



**New South Wales**

# **Legislative Assembly**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Wednesday, 9 August 2017**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE ASSEMBLY

**Wednesday, 9 August 2017**

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

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

*Visitors*

## VISITORS

**The SPEAKER:** Welcome to our students in the gallery this morning. They are barely peeping over the rail there. The students are from Borenore Public School and are guests of the member for Orange. They have come a long way to be here today.

*Bills*

## COAL MINE SUBSIDENCE COMPENSATION BILL 2017

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

#### Returned

**The SPEAKER:** I report the receipt of messages from the Legislative Council returning the abovementioned bills without amendment.

*[Notices of motions given.]*

## CHARITABLE FUNDRAISING AMENDMENT (INQUIRIES) BILL 2017

### Second Reading

**Debate resumed from 3 August 2017.**

**Ms YASMIN CATLEY (Swansea) (10:11):** I am pleased to lead the Opposition's response to the Charitable Fundraising Amendment (Inquiries) Bill 2017. The bill amends the Charitable Fundraising Act 1991 to provide for the holding of public inquiries into charitable organisations. To date the Act provides only for private hearings, which proceed largely on the submission of documentary evidence. The bill dramatically increases the powers of not only the inquirer but also the Minister. The inquirer is able to summons witnesses, to issue search warrants, to take evidence under oath or affirmation and to allow witnesses to be examined and cross-examined.

The bill provides that the Minister, with the consent of the Premier, can launch a public inquiry, allocate costs of the inquiry to various parties involved in the inquiry and has significant discretionary powers on whether a final report is produced and made public. The bill confers extraordinary powers and dramatically strengthens the powers of the Minister and the government of the day. Any such bill requires the closest scrutiny by Parliament into why these powers are required, how they could be used or in fact abused, as well as longer term broader implications for the oversight of charities in New South Wales.

The bill appears to address a particular matter—namely, the Government's inquiry into the RSL—and it appears to the Opposition to address a particular failing or oversight by the Government. The Opposition is concerned that the bill is more about covering up for the Government's impetuous announcement of an inquiry into several RSL-related organisations. In May 2017 the Minister announced that he would establish an inquiry into the RSL, RSL DefenceCare and RSL LifeCare in response to several significant concerns within the organisations.

New South Wales citizens donate more than \$11 billion to various charitable organisations each year. It is appropriate that we all strive to maintain high standards for those responsible for the raising and disbursing of these funds. The decision to donate either time or money to a charity is one that individuals take very seriously and is often a manifestation of their personal values. They do this because they want to make a difference in their communities and in the lives of the people in those communities and they trust that a charity will help to realise those values. To abuse that trust by misusing the funds donated to a charity is an abhorrent act of deceit. There is no doubt that those who choose to conduct themselves in this way should absolutely be exposed and feel the full force of the law.

Notwithstanding these matters, the Opposition has looked closely at this bill and has several concerns. The first concern involves the rationale of the bill. Why do we need this bill? The bill seems to echo many of the provisions of the Special Commissions of Inquiry Act, the Act under which the examination of the New South Wales greyhound industry was sanctioned. Why was the RSL inquiry not initially constituted under this Act if it was deemed appropriate to hold a public inquiry? The Opposition is concerned that the Government has been caught out in relation to its initial announcement and that it has not done its homework. If it had done its homework it would have realised that the inquiry it wanted to hold was not possible under the Charitable Fundraising Act 1991, which provides only for private hearings with limited powers. Was this a rookie mistake, or does it point to broader problems with the Government?

We already know implementation is a costly struggle and that we all end up paying for it. The Government has stated previously that it does not want to duplicate existing provisions, but that is exactly what is happening in this instance. We are now seriously contemplating a government that fails to understand the Act it is meant to administer. This may be yet another stuff-up from a government with a poor track record in getting the basics of government right. The fact that this bill includes the reconstitution of the RSL inquiry suggests that these concerns are well-founded. I would appreciate the Minister's response to these concerns.

The second point is the extraordinary uplift in powers that the Minister is seeking to have conferred upon him through this bill. As previously stated, this bill proposes a legislative quantum leap in powers. The Minister, through agreement with or on instruction by the Premier, can set up a public inquiry with significant powers. Parliament should always be concerned when a Minister can instigate an inquiry with such powers. The spectacle of a political witch-hunt looms large in this bill, and all members should consider not only their present needs but also future implications. What would stop a future Minister of any political persuasion from deciding to hold an inquiry into a charity whose aims they do not support? The spectacle of show trials lies just beneath the surface of this bill. Not content with conferring these powers, the bill goes on, in clauses 3 to 5 of schedule 1, to enable the Minister to direct that the costs of an inquiry are payable by the person or organisation being investigated. We on this side will keep a watching brief on that.

The new section 41E creates a convenient grey area when it comes to the final reckoning of the inquiry and the report. Clause 1 provides that the Minister may require the public inquirer to prepare and to provide a report. Clause 3 states that the Minister may cause a copy of the report to be published in any way that the Minister considers appropriate. The Minister can also decide whether or not the report should be tabled in both Houses of Parliament. These are significantly broad discretionary powers. A Minister could hold an inquiry—or a witch hunt—a report would then be given to the Minister, and then it would be up to the Minister whether or not it should be made public. If the witch-hunt goes terribly wrong, the Minister could conceal the contents. Why go to all the trouble of amending this Act to allow public inquiries only to allow the Minister to bury the findings? It is a matter of principle that if the Government goes to such lengths to hold a public inquiry then surely it is appropriate that the report be tabled for the public to access.

The Opposition also wishes to see the provisions that abrogate the privilege against self-incrimination struck from the bill. This is a serious encroachment on civil liberties, and something that the Opposition cannot support. Not only is this a departure from Independent Commission Against Corruption [ICAC] legislative provisions, but of greater concern is that it allows for evidence obtained during a non-public inquiry to be considered exempt from the protections against self-incrimination. Witnesses who gave evidence now may have that evidence used against them in a court of law. I note the Minister himself recognises that a departure from the privilege of self-incrimination is significant and should be used only where necessary. However, the question remains—is it necessary in this instance? The foundation of our criminal justice system is the presumption of innocence, where the onus of proof is on the Crown, and not on the accused person. The privilege against self incrimination is fundamental to this, and one that should not be carelessly tossed aside.

There are a number of additional provisions that should be included in this bill to improve transparency and fairness, in particular giving the inquirer the power to consider including the impacts of having a public hearing, which will not impact the reputation of affected persons. The bill should mirror ICAC provisions that provide for the commissioner to establish procedural guidelines in relation to public inquiries. The option for the inquirer to consider whether a witness should be able to access legal representation is another significant concern—adding to overall worries that in the wrong hands this legislation could easily allow for an inquiry to descend into a politicised star chamber. This is particularly concerning when put in the current context of the RSL inquiry. I acknowledged earlier that charities do great work in our community. It would be remiss of me to neglect to mention that, notwithstanding the current allegations, the RSL is one of our oldest charities in New South Wales and many returned service men and women have benefited from its advocacy.

For some years, the RSL has been campaigning to have returned service men and women suffering from post-traumatic stress disorder [PTSD] recognised as vulnerable persons under the Law Enforcement (Powers and

Responsibilities) Act. This would mean that they would have a right to a support person and legal representation if they became involved with the criminal justice system. The provisions in this bill would mean that individuals we know to be vulnerable would be cross-examined in a quasi-court without legal representation and without support. How can we allow this? Labor will be seeking to allow all witnesses the option of legal representation, which is a cornerstone of our legal system that should never be watered down. Finally, we are concerned that innocent parties may be caught up in a matter not of their making, and as such should be able to apply for assistance to help meet the costs. This would reflect similar provisions in the ICAC Act.

I have just outlined the Opposition's central concerns about this bill. They are significant concerns. I foreshadow that we will be moving amendments in another place to address these aspects of the bill. We have concerns about the rationale and design of the bill. We are concerned that, for the sake of the botched announcement of the RSL inquiry, the Government is introducing unnecessary legislation, but made worse for some of the political excesses within it. There is a real concern that this legislation could be abused by a future Minister and that it could hand over enormous discretionary powers.

The bad apples in the field of charitable fundraising need to be addressed, but we need to ensure honest, hard-working charitable organisations are not affected. To that end, I ask the Minister to clarify how many charitable organisations have been consulted about this bill. There seems to be undue haste with this bill, and the Opposition has had little time to consult stakeholders. The Opposition will be moving several amendments in another place to tighten up some of the discretionary provisions in the bill. The ability of a partisan Minister to establish a public inquiry, to award costs to particular persons or parties and to decide whether or not a report is prepared should cause some consternation to most members of the House. Similarly, being deprived of legal assistance, the absence of procedural guidelines and the inability to apply for financial assistance should equally cause us all concern.

While I have the utmost respect for the current Minister, Parliament must be mindful of future Ministers. In the hands of a less scrupulous Minister, combined with the desperation we see in this Government, a heady alignment of factors could see these provisions abused as a political witch-hunt that could deliver significant political, reputational and financial damage to a charity that is not the Government's flavour of the month. Parliamentarians must consider present and future bills. While the Opposition strongly supports efforts to ensure the highest level of probity and accountability in our multibillion-dollar charity sector, we must consider the reasons for the bill, its alternatives and future impacts. To that extent, the Opposition cannot support the bill in its current form, and without a number of significant amendments being made we will not support its passage through both Houses of Parliament.

**Mr KEVIN CONOLLY (Riverstone) (10:25):** I support the Charitable Fundraising Amendment (Inquiries) Bill 2017. It is good to hear that Labor understands and supports the principle behind the bill, but I am a little confused about the shadow Minister's take on its provisions. I am sure other members and the Minister can clarify the confusion that has emerged. The bill puts people in the community who support charities first by enhancing the existing powers of the inquiry within the Charitable Fundraising Act 1991. The powers strengthen the enforceability of the Act and create a strong framework for public inquiries into misconduct in fundraising appeals. This is critical so that the public trusts and has confidence in those organisations that have served our community for many years. Many reputable organisations are based on philanthropy and generosity. While they service the community, they also rely on the community for voluntary support and, therefore, are founded on trust. This bill seeks to ensure that the trust of the community is protected and not abused so that charities can continue their work on behalf of the public.

The bill also contains transparency in reporting provisions that will provide the Minister with critical feedback on the inquiry framework and the Charitable Fundraising Act generally. Clause 41E of the bill enables the public inquirer to prepare and to provide reports on a public inquiry. This provision is broad enough to allow the Minister to request the public inquirer to prepare any report on any aspect related to the public inquiry. Importantly, the bill enables the Minister to publish any report in a way that is most appropriate to maximise the value of the findings and its impact. The report may be published on a website or be tabled in one or both Houses of Parliament. Publically releasing a report helps to identify issues so that the Government can work with the sector to make the regulatory scheme more effective. Producing a public report is one benefit of having a robust public inquiry, which may result in evidence of collaborative policy development, thus giving enduring value to all charities in New South Wales.

A public report will allow charitable fundraising activities to be put under a microscope. It is worth noting that under the bill these powers must be exercised by an inquirer who is a current or former judge of a senior court, not a person who will conduct a witch-hunt as suggested by the shadow Minister. We are talking about a member of the Australian judiciary who has a proven track record of impartiality. Such powers should not be put in the hands of a political appointee or somebody who is ill-equipped to exercise them. Having a current or retired



justice of the Supreme Court of New South Wales, the Federal Court, or the High Court report on a public inquiry under the Act enhances the value of such a report. That important provision cannot be understated.

By allowing the Minister to request a report on an inquiry into New South Wales charities, consumers, donors, supporters and the broader community can rest assured that this Government is keeping a watchful eye on the charities sector. Consumers can be confident that they will be put first and that their trust in New South Wales charities is not being misplaced. Public inquiries will be impartial and free to be critical of the effectiveness of the Government's approach to regulating the charities sector. That is a good thing. If the government of the day can do better, it needs to know how. The reports may make recommendations for the government of the day to suggest ways to further improve the regulatory framework governing charitable fundraising in New South Wales. It will also allow for a valuable, informed dialogue on the effectiveness of the regulatory framework.

