into consideration. That does not mean that the impact of construction stops the development application from being determined or, in effect, approved. It requires it to be taken into consideration, which means some modification to construction might be required, or it might need to be a staged construction. Alternatively, in the extreme, it might mean that the application is refused. Anybody who knows anything about planning would think it is unlikely, in any circumstance, that construction-related impacts would cause the rejection of a development application.

Rather than concede that the objector was entitled to have those impacts considered, the Government said it was a staged application and those impacts did not need to be considered. As a result, the application was approved without consideration of those construction-related impacts. The Court of Appeal rightly held that a staged development application cannot be considered when there is only one application. At least two are required for a concept-type application. A concept application is required for State significant developments where future multiple developments are being considered because State significant developments occur contrary to zonings, contrary to proper planning, and contrary to long-term strategic planning.

Mr David Elliott: Council creditors.

Mr RON HOENIG: I wish the Minister would stop interrupting because I am trying to educate him. I know it is not his portfolio, but he has put his hand up to take carriage of this bill.

Mr David Elliott: I am not going to take a lecture from Peter Fitzgerald's boss.

Mr RON HOENIG: If the Minister flouts the standing orders, I will let him have it. The reality is that the staged concept is designed to create a strategic framework for future developments on a particularly large site that is being constructed contrary to a general strategic planning concept. The reasoning behind that concept is that it is a protection mechanism that takes the place of zoning. Subsequently, when applications are made pursuant to a concept plan, the normal section 79C provisions are considered as part of the development application. In this case, the Government tried to rort the process by calling a single development application a concept plan, which the court rightly held was impermissible. The reality must be that the court decision is right and that the purpose and function of the concept system should be upheld. This bill is wrong because if we have one development on one site that will have one impact then the section 79C considerations must be taken into account in the determination of that application. That application is not a concept plan, but an application for a particular use. It cuts across the object of planning. I seek an extension of time.

Mr Anthony Roberts: Point of order: We have a huge legislative agenda tonight, but in all my time here I have never heard anything but good information and advice from the learned member. Therefore, I am happy to grant him a two-minute extension.

TEMPORARY SPEAKER (Mr Greg Aplin): The member for Heffron is granted an extension.

Mr RON HOENIG: If the bill is enacted and approval is granted for a concept plan without section 79C considerations, those considerations are constrained by the original concept plan. When the application is subsequently made, and we are talking about an application for one site, we are constraining the considerations. Effectively, a spot zoning is created for a single site, which is not the purpose of the concept plan. Between the bill leaving this place and being introduced in the other place, I ask the Minister to read *Hansard* and to consider whether I am right in what I have said about the reasoning behind the bill and whether it defeats the object of the Act.

Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (18:06): In reply: I thank members for their contributions to debate on the Environmental Planning and Assessment Amendment (Staged Development Applications) Bill 2017. I particularly thank the member for Maroubra, the member for Drummoyne, the member for Granville, the member for Tweed, the member for Charlestown, the member for Mount Druitt, the member for Balmain, and the member for Heffron. The member for Heffron has one of the best legal minds in this place, and I particularly thank him for his contribution. I thank those members for raising the important issues that this bill addresses, including the current uncertainty facing the development industry in relation to the legal status of concept approvals, the risk of time and cost delays, the delivery of significant developments across this State, and the need to respect the decisions of the court while at the same time resolving critical issues.

In relation to the concerns raised by the member for Maroubra, the bill will continue to ensure that interested parties, including the local community, will be able to raise concerns at the concept stage as well as at the detailed development approval [DA] stage. The concept approval does not automatically mean a subsequent DA will be approved. The onus remains on the applicant to meet the relevant environmental and other requirements of the consent authority. Detailed assessment of noise, amenity, et cetera, will be examined carefully by the consent authority. I reiterate, the concept approval does not allow any work to proceed on a site. Subsequent DAs are required to address amenity impacts. It is important to note that even if the decision of the Court of Appeal stood and the bill were not before the House, there would be no change to the community consultation requirements at the concept approval stage.

In relation to concerns about mine approvals raised by the member for Balmain, who I notice is not in the Chamber, I addressed that matter in my second reading speech—as the member would know if he had cared to read it. I reiterate that nothing in the bill will affect the Government's practice of comprehensively addressing and assessing all likely impacts of coalmines, wind farms and coal seam gas projects at the outset. No mining project has been granted a concept approval by this Government, and that will continue. I take this opportunity to again send a message to those people who for so many years supported The Greens and then Labor to blanket the entire State in coal seam gas licence applications. The Greens and the Australian Labor Party have worked in concert.

Mr John Sidoti: The puppeteers.

Mr ANTHONY ROBERTS: They are puppeteers, as the member for Drummoyne said. Some would call it hypocrisy for The Greens to suddenly perform an about-face on this matter. They have departed the Chamber for the evening and gone to their various places of protest. The purpose of the bill is to restore the procedures for staged development applications and how first stage concept approvals are assessed following the Court of Appeal decision in *Bay Simmer Investments Pty Limited v State of New South Wales*. That decision has created significant uncertainty, placing at risk the legal validity of a number of complex development proposals under assessment or recently approved by the department and local councils. Many of the proposals have high capital investment value. By introducing this bill so quickly the Government has sent a clear message to stakeholders and industry that it is not prepared to accept the continued uncertainty and confusion in investment in major staged development proposals in this great State.

The bill is a conservative measure and will restore the law to the way it operated previously and was understood by consent authorities and industry. The new provisions are largely the same as the current ones; however, they will make it clear that a project utilising the concept of development application provisions need only comprise a stage one concept approval and a single subsequent development application for the whole of the site. The bill will also give councils and other consent authorities the choice to decide the most appropriate time to assess construction-related and other operational impacts. Nothing in the bill will result in a reduction in the level of assessment undertaken by councils and other consent authorities, or limit the opportunities for stakeholders and the community to provide feedback at the conceptual stage and at subsequent development application stages.

The Government consulted on the bill in June and July, inviting public comment from a range of key stakeholders. A range of views were put forward but, in keeping with the intent of the bill to restore the law to the way it operated previously, a broadening of the flexibility of the provisions for concept proposals, as some

submitters called for, was not considered appropriate. In response to a submission received on behalf of Court of Appeal proceedings applicant Bay Simmer Investments requesting that it be made clear that no provision in the bill would inadvertently enable the currently undetermined stage two development application for Walsh Bay to proceed, the Government has made sure to include an additional provision that makes it clear that nothing in the bill will affect the status of that application. The bill, and the change made as a result of extensive consultation, strike the right balance between resolving current uncertainty and respecting the decision of the court. I commend the bill to the House.

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

Motion agreed to.

Third Reading

Mr ANTHONY ROBERTS: I move:

That this bill be now read a third time.

Motion agreed to.

COAL MINE SUBSIDENCE COMPENSATION BILL 2017

Second Reading

Debate resumed from 1 August 2017.

Mr CLAYTON BARR (Cessnock) (18:14): I lead for the Opposition in debate on the Coal Mine Subsidence Compensation Bill 2017. I state from the outset that we will not oppose the bill. In fact, I will go one step further—as I do at times—and commend the Minister for the quality of his second reading speech. It is often forgotten that a second reading speech has a number of significant parts: The first part sets out the current problems and the second prosecutes the need for change. The third part describes the changes and where they will take us. On this occasion, the Minister did an excellent job on all fronts. I commend his staff for the quality of speech they provided to him.

The bill repeals and replaces the Mine Subsidence Compensation Act 1961 that legislated that the Mine Subsidence Board deal with subsidence issues. It might interest members, or readers of *Hansard*, to know that prior to 1961 home owners had the responsibility of taking out insurance against their homes or properties being affected by mine subsidence. The cost of the insurance was borne by the home owner. Of course, that changed in 1961. The Mine Subsidence Board oversees a fund that mine operators pay into at various rates depending on the size of their lease and the expected volume of coal to be exhumed from that leased space. It is a complex formula, but in essence we need to understand that for some 46 years there was a fund—a bucket of money, if you like—set aside for people whose homes, properties or goods were affected by mine subsidence in order to make good the impact on their property or goods. As I said, that was the case for some 46 years.

The bill will introduce a number of key changes. The first change is to replace the Mine Subsidence Board with a new body called Subsidence Advisory NSW. The second is to make mine operators financially liable for any subsidence caused specifically by their operation. As such, they will be responsible for all costs incurred due to their operation. As a result of the second change, the third change is a significant reduction in the levy charged to mine operators. People should not be scared of that proposed change. Reducing the levy is simply a question of putting less money into the bucket and requiring instead that the mine operator take full responsibility for any damage caused. A more modest bucket will continue to exist, as it did under the Mine Subsidence Board, for any effects caused by historical non-active mines.

The fourth change is the introduction of an independent panel of assessors who will be charged with determining the liability of mine operators for any subsidence that arises. I will return to that later in my contribution, but it is a particularly important and good change. The fifth change is the implementation of a new, independent, no-cost review process, which will be conducted within the Department of Finance, Services and Innovation where either a mine operator or a claimant of a damaged property will be able to seek a review of the decision handed down by Subsidence Advisory NSW. The sixth change is that compliance with this new Act can be used by the Government in determining whether a mine operator is a fit and proper person for the purposes of mining in New South Wales, as defined in the Mining Act.

If there was ever an example of the carrot-and-stick effect it is the sixth change. Indeed, the Minister spent a little time dwelling on it in his second reading speech. Essentially, it is a message to the mining operators to say, "There is a new Act. We expect you to comply and to offer compensation where appropriate. If you do not comply then, as a government and as a collective, we might need to rethink whether you should even be a miner in this State." A person fit for mining is defined in the Mining Act 1992. Importantly, a significant motivator

behind this bill—and I do not know that the Minister made enough of this in his second reading speech—was an Independent Commission Against Corruption [ICAC] inquiry into the operations of the Mine Subsidence Board. That inquiry found that the checks and balances were inadequate for the sums of money involved and the nature of work done by the Mine Subsidence Board.

For an individual in a particular part of the State, the ICAC findings were damning. It was proven beyond a doubt that the activity of that individual had been inappropriate. However, the inquiry provided the opportunity to review the entire process, the intended outcomes and the means by which they were to be achieved. The bill is the Government's response to that. It is an improvement on the existing legislation, which will consequently be repealed. I am confident that the changes outlined in the bill address the majority of issues and concerns raised during the ICAC inquiry. It will therefore be welcomed by the community, the industry and those who may be affected by mine subsidence in the future. Under this bill, the Mine Subsidence Compensation Fund will be renamed the Coal Mine Subsidence Compensation Fund. It will still have general levies paid into it by mining operators—albeit for historical, outdated mines—to fund any complications arising from those mines that are no longer active.

I note the concern expressed by mining operators and the industry that by paying the levy they will still be funding a compensation package that in effect no longer exists. However, I am advised that a minimum amount will sit in the fund and mining operators will be asked to top it up only if the fund dips below that minimum. If the amount stays above the minimum amount the mining operators will not be exposed to any levy. The Minister said in his second reading speech that 90 per cent of mine subsidence claims relate to current mining operations. Thus the risk for this historical fund is quite small. A key role of Subsidence Advisory NSW will be as an intermediary between the complainant and the mining operator. In the first instance, the complainant will go to Subsidence Advisory NSW and ask for an inspection to check whether their property has been affected. If the panel of experts at Subsidence Advisory NSW is convinced that there has been a direct mining effect as a result of subsidence, Subsidence Advisory NSW, in conjunction with the complainant, will make an approach to the mining operator to seek the necessary compensation.

That was an important partnership that some in the industry were concerned did not exist in the first review process that happened late last year and early this year. It is incredibly important for Subsidence Advisory NSW to be firmly entrenched in standing beside the complainant in their negotiations with the mining operators. The bill also makes provision for a dispute resolution process, free of charge, within the Department of Finance, Services and Innovation. Step one is to make the complaint and determine that the mining operator was responsible. Step two will allow either the complainant or the mining operator to say, if they so choose, "No, I do not agree with the decision at step one. I would like a review." This new step will hopefully prevent a number of matters from going to the Land and Environment Court. The Secretary of the Department of Finance, Services and Innovation, or a delegated person under the secretary, will handle the review process. I am sure members will agree that not too many reviews will be necessary and, importantly, very few people will need to go to step three—namely, the Land and Environment Court. However, under this legislation both the complainant and/or the mine operator can still seek to pursue a matter through the Land and Environment Court.

These changes will certainly address many of the concerns and issues that stakeholders have raised with me over the past 12 months. I turn now to the response from stakeholders who have had the time to analyse the contents of the bill over the past week and have raised last-minute concerns with me. I forwarded a number of those concerns to the Minister's office earlier today and I ask that the Minister respond to them when he replies to the debate. We need to look at three key areas slightly more closely. What determines an improvement to a property? The bill contains definitions—the defined list in this bill is certainly better than that in the old legislation—and in the past 24 hours to 48 hours it has been identified that some parts of a property might not be deemed to fit the current definition of an "improvement".

For example, there are a number turf farms on the Central Coast. A turf farm by its nature is a grass paddock. If mine subsidence were to occur in such a paddock and a hole, crack or ravine appeared suddenly as a result of mine subsidence, one might say that it is not really a piece of infrastructure—it is not a building, wall, roof, sewage pipe or anything like that. But the grass growing on that turf farm is the productive part of the business and such changes would have an effect on the property. Another example is that of a farmer with a plantation farm that is located somewhere near a coalmine. Mine subsidence could impact the farm, but under the definition in the legislation it would not be considered infrastructure that needs to be compensated. The same could be said about a dam wall. Does a pile of dirt pushed into a certain shape for a specific purpose meet the definition of "infrastructure"?

Under the current definition, things such as dam walls, plantation and turf farms, and even fences are not named specifically. It is not possible to name everything, but the tone and intent of the legislation—as explained in the second reading speech and the Minister's speech in reply—may later be used in a court of law when reaching

a decision. I ask the Minister to speak explicitly about the possible legal interpretation regarding some less clearly identifiable structures or investments that might be on a particular property that could ultimately be exposed to mine subsidence. The second question is: How long will this process be allowed to take? I note for the benefit of the House that I am the member for Cessnock and that Cessnock, along with Maitland, Newcastle and the broader Hunter Valley, is part of the original coalfields of New South Wales and of Australia. I know that sometimes making a claim against the Mine Subsidence Board can take an incredibly long time.