The reports will give the appointed public inquiry the opportunity to provide evidence for any necessary policy enhancements, reforms or interventions. This is imperative if the regulation of the charities sector is to stay up to date in the constantly evolving world where new methods of fundraising can be created. We must be agile and flexible to adapt to new and evolving technology. By protecting charities, donors and beneficiaries with transparency and accountability, this bill helps build consumers' confidence when they donate and support the worthy charities of New South Wales. Again, trust is paramount in this field. The many charities that have earned strong reputations over many years rely on their good standing in the community to be able to continue their valuable work. Government oversight will protect their good names and that precious trust, and will ensure a continuing benefit to the whole community.

For those reasons, I find it difficult to understand some of the concerns and hesitations expressed by the shadow Minister. I am sure some of them arise from a misunderstanding of the provisions of the Act, and there may be some clarity available that will reassure her before this debate is finalised. Although the bill quite explicitly uplifts the powers of the Minister, there are specific constraints on how those powers are to be exercised, and by whom, within a framework that ensures probity can be protected by the system. I hope a continuing dialogue between the Minister and the Opposition can resolve many of those concerns, and allow a good bill that protects the people of New South Wales to go forward as soon as possible.

**Debate adjourned.**

#### *Business of the House*

#### **SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS**

**Mr ANTHONY ROBERTS:** I move:

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

- (1) Permit the resumption of the adjourned second reading debate on the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 and the Sydney Public Reserves (Public Safety) Bill 2017.
- (2) Permit the House to continue sitting beyond 10.00 p.m.
- (3) Provide for the House to adjourn without motion moved at the conclusion of the matter of public importance.

**Motion agreed to.**

#### *Bills*

#### **SYDNEY PUBLIC RESERVES (PUBLIC SAFETY) BILL 2017**

#### **Second Reading**

**Debate resumed from 8 August 2017.**

**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) (10:33):** I speak in support of the Sydney Public Reserves (Public Safety) Bill 2017. No-one in Sydney needs to sleep in a tent in Martin Place. There is help available. The City of Sydney should be ashamed that it has decided not to exercise its powers and address the unauthorised tent camp and other materials in Martin Place.

What we have seen escalating over many months in Martin Place is no way to deal with homelessness in our city. The City of Sydney has failed to act. Instead, we have had a Lord Mayor promising deals with political protesters who are preying on some of our most vulnerable homeless people. This bill, by contrast, is an appropriate and measured response to the unauthorised tents and other materials currently in Martin Place. This bill ensures that in future New South Wales police will be able to exercise reasonable powers to remove items and persons

from the 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 bill authorises police officers to give to a person occupying the public reserve directions that are reasonable in the circumstances to remove or remedy the interference or unlawful occupation. It authorises police officers to seize and remove tents, goods and other things for that purpose. The bill will also apply to other public reserves in the City of Sydney local government area by proclamation of the Governor when the Minister for Lands and Forestry is satisfied that it is in the public interest that the police should take action. Let me be clear: The new powers are not intended to apply generally or specifically to homeless persons in the city of Sydney. Under this bill the police will only exercise powers to remove items or move people on when their occupation is unlawful or materially interferes with the rights of the public in the Martin Place Reserve or another proclaimed public reserve within the city of Sydney.

My Department of Family and Community Services [FACS] does a terrific job working with rough sleepers in the city and homeless people around the State. Our wonderful front-line FACS staff have visited Martin Place 47 times since 23 March, with 73 people supported into permanent housing. FACS will continue to visit Martin Place every day this week. They were there yesterday. They are there today, and they will be there tomorrow offering housing supports and services.

No-one in Sydney needs to sleep in a tent in Martin Place. There is support available. Any eligible person who has engaged with FACS workers in Martin Place has been offered accommodation and FACS can help anyone willing to engage to find a long-term solution. FACS staff have been proactive in offering accommodation; however, some people have not taken up those offers of support. Some people sleeping in the Martin Place tent camp are not eligible for social housing. They are people who are not permanent residents of Australia or whose income is above the public housing threshold. FACS offers to refer those people for advice on renting privately, although take-up of those offers is low. FACS staff refer people to a range of support services to help them sustain their tenancy.

Homelessness is a very complex problem. It is often the result of a range of vulnerabilities such as domestic and family violence, mental illness or dependency on alcohol or other drugs, or it may be brought on by challenging life transitions like the loss of a loved one, or a relationship breakdown, or extreme financial hardship such as losing a job or having a gambling addiction. These vulnerabilities can sometimes be exacerbated by the broader context of intergenerational disadvantage and the lack of social and economic participation. The solution for these complex problems and vulnerabilities is not a tent camp in Martin Place. It is not a political protest masked as a service for the homeless.

The Government provides a range of options for homeless people who are eligible for social housing and who are willing to engage. The Government funds transitional accommodation with targeted supports for homeless people with complex needs. For example, in this year's budget the Government announced \$20 million over four years, including \$5 million this year, to provide an additional 120 transitional accommodation dwellings and support packages for rough sleepers across New South Wales. This will assist at least an extra 255 rough sleepers over four years.

The Government funds crisis accommodation to support people with their needs and provides assistance to access longer term housing. The Government will invest \$198 million this financial year in specialist homelessness services, homelessness programs and critical referral services such as Link2home. FACS provides rental assistance and subsidies to help people while they establish themselves in the private rental market, including private rental brokerage services. FACS provides Rentstart Bond Loans of up to 75 per cent of a rental bond to help people establish a tenancy in the private market, and FACS can pay rent in advance for people who have severe financial barriers to accessing the private rental market. In addition, our non-government organisations and our wonderful charities can provide invaluable support to assist homeless people transition into a new home with things like furniture and whitegoods.

I visited the Wayside Chapel this morning to thank the wonderful staff and volunteers for their work. You can see what happens when a group of committed and highly trained experts and volunteers work together with our most vulnerable, their visitors. Its mission is to help the homeless by working to build trust and support people, all of which takes time. There are also longer term solutions, and I am very proud that this Government is undertaking the biggest social housing building program of any State or Territory in this country. The Government's \$22 billion Communities Plus program will create 23,500 new and replacement social and affordable housing dwellings and 40,000 private housing dwellings. The first phase of the \$1.1 billion Social and Affordable Housing Fund [SAHF] will support up to 2,200 additional social and affordable dwellings over three years, which are linked to tailored support to help tenants increase their independence.

Sadly, the Opposition is opposed to creating more social housing homes for vulnerable people. It is opposed to our plan to create 1,500 social housing dwellings that will be funded through the sales of social housing in Millers Point. I am very proud of what we have achieved so far as a result of the Millers Point sales. More than 1,000 social housing dwellings are completed or under construction as a result of the Millers Point sales. In June I was delighted to be in Penrith to welcome new residents into the 500th dwelling that has been built as a direct result of the sales of Millers Point properties. All proceeds from these sales are being used to fund more social housing—properties that would not have been built if those opposite were in charge.

Finally, this bill provides a framework to ensure the ongoing use of Martin Place Reserve where unauthorised or unlawful use of a public reserve and unacceptable impacts on public use can be dealt with appropriately and in a timely manner. This bill underscores the principle that no-one should need to sleep in a tent in Martin Place. There are supports available, and this Government will continue to be there to help and house the most vulnerable people in Sydney and across the State.

**Mr CLAYTON BARR (Cessnock) (10:42):** I speak on the Sydney Public Reserves (Public Safety) Bill 2017. I lead for the New South Wales Labor Opposition, and I note from the outset that we will oppose this bill in the strongest terms. Put simply, we will not be party to a bill that is simply a smokescreen for the many mistruths that the Government has peddled in recent months about its ability—or inability—to move people on. Under the Crown Lands Act 1989 the Government already has the ability to move people on from a public reserve. I specifically refer members to section 159 (1) of the Crown Lands Act 1989, which reads:

**159 Removal of trespassers from public land**

(1) An authorised person may issue to a person, and file in the Local Court, an application notice:

(a) alleging that the person is in unlawful occupation of public land or is unlawfully using public land, and

(b) requiring the person to appear before the Local Court at a specified date, time and place. Section 159 (4) states:

On being satisfied as to truth of the matters alleged in an application notice, the Local Court shall issue a warrant addressed to any authorised person—

for example, police—

requiring and authorising the person to:

(a) dispossess and remove the person in unlawful occupation of, or unlawfully using, the land,

(b) remove any buildings or goods from the land, and

(c) take possession of the land on behalf of the Crown.

The Crown Lands Act clearly spells out that the power already exists for a State Government entity to move people on in a Crown reserve. One wonders why this bill is before the House. The incredibly difficult and strained relationship between the Lord Mayor of Sydney and the State Government is well-known. Indeed, I was a member when the bill colloquially known as the "Get Clover Bill" passed through this House a few years ago. That bill concerned local businesses being given a second vote in local government elections. This bill is nothing more than a smokescreen to disguise the fact that what the Government has been telling the media and the general public for the past number of months is categorically incorrect. It is an attempt to cover up that mistruth and bad advice, and to pretend that the power does not already exist. But the current powers do not just sit in the Crown Lands Act. They also exist for the NSW Police Force under the Law Enforcement (Powers and Responsibilities) Act.

Under section 197 of Law Enforcement (Powers and Responsibilities) Act police may give a direction to a person or persons to move on if they believe on reasonable grounds that they are obstructing another person or persons or traffic; engaging in behaviour that is considered to be harassing or intimidating; behaving in a way that is causing or likely to cause fear to a reasonable person; or present in a place in order to unlawfully supply or cause another person to supply drugs. Ignoring the last point, it is clear that police—and by effect the New South Wales Government—already have the power to deal with the matter in Martin Place, if they so desire. One wonders why the Government has been peddling this mistruth for several months now. The rot starts at the top.

The Premier has told various media identities, forums and platforms that the Government does not have the power and she looked to squarely lay the blame at the feet of the Lord Mayor of Sydney. The Lord Mayor countered by saying that it was a government problem. They are both at fault—because inasmuch as the State Government has power to move people on if it desires, so too does the Lord Mayor. Neither the Premier nor the Lord Mayor was able to rise to the challenge of properly addressing the needs of these people because of the political angst and their strained relationship.

This bill is a sham and a mockery of this Chamber. It is indicative of a government that does not understand its legislative powers or the need to build relationships across all levels of government. Much can be said about the plight of the homeless and the failure of government to properly address that need. The fact that we are not

dealing with homelessness on its varied and many fronts is clear evidence that this bill is not about homelessness—for example, it does not address the tent cities at Belmore Park, near Central Station, or at Wentworth Park, near Pyrmont. It is not about homelessness; it is about a political argy-bargy between the State Government and the Lord Mayor. This bill deals very specifically with a certain piece of land in the city of Sydney directly across the road from Parliament House where we are having this debate today. Let us not be distracted by the issue of homelessness. Let us focus on the core of this bill, which is the failure of this Government to lead.

I have some suggestions for the Premier, which will require her to show courage and eat a little bit of humble pie, but sometimes as a leader that is what you need to do. The first thing the Premier needs to do is withdraw this bill and acknowledge her mistake in claiming that she did not already have the power to do what she is trying to do in this bill. The second thing that the Premier could do is to sack either herself or the Minister who gave the advice that the power did not exist. The third thing she could do, if this is to target a certain political movement in Martin Place or a strained relationship with the Lord Mayor, is to be honest with the people and identify that that is the purpose of the activity today. Without that honesty and transparency there will be the temptation to be distracted by homelessness.

These homeless people are being used as shields and political fodder by either the State Government, the Lord Mayor or a political movement in Martin Place—possibly all three. Sadly, those homeless people—some of the most vulnerable in our community—have been used as shields, and that is unacceptable. This is a bill founded on the poorest of advice and logic. It is a bill that reeks of deception and illusion, and it reveals the incompetence of this Government and the failure of the Premier to be a leader in the State. The New South Wales Labor Opposition will not support this bill or the incompetent Government, Premier and Ministers who concocted it.

**Ms JENNY LEONG (Newtown) (10:52):** I speak on behalf of The Greens on the Sydney Public Reserves (Public Safety) Bill 2017. It will surprise no-one in this place that The Greens fundamentally oppose this bill. I would like to take a step back and look at what is happening here. Just outside this Parliament, there are homeless people sleeping in tents in the middle of winter in Martin Place. Everyone would agree that we have a housing crisis. There are 60,000 applicants on the public housing waiting list—that is, more than 100,000 people currently approved and waiting for public housing in New South Wales. On the last street count there were more than 400 people sleeping rough in the inner city.

In addition to that, we know that 30 per cent of people who currently live in private rental accommodation are under severe rental stress. They are facing the threat of eviction because of dodgy landlords and huge increases in rent. We know that the solution is to invest more money in social, public and affordable housing. We know that there are answers to these problems and the housing crisis. But we are not here today to have a conversation about a bill that introduces inclusionary zoning to increase the amount of affordable and public housing in new developments. We are not here to pass emergency legislation to introduce a housing-first approach in New South Wales to address the risks of homelessness and help the more than 400 people in our city who are sleeping rough on our streets. Let us be clear, those people sleeping rough are only 6 per cent of the homeless population in New South Wales.

There may be only 6 per cent of people sleeping rough, but they might be very visible and very out there to the people in this place. But we are not here considering any of those things. What are we doing? It is just beyond belief. We have a Minister for Family and Community Services—the person whose job it is to protect the most vulnerable people in this State—saying last week in the media that people should just be moved on and is here speaking in support of a bill that will basically allow New South Wales police to get the homeless people out of her sight because apparently it makes the Premier feel completely uncomfortable. I have news for the Premier: Sleeping rough is completely uncomfortable. Being the Premier of New South Wales and having to face the reality that she did not put money into addressing homelessness in this State while claiming that she has this amazing budget surplus is completely uncomfortable and she should feel uncomfortable about that. I can assure the Premier that The Greens in this place will continue to make her and the Liberal-Nationals Government feel very uncomfortable about their failure to assist homeless people.

I make it very clear that The Greens strongly oppose this bill. It is a heavy-handed and heartless police powers response to a social problem. In circumstances such as this the Premier and the Government could have shown compassion. Yesterday we heard the Minister for Family and Community Services criticise the Lord Mayor, Clover Moore, for her handling of the situation. That is completely outrageous. Having spoken to the Lord Mayor this morning, I put on the record that she had extensive conversations with the Premier to try to come to a peaceful solution in relation to this issue. The City of Sydney experts have been at Martin Place with the trucks and the council workers to clear the space and work constructively with the people who are there to ensure that the space is safe and clean. They have been speaking to this Government, to this Premier, about good ways forward, such as looking at 24/7 community spaces and assisting homeless people with information about the kind of housing that can be provided, including the city contributing funds to Family and Community Services

to help them with this service. But we would not know that from what the Minister for Family and Community Services said yesterday, because apparently the Lord Mayor is playing politics with this issue. The only people playing politics with this issue are the people who feel uncomfortable about having to come into this place after walking past the failed policies of this Government that do not address homelessness and do not address the fact that people are sleeping rough because the Government is failing to do anything.

**Mr Michael Johnsen:** When is she going to deal with the professional protester who is using homeless people as pawns?

**Ms JENNY LEONG:** The member interjects and says that they are using homeless people as pawns.

**Mr Michael Johnsen:** You and The Greens encourage professional protesters to use homeless people as pawns.

**Ms JENNY LEONG:** This bill apparently will not be used to target protesters and use police powers to move people on. Apparently this bill is about clearing tents from Martin Place. The Minister for Family and Community Services has said that there are political protesters outside. This bill will not solve that problem because those people are protesters and they cannot be moved on. The Government says it is not an authorised protest. It is unclear what an authorised protest is because the right to protest is a fundamental human right. However, if it needs to be an authorised protest, who has the power to authorise tents being set up in Martin Place? Interestingly, the City of Sydney does. The City of Sydney could authorise tents being set up in Martin Place and then this bill will not apply.

**TEMPORARY SPEAKER (Ms Anna Watson):** Order! The member for Riverstone will come to order.

**Ms JENNY LEONG:** This bill will not apply then because it is a protest. If I, the member for Newtown, decide to have a protest outside and set up 100 tents in Martin Place and get approval for it, under this bill those tents are completely fine. Tents that are housing homeless people in the middle of winter are not allowed by this Government. But a protest that has 100 tents set up is not captured by this bill and is okay. Similarly, if I sing badly in Martin Place and I am offending somebody's personal enjoyment of the recreational area of Martin Place, apparently someone can ring the police and this bill could move me on for singing badly because I am ruining their enjoyment of the reserve at lunchtime. This is a thin-edge-of-the-wedge bill that is focused on the City of Sydney and shows that this Government does not like being shown up by the actions of the City of Sydney when it comes to addressing the issues in our community.

But, clearly, it also could start a swathe of movement and attempts to prevent the community from being able to enjoy their open space and public space. Let us be clear, it is the Minister and the police who make the determination. I do not know what other members think, but I do not feel that this Minister understands what is in the public interest because this is the same Minister who introduced the local government amalgamations, which clearly were not in the public interest. We are allowing the public interest test to sit with the Minister who had responsibility for the biggest debacle we have seen in this State in recent times. He completely misjudged the public interest on that issue.

It is impossible for me to be able to address all the problems in this bill. I would like to be able to inform the House what the key stakeholders—Homelessness NSW, Domestic Violence NSW, the Law Society of New South Wales, the NSW Council for Civil Liberties and other groups—think about this bill. I am unable to tell the House because this bill was introduced yesterday and is being rushed through the House today. There is no need for this bill to be rushed through today. The bill is an attempt by the Government to provide cover for what will be a violent and aggressive act towards homeless people in Martin Place—that is, removing them from that space. Why would the Government want to do that? Maybe it makes them feel uncomfortable seeing people sleeping rough out there and knowing that amongst that group are women fleeing domestic violence.

**TEMPORARY SPEAKER (Ms Anna Watson):** The member for Riverstone will remain silent.

**Ms JENNY LEONG:** Maybe it makes them feel uncomfortable because they know that the presence of homeless people is the best demonstration of this Government's failure to act on the housing crisis in this State. I urge the Government to take a step back and look at what it is doing—that is, introducing legislation to move people on, to sweep the homelessness problem under the carpet. What it should be doing is addressing the issue of homelessness and putting housing supply first. It is shameful for the Minister for Family and Community Services to be a part of this. [*Time expired.*]

**Ms TANIA MIHAILUK (Bankstown) (11:02):** I make a brief contribution to the Sydney Public Reserves (Public Safety) Bill 2017. I echo the words of the member for Cessnock in his address this morning. I say from the outset that I oppose the Sydney Public Reserves (Public Safety) Bill 2017, which is nothing more than the latest political stunt of an incompetent government. It is clear that the Minister for Family and Community

Services is completely out of her depth. She is well known in the sector as being the failed Minister for Family and Community Services, who was all but politically dead a year and a half ago when then Premier Mike Baird removed her from that responsibility. He knew very well that Minister Goward was not competent to be the Minister for Family and Community Services, and Minister for Social Housing, and he moved her on from that portfolio 18 months ago.

However, because of the political fix in January this year and the need for Premier Berejiklian to keep at bay the different factions within the Liberal Party, all of a sudden Minister Goward reared her head again in this portfolio. It is not a surprise that she is struggling to manage this fiasco; it is not a surprise that this issue has now dragged on for approximately eight months; and it is not a surprise that the Premier has had to step in and assist Minister Goward to handle this matter. In the end, we are seeing a battle of egos and a battle of will but very little resolution. Minister Goward, in her contribution, boasted about the Government's action on social housing. But she failed to tell the House that since the Liberal-Nationals Government was elected in 2011 there has been a net reduction of 3,000 social housing units in New South Wales. In the last two years alone, more than \$650 million worth of social housing has been sold off and we now have some of the highest vacancy rates ever in social housing in New South Wales.

When the Labor Party was last in government there were 99 unoccupied social housing properties in New South Wales. That figure has blown out to more than 1,500 unoccupied properties. The Government is failing to address these issues. There is a massive maintenance backlog and more than a 10-year wait for two- and three-bedroom social housing properties in this State. The Minister is out of her depth. A few years ago she bungled the Going Home Staying Home implementation process in her first attempt as the Minister for Family and Community Services, and Minister for Social Housing, and now she continues to bungle issue after issue. The Government already has the powers to address this issue. It is a failure of this Government to comprehend the powers that are already available to it and to implement or act on those powers.

The fact that Premier Berejiklian has become involved highlights a lack of leadership and ability on the part of Minister Goward to negotiate and resolve these issues. As I have said, it is a battle of egos and the Government is not getting to the crux of the issue in order to resolve it. I reiterate that the Labor Party will oppose this legislation. It is unnecessary because there is legislation already available to the Government, as the member for Cessnock explained. I hope the Government listens and acknowledges that there is legislation already in place which enables the Government to act. This issue is really about how the Government handles the media and how it is represented on Facebook and on the internet. It is all a public relations issue. That is the only concern of Minister Goward and the Premier.

It is National Homelessness Week and this issue continues to drag on. For Minister Goward to boast in the House today about her poor record is appalling and disturbing. Minister Toole introduced the legislation and put arguments as to why the Government required this legislation. I would have thought that Minister Goward would have run a mile from this Chamber and not show her face. Instead she tried to argue her case that she has somehow provided social housing and support for the more than 120,000 people who continue to be on the waiting list for social housing. There are 60,000 applicants for social housing, which is equivalent to more than 120,000 people on the waiting list. People all across our State are desperate for housing. For the Minister to come in here and boast about this appalling record is shameful.

Yesterday Minister Goward made a scene in the Chamber, which again was unnecessary. It is clear that she has had to rely on the Premier to assist her because of her very poor people skills. The Labor Party knows that the sector has very little time for or faith in Minister Goward. Everybody was as surprised as we were on this side of the Chamber when she was reinstated to a portfolio that she had previously failed in. We are now seeing what a poor decision that was of Premier Berejiklian to reinstate Minister Goward to this position when it was known that she could not handle the people, the sector or the community. The Minister should sit down, negotiate, sort this matter out and get on with the issues that need to be addressed, but she is completely unable to do so.

I reiterate that the Opposition opposes the bill because the Government knows that it is merely a political stunt. The message from the Government is: "We are failing the media campaign. We've got no idea what we're doing. Why don't we just throw in some more legislation on top of existing legislation to look like we're taking on Clover Moore?" The public will not view it in that way. Everybody knows that the Premier and the Minister of Police have many powers. Minister Toole knows those powers exist already to enable the Government to act with respect to protests. We have had political protests in the past and there are ways to deal with them. For Minister Goward to suggest that she is resolving the issue of housing in this State is appalling. I am delighted to stand up and make clear my opposition to this bill.

**Mr DAVID HARRIS (Wyang) (11:10):** I, too, make comment about the tactics of the Government in introducing the Sydney Public Reserves (Public Safety) Bill 2017. I feel a bit sorry for Minister Toole, the member for Bathurst. When others have failed in their portfolio areas, Minister Toole is marched down to the Chamber to

do their dirty work and to clean up their mess. The length of the second reading speech probably demonstrates his level of commitment to his colleagues, who continually send him to do their dirty work. It is obvious that one does not use a sledgehammer to crack a nut, yet the Government does this time and again. The Government does not have good policy or legislation. As stated by the shadow Minister, Government members want to beat their chests and tell the people of New South Wales that they are making the State number one and that they are tough on law and order and crime. But the Government is not using existing legislation and the powers available to it to undertake what it has been elected to do.

The Government is all about appearance; it is not about action. The Government already has the power to intervene at any time to do what this bill purports to do. The Government expects the Opposition and crossbench members to dutifully vote in favour of the bill to cover up the Government's mistakes or lack of action. On many occasions the Opposition has said that such an approach is not good enough and that the Government should prove to the people of New South Wales that its proposed legislation is actually necessary. The fact that the Government has obviously gagged its members from speaking shows it has zero commitment to good legislation but has 100 per cent commitment to good media.

That is what this bill is all about: It is so the Premier can talk on the Alan Jones show and say, "Yes, we are getting tough on these people. We are going to overrule Sydney City Council. That mayor is such a terrible person." This is all about personalities; it is not about people and doing the right thing for the State. It is about appearances. The Government cannot expect the Opposition to give that sort of legislation a tick. I feel sorry for Minister Toole. I have met him in his electorate and around the place and I reckon he is not a bad bloke. However, he must have a few enemies upstairs because they keep marching him down to the Chamber to do their dirty work. The Opposition cannot support badly designed legislation. The bill only applies to one place. If the camp moves down the road, another piece of legislation will be moved in the Parliament.