We are talking about a person's home—a wall or a roof that is leaking or falling and that has had to be repaired multiple times. We are talking about a property owner who has had to invest money to fix their home, which they will get reimbursed only at the tail end of the process once a decision is made and agreement is reached. There are some instances where people in the Hunter Valley have been involved in the process for more than 10 years. That is unacceptable. The bill makes certain allowances regarding how quickly the complainant must make their complaint, but there is no such time limitation on the decision process. I refer specifically to part 2, proposed section 13, subsections (2) (a) and (b). Subsection (2) (a) states:

A claim must be determined within ... the period of time specified in the approved procedures or otherwise prescribed by the regulations ...

That is fine, but there is no time limit. What is it? Is it 90 days, 180 days, 12 months or two years? Surely the bill can contain a target. Surely we can send a message to the mining operators, Subsidence Advisory NSW, the claimants and the independent panel of experts about how quickly we want the process to be completed. My preference would be to err on the side of speed because, as I said, a home owner who invested in improving their home or property must pay for the initial repairs and will be out of pocket until the process is resolved. I think we should have a target. We should not be afraid of that because subsection (2) (b) of the same section reads:

... such longer period of time as may be approved by the Chief Executive in a particular case.

We should not be afraid of setting an ambitious target because subsection (2) (b) allows the chief executive to say that a particular matter—case J—is complicated and will take a bit longer to work through. That is fine. If cases A, B, C, D, E, F and G were all resolved in 90 days, we can cope with case J taking a little longer. I invite the Minister to give an indication in his reply about the time lines, as they are apparently going to appear in regulation sometime in the future. I also encourage the Minister to make a minor amendment to the bill, either in this place or in the other place, to insert an indication of how long the process should take—how many days or months. I certainly hope we are not talking about years, because I believe that is far too long.

The third and final issue that I asked the Minister about earlier today—and hopefully a response will be forthcoming—is simply how Subsidence Advisory NSW will be funded. Historically, the Mine Subsidence Board was funded by the scheme. However, the new body will be a government sector body, which means the employees will be covered under the Government Sector Employment Act. It will have the same transparency as other government agencies, which is wonderful. But it is not explicitly clear in either the Minister's second reading speech or in the bill whether the new entity will be funded by the scheme—as I believe it should be. I believe the mining operators and not the taxpayers of New South Wales should fund the Subsidence Advisory NSW line item in the budget.

Part 5 of the bill deals with a number of financial provisions. In my view, proposed section 32 (3) offers the best explanation. It outlines the amounts that may be paid out of the fund and proposed section 32 (3) (c) refers specifically to "the expenses involved in the administration of this Act". We could argue that Subsidence Advisory NSW is involved in administering the Act and is thus an associated expense. I believe that is correct, but I would like the Minister to clarify it because I want to make sure that the taxpayers of New South Wales will not have to pay for the activities of mining operators and that the mining operators will pay their fair share. I look forward to receiving the Minister's response to those three key points. I reiterate that I believe the bill is an improvement on the existing legislation and will deliver better outcomes for affected parties. I applaud the fact that under the bill an individual mine operator will have to face an affected person and negotiate with them, with the assistance of Subsidence Advisory NSW. On this occasion I do indeed commend the bill to the House.

Mr MICHAEL JOHNSEN (Upper Hunter) (18:35): It is with great pleasure that I contribute to debate on the Coal Mine Subsidence Compensation Bill 2017. I thank the Opposition, and particularly the member for Cessnock, who represents a neighbouring electorate. Many people will know—and the member pointed it out—that coalmining effectively began in his electorate. Indeed, the Hunter is coalmining central in New South Wales. My electorate of Upper Hunter is definitely coalmining central. In fact, my electorate is extremely diverse; I like so say that we are the home of world-class mines, wines, equines and bovines—all very important industries within the electorate.

Mr Clayton Barr: The wines are better down my way.

Mr MICHAEL JOHNSEN: I have great wines as well, as the member for Cessnock well knows. I am very pleased that the Government has brought forward this package of reforms. The bill will significantly improve the fairness of the New South Wales mine subsidence compensation framework. I begin by drawing attention to the fact that subsidence impacts arising from New South Wales coalmines are unique and unlike subsidence impacts in any other State in Australia. That is because mining operations in New South Wales are often in close proximity to major urban development. As such, the current legislation enacted in 1961 set out to provide compensation for the impacts on home owners caused by underground mining, which is undoubtedly a difficult and stressful experience for those home owners.

The Mine Subsidence Compensation Act 1961 introduced a levy on all New South Wales coalmine operators, acknowledging that while current operators did not cause the subsidence problems arising from historic coalmine operations the legacy impacts of coalmining needed to be addressed by the industry as a whole. This is not the situation today, and it is now clear that subsidence damage arising from underground coalmines is attributable to a small number of mine operators, not the entire mining industry. The majority of compensation claims now relate to damage arising from active underground coalmines where liability is able to be apportioned to the mine operators responsible. There is, therefore, a high level of cross subsidisation in the current compensation framework and unclear subsidence obligations for the mining industry.

The Act is, therefore, out of date and no longer fit for purpose. The legislative framework for mine subsidence has not kept pace with technological advancements and changes to industry practice. It is clearly time to address the unfair and inequitable mine subsidence compensation model in New South Wales. I note that the Mine Subsidence Board is to be abolished after a transitional period and is to be replaced by Subsidence Advisory NSW, which is established under the Government Sector Employment Act 2013 as a public service agency.

The bill and the associated reform program provide a comprehensive suite of measures to improve the compensation process. I bring to the attention of the House the improvements to the mine subsidence levy framework, reducing the Government's uncapped liability for subsidence compensation claims arising from active mining operations. Under the new levy framework, underground coalmine operators will pay for their own subsidence impacts and directly compensate the public. In effect, subsidence impacts from active mining operations will be treated like any other mining impact, where miners are required to compensate property owners directly. Miners will therefore be financially and socially responsible for the subsidence damage they have caused, and will have a direct financial incentive to reduce their future impacts on communities to the greatest extent possible.

To ensure claimants are treated fairly and receive adequate protection, the legislation includes clear compensation eligibility rules, inclusions and exclusions, and the Government will regulate and manage the claims process. The Mine Subsidence Compensation Fund will continue to be used to provide compensation for damage arising from non-active coalmines and also address the current backlog of claims. By doing this, the levy will fulfil its original intended purpose—to protect the community from subsidence damage from historic mining activity where liability cannot be attributed to the mining operator. These improvements will also benefit the coal industry, with the levy being significantly reduced to cover, primarily, claims from inactive mines. The experience property owners go through when affected by mine subsidence is difficult and stressful.

The bill therefore will allow for mining operators to understand the full impacts of their operations, including the emotional distress that can accompany property damage caused by subsidence. We also acknowledge that these reforms will have an impact on the coalmining industry. The Government is committed to continuing an open dialogue with industry and putting in place arrangements for coalmines most adversely affected. I note that the transitional arrangements will be in place over a five-year period to assist these mines to transition to the new system with minimal disruption to operations. The Government's reform package ultimately will allow for mine operators to understand the full impact of mine subsidence, and the development of a compensation framework that is fair for the property owners of New South Wales that will duly protect the property owners within my electorate—the home of world-class mines, wines, equines and bovines. I am pleased to support the bill.

Ms JENNY AITCHISON (Maitland) (18:42): I speak on the Coal Mine Subsidence Compensation Bill 2017, which will repeal and replace the Mine Subsidence Compensation Act 1961. I note the contributions of previous speakers. Previously, the Mine Subsidence Board administered the Mine Subsidence Compensation Fund. Under this bill, Subsidence Advisory NSW [SANSW] will administer the Coal Mine Subsidence Compensation Fund. These are changes to names, but one would hope that they provide more certainty for residents of communities like mine in Maitland. This issue has impacted very heavily on people in the Maitland electorate. Parts of East Maitland, Ashtonfield, Louth Park, Gillieston Heights and Metford have been in a mine subsidence district and this has been an ongoing concern for those residents.

Over time, most of the mines in Maitland have closed, although some still operate on the edges, and many in our community work in the mines. They understand the importance of mining to the community, but those individual properties have paid a huge price. In 2015, Kylie and Andrew Neale of Gillieston Heights were involved in an ongoing dispute over mine subsidence on their property. I spoke to Kylie about this new legislation earlier today and I highlight for the House that this bill really will be important to people like Kylie and Andrew and their family. People need certainty within mining areas and it is good to see that the bill will provide some certainty. According to the *Maitland Mercury*, at the height of their dispute the Mine Subsidence Board stated:

If a parcel of land is undermined it does not mean that construction cannot take place and, in fact, many suburban areas are in subsidence districts.

This has presented a huge cost to people in the community who have built in an area with or without knowledge of mining having taken place there in the past. We know that mining has been carried out in the Hunter for such a long time that sometimes the maps, which are from days of old, are not as accurate as one would hope. Therefore it is important that while, according to the Minister, 90 per cent of claims are for active mines, the 10 per cent that relate to historical mines provides an even more precarious and more uncertain situation for those residents.

Some 10 years ago, before I entered public life, one landowner spoke to me of his concerns about flooding through his property. He showed me pictures of his house and there was mould growing throughout it. He had been to council, to Hunter Water and to different agencies trying to seek a reason for his house becoming a mouldy mess. He raised his children in that house for 10 years; he and his wife were just looking for answers. Thankfully, through the work that we were able to do in my electorate office, we eventually were able to get the issue resolved, with the Mine Subsidence Board assisting him to do the groundwork to get projects and reports done. But for many residents, their ability to access the Mine Subsidence Board has been a real issue, and that is something that should be addressed in this legislation. We must ensure that there is easy access to the new agency. The issue for the Neales was that Gillieston Heights was not in a designated mine subsidence zone. In fact, in 2015, Mine Subsidence Board chief executive officer Jim Walker said:

There are quite a number of mine subsidence districts proclaimed, the last one was declared in 2003.

Areas not within a district such as Gillieston Heights, where it has been undermined years ago, can still ask the board for advice.

It is with some irony that Mrs Neale told me today that Gillieston Heights had been included in a declaration in 2016. It was a problem that when properties were not in a mine subsidence zone there was not an automatic requirement for the council to approach the Mine Subsidence Board when a development application was lodged, leaving owners quite vulnerable to future damage to their property. Imagine being the Neales, living with small children—10 years in a family is half a generation; it is the length of a whole education for some kids—and to have property damage from, say, a sinkhole, water or mould, or ongoing problems in your house that you can never get to the bottom of. It would cause so much distress. This is not just a worry or a concern; this is something that impacts every day of their lives.

For that reason I very much echo the shadow Minister's call for part 2, proposed section 13, subsections 2 (a) and 2 (b) to identify a time frame for dealing with these claims. They should not be ongoing for a decade or more; the stress and disruption that they cause to families is just unacceptable in this day and age. For that reason, I hope that with this new structure the Government will ensure that there is an advocate for the community. It is a positive step that the bill makes provision for a dispute resolution process free of charge within the Department of Finance, Services and Innovation should either the claimant or the mine operator be dissatisfied with the original determination of Subsidence Advisory NSW and its expert panel, and that that dispute process does not interfere with someone's ability to go through the Land and Environment Court.

It is really important to have not just an entry point but a process for a review and dispute of decisions. That is all I wanted to say about the bill, but I wanted to present the human face of the issue. The families I have spoken to have been impacted by mine subsidence—in some cases it has nearly destroyed their lives. It is a terrible thing to happen; it is a cost of the mining industry that is being borne by ordinary individuals who are living their lives and suddenly they do not have half a house or water seeps into their house for years and years and there is no answer for them. I note that the Opposition is not opposing the bill and I hope that the Minister addresses in reply the concerns involving time frames and about properties, not just the actual constructed buildings but, as the shadow Minister said, crops, fences and other property that families have invested in but that we are not sure will be covered. I hope it will be, but I ask the Minister to define that in reply.

Mr DAVID MEHAN (The Entrance) (18:49): I note that the Opposition will not oppose the Coal Mine Subsidence Compensation Bill 2017. However, I raise some concerns and echo those of the shadow Minister. The bill repeals the Mine Subsidence Compensation Act 1961, historic legislation introduced by the Heffron Labor Government. Prior to that time property owners were required to self-insure if they wanted to protect their properties. Overturning that property arrangement was a significant impost on the mining industry.

It was a significant improvement in the ability for ordinary people, usually working people living in the vicinity of mining operations, to have their personal properties protected and improved, and it was a progressive step in this country.

I note that in many Western countries self-insurance is still the norm. In the United States self-insurance is the norm. In Ohio compulsory self-insurance is required in certain districts where mining takes place. This was certainly progressive legislation introduced by the Heffron Labor Government and any change to that should be approached cautiously and carefully. I appreciate that the Minister is one of the few on the other side to be of that nature. Nevertheless I highlight some concerns that I hope the Minister will address in his reply. I note concerns about the funding arrangements about which the shadow Minister has spoken. Previous arrangements involve the Mine Subsidence Board being wholly funded by the fund and the operations of the board being funded outside the fund.

Separation of the fund from the new agency, which will be a government agency—Subsidence Advisory NSW—begs the question: How will that government agency be funded in the budget papers? That must be addressed. In the 1990s in my past life as a geologist I had a little experience dealing with the process. I appreciate that since that time many governments have fiddled with the operation of public servants in this State, but my experience was that the Mine Subsidence Board would err cautiously in favour of the property owner and then would make good and, generally speaking and certainly in the Newcastle area, would make good promptly.