**Ms Jenny Leong:** The Minister just gets to decide.

**Mr DAVID HARRIS:** The Minister gets to decide. We should all be careful because if he is not happy with what we are doing he will march us out of our offices. The other day I raised the point in the Chamber—and I received a warning from the Speaker—that other places around the city have had encampments for quite a long time and the Government has done absolutely nothing. If the Government is absolutely committed to this—and I would question its commitment to homelessness overall anyway—it would not single out the one place that is in the media, that Alan Jones and people like him have singled out, in order to beat their chest and look tough.

The Opposition cannot support the bill as the Government is going about it in the wrong way. Legislation already exists that provides police with the necessary powers. I thank the member for Cessnock for pointing out that the NSW Police Force has powers under the Law Enforcement (Powers and Responsibilities) Act to move people on. If the Government were serious it could enforce those powers, but instead we have another media circus when the Minister turns up. It is strange that every time the Minister turns up across the road there is a television camera there. I wonder whether that is a coincidence. Is the Government serious about this issue or is it just looking for more media opportunities to beat its chest and say, "How tough are we on the poor people of Sydney, the poor people of New South Wales?" I will not support this bill and give the Government what it wants, which is simply a good media opportunity. I oppose the bill.

**Mr ALEX GREENWICH (Sydney) (11:16):** The Sydney Public Reserves (Public Safety) Bill 2017 is a mean-spirited response to the uncomfortable sight of vulnerable people sleeping rough in public places, and I strongly oppose it. The bill will give police officers the power to move rough sleepers away from Martin Place and seize their tents and belongings. If rough sleepers move to another public reserve in the City of Sydney local government area, the Minister will be able to confer the powers for use there too. Rough sleepers can incur fines of \$220 if they do not leave when ordered to do so.

The powers in this bill are broad and mimic the old public nuisance move-on powers. There is no link to public safety or interference, just sweeping powers to get rid of people who make people feel uncomfortable rather than encourage them to take action on affordable housing and social housing. If there is a genuine safety risk, police already have the power to deal with the situation and prevent the problem. It is not illegal to be homeless and the Government's own homelessness protocol makes it clear that government agencies should not move on people simply because they are homeless. While having homeless people in the middle of the city is confronting, it shows the scale of the problem. The ongoing tent city in Martin Place has drawn national attention to increasing housing unaffordability and homelessness.

The only solution to stop these vulnerable people from living in public spaces is to provide them with permanent, low-cost, supported housing. Over 430 people are sleeping rough across the City of Sydney, including in Martin Place, Woolloomooloo, Wentworth Park and Belmore Park. I regularly participate in the City of Sydney's homelessness street count and see the problem firsthand. The confronting thing for people is that it has

been public, it has been on show in Martin Place. But I can assure the House that people are rough sleeping in caves and corners across the city in a desperate state. The number of people becoming homeless is rising and it is no wonder, with housing unaffordability in Sydney reaching crisis levels. Over half of lower income households with a mortgage are in housing stress and rental affordability is extremely low, especially for low to moderate income earners.

In blaming the City of Sydney, the Government is playing politics and trying to divert attention from its failures in working with the Commonwealth to make housing affordable and provide low-cost housing for those unable to afford the private market. Council officers have no power to move people on. The City of Sydney steam cleans the area of Martin Place three to five times a week and empties rubbish bins nightly. It has done six clean-up operations since December, during which rough sleepers were provided with temporary accommodation through Family and Community Services and homelessness services. The City of Sydney returned their belongings to them after the operations.

On 24 June rough sleepers were asked to move from their location in Martin Place adjacent to a development site to allow LendLease to enclose hoardings and protect construction workers and the public. This was done only after extensive notification and together with Family and Community Services [FACS] officers to ensure access to temporary accommodation for residents. Sixty-two of those who were sleeping rough have been permanently housed. During all of these operations, police did not exercise their powers to remove people who obstructed council officers or to remove all items, and the kitchen and some bedding and structures remained. About 40 tents have since set up in Martin Place and the City of Sydney, FACS and homelessness services continue to visit the area and talk with rough sleepers about their options.

The City of Sydney sought a meeting with FACS and police on 25 June and the Lord Mayor met with Minister Goward and the Commissioner of Police on Friday to discuss a way forward. The Government's focus has been for the City of Sydney to use its powers to remove structures, but dismantling the camp will only move the problem elsewhere, including to Woolloomooloo where local residents are already confronted with a long history of rough sleeping and to Belmore Park where there are already people with nowhere to live. I agree with the Lord Mayor that moving homeless people from public spaces without certainty of housing and associated support will further harm already vulnerable people and simply lead them to relocate or return to Martin Place.

The Lord Mayor met with Lanz Priestley from the tent city who spoke on behalf of those sleeping rough at Martin Place and they agreed that the group would dismantle tents if safe space is found in another central business district [CBD] location. On Monday night the City of Sydney council resolved to allocate \$100,000 towards this space and set it up with the Government. The Government says it will set up a 24-hour safe space in the Wayside Chapel, however the arrangements remain unclear. The City of Sydney has also spoken with the Government to set up a temporary safe space together in the Sydney CBD until a permanent solution is found. The Government has not responded to this offer. I ask the Government, what is the hurry in enacting these powers and asking police to move people on when solutions have already been offered?

I understand why some tent city residents do not want to accept temporary accommodation given that hostels and refuges are full and they have food and clothing and feel safe at Martin Place. After their few days off the street, they will be back in the same situation but they will have to set themselves up all over again. Housing is a State and Federal government responsibility, yet the City of Sydney has a dedicated and well-respected Homelessness Unit. It is the only council in the State to have one. The City of Sydney has committed \$4.2 million over the next three years to fund outreach services and deliver Connect 100 and Common Ground, services that house and support people who are experiencing homelessness in the inner city. The City of Sydney's public spaces officer works with rough sleepers to link them up to services and resolve conflicts with other people.

The City of Sydney and the New South Wales Government have worked cooperatively on homelessness for many years. The State Government must cease this blame game and focus on the many things it can do to solve the housing crisis. Large developments like Barangaroo, Central to Eveleigh, the Bays Precinct and the Fish Markets should provide at least 15 per cent social and affordable housing. This is what other parts of the world are doing but New South Wales has a meagre target of 1 per cent to 3 per cent of gross floor area. At Barangaroo South, such housing may not even be provided on site. The Government should allow councils to require developer contributions for affordable housing across their region without having to get State approval. Over 500 affordable homes were delivered from Ultimo-Pyrmont and Green Square levies, and the Government should approve the City of Sydney's draft central planning strategy for a 1 per cent levy on new commercial developments and 3 per cent on residential CBD developments, which could yield 300 to 520 additional affordable homes.

The Government's ill-founded policy to sell homes in areas of high value to fund housing on the fringes of the city goes against world's best practice of providing homes close to jobs and transport and health and welfare services. The sale of homes in Millers Point has dismantled a tight-knit community of public and private tenants, home owners and service providers who looked out for each other and provided support and care. Vulnerable



tenants have been relocated to other areas where they do not have these supports and are alone. Not long ago Millers Point supported over 500 vulnerable people in almost 400 social housing tenancies. The mass eviction of these homes has left hundreds of homes empty and awaiting sale, including the Sirius building which could be used to help all those sleeping rough in Martin Place. We need more wraparound housing like the Camperdown Common Ground project which also provides ongoing support to vulnerable people with complex needs so that they do not return to homelessness. There also needs to be continued and increased support for the assertive outreach programs that help people get off the street.

This week is National Homelessness Week and the Government's response is to remove vulnerable people who do not have a home from the area that they gravitate to where they can get food and clothing and where they feel safe in numbers. Tent city residents will not want to move away from the safety and services they are getting at Martin Place nor should they be forced to move until they can be guaranteed a safe and stable place to live. While the sight may be confronting, they are not doing any harm. They have not blocked public access. Many have complex problems like mental health concerns, trauma, substance addiction and financial hardship, which may have been exacerbated if they incur fines included in this bill. Fining people who have nothing does not make sense. The Government's message that people living in tents in public spaces are only troublemakers and that they could have homes is offensive given the social housing waiting list is more than 60,000 and the private rental market is more unaffordable than ever.

This bill has nothing to do with protecting residents of the city. City residents are my constituents and they have overwhelmingly expressed a desire for compassionate responses to the Martin Place tent city and homelessness. They want the Government to fix the problem through low-cost, permanent and supportive housing. The Government should get on with what it can do to improve housing affordability and not harass those unfortunate enough not to have a home. It is important to acknowledge that homelessness will continue to affect people in Martin Place and around New South Wales because of poor government policies which, among other things, encourage pokies to be rife everywhere. When we create problems, we have a responsibility to also look after people. I condemn the bill.

**Ms YASMIN CATLEY (Swansea) (11:26):** Speaking on the Sydney Public Reserves (Public Safety) Bill 2017 feels like *deja vu*, having spoken this morning in this place on behalf of the Opposition on the charitable fundraising legislation. In relation to that bill, I asked the Government why it was duplicating processes that were already in place. I asked the Government why it was giving significant Independent Commission Against Corruption powers to the Minister and entrenching those powers in the Charitable Fundraising Act. Unfortunately, we see these same issues in relation to this bill. However, the Sydney Public Reserves (Public Safety) Bill is also an attempt to override the judiciary in New South Wales. This Government has a shocking disregard for due process, and this bill only adds to the Government's appalling track record. The Government is governing by media release.

It seems that whenever the Premier feels a little bit uncomfortable the Government decides to legislate to make it all go away. This is not a government that is governing for the future of New South Wales. Let us call this bill what it is. On the face of it, it is a juvenile attempt by the Government to get its own way when it knows that it would not be able to do so in ordinary circumstances. When we dig a little deeper we see what this Government and this bill are really about. This is a desperate government clutching at straws and abusing its legislative powers to override the judicial processes that are in place in New South Wales—processes that have stood the test of time to deliver fairness and justice for the citizens of New South Wales. Why does the Government think that principles like fairness and justice should not apply to it? It is because this Government has no regard for the second arm of government. That is plain and simple. The Government's repeated attempts to sidestep the judiciary are, quite frankly, appalling. We see this time and again from this arrogant Government.

Powers already exist under section 153 of the Crown Lands Act that enable authorised persons, including police officers, to apply to the Local Court for a warrant to allow those authorised persons to dispossess and remove the person deemed to be unlawfully occupying land, remove any building or goods from the land, and take possession of the public land on behalf of the Crown. It is obvious to everyone who turns their mind to this issue that the existing powers are not inadequate in any way, shape or form. The Government does not want to be scrutinised by a court of law. If its case is so strong, then why is it too afraid to put it to the test? The Premier does not back herself or her Government. She does not have the confidence to test her views in a court of law. The truth is that Government members want to circumvent the courts. This approach undermines the principles of justice and fairness. It overrides the checks and balances that are necessary to temper excessive Government powers. In his second reading speech on the Sydney Public Reserves (Public Safety) Bill 2017, the Minister said:

The issuing of warrants is an extreme course of action for dealing with this situation.

I say to the Minister that making these legislative changes to accommodate the Government's agenda is an extreme measure. This approach is not good governance. Introducing highly specific legislation to deal with a singular

issue that happens to be on its front doorstep is not about governing for all of New South Wales. It is not about having the foresight to see how such legislation might be used going forward. If this bill is passed it will set a dangerous precedent in this State, thereby allowing any government to legislate on an ad hoc basis to suit itself without the scrutiny of the court. Instead of addressing the root problem, the Government is introducing legislation to enable it to move forward without due process. The Government must stop governing by media release. I oppose the bill.

**Mr DAVID MEHAN (The Entrance) (11:32):** This is a shameful day for this House and this Parliament. Members in this House have been called upon to debate at a moment's notice the Sydney Public Reserves (Public Safety) Bill 2017 in the middle of Homelessness Week. It is the first piece of legislation introduced by this Government to deal with homelessness, and its sole purpose is to move homeless people on. The bill is not about helping homeless people; it is about moving them on because the sight of them is offensive. Members who vote in favour of this bill should be ashamed. It is an appalling abuse of powers. It is shameful that, with all the powers this Government has to do good in this State, it is asking members at short notice to decide, without public scrutiny, on the fate of a small number of people who have no roof over their head.

I have visited them regularly in the months leading up to today and as far as I can see those people who have chosen to set up tents in a public place have done nothing to inconvenience anybody. They have set themselves up in a secure location and made arrangements among themselves to ensure they have a secure night's sleep, without disturbance. They have also made arrangements to feed themselves and to dispose of their rubbish, which provides the social security that homeless people lack.

**Mr Damien Tudehope:** That is good government.

**Mr DAVID MEHAN:** It is not good government. This Government would rather have homeless people hide in dark places. Until now, they have hidden in dark places in Belmore Park, Woolloomooloo, and any other place they can find. They are alone, unprotected and without services. Government members are offended that the homeless have grouped together for their mutual security and common humanity, and they now want to use their powers to move them on so that things can return to normal. They want to wash their hands of the issue. The Government may want to address homelessness but it will happen down the track. Although money has been spent in this area, we still have homeless people. The Government's mantra is that the homeless can engage with its services if they want to help themselves. That is bureaucratic language that does not deflect from what we are doing today. This Government is directing every ounce of its power in this State against a small group of people because it finds their accommodation arrangements offensive. It is shameful.

My colleagues have noted previously that relevant powers currently exist under section 159 of the Crown Lands Act. If people in this State unlawfully occupy Crown land and if people in this State are stopped from enjoying Crown land, mechanisms are available to the Government to make its case in the Local Court. It can obtain a court order to direct those who are unlawfully occupying Crown land to move on, but members opposite are not game to do that. They are not confident to argue their case in court. The Government wants to use its numbers in this House to push through a bill that is directed at a small group of people who do not have the same powers as others in this State. It is shameful.

The issue of homelessness in this city flows on to my electorate on the Central Coast. On 12 May last year I noted that 50 people were sleeping rough around the grounds of Central railway station. When I boarded the train at 10.45 p.m., I shared the carriage with five other people whose home it was for the night. Will we move them on next? How much moving on will we do before we recognise and acknowledge that, as a consequence of the lack of affordable housing, we have a housing problem in this State? The only real solution to homelessness is to provide homes for the homeless. Housing is the only recognised way to deal with homelessness, and that is where the Government should be directing its attention, not on summoning the power of the State to move people on.

In February this year, 433 people were sleeping rough in the City of Sydney and a similar number of people were being housed in crisis accommodation within the boundaries of the city. The bill is directed at a small number of homeless people because they are in the public's sight; they do not pack up their camp and move on during the day. The bill is appalling and does nothing to provide housing for those 50 people in Martin Place. It does nothing to improve the circumstances of the 433 other people in this city who have no home. I do not know how Government members can do this.

The member for Upper Hunter was goading Opposition members for delaying passage of the bill. As Chair of the Legislation Review Committee, he should be ensuring that the bill goes before the committee for review before it is introduced in this House so the committee can determine whether it infringes on the rights and liberties of individuals. His behaviour is an appalling reflection on his responsibility. I am proud that the Labor caucus

voted unanimously to oppose the bill. It is appalling. I proudly oppose the bill and I hope all members vote it down.

**Ms TAMARA SMITH (Ballina) (11:39):** I agree with The Greens housing spokesperson, the member for Newtown, that this is a very sad day. I am sure no member of this House could have imagined that during Homelessness Week we would be discussing legislation like the Sydney Public Reserves (Public Safety) Bill 2017. I say to the Minister and the Premier that this is a missed opportunity, which is incredibly disheartening and sad. I do not understand why the Minister for Family and Community Services decided that this bill was the way to go. Why did the Minister for Family and Community Services not see this situation as an incredible opportunity during Homelessness Week to draw attention to the problems faced by vulnerable people sleeping rough in this State? Thinking purely about politics, why did she not take it as an opportunity to show that her Government is compassionate and solution focused?

Every time I have heard the Minister for Family and Community Services speak she has made excuses. She should be saying, "You know what? You're right. This is a crisis. This is a problem and we need to work together to find a solution." She could have taken that approach when dealing with the Lord Mayor, the people in Martin Place and all of us. Instead, she has chosen to use homeless people as a political football and Martin Place as an example of where new police powers need to be exercised. The police will have no joy in moving those people on. This is a disgraceful and horrible issue to be debating in this House.

By finding a solution to the Martin Place situation the Government could have won the hearts and minds of everyone. This could have been an amazing moment. Instead, I note that no-one on the other side of the House is speaking in this debate to defend the bill. That says a lot. The member for Tweed, who is in the chair, knows that regional New South Wales has a similar housing affordability problem to Sydney. No-one can afford to buy a house in Byron Bay. In my community the waiting list for public housing is very similar to Sydney on a per capita basis. These are real and nuanced issues.

**Mr Paul Toole:** Ben Franklin is the real member, I think. He is, more than you.

**Ms TAMARA SMITH:** No-one is pretending that the Minister for Family and Community Services, the Premier or indeed the Minister at the table, who is taking pot shots at me, will find a quick fix. It is the tenor of this debate that makes it quite disgraceful. I note that none of my colleagues in The Nationals are in the Chamber.

**Mr Paul Toole:** Hang on!

**Ms TAMARA SMITH:** I am not talking about the Minister. In general, country people do not think that police moving on homeless people is appropriate. What has happened to The Nationals members to make them support this bill? We strongly oppose this heavy-handed bill. It is a heartless response to a social problem. In circumstances like this we know compassion is always the best response. Lanz Priestley, who is known by many as the "Mayor of Martin Place", was here yesterday. He could hardly be described as a professional activist.

**TEMPORARY SPEAKER (Mr Geoff Provest):** Order! The member for Ballina will be heard in silence.

**Ms TAMARA SMITH:** He has experienced homelessness in his life.

**Mr Paul Toole:** Tell us about it.

**Mr Damien Tudehope:** Is he a friend of yours?

**Ms TAMARA SMITH:** I get that we are rattling cages.

**TEMPORARY SPEAKER (Mr Geoff Provest):** Order! Government members will show respect to the member for Ballina. The member for Ballina will not respond to interjections. She will direct her comments through the Chair.

**Ms TAMARA SMITH:** We do not live in a totalitarian regime. We live in a country where we are allowed to protest.

**Mr Alex Greenwich:** Point of order: If members opposite have something to say they should make a contribution to the debate rather than interject and shout over the member for Ballina.

**TEMPORARY SPEAKER (Mr Geoff Provest):** Order! There is no point of order. The member for Sydney will resume his seat. This is an emotional and passionate debate. I remind Government members that the member with the call should be heard in silence.

**Ms TAMARA SMITH:** As I was saying, we do not live in a country in which people are bound and gagged or even killed for protesting peacefully. Even if Government members cynically think what is happening in Martin Place is purely an activist movement, so what? It does not justify this response. The Greens in the other

place will be moving amendments to a bill that we think is a disgrace. The amendments will seek to reduce the penalty applying to people who resist their belongings being taken by police from \$2,200 to \$220 in recognition of the fact that their belongings are often all people have in the world and are of extreme sentimental value. Quite frankly, it is a little strange to think someone living on the street would be able to pay more than \$2,000 to get their belongings back.

**Mr Michael Johnsen:** What about the people down there who own houses?

**Ms TAMARA SMITH:** It is disheartening to hear members jeering when I am talking about basic humanitarianism. In 2014, as part of a sleepout for the homeless, I spent a night in a park in Ballina. It was a disturbing experience. I felt incredibly unsafe even though I had a home to go to. We hear the message over and over that sleeping rough is extremely unsafe. Those Government members who jeered when I was spoke about the impossibility of homeless people paying large amounts of money for the return of their belongings have to look at themselves in the mirror.

The Greens will also be moving amendments to new section 8 (4) of the Act to specify that personal belongings "must" be returned rather than "may" be returned. If the intention of this bill is to ensure all possible protection and dignity for people experiencing homelessness the basic protection of their property should be supported by all members. We encourage the Minister to support it. We will also move an amendment that creates a two-year sunset clause on the powers in this bill. If the bill is intended to be a response to the specific circumstance of tents in Martin Place we can assume that all other parties will support that amendment.

In addition, we will move an amendment to include the limitations in section 200 of the Law Enforcement (Powers and Responsibilities) Act on the exercise of powers under this Act. That would make it clear that police cannot give a direction in relation to an apparently genuine demonstration or protest, a procession, or an organised assembly. They are the hallmarks of a democracy, and we want them protected. As it is currently drafted, this Act would authorise police to move on the Knitting Nannas who visit Martin Place most weeks to raise awareness about coal seam gas in their communities. If the intention is not to prohibit that type of protest then explicit protections must be put in place.

The City2Surf will take place this Sunday. We note that the Orange Group will meet at 9.30 a.m. in Martin Place on Macquarie Street. The cynic might think the Minister is introducing this bill to ensure that the runners do not see what is happening there. I say to the Minister that the event could have provided an incredible opportunity for a statewide and national conversation about homelessness during Homelessness Week. Again, it is a missed opportunity. The situation in Martin Place is uncomfortable and the tents are confronting to the eye, but members opposite should not look away; they should respond with compassion. This is not a moment to play political football and I am not using this debate to condemn The Nationals for having lost their way. I am saying that during Homelessness Week this is a very sad day. I know that my constituents will never condone this bill.

**Ms TRISH DOYLE (Blue Mountains) (11:49):** I make a contribution to debate on the Sydney Public Reserves (Public Safety) Bill 2017. At the outset I note the remarks of the member for Cessnock that the introduction of this bill is both fundamentally flawed and indicative of an incompetent government, Minister and Premier. The Government has always had the power to move on groups of people from public spaces when there is a genuine reason to do so. The Government is bringing this bill either because it does not understand the existing legislation in force in New South Wales or because it wishes to catalyse public debate with the city's homeless as its target. The only additional meaningful change that the bill will make over and above the existing powers available to the State is to remove judicial oversight.

Presently the Government has an onus to prepare a brief and to seek Local Court approval both to move people on and to remove any goods or buildings. The bill removes that oversight, and Labor opposes this very concerning development. One wonders why this is being done. Why is it necessary? At a time when housing affordability has become a national talking point, when the median house price in Sydney is more than \$1 million and when rents are skyrocketing beyond the means of working-class people, the Government's overriding priority—the focus of its legislative agenda this week—is to re-empower itself to move on the city's homeless from Martin Place. Our city's homeless are not an abstract concept. They are not all struggling with mental illness, though some are. They are not all experiencing a family breakdown, though some are. In fact, the risk of homelessness is very real for vast numbers of people in this State. Many thousands of working-class people are one change in circumstance away from homelessness.

For many years, as a casual teacher raising two young children on my own with a husband suffering mental illness and going in and out of hospital, I often wondered how I was going to pay my rent and where I would turn if I did not get enough work that fortnight. Homelessness is not something that people bring on themselves; it is not something they choose or deserve. Poverty and precarious employment put a huge number of people at risk of homelessness. The Government has no answer to that risk or those problems. In this State we are facing a

housing and homelessness crisis, and the only solution within the imaginative capacity of this Liberal Government and this Premier is to give themselves new powers to move on rough sleepers. That represents an absolute failure of leadership and humanity by Gladys Berejiklian.

The only reason we are dealing with this legislation today is because the Premier does not like walking past the poor and the vulnerable on her way to work. She has admitted that the sight of homeless people makes her uncomfortable. This is the true face of the Liberals—cold, indifferent and miserable. The highly visible nature of the homeless at Martin Place is motivating the Government today. We are not dealing with a bill to assist people into permanent housing with wraparound services, which Labor would support. We are not dealing with a bill to create more social housing, which Labor would support. We are not dealing with a bill to move homeless people sleeping in tents at Belmore Park with the rats or under the viaducts at Wentworth Park. We are not dealing with a bill to assist people sleeping rough in caves or in tents in the bush at this very moment in the Blue Mountains. We are dealing with a bill that has only one focus: to remove from the view of the Premier, Liberal Party members of Parliament and their staffers any evidence of the poor, the vulnerable and the homeless in this city. It is a disgrace.

Today the Liberals have finally removed their masks. They are not just the friendly faces of light-touch neoliberalism. They are not just the slightly confused social progressives with funny ideas about privatisation. They are, in fact, the sorts of creeps who will not look a homeless person in the eye as they walk to work. They are out-of-touch toffs who do not want to be reminded of inequality, disadvantage and poverty on their way to work. Today, in the middle of Homelessness Week, the Liberals and the Premier have revealed themselves to be a mean, miserable and mendacious bunch of ruling-class elites who are trying to legislate the homeless out of view.