I appreciate the comments made by the member for Maitland about some particular instances in which compensation claims have been dragged out, but my experience with the professional public servants that I dealt with in the 1990s was that claims were assessed promptly and then dealt with by the board making good. The new process stretches that out somewhat. A claim must be made to Subsidence Advisory NSW, which will then determine the claim, and if the claim is found to be in favour of the claimant, then the mine operator is approached. A hurdle will be approached at that point in having the mine operator concede to the determination of Subsidence Advisory NSW in that claim. It seems as though we are moving from a two-step process to a three-step process, and I am concerned about the ramifications of that on time frames. My colleagues have expressed concerns about the time in which claims are determined and resolved. I would appreciate the Minister's comments in that regard.

Finally, I note that the Legislation Review Committee today published its digest, which dealt with the bill in some detail. The committee made 12 comments where, in its view, the bill trespasses on personal rights and liberties under section 8A of the Legislation Review Act. On six of those occasions the committee determined that no further comment was necessary, but on six other occasions the committee drew its concerns to the attention of Parliament. I think it is appropriate, whenever the committee does that, that the Minister or the private member concerned squarely addresses those concerns. I note that the Opposition does not oppose the bill, but I wanted to express my concerns. I hope the Minister will address those concerns in his reply. I commend the bill to the House.

Mr DAVID HARRIS (Wyong) (18:55): I will make a very short contribution on the Coal Mine Subsidence Compensation Bill 2017 because the shadow Minister, the member for Cessnock, spoke to constituents from my electorate and addressed their concerns eloquently in his contribution. I echo his request that the Minister outline the definition of "infrastructure" in the bill, as constituents have raised the definition as it applies to dams and dam walls, and its effect on people engaged in turf farming. I refer also to the length of time it takes to resolve claims. In my electorate and areas I used to represent, such as Chain Valley Bay, Mannering Park, Lake Munmorah, Gwandalan and Summerland Point, major subsidence had occurred where part of the lakefront submerged and fell into the water or was flooded.

In the past many people passed away before their claims were dealt with. I hope that Subsidence Advisory NSW will streamline the process. As the shadow Minister stated, on paper it looks to be a better process but we have learnt through experience that people have been left worse off trying to settle claims and go through many legal processes. The Opposition supports the bill. However, I ask the Minister to explain how the definition of "infrastructure" will work so that people in my area can be confident that their livelihoods will be protected under the new legislation. The shadow Minister raised the matter, but I wanted to be on record as following through on my constituents' requests.

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (18:58): In reply: I am pleased to deliver a reply on the Coal Mine Subsidence Compensation Bill 2017. As members have heard, the bill provides for a significantly enhanced process for seeking mine subsidence compensation in New South Wales. A number of legislative improvements will provide more support for property owners impacted by mine subsidence, a streamlined compensation process that is easier to navigate, and a fairer compensation model for both home owners and the coal mining industry. Among the changes are significant legislative reforms. First, as the member for Upper Hunter noted in his contribution, the bill delivers a model for compensation where underground coal mine operators will be directly liable for subsidence damage arising from their operations, therefore reducing the Government's uncapped liability.

The original intent of the Mine Subsidence Compensation Act 1961 was to compensate damage arising from abandoned mines. This is no longer the case, with the legislative review finding that approximately 90 per cent of compensation claims now relate to damage from active underground coalmines. With changes to extraction methods in the mining sector over the past few decades, we can now apportion liability to the mines causing the subsidence damage, as subsidence damage generally occurs within a few years of extraction if coal is extracted via longwall mining. Therefore, active underground coalmines will now be made responsible for the damage they cause to homes and infrastructure, and will be required to compensate property owners directly in accordance with the independent assessments by a panel of technical assessors.

By attributing liability to mine operators causing subsidence damage, those mine operators will now be financially and socially accountable for their subsidence damage. This reform ultimately will align the mine subsidence compensation system with how other mining impacts are compensated whereby the mine operator compensates property owners directly. This will create greater consistency in the impact mitigation model across the mining industry and harmonise the regulatory approach to subsidence impacts. In summary, miners will now be incentivised to do the right thing. If they do the wrong thing, their wallets will be hit much more quickly.

Secondly, as the member for Cessnock noted in his contribution in support of this package of reforms, adequate enforcement mechanisms will be in place to hold mining operators to account. The member for Cessnock asked a number of questions, and I will respond to those shortly. A central tenet of these reforms is ensuring claimants are treated fairly. The bill provides for a number of legislative protections, including approved procedures and set items eligible for compensation, which will protect the rights of property owners and ensure mine operators act appropriately throughout the claims process. The risk of conditions, suspension or cancellation of mining rights will also provide a strong incentive for mine operators to comply with the legislation and treat claimants fairly. This is achieved through the bill providing for a mine operator's record of compliance being a consideration when determining whether the mine operator is a fit and proper person under the Mining Act 1992. I can assure members that is a big stick.

The third key reform initiative is reducing the scope of the coalmine subsidence compensation levy and fund to compensate claims arising from inactive mines. Again, the main purpose of the 1961 Act was always to compensate for subsidence damage originating from historic legacy coalmines when liability could not be apportioned back to the original mine operator. However, this is not the reality today. With the legislative changes to the compensation system, the fund will now be used to better protect the community from subsidence damage from inactive mines, returning the legislation back to its original intent. In turn, the levy will be reduced resulting in cost savings to the majority of coalmines in New South Wales. The Government will be the payer of last resort and will be able to make payments from the fund to claimants should mine operators fail to meet their obligations. The Government will also have the ability to recoup the money from mine operators in case of non-compliance.

The fourth legislative reform I will emphasise is the improved and streamlined development regulation role that Subsidence Advisory NSW has in mine subsidence districts. Risk-based development regulation will ensure future subsidence damage is mitigated in high-risk areas while streamlining development approval processes in low-risk areas. This will reduce costs to property owners, assist local government to reduce development assessment time frames, and provide certainty to collieries that future liability is being proactively mitigated. The fifth legislative reform is the repositioning of the mine subsidence board as a strategic advisory service tasked with providing advocacy and support to local communities affected by mine subsidence. By having a strengthened claims management role, Subsidence Advisory NSW will be better able to work closely with claimants to facilitate timely assessment of claims, and ensure the system delivers fast and fair compensation.

The final reform I draw attention to today is the creation of a new dispute resolution pathway that will provide an alternative to existing litigation options. Every claimant will have the right to a low-cost independent review of their disputed claim by the Secretary of the Department of Finance, Services and Innovation. The secretary can delegate this determination function to an independent expert or panel. This is paramount in ensuring property owners have an avenue for appeal without having to resort to expensive court proceedings, as is currently the case. Opposition members raised a number of questions, but it is fair to say that the member for Cessnock has consolidated those questions into his three. I will address the three questions of the member for Cessnock and hopefully that will give a holistic response to all concerns. The first question raised by the member for Cessnock is:

Will damage to a person's property include dams, fences, plantations? These have been bowled up by constituents across New South Wales. They seem to have had a lived experience. These issues are not clearly defined in the definitions of the new bill.

My response to that is that under the current system, dams and fences are deemed as improvements and are eligible for compensation. This will continue under the new legislative framework as these structures fall within the definition of surface improvement in section 4, which has been left open, as the current definition under the Act has proved overly restrictive by listing some examples but not all possible examples. The guidelines will give

more advice on examples of improvements that are eligible in this sense. I note that section 7 (1) of the Act details that compensation is provided for improvements and goods. Damage to agricultural enterprises, such as plantations, has not been eligible for compensation in the past under the current mine subsidence compensation legislative framework and it is not intended to expand the compensation framework to such matters. This is due to the operation of section 262 of the Mining Act which refers to such matters as "compensable loss". Mine proprietors must compensate property owners for such loss under the Mining Act, so there is a different compensation regime under a different legislative environment. The second question raised by the member for Cessnock is:

There do not appear to be any time lines attached to how quickly a claim needs to be concluded. This appears to be coming in a future "regulation". I think we can do better than that, that we can give some more specific guideline in this bill.

His question was echoed by a number of his colleagues. In these guidelines, referred to as approved procedures under the bill, we stipulate that a claim must be determined within 60 days, unless there is ongoing ground movement arising from subsidence. If there is ongoing ground movement, we can direct the miner to carry out temporary works while mining is ongoing and until ground movement stops. Generally, ongoing ground movement and residual subsidence is confined to one to two years post extraction. In a nutshell, we are trying to get a determination within 60 days, which is a short time frame. The third question raised by the member for Cessnock is:

How will Subsidence Advisory NSW be funded? Surely it will be funded by the revenues from contributions from the mining operators, instead of a line item in Government recurrent expenses. But, I do not see that defined anywhere in the bill.

The answer is that Subsidence Advisory NSW will continue to be funded by revenue from the fund. Section 32 (3) of the Act refers to the fund being used for expenses involved in the administration of the Act. I hope that deals with all the questions that were raised by Opposition members. In conclusion, I thank all members who contributed to the debate. I again thank the member for Cessnock, the member for Upper Hunter, the member for Maitland, the member for The Entrance and the member for Wyong. This bill will ensure that the mine subsidence compensation framework is fairer, timely, sustainable and efficiently administered. I commend the bill to the House.

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

Motion agreed to.

Third Reading

Mr VICTOR DOMINELLO: I move:

That this bill be now read a third time.

Motion agreed to.

TRANSPORT LEGISLATION AMENDMENT (AUTOMATED VEHICLE TRIALS AND INNOVATION) BILL 2017

Second Reading

Debate resumed from 1 August 2017.

Ms YASMIN CATLEY (Swansea) (19:09): It is with great pleasure that I lead for the Opposition in response to the Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Bill 2017. The rate of technological change presents both challenges and opportunities for government. Labor believes the role of government is to facilitate and mediate these changes and their impacts on how we live, work, and play. Part of this is to keep ahead of the curve when it comes to innovation and technological progress. This always presents a challenge to the traditional approach of government and bureaucracy, which is steady, considered, cautious and, some would say, too slow, at times moving at almost a glacial pace. Government needs to balance the "steady as it goes" mentality of bureaucracy with the rampant, startling pace of technological development in the private sector.

Labor has been calling for a bill like this for some time. The Leader of the Opposition kicked this off last year in his reply to what would be Mike Baird's last budget. While the roads Minister at the time was explaining to his female colleagues that building roads was not like buying handbags, Labor was looking to the future. I am proud that Luke Foley used his address to signal his intention on driverless cars. He could see change was coming. He had seen what South Australia and Western Australia were doing and was concerned that New South Wales was losing its way and dragging the chain. He could also see the opportunities in leading the way on driverless

vehicle technology and particularly the role of the regions. I was particularly pleased that he signalled an intention to nominate the Hunter as a perfect spot to undertake a driverless vehicle technology trial.

While this Government was focussed on shutting down the greyhound industry, Labor held a roundtable discussion in Newcastle, bringing industry, local government and the university sector together to unpack the issues and look for a way forward. It was clear that the State Government had to take the regulatory lead. There was general dismay that the New South Wales Government was not adequately responding to the issue. I am still unsure why the Government has been sitting on its hands on this issue and other pressing issues like flammable aluminium cladding. My view is that an anorexic public service, slashed beyond all recognition under this Government, is genuinely struggling to respond to these opportunities and threats. With a stasis brought on by an anorexic public service, agencies like Roads and Transport simply get swamped by the ideological excesses of this Government, like WestConnex and the northern beaches tunnel.

At our roundtable there was agreement that the wheels were turning very fast in industry and universities, yet there was a paltry response from the New South Wales Government. Regulation was desperately needed to frame the rollout of driverless vehicle technology. Trials had to operate in a clear, safe fashion, taking into account the vagaries and uncertainties of the real world; they could not operate in a bubble. While the current Premier and Treasurer were busy preparing legislation to flog off land titles systems in New South Wales, Labor was working from Opposition to lead on legislation to underpin driverless car trials in New South Wales. One thing I have gleaned as the shadow Minister for Innovation is that you cannot afford to wait for this Government to act—hence my notice to introduce a private member's bill to provide for driverless car trials in New South Wales. I also noted the positive response of some Government members.

I think many members, particularly on the backbench, are concerned over the ability of this Government to lead and deliver competently. While Labor will formally lead from 2019, we are impatient and we will take every opportunity to lead New South Wales from this side of Parliament. The Opposition has studied the Government's bill and believes it sufficiently addresses the regulatory framework required to carry out the trials. Labor's proposed bill would have mirrored legislation passed last year by the Labor South Australian Government. The Minister in her second reading speech has set out in some detail how the bill will operate. I will not iterate those aspects of the bill. Suffice to say, it allows an area to be designated, requires any trial to have sufficient insurance coverage, and ensures that the Minister can suspend or cease a trial. The Opposition believes the bill sets in place a flexible, safe and comprehensive set of rules to ensure trials in New South Wales can proceed.

I will dwell on an aspect of a bill that refers to exploring and promoting innovative transport solutions. While I support the spirit, I am concerned that this Government's innovative transport solutions largely entail massively inflated tolls for private companies. I do not believe there is impetus in this Government to push ahead with ensuring these solutions actually solve the problems we face. It is naive to believe that driverless car technologies will lead to less congestion and better, more liveable cities. In fact, if we get it wrong, we could add to the problem. If everyone is simply handing over the driving and scooting around in their own driverless vehicle, with population pressure we may end up with even more vehicles on the road.

Finally, New South Wales is lagging behind other States when it comes to this sort of technology. We need to understand that this is not just technology for technology sake and that we have to consider the jobs aspect. This issue was raised at a recent roundtable discussion as part of the NSW Labor conference where we started to unpack the opportunities, threats and challenges of these technologies. Government cannot just take sit back and let industry lead. It needs to work with industry and with the tertiary sector in addressing these issues. My fear is that the ideological blinkers of this Government will lead to inaction and a belief that industry and the market will somehow work it all out. They will not, and while we should not dictate, we should facilitate and co-operate.