**Mr GREG PIPER (Lake Macquarie) (11:54):** I feel compelled to speak in debate on the Sydney Public Reserves (Public Safety) Bill 2017. I state at the outset that I will not be supporting the bill. I join those on this side of the House who have expressed concern about the principles behind the bill. I am concerned about the rhetoric that has framed much of the debate about a contest between the State Government and the City of Sydney. When we talk about the City of Sydney in this place so many fall into the trap of characterising it as the Lord Mayor of Sydney, Clover Moore. I am always concerned when anybody—a Minister, anybody in the State Government or anybody in the popular media—who talks about the ability of the City of Sydney to do something refers to the Lord Mayor as though she is the chief executive and the council in toto. That is not the case. Under the Local Government Act, the Lord Mayor of Sydney has a very clearly defined role. Clover Moore has certain powers but those powers rest with her as the chair of the council. In my view, she has been doing her best to represent the position of the majority of councillors and council policies.

The City of Sydney should be applauded because it is the only council in New South Wales that dedicates itself to addressing homelessness in its local government area. I find it extraordinary that the State Government somehow considered that it was not able to address this issue and claimed it was a matter for local government. This is a very difficult area for local government. We already had legislation in force in New South Wales to address this issue, and the member for Cessnock referred to some very specific opportunities. The irony of this issue coming to a head during national Homelessness Week has also been discussed. During sitting weeks I spend a lot of time at Woolloomooloo, and I make it my business to speak to many of the homeless people in the area. From my visits to Martin Place, I have also got to know a little bit about the thinking of Lantz Priestley. I have heard him described as an activist. He is a very astute person with a lot of life experience. It would be ridiculous to deny that in many cases he is making a political statement, but that political statement is about the reality of life for way too many people in New South Wales.

While I disagree with this legislation, it is apparent that the State Government will proceed with it. However, I ask the Government to give serious consideration to the next step and to change the discussion. In my view, negotiations could have continued rather than being brought to a crushing end today by using the weight of government against so few people who are so vulnerable but so obviously visible in Martin Place. I repeat: I am very concerned about the intention of this bill. It is unnecessary and I will not be supporting it.

**Debate interrupted.**

*Members*

#### **VALEDICTORY SPEECH**

**The SPEAKER:** It is a very sad day for us all in this Chamber. Before I call the member for Cootamundra, I extend a warm welcome to the family, friends and supporters of the member for Cootamundra, in particular her husband, Jack Saeck; her son, Hamilton; her mother, Rosemary Hodgkinson; her sister Alex Hodgkinson, who is accompanied by her partner Noel Patton; her cousin Katie Mathews; and the chair of Landcare NSW, Rob

Dulhunty. I say sincerely that this is a sad day for me as the Speaker. I have known the member for Cootamundra for a long time. Three of my grandchildren were born in Cootamundra Hospital, so I have some close connections with that beautiful part of the world. We will miss the member for Cootamundra, and I will miss the assistance that she has given to me over the years; I really appreciated it. I now call the member for Cootamundra.

**Ms KATRINA HODGKINSON (Cootamundra) (12:00):** It is with mixed feelings that I stand here to deliver this valedictory. I am experiencing sadness at leaving behind what has been a fantastic honour and a great privilege, serving the people of country New South Wales, serving the community that raised me. But I feel great excitement about what lies ahead, recognising that sometimes you have to closer one door for the next one to open. It was 18½ years ago that I was elected to this place, and I am most grateful to have the support of those in the Chamber today, including the Premier, the Deputy Premier and my Nationals and Liberal Party colleagues, my parliamentary colleagues opposite, some current and former staff and, of course, some of my lovely family, who you so kindly noted, Madam Speaker, in your preliminary statement.

When I made the decision more than two decades ago to stand for the electorate of Southern Highlands at the 1996 State election—last century—young Katrina never fully stopped to contemplate where that road would lead. I certainly thought I would be here for no more than four years. As I reflect on my time in public life since, it has certainly been a challenging and at times overwhelming, yet extremely rewarding privilege to have represented both the Burrinjuck and Cootamundra electorates and to have served as both a shadow Minister and Minister of the Crown during that period.

The trust that has been afforded me time and again by my constituency since I first ran for office in 1996 has been an incredible honour. I did not win the electorate of Southern Highlands. That was the election that saw Peta Seaton elected to this place, and what a conscientious member of Parliament she was and also a great trailblazer for women. I congratulate Peta on her recent Order of Australia award. I moved from retailing in my little shop in Bowral, called The Sheep's Back, and that 12-month long by-election campaign to working for Senator the Hon. Nick Minchin until a vacancy occurred in the electorate of Burrinjuck, which incorporated my home town of Yass.

I will always be grateful to Senator Minchin for taking me into Federal Parliament in government. I learned so much about politics and parliament—it being a time when the balance of power was held by independent Tasmanian Brian Harradine—while working for that couple of years in Canberra. My fondest memories were of working on both the Constitutional Convention and the Native Title Ten-Point Plan. A general election was held in 1999 and the newly redistributed electorate of Burrinjuck incorporated not only Yass and Gunning, of which I was fifth generation on my dad's side, but also the beautiful city of Goulburn where my mum, who is in the gallery today, and her family had several generations of family history as cabinet makers and retailers. Cootamundra moved into the seat of Lachlan and, once elected, I had to move the electorate office out of Cootamundra and into Yass. We came full circle on this at the 2015 election.

Joining Parliament four years into the Carr administration had its own challenges. The most prominent that comes to mind was the Woodlawn mine foreclosure on its workers in Tarago; it would not pay out entitlements to its workers. We ultimately remedied that situation, before Collex moved in and created the tip and a wind farm. It was the beginning of what would become the biggest single issue in the electorate of Burrinjuck in my 16 years as its local member of Parliament—the proliferation of wind turbines. The correspondence on this issue alone would take up two terabytes of data these days. We used to say the file was six feet high.

Notwithstanding multiple redistributions, the electorates of Burrinjuck and Cootamundra are two incredibly diverse, let alone large regional electorates that encapsulate the heart of what country New South Wales is all about: growing agricultural productivity, supporting hardworking small business owners, enhancing local tourism and maintaining strong community values. As a member of Parliament I have strived to advocate strongly for all in the towns and villages throughout—from Tallong and Bungonia to Marulan, Goulburn, Boorowa and Yass, Crookwell through to Gundagai, Tumut, Batlow and Talbingo, Narrandera, Naradhan, West Wyalong, Temora, Grenfell, Gooloogong, Young, Harden, Cowra, and everywhere in between—whether it be personal issues that constituents brought to my attention or advocating for our fair share of investment in important community infrastructure priorities.

Some of my more private battles in the earlier years included getting a dialysis unit for Cowra after a long battle with successive Ministers; getting additional funding for the women's refuge in Young; community transport to cater for the disabled in Goulburn; and respite for parents of disabled adults. That is the really important stuff; it is the bread and butter of being a member of Parliament. The nature of the Cootamundra electorate, without a major centre, has meant it has been a little more challenging. There is no single big-ticket item that may ease the livelihoods of those living in the Cootamundra electorate. Rather, the big-ticket list is 100-fold—and, yes, I keep that list in the notes section of my phone. It combines the infrastructure requirements of all local government areas I represent and that I need for the people.

Despite this, however, we have continued to have wonderful success ensuring the Cootamundra electorate has received its fair share. Recent highlights have included six new ambulance stations for Harden, Grenfell, Cowra, Cootamundra, Ardlethan and Coolamon, meaning vital emergency assistance will be close at hand when required; and massive roads funding, including \$70 million for the Gocup Road between Gundagai and Tumut, and \$7 million for the Newell Highway, and new bridges at Gooloogong, Tarrengo and Gobarralong. These bridges with strange names are vital road transport routes that we need to keep our nation's economy and productivity going, transporting our primary product throughout the State. Also included in that roads funding is \$1 million worth of new truck washes to keep biosecurity safe, and I thank the Minister for Roads, Maritime and Freight for that funding.

Another highlight is new sewerage treatment plants across the electorate and a commitment of up to \$10 million for Gundagai's aged and cracking sewerage treatment plant. Junee is also guaranteed to have its upgrade funded as it is on the shortlist for the \$1 billion Safe and Secure Water Fund. I am delighted with the new Safe and Secure Water Fund, recently announced by Minister Blair. The policy that the New South Wales Liberals and Nationals took to the 2011 election campaign, when I was shadow Minister for Natural Resource Management, was to have safe and secure potable water supplies for towns and villages across New South Wales looking 50 to 100 years into the future—that and the introduction of a triple bottom line approach when it comes to regional water policy. We just had to work out a way of funding it after 16 long years of a Labor government.

As I mentioned earlier, agriculture, small business and tourism are at the heart of regional New South Wales, and I am very privileged to have had the opportunity to serve as the Minister responsible for the first two of these portfolio areas and as Assistant Minister of the third, as a member of The Nationals team in government. As the Minister for Primary Industries for four years and the first woman to hold that title in New South Wales, coming in as the Liberals and Nationals returned to government, I had the opportunity, with a wonderful team, to undertake significant reform in this crucial portfolio after years of neglect, rotting and corruption under Labor Ministers, which have been well documented in recent weeks.

On coming into government in 2011, the Coalition Government introduced 10 per cent recurrent funding cuts in every portfolio. That was really tough, particularly in Primary Industries, where so many of those recurrent jobs were in the regions. Still, it was the Cabinet's resolve to save taxpayers' money, and my father taught me that you should not spend what you do not have. He also told me that you should gamble only what you can afford to lose, but that is another story. I reasoned that if the Department of Family and Community Services had to find a 10 per cent recurrent saving then the Department of Primary Industries could do it too. I had a bold and robust team, many of whom are here today in the gallery, the hero of which was Tim Scott, who really does have a brain the size of a small planet. He and his posse in those tough early years—including David Dawson, who nailed policy every time, Ilse van de Meendt, Samantha Day, Fiona Dewar and Mitchell Isaacs—were a pretty formidable team, along with many others.

I make special mention of Charis Ombico and Wayne Sole, two people who looked after me through thick and thin. I thank them for their camaraderie and their friendship. Sometimes ministerial staffers can have a short lifespan, particularly when you are undertaking so much policy reform. I discovered that as a staffer for Senator Minchin when we saw a host of staffers go through the system. I acknowledge the very many staff who came into the ministerial office over that four-year period, some temporary, some longer term, some departmental liaison officers; all incredibly valuable. I table a list of ministerial staff who served in my office.

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Primary Industries ministerial officers: Samantha Day; Alexander Drake; Andrew Innes; Belinda Lucas; Belinda Roseby; Beth Standord; David Dawson; Douglas Walther; Eimear McCauley; Ilse Van De Meent; Karen Devoy; Ken Crooke; Kerri Griffiths; Laraine Doyle; Lauren Francis; Lucy Gonano; Bob Lawrence; Samantha Bailey; Simone Burton-Cameron; Tim Scott; Bill Maslin; Cassandra McNamara; Fiona Dewar; Jodie Bartholomew; Warwick Pelly; Clementine Julian; Julian Luke; Charis Ombico; Paul Terrett; Scott Barrett; John Morrison; and Emma Logan.

Departmental liaison officers: Matt Cole; Rachel Lenehan; Anna Ferguson; Kerryn Richardson; Kelly Alert; Tim Owen; Karen Hearnden; Peter Sykes; Mitchell Isaacs; Kathryn Pender; Melissa Baker; Belinda Lucas; Simon Vincent; Ellen Morgan-Thomas; and Daniel Newlan.

Department of Primary Industries ministerial officers: Scott Hansen; Richard Sheldrake; Craig Sahlin; Samara Kitchener; Lisa Szabo; Brett Fifield; Geoff Allan; Renata Brooks; Bruce Christie; Ian Roth; Alison Stone; Jaime Tripodi; David Harriss; Michael Bullen; John Macarthur-Stanham; Nick Robers; Dick Kearins; Dianna Watkins; Polly Bennett; Pete Turnell; and Trudy Glasgow.