I recently attended a presentation by Roy Morgan Research which, in part, looked at the potential impacts of driverless car technology. As well as benefits there were clear existential threats for many parts of the motor industry, with associated impacts on jobs. One presenter talked about the impacts of driverless vehicle technology on the motor and logistics industry as a much larger and broader version of the impact that the iPhone had on Kodak film and that downloadable movies and music had on music and video stores. The decision point has been made and now it is up to all stakeholders to respond and position themselves to deal with this new technology. Stasis was really no option. At this stage, the Government has to get behind the best and brightest in industry and in the tertiary sector and ensure research and testing can be positive for New South Wales.

When in government, Labor will not leave the research and testing component of this bill on the statutory bookshelf. We will ensure we have the policies in place to ensure that we work with industry and universities, facilitating, funding, and framing efforts in order to harness the potentials of technology and innovation, and, importantly, bring the community along on this journey. Timing is a critical part of government, and with the radical changes occurring in our university laboratories and other research facilities across the globe timing is even more critical. First mover advantage is now critical. New South Wales needs to get itself in that position on

a range of matters, including energy, education, and transport. The last six years have seen many wasted opportunities, and Labor is anxious to make sure we do not lazily trade off the jobs and industries of the future. I call on the Minister for Innovation and Better Regulation to get involved in these sorts of matters.

The Opposition supports the bill. We will continue to work with industry and universities in order to progress trials and ensure that the regions are considered, not just Sydney, as a place to conduct trials and advance this technology. The trick to better regulation in government is to know when to get out of the road and when to intervene, as well as the myriad of combinations along what I call the "regulatory continuum". Unfortunately, for too long, neoliberal governments have taken a myopic view and an ideological sledgehammer to regulation. Civil society needs regulation to be fair, productive and sustainable. The challenge is to get the balance right. When it comes to driverless vehicle technologies, the Government has simply been too slow to act. It is increasingly, and ironically in this case, pushing the autopilot button in too many areas.

Whether it is a blind allegiance to the market, laziness, or the fact that it has worn out its welcome, the Government's attitude also threatens the future prosperity of New South Wales and its place in the nation and the world as a progressive, fair and prosperous State. We are being left behind by more progressive Labor governments like those in South Australia and Western Australia. Technology brings other challenges to our society without having a government that is lagging and unresponsive and is now governing without a plan other than to stay in office. There are many pressing reasons for a change of government in 2019. Joining education, TAFE, health and sustainable natural resource management will be the renewed Labor government focus on the forward estimates as well as developing policies and working with stakeholders to ensure that New South Wales hits the lead in new and emerging technologies like driverless vehicles. This bill is a start, but much more needs to be done. The Opposition supports the bill.

Mr JAMES GRIFFIN (Manly) (19:21): I speak in support of the Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Bill 2017. This bill demonstrates that this Government has its eyes firmly planted on the future. We have a long way to go before we see driverless cars on our roads. It is not just the possibility of reduced congestion, reduced emissions or safer roads that should encourage us to explore the automated vehicle but also the new industries and jobs that such a journey towards automated cars will deliver. The bill introduces a legislative framework to allow for the trial of connected and highly and fully automated vehicles. This framework references the South Australian law to ensure consistency in the intent and outcomes sought from trialling automated vehicle technology in New South Wales. However, the framework provides some additional safeguards, including more robust insurance requirements, the ability to consider arrangements in place in other jurisdictions for trials for approval of similar trials in New South Wales, and additional penalties to deter the use of a trial vehicle outside a trial approval.

The new legislative framework will be supported through the use of the national guidelines for trialling automated vehicles in Australia, recently published by the National Transport Commission and Austroads. Until these amendments are made, highly and fully automated vehicles, including driverless vehicles, are unable to be trialled lawfully on the State's roads. The bill also provides a legislative mandate for Transport for NSW to develop policy and to facilitate research and testing for the purposes of promoting innovative transport solutions, including the testing of automated vehicles and digital technologies. Without government leadership—contrary to what we have heard from those opposite—local and global industry may not see New South Wales as the place to do business, and the opportunities that automated vehicle technologies create may not be realised to their full potential. We should be doing all we can to encourage contemporary manufacturing in Australia. Currently, the legislative framework for automated vehicles is an impediment. Leading automated car manufacturer Tesla said:

Please note that self-driving functionality is dependent upon extensive software validation and regulatory approval, which may vary widely by jurisdiction. It is not possible to know exactly when each element of the functionality described will be available, as this is highly dependent on local regulatory approval.

In November 2016 the Government launched the New South Wales Innovation Strategy to position New South Wales as an innovation leader that is more open to new ideas and approaches and capitalising on research and development to drive social and economic value. The bill will help the Government to tackle the environmental and social challenges associated with the rapid pace of automated vehicle technology arising from the deployment of automated vehicles, as trials of these vehicles will occur in a real world context. The ability to promote New South Wales as a location for trialling automated vehicle technology will boost inbound investment to this State. We must test, trial and adopt new, world-class technologies as they emerge or risk being left behind.

Transport for NSW has received expressions of interest from companies seeking approval to conduct on-road trials of automated vehicle technologies. Although there are no local manufacturers of connected and automated vehicles in New South Wales, widespread evidence shows that the introduction of these vehicles would boost the State's economic performance. Creation of new business and employment opportunities in software engineering, digital innovation, robotics and artificial intelligence, data analytics, smart infrastructure and next

generation telecommunications will be supported through the exploration of connected and automated vehicle technology. One of the purposes of the innovation strategy is to manage the transition from traditional jobs to new industries by focusing on education and training. Our approach to embedding innovation in our planning and service delivery strategies will revolutionise the way we live and work and the future of transport. This bill provides the opportunity for New South Wales to be recognised as the preferred test location for trialling automotive technologies. I commend the bill to the House.

Ms JODI McKAY (Strathfield) (19:26): In my capacity as shadow Minister for Transport and Roads, I make a contribution to debate on the Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Bill 2017. As the shadow Minister for Innovation and Better Regulation has indicated, the Opposition does not oppose this bill. I acknowledge that the Minister for Roads, Maritime and Freight is in the Chamber. I thank the Minister for her leadership on this issue. It is incumbent upon all of us to build an economy and an infrastructure network for tomorrow. Those of us on this side of the House understand that tomorrow's economy and infrastructure will be based on innovation and technology. That is why this bill is so important and why those on this side of the House support it.

The Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Bill 2017 enables the Minister for Roads, Maritime and Freight to approve trials for the testing of autonomous vehicles. This testing will be a vital first step in enabling the broader rollout of autonomous vehicles. Testing will be allowed to occur in a real-world context, where deficiencies and possible improvements can be identified before the broader rollout of autonomous vehicles. To facilitate these trials, this legislation implements the guidelines for trials of automated vehicles in Australia, which have been developed by the National Transport Commission and Austroads. This welcome reform will ensure that seamless trials can take place across different States and Territories. On behalf of the Labor Opposition, I thank the staff of the National Transport Commission and Austroads for the important work they are doing on this issue.

Importantly, this legislation explicitly states that Transport for NSW, as the lead transport agency in New South Wales, has a specific responsibility for promoting innovative transport solutions by developing policies and undertaking research and testing in this area. This welcome, albeit long overdue, reform finally recognises that innovation, science and research must lie at the heart of transport planning and infrastructure development in the coming decades. Make no mistake, autonomous vehicles have enormous potential to provide economic and social benefits to the broader community. That is why we must ensure that all levers of government are geared towards researching, embracing and ultimately implementing innovation across the transport, roads and infrastructure network.

It is estimated the automated vehicle industry could be worth up to \$90 billion, meaning the industry could create hundreds of jobs across New South Wales. This is particularly important in regional areas where unemployment is currently at extraordinarily high levels. I will have more to say about the Labor Party's plan to ensure this new industry creates regional jobs later. The automated industry is not just about creating more jobs and embracing an innovative economy; it also has a number of social benefits. Driverless cars have incredible potential to increase mobility for the elderly and people with a disability and, of course, reduce congestion on our roads to ensure people spend less time on the road and more time with their families and friends.

Perhaps most importantly, the concept has the potential to enhance road safety—an objective we must all be focusing on, given New South Wales is currently experiencing some of the highest road fatalities on record. Unfortunately, this bill before the House today is a long-awaited piece of legislation. The Labor Party, from Opposition, has led way on this legislation from the beginning. I remind the House that Labor leader Luke Foley committed to creating a regulatory environment for autonomous vehicles in his budget reply speech in 2016. While the Government has sat back on its hands doing very little, the Labor Opposition and relevant shadow Ministers have been out in the community talking to stakeholders, local councils and academics in order to make driverless cars a reality in New South Wales. This Government is following, not leading when it comes to autonomous vehicles and innovation within our economy.

Recently I held a road safety roundtable attended by transport and road academics and those representing relevant interest groups to discuss road safety policy. The need to prepare for autonomous vehicles was raised as a real and pressing issue confronting this State. Last year the Labor Party also held a driverless car roundtable in the Hunter region, led by the member for Swansea, and shadow Minister for Innovation and Better Regulation. I acknowledge the work she has done in this area and thank her for ensuring the Labor Party is at the forefront of policy in this area. We heard from the experts on autonomous vehicles, and we heard a loud and clear message from the NRMA, local council, industry and the university sector to get this done, to start the trial of automated vehicles, and to start it now. After all, we are months and months behind other States in our planning for autonomous vehicles. As the member for Swansea said, both South Australia and Victoria have been more agile in this space and are certainly reaping the benefits.

I am pleased we were able to turn our commitment into tangible outcomes. The shadow Minister for Innovation and Better Regulation gave notice of the Road Transport Amendment (Autonomous Motor Vehicles Trial) Bill 2017 in June, some two months before the Government introduced its legislation into this place. One might say we got tired of waiting for the Government to act. The private member's bill would have amended the Road Transport Act 2013 to provide for trials of autonomous vehicles. I am pleased the Labor Party was also able to announce that its bill would have established Newcastle as the first testing ground for driverless car technology, ensuring that the Hunter was at the heart of the trial of this new technology. The Labor Party's proposal shows our commitment to diversifying the Hunter economy and providing real, innovative opportunities for young people seeking to pursue a career in science and research. I am pleased the Newcastle City Council and the NRMA supported our proposal. I call on the Government to match our commitment to the people of the Hunter to deliver new jobs and investment to the region.

The Labor Party introduced the bill because, as the member for Swansea said at the time, the Government was severely dragging the chain on bringing forward this legislation. That meant New South Wales was lagging behind other States and we would continue to miss out on significant private sector investment in this space which would go to other States and Territories. I congratulate the member for Swansea on her fantastic work in this area which, more or less, shamed the Government into finally acting on this important reform. I look forward to working with her beyond 2019 to deliver the leadership on this issue that New South Wales needs.

The bill before us enables a number of mechanisms for supporting autonomous vehicles. For instance, it allows the Minister to authorise trials of highly and fully automated vehicles of any class for a period of time on any road in New South Wales. It also requires these vehicles to have the appropriate insurance. As the Labor Party's shadow Minister for Transport and shadow Minister for Roads, I will turn more broadly to the need to ensure that our road and transport network is prepared and ready for the innovation that we know will occur in the future. We did not build the Sydney Harbour Bridge to accommodate two lanes of traffic. Instead, we looked to the future and developed multi-lane infrastructure which would meet the needs of a growing, modern, global city. Just as our forebears in this place expanded their thinking back then, we must do the same today by ensuring new roads are ready and able to accommodate driverless technology and other forms of transport innovation which will be developed in the not-too-distant future.

This Government, in particular the Minister for WestConnex—better known as the Minister for Tolls—the Minister for Roads and the Minister for Transport, likes to say that they are not just building the infrastructure of today but the infrastructure of tomorrow. As good as that might sound, it is just not true, and their slow attempts to introduce this legislation proves it. Instead of being focused on the future, we are seeing the Government adopt a road infrastructure program that extrapolates the habits, technologies and assumptions of the past rather than embracing the technology of the future. When we see the likes of Uber, Google, Apple and Tesla embracing this new technology, one would think the Government would be ensuring its infrastructure program would be geared towards embracing and reaping the benefits of this technology and innovation.

Unfortunately, this Government has proved time and again that it simply does not have the foresight. I say to those opposite that they do not have to take my word for it. If they listened to the Minister for Transport and Infrastructure on the ABC recently, he was queried about the need for mega motorways given people are likely to use driverless car services rather than use their own vehicles. The Minister's response was interesting because he effectively undermined the entire approach of this Government in building roads such as WestConnex. He said:

We should be asking ourselves the question: Do we really need to be building four and five-lane motorways today when automation could completely change the thinking?

That is the Government laid bare for all to see. Its infrastructure agenda is more about politicking than delivering forward-thinking infrastructure. If that were not bad enough, it continued with the Minister for Roads who said during her second reading speech on this bill:

Emerging technology ... has the potential to revolutionise how our cities, towns and the New South Wales transport system works.

The Minister went on to say:

To shape the most customer-centric, innovative, digitally enabled transport system in the world, the Government must test, trial and adopt new, world-class technologies as they emerge.

[Time expired.]

Mr GEOFF PROVEST (Tweed) (19:37): Before I begin speaking about the bill, I will respond to some of the previous speakers, in particular, the member for Swansea. At the end of her contribution, she said that the Opposition is not opposing this bill. I would have thought that any member in this place would support business in this State as well as our public service, scientists and the wider community, rather than denigrate them and talk

them down. I was amazed to hear both the member for Swansea and the member for Strathfield criticise innovation and our universities and hardworking public servants. It is unbelievable that they would make such contributions. The member for Swansea indicated and, I believe, the member for Strathfield said that the Leader of the Opposition had spoken about this issue in an address at a recent Labor Party conference.

Ms Jodi McKay: It was in his budget reply speech.

Mr GEOFF PROVEST: As well as the budget reply speech. That is excellent that the Leader of the Opposition supports driverless cars because they perhaps would save him time appearing in court for another drink-driving charge. The bill will ensure that New South Wales has an enabling legislative framework to support the trialling of connected and highly and fully automated vehicles in New South Wales. I praise the Minister for Roads, Maritime and Freight for embracing technology and innovation and for her foresight in bringing this bill to the House. In her second reading speech she indicated that well over 90 per cent of accidents on our roads are caused by driver error. The introduction of driverless cars will lead to more and more such cars on our highways and ultimately to the end of the carnage that we see every day on our roads. The entire community should get behind this.

Connected and automated technology will not only revolutionise transport and the way we use the road network but also change how we go about our daily lives. Automated vehicles bring with them a host of promises and a wide range of benefits. This type of technology has the potential to improve safety, customer service and freight productivity and reduce congestion on the roads. The technology also could improve mobility for people with disabilities. That is a relevant factor because it will give mobility to people with disabilities in the wider community. In my electorate of Tweed I see people having to rely on others for their transport needs, and in many ways they lose a small part of their quality of life. If they were able to use autonomous vehicles to go from point A to point B it would greatly enhance their quality of life and also their contribution to the wider community.

The electorate of Tweed ranks first or second out of the State's 93 electorates for the number of constituents over the age of 65. Therefore, anything that can assist the quality of life for the elderly should be supported. Over my brief time in this place I have seen the use of mobility scooters increase—virtually every second person in my electorate is using one. The Minister for Roads, Maritime and Freight has indicated that the safety of our traffic lights will be improved by the addition of countdown meters. I know that will be popular with our elderly people and that it will greatly improve their safety.

The amendments in this bill will send a clear message to local and global industry that New South Wales is the best place to do business. I think that is already well known. For many months in a row, business confidence in this State has ranked number one in Australia. We have heard the Treasurer say many times that New South Wales business is leading the nation and it continues to do so. The opportunity to increase jobs and economic productivity, and to reduce congestion, injuries and deaths can be realised only if we all embrace this technology. Introducing this legislation is a landmark moment in this Parliament because in many years we will look back on this day and acknowledge that this is where it all started, and it started under a Liberal-Nationals Government.

This week we heard the announcement about the first shuttle bus trial in New South Wales and that the future of automated vehicles has arrived in this State. This bill and the trial both showcase the Government's vision of a technology-enabled transport future here in New South Wales. I noted an article in the *Sydney Morning Herald* a week or two ago referring to a car company in Sweden that is also proactive in the autonomous vehicle market worldwide. The company's chief scientist indicated that it has a difficulty with the Australian market in relation to the collision radar. It has been successfully writing software programs that can identify an elk, a deer, a rabbit, a fox, a cow, a sheep and many other animals. However, the computer does not seem to recognise bounding kangaroos. The company is going to great lengths to develop anti-collision software to deal with them. Members of The Nationals in particular—and I note that even though the member for Albury is a Liberal he is still a country person—know the hazard that bounding kangaroos regularly present on country roads. I wish Volvo the best of luck in finding a solution.

However, we cannot force industry to go somewhere it does not want to go; we must enable the market to go where it sees fit. I note the great work being done at the University of Sydney and at a few of the other Sydney-based universities. I have seen a fatal flaw many times in Labor's policies that follow the old socialist method: "We will tell them where to go to do business and how they can do business; we will dictate to them because we know best." That is not true and it is doomed to fail. It is evident that the economic growth this State has seen in the past six years as opposed to the previous 16 years is like chalk and cheese. Sixteen years ago we were at the bottom of the pack—we were the worst performing State in the country. Six years later we are at the top in business confidence and business investment, and we have the lowest unemployment. Ours is the only State in the black and the only State that has record capital investment and infrastructure development.

Members opposite say, "When we get into government in 2019 we will do things differently. Don't worry about the past." But history speaks for itself in that every time Labor gets into government it tries to stifle business, to dictate to business and to tell business where to go. That is wrong; it does not work in a global, a national or even a state market. Those types of businesses will go elsewhere. Business investment close to Tweed is in Queensland, which is run by a Labor Government, and in 2021 this State's GST commitment is going to pay for its public service.

TEMPORARY SPEAKER (Mr Adam Crouch): Order! I call the member for Newcastle to order for the first time.

Mr GEOFF PROVEST: Labor has no idea how to run a business or the economy. Each time Labor is in control of the economy we have a massive disaster. That is why I am proud to be on this side of the Chamber and to support the Minister in passing the Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Bill 2017. I implore the Minister to keep going—she is doing a great job. Let us see more of this type of legislation introduced in this House.

Mr TIM CRAKANTHORP (Newcastle) (19:46): I support the Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Bill 2017. Well over a year ago, in June 2016, the Leader of the Opposition in his budget reply speech said:

The Hunter can lead the way with driverless cars. Driverless cars will be with us sooner than many might think. The driverless car industry is forecast to be worth more than \$90 billion globally by 2030. This emerging technology has the potential to transform our road system—improving traffic efficiency, cutting congestion and reducing the road toll. I want New South Wales to be in on the ground floor—open for business for this exciting emerging industry.

The Leader of the Opposition went on to say:

The Hunter should become the centre of expertise for adapting and integrating driverless vehicle technology into our everyday lives. And we should be making sure that land release areas and substantial new developments are future proofed—built with support infrastructure for electric cars.

But the Leader of the Opposition also said:

Legislation should be introduced to facilitate the entry of driverless cars in New South Wales.

That is simply what our shadow Minister, the member for Swansea, said she would do by giving notice of a motion in June this year that she would be introducing a private member's bill to facilitate driverless vehicle trials. It is good to see that the Government is following suit and catching up to the Opposition in this area. As I said, the Leader of the Opposition sought to progress this issue more than 12 months ago. I first held a transport roundtable in May 2016 in Newcastle at which Dr Gary Ellem talked about driverless cars and the opportunities for the Hunter to test-drive these vehicles. Not long after that the Leader of the Opposition gave his budget reply speech, and then the shadow Minister for Innovation and Better Regulation held another roundtable on driverless cars in Newcastle in August 2016.

The bill provides for the Minister for Roads, Maritime and Freight to authorise trials by ministerial order in the *Government Gazette*. I hope that the Minister looks to the Hunter when authorising such trials. Mr Scot MacDonald, the Parliamentary Secretary for Planning, the Central Coast and the Hunter and former deputy chair of the Staysafe committee, has previously backed the idea of conducting a driverless car trial in Newcastle. He thought the Hunter would be a good petri dish for the introduction of this technology. He said that it is difficult in environments like Sydney or Melbourne, which are densely populated and which have heavy traffic, and that we need to look at Newcastle or Wollongong. Newcastle and the Hunter region could build up some expertise and skills in a space that economies around the world are pursuing.

I support suggestions that Newcastle and the Hunter should be central to the testing of this new technology. Former Premier Baird said he was happy to work with Labor on driverless car technology, and we welcome that. The bill also has the backing of Newcastle City Council, which has sought to attract new industries to the city in response to what could perhaps be a flagging traditional manufacturing sector. The council has released its Smart City strategy, which outlines a plan for the city to transition from its industrial roots to a more diverse, knowledge-based economy.

The Lord Mayor of Newcastle, Nuatali Nemes, said the council was reinventing the city and that initiatives like the \$17.8 million digital precinct would provide the wireless platform for innovation like driverless cars, further economic growth and jobs of the future for this region. Car manufacturers and Silicon Valley companies like Google are investing heavily in autonomous vehicle technology. While Australia is lagging behind, it is not too late to get in on the action, and I am very glad that the bill is now before the House. We have the potential to become a global testing and innovation hub for automated vehicles. The National Transport Commission Chief Executive, Paul Retter, certainly endorses that.

The NRMA has also identified Newcastle as a prime location to test driverless cars. The Newcastle and Hunter area has a lot of support from industry leaders and people well placed in this industry. There is a push to transform Newcastle into a living laboratory for the burgeoning driverless car industry. That is gaining momentum with a coalition of Hunter academic groups and businesses looking to bring this billion-dollar industry to the Hunter. Driverless car evangelist Garry Ellem, program manager for future industries at the University of Newcastle's Tom Farrell Institute, and a consortium of key Hunter players have joined forces to seek approval for a project. That consortium includes the University of Newcastle, Newcastle City Council, Newcastle Now and Hunter Digital Innovation Growth Industry Taskforce [DiGiT]. They have lodged an expression of interest with the State Government's Smart Innovation Centre to establish AUTON—the Agile Urban Transport Open Network. Dr Ellem said:

We'd say, if you want to use the city as a test bed ... come and join this open network.

We're trying to make it easy for people to invest.

We in the Hunter believe that we are perfectly placed to be a national hub for the clean technology industry and we could lead the way with driverless cars. As with research and development in clean energy and battery storage, the Hunter can also lead the way with driverless cars. I commend the bill to the House.

Mr GREG APLIN (Albury) (19:53): I am very pleased to speak today in support of the Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Bill 2017. As chair of the Parliament's Joint Standing Committee on Road Safety, or the Staysafe committee as it is best known, I was pleased to speak on 13 October 2016 to the committee's report on driverless vehicles and road safety in New South Wales. Significantly and despite the purported interest in driverless cars expressed by the member for Newcastle and his party, I note that the Labor Party did not make a submission to that inquiry. The committee's report recommended a national regulatory framework for the deployment of automated vehicle technology, that New South Wales lay out clear conditions for the trialling and testing of the technology on our roads, and the examination of the many social and economic issues that flow from the introduction of this technology.

I was pleased to hear the Minister acknowledge the committee's report in her second reading speech, and even more pleased to hear her outline how the Government is bringing the recommendations to fruition. If anyone doubts the value of the parliamentary committee process in influencing government, this is a fine example of committee work providing a body of evidence to assist in shaping and informing good policy and innovation. As the Minister said, New South Wales is continuing to work with the National Transport Commission and Austroads to ensure that we have a national regulatory framework for the deployment of automated vehicle technology. As the member for Albury I am well aware of what can happen when the States do not recognise the importance of cooperating in the national interest. Separate railway gauges, like those which met in Albury, held back our national prosperity for decades.

The prospect of automated vehicles being unable to operate across State borders due to incompatible regulations is too ridiculous to contemplate. Yet that is the situation in the United States of America. In States like California the Google car and others are setting the international pace for developing this technology, while in other States innovators are fined for operating driverless cars. Only now are America's national regulators realising the importance of the policy and legislative settings that Australia's far-sighted regulators are making happen. This legislation will allow the existing trials being undertaken in New South Wales to expand and for automotive manufacturers and start-ups to invest in New South Wales with confidence. Automated vehicles are already on our roads. Several manufacturers already offer cars which combine active cruise control, automatic braking, lane and proximity warnings, and other features which theoretically allow hands-free motorway driving.

During the Staysafe committee's inquiry we examined the Cooperative Intelligent Transport Initiative in the Illawarra, where connected infrastructure is being trialled to allow heavy vehicles to travel more efficiently by employing advanced warning of collisions, congestion, heavy braking, signal phasing and traffic. As the Minister said, the Illawarra project is the biggest trial of connected automated vehicle technology in the world. A driverless shuttle bus, first trialled in Europe, has been deployed in Perth and will shortly commence operation at Olympic Park so that we can test its capabilities. Automated vehicles and driverless technology are at the forefront of software engineering, digital design, robotics and artificial intelligence, and smart and connected infrastructure. These trials will bring to New South Wales the research and design expertise we will need to deploy the technology and to identify and to address the social and economic implications we are only just beginning to see clearly.

Driverless vehicles will change the way we live and work. They will allow the young, the elderly and the disabled to regain their mobility. They will convert travel time to useful time, be it for production, education or just plain relaxation. They will change the way we build and use roads, and the way we build and operate public transport. They will change the way we deliver goods and move freight, both in cities and over long distances. They will change the way we use land and how we organise our cities and our regions. Most importantly, driverless

cars will alter the human equation in road crashes and fatalities forever. There will be costs; the logistics are complex and the changes profound, but the benefits will be beyond calculation. I thank the Minister for her consideration of the Staysafe committee's report. This legislation and the trials it green-lights are an essential first step for getting this technology rolling. I commend the bill to the House.

Ms KATE WASHINGTON (Port Stephens) (19:58): I make a contribution to debate on the Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Bill 2017. From the outset, I add my voice in support of trials of driverless cars and this legislation, which will enable that to happen. As shadow Minister for the Hunter, I take this opportunity to place on record that the Hunter is well placed to become a leader in this industry. The Hunter has a proud history of innovation in manufacturing. We also have a collaborative approach to research from sectors including industry and local government. The Hunter also has a growing city which encompasses suburban, rural and regional areas and which has a variety of traffic situations that could be used to test autonomous vehicles. We are also fortunate not to experience the constant gridlock that occurs in Sydney, thus providing a useful balance in which to trial autonomous vehicles.

Last year my Hunter colleagues and I participated in a roundtable discussion in Newcastle, facilitated by my colleague with carriage of the bill on behalf of the Opposition, the member for Swansea. The Leader of the Opposition joined me and my Hunter colleagues to discuss the possibility of the driverless car industry and its trials occurring in the Hunter. Joining us were representatives from industry, the University of Newcastle and local government. There was general consensus around the table that the Hunter had the goods and that it was about time the State Government seized the opportunity to become a player in this important industry. It was noted that South Australian and West Australian governments had already made the legislative changes to attract and support the industry in those States. While the other States were laying down the carpet, New South Wales was sitting on its hands, watching economic opportunities flow elsewhere.

In his budget in reply speech more than a year ago, the Leader of the Opposition referred to creating a regulatory framework for supporting autonomous vehicles in New South Wales. We have yet another example of the Government following policy that we on this side of the House are developing. Despite having far fewer resources, the Labor Opposition is leading this Government toward good policy that supports economic growth and local jobs. Hopefully we will see those benefits extended to the regions, particularly the Hunter. The shadow Minister for Innovation and Better Regulation also gave notice of a bill proposing exactly what the Government is presenting today.

The Hunter has a solid manufacturing industry, and businesses such as the Varley Group in my electorate of Port Stephens already produce specialist vehicles, including electric cars. I would love to see autonomous vehicles not only trialled in the Hunter but also built there, and if not the vehicles, the technology that supports autonomous vehicles, such as simulators and the signalling that speaks to driverless cars. With the strong aerospace industry growing in the Hunter at the Williamstown Royal Australian Air Force base, we are well placed to support the technological advances that will be needed to support driverless car trials. Our local manufacturers are well positioned to leverage their experience in the aerospace industry and the resource sector to integrate new technological capacities into existing manufacturing centres located in the Hunter.