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My tenure as the Minister for Primary Industries included the introduction of Scores on Doors, food and hygiene ratings for food outlets; kilojoule intake schedules for commercial and fast food retailers; the most significant reforms of cemeteries and crematoria ever undertaken, replacing 20 separate pieces of legislation, some dating

back 150 years; a pest control order for foxes; the corporatisation of Forestry NSW; a new system of regional service delivery called Local Land Services; the decentralisation of the Fisheries Department to Nowra, Port Stephens and Coffs Harbour; the commencement of commercial fisheries reform; a total review and creation of one single biosecurity Act, replacing more than a dozen pieces of legislation; new offshore artificial reefs; a review of the marine estate and the creation of the Marine Estate Management Authority; the creation of an aquifer interference policy so that any water extraction over three mega joules would need to be licensed; the commencement of the Crown lands review, replacing 30 separate boards answerable to the Minister with just one board consisting of 30 representatives of all the previous entities; and so much more.

It also involved the herculean task of negotiating the Murray-Darling Basin Plan on behalf of the New South Wales Government, about which we have heard a bit in the past couple of weeks. Getting to the stage of signing the intergovernmental agreement on the Murray-Darling Basin Plan was a complex negotiation exercise involving Queensland, New South Wales, Victoria, South Australia, and the Commonwealth over a six-year period. All States, including New South Wales, had their own interests front of mind and political posturing was often at the heart of negotiations with Commonwealth. As the incoming Minister for Primary Industries in 2011, I inherited a one-dimensional policy position from the Labor Government which was solely focused upon recovering water to send downstream to South Australia. There had been no consideration of the tens of thousands of people in New South Wales regional communities nor of the farmers in this important food bowl that this proposed plan as it stood would impact.

On coming to government the New South Wales Liberal Party and The Nationals determined to take a triple bottom line approach to the Murray-Darling Basin Plan, creating fairness with regard to the environmental, social and economic impacts of the plan prior to its implementation. I met with many delegations throughout New South Wales during that period, I attended speaking events in irrigation communities, I visited the Macquarie marshes and I inspected the river systems of the Murray-Darling basin. As the Minister and being part of a team that represented regional New South Wales, we had to talk through all those issues with farmers who were going to be adversely impacted by the plan. Their concerns related to flood inundation on properties, evaporative losses and future employment in country towns. I am confident that the New South Wales Liberal-Nationals Government got the best deal possible on behalf of the people of New South Wales as a result of those tough negotiations, and I stand by my ministerial record and that of my staff.

Premier O'Farrell and other State and Commonwealth leaders signed the intergovernmental agreement on the Murray-Darling Basin Plan in February 2014. Even the rice growers of the Riverina gave us the thumbs up on the result. It was a tough negotiation. The New South Wales Government had been holding off signing the intergovernmental agreement until we were satisfied that a number of conditions relating to the implementation of the basin plan would be met. These included a cap on the volume of water recovered through buyback, giving priority to infrastructure and environmental works and measures to meet the remaining recovery volumes and increasing the sustainable diversion limits on two brackish groundwater aquifers.

It was a pleasure to work with Tony Burke during those years of negotiations but it was even more delightful to work with my friend and colleague Simon Birmingham. I thank him now for his swift recognition of the tribulations facing those residents living and working in the New South Wales portion of the basin. I also thank Water Commissioner David Harriss for his valuable guidance during those delicate negotiations. My tenure as Minister responsible for water concluded in April 2014, following the successful completion of the Murray-Darling Basin Plan process.

As the Minister for Small Business during this same time I inherited a budget of zero dollars—nada, nil, nothing. In the first budget following our coming into government, because we are the parties that truly represent small business, we boosted the budget by \$7.5 million to create a new Office of Small Business. This was complemented by New South Wales' first-ever Small Business Commissioner—a legislated position. Our Small Business commissioners have been Yasmin King and Robyn Hobbs. Small business buses to travel around both the regional and metropolitan areas were introduced, together with a policy of "one on, two off" red tape reduction. For every new piece of legislation or regulation created two had to be repealed by the same Minister. A new Retail Leases Act was forged, much to the delight of shopkeepers with leases everywhere.

One smaller, but by no means less important, part of my time in Parliament has been spent as the inaugural chair of the Parliamentary Friends of Landcare. I thank all members for their going support of Landcare and for heightening the profile of this fantastic program. I thank Rob Dulhunty, the chair of Landcare NSW, for his kind words on the announcement of my retirement. I assure him that I will be maintaining my involvement with and enthusiasm for Landcare well beyond my life in Parliament.

As I mentioned earlier, the trust afforded me by my constituency over the past two decades has been an honour. I will be forever grateful to the people of the Southern Highlands, Burrinjuck and Cootamundra electorates for their faith in me and for their encouragement at successive State elections. Throughout I have appreciated the



frank and honest feedback I have received across a multitude of issues, from matters that have had a direct and personal impact on people's lives to those concerned relating to the future of their communities. Their trust and feedback has encouraged me to push as hard as I can in the interests of making the towns and villages of my electorate get ahead.

In addition to the wonderful support of my electorate, I wish to thank a huge number of people for providing support and guidance to me over so very many years. They include, most importantly, my husband, Jack, and my children, Georgia and Hamilton. They do not want me to stop being a member of Parliament—sorry Hamey. I thank profusely my mother, Rosemary Mavis Hodgkinson, who has been so incredibly supportive for far longer than anybody has a right to expect a parent to be. I also thank my father, David Merriman Hodgkinson, whose life was tragically cut short. I thank my colleagues past and present for their support during that tough time, in particular, Andrew Fraser, who showed immense kindness; Andrew Stoner, who offered great understanding; Gladys Berejiklian, who has been a wonderful friend during my entire term; Peter Debnam, the Leader of the Opposition of the day who rang and offered me the time I needed to recover; John Ryan, MLC; and so many others, too many to mention. I also thank a couple of members of the Opposition, including Gerard Martin, Steve Whan and Peter Black. Everybody was amazing and I take this opportunity to say a very heartfelt thankyou because it meant a lot at the time.

I thank my sisters, Alexandra and Megan, but most particularly big sister Alex, who is much older and whose shoulder is large enough to handle my problems and who has always been there for me. Thank you, Al. I thank Ron and Dorothy Brewer; Ella and James Brewer; Val and Janet Tyson; Peter Cochran; Ian and Jenny Armstrong; Pam Haliburton; Maurice Simpson; Peter and Kate Walker, who are represented here today by Mary-Claire Walker, their daughter; David and Fiona Nash; Chris Cummins; Neville Newton; Steve Swadling; the entire Saeck family; Mick and Lawrie Newling; Michael and Jacqui Merriman; Chris Manchester; Pam Ranyard; Terry Ryan; John Kenery; David Harley; Lucinda Corrigan; the irrepressible Rick Firman; all the mayors and general managers over so very many eras; John Glover; Paul Stephenson; Jack Shaw—the list goes on and on. There are so many more who have moved in and out of political circles over the years. [*Extension of time*]

To my colleagues, past and present over the years, I thank you all for your friendship. Of course, 18 years of representation in State Parliament comes with the support of a fantastic number of electorate office staff, from work experience students and casuals to long-term employees. My longest-serving member of staff, David White, was with me for about 14 years. As my senior electorate officer he was able to predict exactly what I was thinking and have it printed as a media release, without fail, before I even spoke to him about whatever it was going to be. David, you are a gem. Just know that I will always be the better proofreader.

I also thank the eternally effervescent and conscientious Margot Shannon, who left my office last year. I miss you greatly, Margot. However, you have been very capably replaced by the amazing Frances Crowley, who is in the gallery this afternoon. Frances, I thank you for your service to the Cootamundra electorate office, and I wish you and David all the best with your impending new family. Gaenor Bingley marks 10 years in my office this year and is watching from Europe. Hello Gaens. I thank her for her service and loyalty. She has been an amazing personal assistant. I thank the highly organised Jenny Littlejohn, the amazing new journalist Daniel Johns, the incredible Marie Tame with her bookkeeping talents, our wonderful people person Edwina Mason, and most recently Lynne Curry in Junee. You are all incredibly valuable members of Team Hodgkinson. I also table a list of the many staff who have served the community by being staff members within the Young, Junee and Yass electorate offices over so many years.

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Rowena Weir, Russell Neal; Carmen Jones, Kaye Saunders; Carmen Jones; Betty Wilson; Candice Jones; David Walters; Rebecca Quinn; Anne Pigram; Judith Cassidy; Coral Wells; Carly Scanes; Susan White; Cassandra Ledger; Ian Wearing; Elizabeth Monk; Carol Lake; Vanessa Forsyth; Rebecca Romano; Simone Leister; Deborah Russell; Rosemary Henderson; Narelle Alcorn; Amanda McWilliams; Julie Vass; Gerard Walsh; Rhonda Shields; Amy Dwyer; Julie Perrot; Gillian Bucknell; Alexander Bruce; Courtney White; Annabel Scott; John Best; Nicole Storey; Kim Turner; Katrina Weir; Skye Shannon; Catherine Glover; Sally Butt; Meagan Medway; Lynn Rackley; Lloyd Scroope; Georgie Friend; Lynne Curry; Jayden Leonard; Georgi Coddington; and Maddie Hartwig.

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In conclusion, this is a momentous occasion for me personally and also for my family. Thanks mum, thanks Alex, thanks Jack, thanks Georgia, thanks Hamilton, and thank you Noel Paton, Mary-Clare and Katey Mathews. Family is such a safety net. My first term in Parliament heralded the arrival of my daughter, Georgia. Georgia is now 17 and studying in Switzerland on exchange through Rotary International. I am incredibly proud of the young woman she has become and I cannot wait to see her in the next school holidays. Hamilton, you have become a handsome

and fine young man who is able to take on the world. You are now in year 7 at Scots College and I am so proud of you, darling. Jack, you made it possible for me to be here. I have done 18 years and now it is your turn.

I will finish by saying that I hope my term in State Parliament may have inspired in some way other young women to put their name forward for public office, whether it be for local, State or Federal government or other leadership roles. It is tough but if you stick to your guns and follow your moral compass you will know how to handle it. It has been an honour and a privilege and I thoroughly recommend it. I thank the House.

*Bills*

**SYDNEY PUBLIC RESERVES (PUBLIC SAFETY) BILL 2017**

**Second Reading**

**Debate resumed from an earlier hour.**

**Mr EDMOND ATALLA (Mount Druitt) (12:25):** I make a contribution to the Sydney Public Reserves (Public Safety) Bill 2017. From the outset I note that Labor is opposed to the bill because it is not a solution to dealing with the scourge of homelessness in New South Wales. The bill is only a bandaid solution to move homeless people from one area to another. The reason we are dealing with this bill today is that Government members are being forced to face the issue when they walk through Martin Place and witness the plight of homeless people. It is confronting but moving people away from Martin Place will not resolve their need for homes.

Currently 60,000 families are on the Housing NSW waiting list. So more housing properties are required in New South Wales to deal with this problem. I draw to the attention of the House some of the issues facing the electorate of Mount Druitt and the plight of the homeless there. In 2015, shortly after being elected to Parliament, I had my first representation in my electorate office. A young woman in late pregnancy, accompanied by her toddler, advised me that she was homeless and that she and her child would be sleeping that night in the council car park. She had fallen through the cracks because even though her partner had a job he was unable to obtain rental accommodation due to his criminal record. As a result, this pregnant woman and child would be sleeping on the street. Through intervention we were able to provide temporary accommodation for them.

Recently a homeless person with mental health problems set up a tent in a council park in my electorate. He remained there for a few days before we were notified that a person was living in a tent in a park and going to the toilet in nearby trees, with its associated lack of hygiene. I was unable to get assistance for him because the police said they could not move him on because he was not a threat to anyone. The Ambulance Service would not take him to a mental health facility because he would not go voluntarily and he could not be sectioned under the Mental Health Act. This man was homeless because Housing NSW was unable to provide him with accommodation when he was evicted from his parents' place. This is another example of a homeless person being unable to access temporary or other accommodation.

Last month I went to a local park for a family event and I noticed an abandoned vehicle with broken windows in the council car park. Curious to see if the vehicle had been dumped, I looked inside for any details so that I could report the vehicle to council. To my surprise, a young lady popped out of the vehicle. She thought I was invading her privacy and abused me for looking into the vehicle. When I made inquiries I found that this lady was homeless and she had been living in the abandoned vehicle for some time. Nobody had attempted to give her any assistance. I notified the Department of Housing and officers spoke to the lady and provided her with temporary accommodation.