The Hunter is also home to a growing start-up culture. The lower set-up costs and lower costs of living attract entrepreneurs who cannot afford set-up costs in Sydney. Having an existing base of talent and skills will be an invaluable contribution to the trial of autonomous vehicles. Support from other levels of government will also be important. Newcastle City Council has expressed its support to be involved in any trial. It is already trialling smart technology in on-street parking sensors and wi-fi enabled street lighting. I look forward to the results of any trial of autonomous vehicles and the possibilities that this technology could lead to in transport, freight, health care and aged care. There are many possibilities in this space in the years to come.

I am not blind to the impact that changes in technology can have on our society, particularly our economy and especially our workers. Whilst governments must regulate new technology, they must also support workers impacted by technological change and the disruptions it presents. One of the largest economic disruptions in the Hunter region was the closure of the BHP steelworks. Members opposite were happy to ignore it, sitting back and letting the economic wave crash over them, but the residents of the Hunter were fortunate to have a State Labor government that supported workers during that difficult time by promoting retraining opportunities and funding infrastructure to support new jobs.

When digital disrupter Airtasker was shown to be paying below award rates it was not this Government that stepped in to protect low-paid workers. Unions NSW negotiated an outcome with the company that protected the workers' rights. Far from being opposed to technology as suggested by the member for Tweed in his less than illuminating contribution to this debate, the Opposition has led this debate on autonomous vehicles. Labor raised autonomous vehicles in this place last year and gave notice of a bill to do exactly what the Government is proposing today. We have been urging this Government, as has been industry and the universities, to play catch-

up with the other States. We want to be leaders, and it will take some work to get there. I look forward to New South Wales, in particular the Hunter, leading the way on autonomous vehicle trials and supporting its technology and manufacturing. I commend the bill to the House.

Ms ELENI PETINOS (Miranda) (20:05): I support the Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Bill 2017. The bill amends the Road Transport Act 2013 to provide for automated vehicle trials and to amend the Transport Administration Act 1988 with respect to the functions of Transport for New South Wales. The main purpose of the bill is to establish a new legal framework that will permit the Minister for Roads, Maritime and Freight, the Hon. Melinda Pavey, who I acknowledge is in the Chamber, to approve trials for the safe testing of connected and highly and fully automated vehicles on roads in New South Wales. The trials will provide opportunities to learn about the technology in a real-world context prior to the introduction of these vehicles to the market. The bill also provides that it is a function of Transport for New South Wales to promote innovative transport solutions by developing policy settings that facilitate research and testing.

I will highlight certain elements in support of the bill. In 40 years the population of New South Wales is forecast to increase to 11.2 million, which is approximately 50 per cent more people than we have today. Alongside this growth is the ageing of our population. We must stay ahead of the game and driverless technology is part of that strategy. First, we must understand how best to make it work. As part of our future transport program, we are building new infrastructure, but we are also looking at smarter systems and technology-driven solutions to cope with demand. Throughout history humans have used technology to help solve our transport problems, whether it be a bicycle or an aeroplane. Driverless and automated technology is now emerging with its own promises to transform the way we travel.

Automated vehicles bring a host of promises and wide-ranging benefits. This type of technology has the potential to improve safety, customer service, freight productivity, and to reduce congestion on our roads. The technology could also improve mobility for people with disabilities and create greater social inclusion for the elderly and those in isolated communities. With all the potential that automated technology brings to transform the way we travel, it also possesses new questions concerning safety, which must be answered, including by government, industry and the wider community.

It is often said that 90 per cent of crashes involve human error. Autonomous vehicles provide us with the unique opportunity to limit, if not eliminate, that error and to reduce the road toll. This emerging technology has the potential not only to make regional roads safer but also to transform the lives of those who live in rural and regional New South Wales. Fully automated vehicles have the potential to break down social isolation in rural communities by improving the safety of farmers and their families who commute long distances to attend school, visit family or to go about doing the basic things that we take for granted in our cities. Embracing technology and innovation has proven to open up vast opportunities in areas other than transport. It has revolutionised the way we live, work and play. It influences our daily lives.

The ultimate goal of this trial is to find the best way to harness the next generation of driverless technology and how to make it work for New South Wales while also answering questions about how it can improve the safety and efficiency of our transport system. This bill sends a clear message to local and global industry that New South Wales is the best place to do business. It will remove barriers, thus opening the way for industry to bring business to New South Wales so that we can test technology safely in a real-world context.

The potential for increased jobs and economic productivity can only be realised by this next step in the journey. Given the benefits previously mentioned that connected and automated vehicle technology could provide to New South Wales, the Government has established the Smart Innovation Centre to bring together government, industry, and academia to apply a "test and learn" approach to these new and emerging technologies. However, I also point out that the trial is not only about automated vehicles; it is also about connectivity. We want to use the trial to help develop the systems that will enable automated vehicles to be connected to our infrastructure, such as traffic lights, and to our customers through their devices and applications. Therefore, the trial is about developing emerging technology to help facilitate modern transport solutions that meet the needs of our growing population.

While the trial is a first for New South Wales and a first for our Smart Innovation Centre, in 2016 I was involved in the Staysafe Committee Inquiry into Driverless Vehicles and Road Safety in New South Wales. The committee made three key recommendations, two of which I will share with members in greater detail. The committee recommended that a national regulatory framework is required for the successful introduction of the technology. However, pending the introduction of a national framework, the committee recommended that the New South Wales Government publish a clear statement outlining the terms and conditions for conducting trials of automated vehicles on New South Wales roads, or adopt a code of practice based on the current regulatory and policy settings for governing the deployment of the technology in New South Wales.

The committee also recommended that the New South Wales Government take measures to identify the economic and social impacts of the deployment of automated vehicles. Our State is a diverse one, and it is hoped that the trial will help us better understand the capabilities as well as the limitations of this technology in our unique regional environment, how it works with our statewide infrastructure, and the benefits that it will provide for the safety and mobility for all of New South Wales, not just in our growing cities. As part of an extended plan, we are developing a road map to trial in different locations using different technologies and vehicles, to explore their use in a range of conditions and environments. Once testing is complete at the armory, the trial will be extended to public use. Office workers at Sydney Olympic Park are expected to be using the automated shuttle next year, becoming the first to test-ride this new technology before it is tested on our roads.

We want to see how people will interact with the vehicle and see how it works as a new option to integrate into the transport network. I look forward to seeing this trial progress and to sharing our discoveries with the people of New South Wales. There is still some way to go before automated vehicles become commonplace on our roads, but as a Government we are ready to take the next step, and from here all sorts of possibilities open up for transport, roads and freight in our State. Finally, seeing the shuttle and the trial in action demonstrates how hard this Government is working at implementing a connected future for the people of New South Wales. I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) (20:12): I speak in debate on the Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Bill 2017. The bill follows notice of a motion by the shadow Minister for Innovation and Better Regulation to introduce a private member's bill in June 2017 to facilitate driverless vehicle trials. This came forward as a result of lengthy consultation with key industry and community stakeholders, and was also mentioned in the Opposition leader's budget reply speech in 2016-17. It is good to see the Government taking a sensible lead from the Opposition. The future is now.

Jesting aside, the bill will, in essence, establish the legislative framework necessary to allow the Minister for Roads, Maritime and Freight to approve trials for the safety testing of connected and highly and fully automated vehicles on New South Wales roads. The bill also states that it is a function of Transport for NSW to promote innovative transport solutions by developing policies and undertaking research and testing. Driverless technology has come a long way since I first witnessed it in documentaries such as *The Jetsons*, *Total Recall*, and *Knight Rider*. In 2016 the Australian transport Ministers agreed that the National Transport Commission [NTC] should progress a phased reform program over the following two years. The bill will also reflect the national trial guidelines published by the NTC and Austroads in May 2017.

The program will ensure that conditionally automated vehicles can operate on Australian roads before 2020, and highly and fully automated vehicles from 2020. Following the inception of this bill, the Minister for Roads, Maritime and Freight will have the ability to authorise trials by ministerial order in the *Government Gazette*, as well as the power to suspend and cancel trials as necessary. While the scope of the bill does not envisage large-scale deployment, it does have the flexibility for the Minister to permit a single vehicle or class of vehicles to operate under trial conditions for a period on any New South Wales road. The bill also stipulates that trial vehicles need to have the appropriate insurance coverage. Should any trials need to operate across borders, the appropriate provisions have been put in place to allow for this to occur. The assessment of trial applications will be carried out by the Smart Innovation Centre within Transport for NSW, consulting key stakeholders such as Roads and Maritime Services, NSW Police Force, and the Minister responsible for the Motor Accidents Injuries Act 2017.

This legislation takes an important step forward as New South Wales strives to keep up with the ever-evolving and advancing technologies and the benefits they can have for our communities. The National Roads and Motorists' Association has indicated clearly that it fully supports the advancement of driverless cars and would like to work with government and the various key stakeholders moving forward. NSW Labor's driverless car round table, which took place last year, helped to solidify this stance through council, industry and the university sector. Support for this technology and advancement is growing far and wide. There is still much work to be done, but the road ahead looks bright for us all. This legislation is just the first step forward to making these concepts a reality in New South Wales. As Opposition members and the shadow Minister have indicated, we will not oppose the bill.

Mr JONATHAN O'DEA (Davidson) (20:17): I speak in debate on the Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Bill 2017. I acknowledge and commend the Minister for Roads, Maritime and Freight for introducing the bill. I also commend the Parliamentary Secretary, the member for Kiama, who gave a very good private member's statement about driverless vehicles in November 2015. I remember his speech because I responded to it as Parliamentary Secretary at the table. In my response I also acknowledged the importance of rising to the regulatory challenge associated with the advent of this important innovation, and I said we needed to treat it seriously.

I mention that statement by the member for Kiama in part to dispel the myth that is being perpetrated by members opposite that Labor has led this debate because the Leader of the Opposition mentioned the issue in his budget reply speech in the middle of last year and because the shadow Minister foreshadowed it through a notice of motion, not tabled legislation. The truth is far from Labor's myth. In addition to the issue of driverless cars being on the global agenda for a number of years, it was raised, as best as I can remember, by the member for Kiama in November 2015. It was then raised in the context of the Staysafe Committee. I note the chair of that committee pointed out Labor did not even bother making a submission to that inquiry. Furthermore, giving notice of the intention to introduce a private member's bill in June this year is hardly tantamount to making a major contribution to the debate.

I am still waiting to hear what the proposals of those opposite are. They have tabled nothing. If they can come up with any suggested improvements they should provide them because we are a government that listens. Where are their suggestions? Where are the constructive, positive contributions from those opposite? We have heard nothing like that; we have only heard them trying to take credit for a bill that this Minister has brought to the House. We welcome the support of those opposite for the legislation but they should stop kidding themselves. It is offensive to say that they are leading this debate.

Mr Nick Lalich: We are supporting you.

Mr JONATHAN O'DEA: That support is welcome, but please do not carry on with furphies and myths perpetrated in a purely self-interested, politicised attempt to try to take credit that is not due.

Mr Nick Lalich: Move on, Jonathan.

Mr JONATHAN O'DEA: I will move on. Current predictions show that fully automated vehicles will be on the market between 2020 and 2025. Indeed, by 2030 a person might be a controlling passenger in their own private, self-driving car and potentially a complete passenger in a robo taxi or bus type of vehicle. In November 2016 the Australian transport Ministers agreed that the National Transport Commission should progress a reform program over the next couple of years to allow automated vehicles to operate conditionally on Australian roads before 2020, and highly and fully automated vehicles from 2020. New South Wales will soon be following the lead of South Australia and Western Australia in introducing the legal framework to allow the trial of safe testing of highly and fully automated vehicles on New South Wales roads.

In June 2016 the South Australian Parliament enacted the Motor Vehicles (Trials of Automotive Technologies) Amendment Bill 2016 and became the first State to allow on-road trials of driverless vehicles. Western Australia then became the first State to conduct an automated vehicle trial. In 2016, with the support of the Western Australian Government, the Royal Automobile Club of Western Australia began trialling a driverless, fully electric shuttle bus at its driving centre. It is now trialling the Intellibus, a level four automated vehicle, along the foreshore of South Perth. A level four vehicle requires someone on board to be ready to take the controls if necessary. I understand that the controls are similar to a gaming console.

This Government wants to push New South Wales to the forefront of this new technology, not only to benefit from its convenience and safety benefits but also to generate related business and jobs. To do this we need to make legislative changes fairly promptly. The Government needs and wants to project a legislatively prepared business environment in order for car and automotive parts manufacturers, and robotics and information technology software companies, to bring their business to New South Wales. The introduction of such vehicles to our roads will create new business opportunities and boost employment opportunities within and around this technologically innovative industry. New South Wales wants to show that we are open for this business. And that is what we are doing.

In developing these amendments, New South Wales has referenced the South Australia law. Additionally, the legislation provides for insurance consideration, allows for trials in other jurisdictions and legislates for additional penalties for the use of trial vehicles without trial approval. These are important additions that should help to contribute to a national framework across State jurisdictions. The bill also allows Transport for NSW to promote innovative transport solutions by creating and developing policy settings that encourage and facilitate the research and testing of new transport options. This is vital for attracting related business opportunities to our State. As we have heard already, the introduction of automated vehicles will potentially bring substantial benefits to users of our roads, including improved road safety, increased freight productivity, congestion reduction and wider transport options for disabled and frail people. It will also provide another transport option for those travelling to family, schools and medical facilities in regional areas.

The proposed amendments are just the beginning of the legislative changes needed to fully legalise the use of automated vehicles on our roads in the future. They allow for the trialling of only a limited number of types of driverless vehicles to investigate safety concerns and for insurance provisions under trial situations. These are

small but important legislative steps for the future. It should be remembered that Australia pioneered the use of driverless trucks at large mining operations. These driverless trucks operate in a highly controlled environment on private roads but also interact with other vehicles, including vehicles driven by humans. Mainstream driverless trucks are now being tested around the world. In 2016 Daimler tested on German roads and it is currently testing on roads in the United States of America.

As the Minister for Roads, Maritime and Freight said, New South Wales is leading the world in trialling connected and automated vehicle technology with the Cooperative Intelligent Transport Initiative [CITI] at a testing facility in the Illawarra—the largest testing facility in the Southern Hemisphere. The CITI enables vehicles to communicate with other vehicles and infrastructure, such as traffic signals, which are fitted with the same system. This enables drivers to receive alerts about upcoming hazards that could potentially cause a crash. This research is vital for the long-term safety prospects of automated vehicles and keeps New South Wales at the forefront of accident-aversion technology. However, the rest of the world is potentially edging in front with respect to legalising both the trialling and use of self-driving vehicles on public roads. We need to address this.

Germany has already broadly legalised self-driving cars. Under its new law, a driver must be sitting behind the wheel at all times—level three—and must be able to regain control if and when prompted by the autonomous vehicle. A black box also needs to be fitted to the car to apportion blame appropriately in an accident, primarily for insurance purposes. Daimler, Car2Go and Bosch are planning the introduction of automated valet parking. This will enable people to drive to a shopping centre entrance and then let their car self-park in a designated area. In the United States a new proposal currently being developed will allow auto makers to deploy 100,000 self-driving vehicles by avoiding restrictive state-based regulations. It is hoped that this will encourage the development of automated cars and greatly enhance mobility opportunities across the country, otherwise the threat is it will move elsewhere.

There is similar concern in New South Wales if this legislation is not passed—although it appears that with the support of those opposite it will be. New South Wales needs to position itself at the forefront of this new technology, particularly in the Asia-Pacific region. The Singapore Government has already been trialling autonomous vehicles on public roads and Japan aims to have self-driving taxis operational at the 2020 Tokyo Olympics. In November last year South Korea introduced laws to allow autonomous cars to be test driven on public roads and recently released plans to build an 88-acre site for the largest test bed for autonomous driving in the world. The push for automated vehicles tends to be more urgent in countries that need transport to and from public transport hubs. Australia certainly fits that model.

That makes it even more important for New South Wales to be ready for this innovative technology and to ensure all legislative barriers are removed as soon as possible. This will enable us to go full steam ahead. Emerging technologies have the potential to revolutionise our transport systems. The New South Wales Government needs to be able to test, trial and adopt these innovative technologies as soon as they burst onto the global transport scene. Not only will New South Wales benefit from the business generated by their introduction but also they could solve many transport headaches prevalent in Sydney and in regional areas of New South Wales. I commend the bill to the House.

TEMPORARY SPEAKER (Mr Lee Evans): Before I call the member for Cabramatta, I welcome Michael Medway to the public gallery.

Mr NICK LALICH (Cabramatta) (20:28): I contribute to debate on the Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Bill 2017. I formerly served on the Joint Committee for Road Safety, the Staysafe Committee, which looked into the possible introduction of driverless vehicles on our roads. Stakeholders have already publicly stated their broad support for driverless vehicles and the benefits that this technology may bring. NRMA Chief Executive Officer Rohan Lund has said publicly that driverless cars could become part of the solution to the State's road toll. Mr Lund pointed out that the greatest successes in reducing the road toll have coincided with significant enhancements in technology such as seatbelts, airbags and electronic stability control. About a month ago I had the opportunity to drive a vehicle with quite a few of those technologies.

Mrs Melinda Pavey: Did you keep your hands on the wheel?

Mr NICK LALICH: I was not game enough. I trusted the vehicle but I was not going to take my hands off the wheel.

Mrs Melinda Pavey: Good boy.

Mr NICK LALICH: But next time I drive it I probably will. The greatest thing about that vehicle was its automated braking system. I was driving down the highway at 80 kilometres an hour but I was unable to move to either the left-hand or the right-hand lane when I was nearing the truck in front of me. When I was about 20 to

30 metres behind the truck I felt the car pulling up. I realised that the automatic braking was pulling me up, which was terrific. I know it is not new technology to have lights on the side mirrors that illuminate to let you know when a vehicle is in close proximity, especially in your blind spot, but this vehicle not only had the lights to let you know there was a vehicle nearby; it would not let you turn. Even if you did not see the vehicle and you wanted to overtake, the automatic driving would not let you move into the left or the right lane. That is a great safety feature, and the sooner we can get that technology into all cars the better.

The other advancement was the high beam and low beam function. When driving at night the lights will drop from high beam to low beam when a car approaches and then revert to high beam when it has passed. If you catch up to a vehicle the lights will dim when you get within 50 or 60 metres of it. I thought that was terrific technology, and the sooner a lot of it is compulsory on vehicles the safer our roads will be. The NRMA report "Accelerating our Smart Transport Future" outlined the road map for the Government and the private sector to ensure that Australia reaps the extensive benefits of fast-approaching mobility technology, which includes the driverless car. There have been suggestions that fully driverless car technology has the enormous potential to reduce road fatalities and injuries by up to 90 per cent. Other benefits include the better utilisation of road space and a reduction in congestion and the number of accidents on our roads. There are also the benefits that driverless cars will have for elderly Australians with limited mobility and eyesight, as well as those living with disabilities.

Mr Lund says that the potential benefits of driverless cars dwarf any technological advancements seen before and that their impact will be more pronounced in regional and rural New South Wales, where transport options are few and far between, and particularly for people who face mobility challenges. The Opposition has been in favour of driverless car trials since the 2016-17 budget response, more than 12 months ago, recognising the need to embrace the latest technology for the benefit of the people of New South Wales. The bill establishes a legal framework that will allow the Minister for Roads, Maritime and Freight to approve trials for the safe testing of connected and highly and fully automated vehicles on New South Wales roads.

The bill also states that it is a function of Transport for NSW to promote innovative transport solutions by developing policies and undertaking research and testing. Trials for driverless vehicles will be authorised by ministerial order in the *Government Gazette* by the Minister for Roads, Maritime and Freight. The bill also gives the Minister the relevant powers to cancel or suspend such trials. The assessment of trial applications will be carried out by the Smart Innovation Centre within Transport for NSW, in consultation with key stakeholders such as Roads and Maritime Services, NSW Police Force and the Minister responsible for the Motor Accident Injuries Act 2017. Semi-autonomous vehicles are already on our roads. Vehicle manufacturers are already responding to the market's demand for audiovisual technology by deploying technology within the existing licensing and safety regulations. We need not only to keep up with the technological advancements of such an important industry but also to get ahead of it. The Opposition does not oppose the bill.

Mr ADAM CROUCH (Terrigal) (20:33): I speak in full support of the Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Bill 2017 introduced by the Minister for Roads, Maritime and Freight, who has been in the Chamber for the entire debate. I pay credit to her for having to listen to some of the comments made, especially by the member for Swansea. In June 2016 the Staysafe Committee held a public hearing about this issue. I had the privilege of taking part in that hearing, as did the member for Cabramatta, the member for Miranda and the member for Albury, who summed it up quite eloquently. I also pay tribute to the member for Davidson, who highlighted the fact that a member can give a notice of motion about introducing a bill but produce no detail and no bill. That is typical of the New South Wales Labor Party. I note that the Opposition will not oppose the bill, and well it should not. The reality is that those opposite had a perfect opportunity in June 2016 to put any so-called details before the Staysafe Committee.

That is a great example of how the committee structure works so well in the New South Wales Parliament. We held the parliamentary inquiry and conducted offsite visits to companies such as Volvo to see the fantastic driverless technology that is being rolled out. The member for Swansea and others spoke about having round tables, but at no point did they bring that information back to Parliament. They had the perfect opportunity to do that in June 2016. Again, we hear just hollow words from those opposite. They talk in this place about how they are leading the way, but the reality is they are followers. This Government is leading the way in New South Wales. We have turned the economy around, we have turned the State around, after 16 years of chronic mismanagement. Now we see the Government and the Minister leading the way on driverless technology. I was proud to see the hard work of the Staysafe Committee put into practice by the Minister in this excellent bill.

My contribution will be brief. Obviously the bill supports the Government's strategy for the future delivery of transport in New South Wales. Importantly, the bill removes barriers and permits controlled trials of highly and fully automated vehicles, including driverless vehicles. International standards classify automated driving into six levels, from no automation through to level five, which is full automation where the system performs all aspects of driving. Level two vehicles are partially automated, allowing the system to steer and

accelerate/decelerate but the human driver performs all other aspects of driving. These vehicles are already operating legally on New South Wales roads, as most people have semi-automated cars with adaptive cruise control and other different safety measures. I must say that being part of the Staysafe Committee and witnessing the rapid advancement in driverless technology was incredibly enlightening. It is a credit to the legislation that it gives the Minister the ability to move just as quickly as the technology that is evolving in this sphere.

Level three is conditional automation. These are vehicles where the system performs all aspects of driving and the human driver intervenes when requested to do so. At level four, which is high automation, the system performs all aspects of the driving task, even if the human driver does not intervene when requested to do so. The industry expects that by 2020—it is not that far away; just after the next State election—vehicles with level three automation will be available commercially in Australia. I will sum up by saying that this is a very good bill. I am pleased to see that the recommendations of the Staysafe Committee were taken on board. We held the inquiry in June. We tabled our findings in October and the Government came back with its responses. The Minister for Roads, Maritime and Freight was then the temporary speaker in the chair on 13 October, when we discussed these issues. In the short space of time between October and now, she has introduced legislation to address the issues that the Staysafe Committee brought up during its hearing. Once again, I congratulate the Minister. This is very good legislation, and I commend it to the House.

Mrs MELINDA PAVEY (Oxley—Minister for Roads, Maritime and Freight) (20:37): In reply: What great contributions to debate on the Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Bill 2017 from members across the Chamber. I particularly acknowledge the member for Manly and the member for Tweed, who made an illuminating contribution. I also highlight members of the parliamentary Staysafe Committee, whose contributions were invaluable because of their involvement in and knowledge of this process. I refer, of course, to the member for Albury, the member for Terrigal and the member for Miranda. I also congratulate the member for Davidson on his exciting and accurate contribution.

From the other members opposite it was surprising to hear, after the tone of the first contribution of the shadow spokesperson for Innovation and Better Regulation, that they supported the bill. I acknowledge the contribution of the member for Swansea, but I warn her that a notice of motion does not a bill make. Also, having a roundtable on a worldwide innovation and revolution does not mean you are leading the debate in New South Wales, Australia or the world. I also acknowledge the contributions from the member for Strathfield—which was a little bit more cooperative—the member for Newcastle, the member for Port Stephens, a very positive contribution from the member for Fairfield, and the member for Cabramatta.

This is not a race to the top or to the bottom. This is a genuine collaboration to ensure that New South Wales is at the leading edge—and we are at the leading edge. It is not a competition to be the first. We have collaborated with the National Transport Commission. We have taken a leadership role in New South Wales, and not so we can say we were the first to the legislation. We have collaborated with other worldwide partners across the world and we have collaborated with other States. We are collaborating with the University of Sydney and we cannot wait for other collaborations to occur, such as with the University of Newcastle and any other university sector within New South Wales, particularly in the regional space which we are very focused on.

To reap the benefits of this legislation and this technology the Government has to be the enabler, not the teller. That is the difference between what we are doing collaboratively and the suggestion of the member for Swansea that we have to be telling industry what to do. The idea that industry is the enemy is not in our DNA. We believe the Government has to enable industry and the university sector to be the very best in this technology so that New South Wales can lead from an appropriate point—and we are leading. Part of this journey has been the excitement in looking at what the University of Sydney is doing in the field of automation, whether it is on farm or in freight, and what it is planning in moving people around the University of Sydney. Whether through our partnership with Telstra, NRMA and HMI Technologies or through our innovation sector, we are in the right place and we are heading in the right direction.

This bill represents a very exciting part of our Government's future transport strategy. The Government has been taking a lead on technology in this State. My colleague the Minister for Transport and Infrastructure held the first Future Transport Summit last year, welcoming more than 500 guests and providing an opportunity for input from industry, leaders and customers. As I mentioned, just last Wednesday we launched the first automated shuttle trial in New South Wales at Newington Armoury, alongside our industry partners HMI Technologies, NRMA, Telstra, IAG and Sydney Olympic Park Authority. This will be the first of many trials of automated vehicles that will enable new transport technologies and options for rural and regional communities as well as for metropolitan areas.

My colleagues and those opposite have spoken at length about the opportunities for New South Wales with this bill. As a regional member I am particularly excited about focusing more on connecting regional cities to surrounding regional towns and centres so that we can improve the amenity of our communities and make life

easier for those living there. I thank those opposite for supporting the bill. But, as I said, a notice of motion does not a bill make. These amendments will establish a new legal framework that will permit the Minister for Roads, Maritime and Freight to approve trials for the safe testing of highly and fully connected and automated vehicle technology on New South Wales roads, and will provide that it is a function of Transport for NSW to promote innovative transport solutions by developing policy and facilitating research and testing.

I refer to a comment made by the member for Swansea in downplaying the capacity and ability of our transport and roads public servants to do a great job. She made some suggestion that they were anorexic. Members of this House would just need to look across the Chamber—they are not anorexic. They are talented, brilliant people who are doing a great job on this front and, at the same time, they are doing amazing work catching up on 16 years of inaction on infrastructure in New South Wales, whether it is the South West Rail Link, the north west rail, the light rail in Sydney, new XPT trains, the Pacific Highway, the Princes Highway, WestConnex, or all these wonderful projects that the team within Transport for NSW is working on.

Ms Trish Doyle: You sacked most of them.

Mrs MELINDA PAVEY: That is an outrageous, stupid thing to say. We have absolute contributors here tonight. In fact, they are so well supported I give a special thank you and wave to Cheryl Richey, who has been instrumental in developing this legislation. Cheryl is watching from her holiday in Noosa. Thank you very, very much. You are an amazing lady and have made an amazing contribution. In the Chamber we have Gavin Crouch, Sergio Pavlovic and Anthony Wing. They are amazing contributors to our State in developing this legislation as well as being part of an enormous team delivering infrastructure. This Government can walk and chew gum. We are delivering. I am proud to commend the bill to the House.

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

Motion agreed to.

Third Reading

Mrs MELINDA PAVEY: I move:

That this bill be now read a third time.

Motion agreed to.

JUSTICE LEGISLATION AMENDMENT BILL 2017

Returned

TEMPORARY SPEAKER (Mr Geoff Provest): I report the receipt of a message from the Legislative Council returning the abovementioned bill without amendment.

Private Members' Statements

BLUE MOUNTAINS ELECTORATE SCHOOLS

Ms TRISH DOYLE (Blue Mountains) (20:46): On 25 July it was my absolute pleasure to welcome Labor's shadow Minister for Education, the member for Lakemba, to the Blue Mountains to meet with parents, teachers and interested members of the community to provide an opportunity to voice their concerns about the current state of our schools in New South Wales and to discuss Labor's education policies. Almost 100 people joined the member for Lakemba and me for the Blue Mountains Education Forum at the Springwood Hub and Centre on a cold winter's evening, which goes to show the level of concern in my electorate about schools and education policy.

Four key issues emerged at this forum, which I would like to record in this Chamber for the benefit of the Berejiklian Government. First, the schools maintenance backlog, which Labor revealed last year continues to cause students and parents a great deal of concern. It is, of course, a festering sore for our teachers who must make do with inadequate facilities and equipment that is in disrepair or is well overdue for renewal and replacement. At a time when this Government is rolling in cash, there is absolutely no excuse for the chronic, sometimes dangerous, maintenance issues in our State's schools. The Berejiklian Government has an unprecedented cash bonanza rolling through State coffers off the back of record stamp duty takings. With the proceeds of privatisation of our State's assets, we need to target money to our schools.

A related concern raised at the forum was the pressure on our teachers to provide an excellent education to our students using the bare minimum of resources. Our teachers do an excellent job in spite of being underpaid and terribly overworked. This makes for a stressed workforce of teachers and it depresses morale. For example, our teachers are currently on a 2.6 per cent efficiency dividend. While this Government will not admit that an

efficiency dividend is a cut, at the coalface teachers know it means doing more without the resources they need. It means putting in unpaid overtime just to get the job done. Education is not a business and it is time we stopped trying to treat it that way. In spite of this self-evident truth, more and more teachers are wasting their time dealing with administration and compliance paperwork instead of planning and delivering lessons to our children.

Another issue that is distressing parents, teachers and students in equal measure is the decision by this Government to tie the year 9 National Assessment Program—Literacy and Numeracy [NAPLAN] results to a student's eligibility to receive the Higher School Certificate in year 12. All teachers and most parents know that year 9 can be a terrible time for young people as they navigate adolescence. It is also a time when students are at their most distracted and are indifferent to their studies. I am told by teachers that mental ill health problems are rampant in schools.

If a student with a strong academic record feels this pressure—one parent told me that her 15-year-old son was waking up at five o'clock each morning stressing about his results for an impending NAPLAN test—how must those not performing with such ease feel about the impact of their NAPLAN results? These students are being set up to fail from the start. NAPLAN is problematic. It is a diagnostic tool used to measure literacy and numeracy, but unfortunately it is not used by the Department of Education and Communities to identify needs or allocate resources. This emphasis on data, statistics, benchmarks and testing comes at the expense of quality teaching and learning.

Finally, those in attendance also raised concerns about the Special Religious Education program in New South Wales State schools. A sensible option to resolve the seemingly unending tension around this issue that was put to me was to adopt the Victorian model in which parents opt-in to scripture classes; that they be considered extracurricular in nature and be delivered outside of ordinary class time. This would have the effect of making religious scripture classes available to those parents and students who want it, but allowing others a greater degree of choice in what material their children are exposed to at school. I say to all those incredible year 12 students, their teachers and parents going through trial Higher School Certificate exams at present, "Take care. Look after yourselves. Be proud of your efforts and this journey. The end result is that the Australian Tertiary Admission Rank certainly does not determine the rest of your life. Eat, sleep, exercise and believe in yourselves. Go well."

WALLIS LAKE FISHERMEN'S CO-OPERATIVE SLIPWAY

Mr STEPHEN BROMHEAD (Myall Lakes) (20:51): The Wallis Lake Fishermen's Co-operative slipway needs an urgent upgrade. The co-operative is on the shores of the mighty Wallis Lake in the heart of the Myall Lakes electorate and is internationally renowned as Australia's water playground with its numerous lakes, islands, the mighty Manning River, 156 kilometres of navigable waterways and almost 200 kilometres of pristine beaches, including Ellenborough Falls, which is one of Destination NSW's top 10 places to see. It is a magnificent place. Wallis Lake produces 80 per cent of the blue swimmer crabs that are sold to the Sydney Fish Market and produces one-third of the Sydney rock oysters for the Australian Sydney rock oyster market. It is an extremely important fishery in a beautiful pristine location on the mid-North Coast near the centre of the greatest electorate in New South Wales.

The cooperative turned over some \$6 million in the past financial year, with most of these funds going back into the local economy. The cooperative employs 12 locals, with total salaries in the vicinity of \$500,000, which again goes directly back into the local economy. The cooperative provides a much-loved and iconic tourism facility to the Forster-Tuncurry area. It has 40 active local fishermen who rely on the facility. The slipway is the only public slipway between Coffs Harbour and Newcastle capable of servicing larger vessels. Crown Lands has acknowledged the importance of the facility and is currently expending some \$1 million on decontamination remedial work at the site to prevent further environmental degradation to the Wallis Lake marine ecosystem.

The slipway is used by 85 per cent of recreational fishermen. The direct benefit to the community is that the environment is conserved and the waterways are kept clean and pristine, free of contaminants. Only last August a large vessel almost sank in the channel, which would have been a disaster for the world-renowned Wallis Lake oyster industry, along with the blue swimmer crabs that are supplied to the Sydney Fish Market. The threat was that hundreds of litres of diesel fuel could leak into the local waterways. Fortunately, the vessel was able to be towed to the slipway where repairs could be undertaken. The boat was from Newcastle, which does not have a public slipway for large vessels, nor does Port Stephens. The closest slipway is Coffs Harbour if that slipway is functioning again. As the vessel came into the channel it started to sink. Were it not for the quick action of Marine Rescue NSW, the Rural Fire Service, and Fire and Rescue NSW in getting to the boat, putting in their pumps, pumping out the water and getting the boat to the slipway, it would have been a disaster.

To undertake the contamination work, they have to pull out the slipway and dig down. When the slipway is replaced, the angle has to be changed and the length of the slipway has to be extended. The pulleys and motors

have to be replaced—this all costs money. We estimated the cost to be \$150,000 but after detailed examination the amount required to do the work is \$300,000. I call on the Government to fund those works. I have spoken to Minister Pavey, who has been to the cooperative and seen what is needed. I call on her and the Government to fund these important works, not only for the local community but also the marine community up and down the coast. It is an important slipway that needs to be preserved for the boating industry up and down the east coast of Australia. We need this money. The cooperative is going through commercial fishing reforms and needs that support. I call on the Government to support the industry.

TEMPORARY SPEAKER (Mr Geoff Provest): Order! The blue swimmer crabs from the Myall Lakes area are number one.

RANDWICK CHILDREN'S HOSPITAL

Mr MARK COURE (Oatley) (20:56): I acknowledge the incredible work of the medical staff at Randwick Children's Hospital, in particular, the team in the paediatric intensive care unit. Recently my wife and I attended a fundraising event at Club Grandviews in Peakhurst in my electorate when close to \$20,000 was raised for Randwick Children's Hospital. During the evening we listened to the heartbreaking story of baby Brock. The event was organised by Brock's grandparents, Rhonda and Jan Hochbergen, who are constituents of mine, and they shared their families experience.

Five years ago Rhonda and Jan's son, Nathan, and daughter-in-law, Suzanne, welcomed a beautiful baby boy called Brock. By all accounts it was a normal pregnancy and a routine delivery, but shortly after Brock was born it became obvious that something was seriously wrong. Baby Brock was transferred from Hurstville Private Hospital by NETS—the newborn and paediatric emergency transport service—to the Randwick Children's Hospital intensive care unit. It was here that Brock was diagnosed with a one-in-200-million problem—a broken seventeenth chromosome. He was not expected to last the night. However, he did survive the night and he smiled through the next 10 weeks at the Randwick Children's Hospital before passing away in the arms of his loving parents.

Devastated by their loss and struggling to come to terms with life without Brock, the family decided to turn their grief into action and set about raising funds for the hospital's paediatric intensive care unit. The worst thing that can happen to a parent is to lose a child, but the Hochbergen family want it known that the care and treatment that Brock received was second to none. In his short life Brock underwent five operations, was monitored 24 hours a day and overseen by 15 specialists. The hospital contacted colleagues in Great Britain and in the United States of America to see if there were any experimental treatments that might extend or improve Brock's quality of life.

According to Brock's family, the cost of his treatment ran close to \$4 million, but the hospital administrators and staff never queried this and continued desperately to save Brock. Whilst Brock's story is terribly sad, it is also entwined with hope and passion to improve the lives of all babies and children treated at Randwick's ICUC. Fundraising events such as the one organised by the Hochbergen family provide money to purchase much-needed equipment that aids some of the littlest people in New South Wales. Brock's grandfather spoke of the recent addition to the ICUC, which is a special bed that can be used in conjunction with X-ray machines, eliminating the need to remove a child's monitoring and life support equipment, saving hours of work, pain for patients and distress for families. This special bed was designed and manufactured using the funds raised in Brock's memory, and it now takes pride of place in the ICUC at Randwick. There is an order for additional beds and they will arrive at the hospital in the weeks and months ahead.

We have some of the best trained and highly skilled doctors and nurses in Newborn Intensive Care Units [NICUs] in Australia, and particularly in New South Wales. They are the reason we have so many success stories. On the night of the fundraiser, one mother described to me her feelings of leaving the NICU with her baby after a long stay. She hoped that she would never have to see the nurses and doctors again, but was relieved and grateful to know they were there just in case. The ICUC hallway at Randwick is decorated with letters of thanks and photographs of thriving children. Whilst Brock did not survive, his memory and the dedication of his family did. His parents Nathan and Suzanne have gone on to have two healthy boys and, as one would expect, life with two young boys is chaotic, noisy, messy and beautiful—much like life in my own household.

My sincere thanks go to Rhonda and Jan for supporting this fundraising event and for turning their heartbreak and grief into action. Their hard work is enabling babies and children to be treated at Randwick's ICUC and is providing hope and care for families in distress. It is a wonderful way to honour and remember baby Brock. This Parliament recognises the great work of people like Rhonda and Jan.

WAGE RATES

Mr TIM CRAKANTHORP (Newcastle) (21:01): I speak about the plan of New South Wales Labor to eliminate the exploitation of vulnerable employees through wage theft and its effects on my electorate. Labor's new five-point plan will target unscrupulous employers and attract the heaviest penalties in Australia, including jail terms for individuals. I support the proposed laws after having heard too many stories in my role as the member for Newcastle of workers being taken advantage of when they were trying to do a fair day's work for a fair day's pay. I was outraged when I heard of the now privatised Newcastle bus drivers being underpaid by the new owners of the network, Keolis Downer, only months after the new arrangements came into effect. No time was wasted installing new logos on buses, but paying its employees correct wages was a second thought. The transport Minister should be ashamed for selling out those hardworking Novocastrians who were caught up in this Government's obsession with privatisation.

Labor will introduce a new wage theft law to criminalise the deliberate failure to pay the correct wages and entitlements. It will introduce legislation to hold head franchisors accountable for the actions of franchisees. It will also increase the powers of workplace inspectors to undertake wage audits. It will introduce a licensing scheme for labour hire companies to force compliance with existing labour laws, and it will introduce new laws to protect Sunday penalty rates in all State awards and agreements. As a member of the Labor Party I believe in those laws and in supporting and standing up for the rights of workers because ours is the only political party that will stand up for workers in New South Wales.

Deceitful employers must understand that this kind of behaviour is not acceptable. These people usually exploit young workers who have only recently entered the workforce and who often desperately need a job as they find their way in the world. Around this time last year, two fish and chip shops in Newcastle were investigated by the Fair Work Ombudsman after their employees sought help. The Steel Street Fish Market outlets at Marketown and Charlestown Square were audited and were found to owe \$40,000 to their employees. The Ombudsman found 21 employees were paid a flat hourly rate of \$18 rather than their award entitlements of \$23.74 for ordinary hours, \$28.49 for working on Saturdays, \$33.24 for working on Sundays, and \$52.23 for working on public holidays. The entitlements, including leave pay, overtime, pay in lieu of notice, and a clothing allowance also fell short, and pay slip requirements were not met. The largest individual underpayment was \$10,950 for a Charlestown employee. That is almost one-quarter of the total \$38,344 that employees were short-changed between August 2014 and September 2015. A dozen Marketown workers were underpaid a total of \$17,000, while nine staff at Charlestown shared a \$21,000 shortfall.

The Ombudsman had previously sent a letter of caution to the Charlestown business. Clearly, it did not take the letter seriously and it is now paying the price. It appears that in order to appeal to employers, penalties must be put in place to encourage them to act. The penalties that the Labor Party will introduce will include jail terms of up to 14 years for unscrupulous employers engaged in wage theft from employees. Other measures that will make employers accountable include publically displaying minimum wage rates paid to staff with their business registration so that patrons and the public can see them, putting dodgy businesses on a public name-and-shame register, and making them ineligible to participate in future contracts with the New South Wales Government. Vulnerable young workers are being cheated out of a staggering amount of wages by crooked bosses and it must stop. Dodgy employers are being put on notice: Pay the correct wages and entitlements to your staff or face the consequences. The Labor Party is the party for the workers—we represent the workers, we fight for the workers, we are the workers, and we will always stand up for the rights of workers.

**The House adjourned, pursuant to standing and sessional orders, at 21:06 until
Wednesday 9 August 2017 at 10:00.**