All of these examples show that there is no long-term strategy from the Government to deal with the crisis in housing. It is not unusual for people to wait at least 10 years on the housing waiting list to get some type of accommodation. Even worse, for emergency situations, like the people I have mentioned today, the emergency waiting time is two years. That notifies us that the Government has no solution because there is virtually no accommodation available for these people. As well, there are homeless people with mental health issues, which compounds the problem. Not long ago I spoke in this place about a homeless person with mental health issues who was wandering the streets. He was picked up by police officers but the police did not know what to do with him so they dumped him in a motel car park in the middle of the night. This is what we are seeing here today. The problem is being dumped somewhere else, as if that is a solution. That is not a solution because all it does is move the problem from one area to another.

In my electorate an obese lady in a wheelchair was taken off the streets and dumped in a motel without any assistance. This lady, who is not able to help herself, was using the bin of the motel as a toilet. I hear some awful stories in my electorate and it all comes down to the failure of this Government to deal with homeless people. In a country as advanced as ours, it is disturbing to hear about people who are living under these circumstances.

People do not choose to live in a tent, like those in Martin Place, if they have alternative accommodation. Nobody chooses that. Who would want to sleep in a tent in the middle of winter? This bill authorises police officers to seize and remove "tents, goods and other things". I am concerned that we will pass legislation that authorises the police to remove "other goods". What is meant by "other goods"? Are we talking about their food? Not only will we remove their accommodation but we will take away their food and whatever other belongings they have. These people do not have many belongings; that is why they are there.

This bill is only a bandaid solution. It moves the problem away and covers the visibility of the Government's policy failure. This bill attempts to hide the Government's failure by getting the homeless out of sight. I had hoped that the Government would bring a bill that appropriately deals with the homeless situation and provides a solution for these homeless people. No-one should be living under these circumstances. For this reason, Labor is opposed to this bill. I call on the Government to deliver a more suitable solution by providing a place of residence for the homeless in our community rather than putting up this baseless proposal.

**Mr JAMIE PARKER (Balmain) (12:34):** I address the Sydney Public Reserves (Public Safety) Bill 2017. This is an issue that I have been taking up assiduously in the Parliament, the issue of what many know as public housing but what we now know as social housing. This bill goes to the heart of a structural problem in this State for which not only this Government but also the former Government can take responsibility. I draw members' attention to a report of the Auditor-General in 2013 on a systematic review of public housing in this State. The report found that this State has cannibalised public housing stock. In the 1990s we saw a pull back of funding from the Federal Government in public housing. The response of the former Labor Government was to sell public houses to fill the gap between income that is received from the State and from rents and the cost of managing the service. Up to 1,000 houses were sold every year to plug that gap.

When the Coalition came to office in 2011 the maintenance backlog had blown out to over \$300 million and there was a maintenance crisis in New South Wales. This Liberal-Nationals Government has failed to address the fundamental problem that the Auditor-General described, that is, that we must invest in public housing. The State needs to invest in public housing because the maintenance backlog of over \$300 million means that the State is a slum lord. The increasing lack of public housing dwellings to meet the enormous demand means that the mismatch between demand and supply will continue to become even more unbalanced.

Currently there are 60,000 applications for public housing. That is applications, not individuals. More than 100,000 people are on the waiting list for public housing in this State. I give credit to the Government for releasing the details of the waiting lists. We can now see how long the wait is. I have printed out the waiting lists for approved applicants for social housing and general housing. Let us look at Sydney, south-eastern Sydney and North Sydney. People in the inner west who are looking for one-, two-, three- or four-bedroom accommodation have a waiting time of more than 10 years. They must remain qualified for public housing for a minimum of 10 years before they are considered. In St George, Sutherland and the northern suburbs the wait is also more than 10 years.

As the local member for Leichhardt for six years and the mayor of Leichhardt before that and having been elected to Leichhardt Council in 1999, I know people who have waited on the priority list for public housing for more than 15 years while remaining qualified. We tell people that we have a solution for those who are homeless but this is an embarrassment, not only for this Government but for the former Government as well. Without investment in public housing to address the mismatch that exists between supply and demand we will never address this problem adequately.

We see people sleeping in the streets, and what is the response? My electorate office is in Glebe; there are about 1,900 public housing tenants in Glebe. The number one issue people inquire about at my electorate office is public housing. They inquire about maintenance and the disgraceful lack of investment in public housing property. Secondly, people come to my office desperately looking for accommodation. I encourage members to speak to Family and Community Services [FACS], who goodness knows are trying their best under trying circumstances. Ask them, "What do you do if somebody needs emergency accommodation?" Ring up the women's refuge in your local area and ask them, "When a woman is ready to leave a women's refuge and needs public and social housing what do you do?" They will say, "We put them on the priority list." Over 30 per cent of social housing applicants are on the priority list and even they can wait up to 10 years for a property. In my electorate they are put up in the nearby Marco Polo hotel, which does not have kitchen facilities in the rooms. They might stay there for a week or a couple of weeks and then FACS will try to find somewhere else for them to go.

The incredible demand often means that the client who is desperate for housing will return to their abuser or they will continue to couch surf and sleep on a friend's or relative's couch. They will do everything they can to keep going. It is clear there is no support. If there were support people would not have to wait up to 10 years on the priority housing list. It is the same in rural and regional areas, as we can see on the Land and Housing Corporation's website. With 60,000 applications from more than 100,000 people, the department cannot cope with

the demand and people are living under financial stress and in unsafe conditions. The Government talks about a billion-dollar fund. Big deal. It is not building a billion dollars worth of properties; it is providing financial support for more investment in public housing. That is not enough.

I draw attention again to the Auditor-General's 2013 report, which demonstrated that until recently public housing as a proportion of overall housing tracked well. However, in the past 20 years we have seen a steep decline in public and social housing as a proportion of all housing. The lack of ongoing investment means that the mismatch continues. When I was a child, my parents were offered public housing in Doonside. My father was working class and fixed engines on ships, my mother looked after four children, and they were offered public housing. That would never happen now. The only people who are offered public housing are those who are desperate. The Department of Family and Community Services [FACS] has to allocate housing for people who have been released from jail or have come from a women's refuge or drug and alcohol rehabilitation. They are the people they are trying to house. When there is only one property available, who do they choose?

That challenge is destroying the Land and Housing Corporation. The rents that public housing providers receive have collapsed because the only people receiving public housing are those on welfare. While the rents received by the Land and Housing Corporation have crashed, the cost of managing housing stock is increasing. The maintenance of public housing is increasing because there is no new investment and the housing stock is mainly older properties. The disgraceful shortfall in public housing maintenance in 2011 alone amounted to a backlog of \$300 million. The small problems are getting bigger and the cost of housing is increasing. The problem the Minister must address was highlighted clearly in the Auditor-General's 2013 report, which stated that State governments were selling more stock than they were building. We urgently need to address this issue.

This Government's response was not to sell as many houses as Labor did but to sell high-value houses. This Government cleansed Millers Point and turned it into an enclave for the rich. The income it received was not used to build more public housing but to fill the funding shortfall in the Land and Housing Corporation. Homes are being sold to fill the gap between the money received from the sale of properties and the costs of managing the system. I encourage members to read the Auditor-General's 2013 report. We are chasing our tails and cannibalising stock. We must have a fundamental break from this practice and invest in public housing. This bill is a symptom of a broader problem.

When the issue of public housing is confronted there is cognitive dissonance. We hear, "They are protesters", or, "They have been offered a house." Members should talk to these people and ask them what they have been offered. Have they been offered full-time permanent housing? No. As I have demonstrated, people have to wait years to be offered permanent housing. Instead, people are being offered temporary permanent housing and they are pushing out others on the social housing waiting list. They are being housed in either short-term accommodation or hotels. Members should talk to representatives of FACS in their electorates and ask them what they do to house homeless people. Ring a women's refuge and ask them what they do. They will tell members that they do not have the properties to house people.

This bill is a missed opportunity. We should be talking about proper investment. People on waiting lists in regional and rural New South Wales do not have the support of city services such as charities and faith-based organisations. It is more difficult for people in rural and regional New South Wales. This bill cannot be supported. It is a response by the Government to an issue it sees as a political problem. Homelessness should be addressed in a compassionate way. I encourage the Minister and this Government to seize the opportunity. They must read the Auditor-General's 2013 report and speak to people who work in homelessness services. They must give FACS and the non-government sector the tools they need to respond to this issue adequately so that they can treat homeless as human beings, not as a social problem that must be overcome by having police move them on.

**Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (12:44):**  
In reply: I thank all members for their contribution to debate on the Sydney Public Reserves (Public Safety) Bill 2017. I particularly thank the Hon. Pru Goward, the Minister for Family and Community Services, and Minister for Social Housing, and the members representing the electorates of Cessnock, Newtown, Sydney, The Entrance, Bankstown, Wyong, Swansea, Ballina, Blue Mountains, Lake Macquarie, Mount Druitt and Balmain. This bill is an appropriate and measured response to the current issues at Martin Place Reserve. During this time the Premier and the Minister for Family and Community Services have continually shown care, compassion and empathy for those who are most vulnerable in our communities. They have shown genuine care, compassion and empathy for the homeless people in Martin Place. It is appalling that some individuals, a manipulative few, are using homeless people for nothing more than exploitation. The City of Sydney has failed to move them on.

The City of Sydney fines a business if it puts a sign out the front of its premises but it has allowed tent structures, barbecues and knives in Martin Place. Today the camp site at Martin Place impedes the reasonable use of the reserve by other members of the public. The City of Sydney has used its powers once to address the problems created by this site. It could and should use its powers again but it has failed in its duty to act. The public expects

police to have appropriate powers to support a reasonable and timely resolution of the issues at Martin Place Reserve. This bill ensures that the NSW Police Force will be able to exercise reasonable powers to remove items and persons from Martin Place Reserve when they materially interfere with the reasonable enjoyment of the rights of the public or when the use of the reserve is unlawful.

I reiterate that this bill is only one part of a broad approach by this Government to peacefully resolve this issue. My colleague the Hon. Pru Goward has already stressed to the House that no-one in Sydney needs to sleep in a tent in Martin Place. There is help available. Family and Community Services representatives have visited Martin Place 47 times, including today, to offer services and support. They were there yesterday, they will be there today and they will be there again tomorrow. Every eligible person who has engaged with FACS workers in Martin Place has been offered accommodation. On commencement, this bill will apply only to the Martin Place Reserve and no other public reserve unless by proclamation in limited circumstances.

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

**Mr PAUL TOOLE:** As I have previously informed the House, this bill gives police officers the power to give directions, including directing people to move on immediately and remove things where the person's occupation of Martin Place Reserve materially interferes with the reasonable enjoyment of the rights of the public or is unlawful.

**TEMPORARY SPEAKER (Mr Lee Evans):** Order! I call the member for Canterbury to order for the second time.

**Mr PAUL TOOLE:** We have ensured that any items that are removed are dealt with appropriately. We have assured the House that these powers are limited. First, they must be exercised reasonably. As I have said previously and will say again, it is not intended that these powers will apply to individuals. They are only intended to apply where there are broad and disruptive impacts to the rest of the community. Secondly, these powers will not apply to industrial disputes or authorised protests. Thirdly, the bill provides that a code of practice can be developed and applied to the exercise of powers under the Act, setting out how the powers are to be used.

The two offences under the bill are proportionate and are simply to ensure compliance and deter interference with respect to the police powers. This Government is committed to providing support to the vulnerable people camping in Martin Place. It has shown that repeatedly. We also have a duty to the people of the city of Sydney and its visitors to ensure that unauthorised and unlawful uses of public reserves like Martin Place are dealt with appropriately. That is why we are introducing these specific, limited provisions to ensure that public safety risks are mitigated in areas of the city of Sydney and that public reserves are available to all members of the public. I commend the bill to the House.

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

**The House divided.**

Ayes .....51  
Noes .....39  
Majority..... 12

AYES

Anderson, Mr K  
Berejiklian, Ms G  
Conolly, Mr K  
Crouch, Mr A  
Donato, Mr P  
George, Mr T  
Grant, Mr T  
Hazzard, Mr B  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Mrs M  
Piccoli, Mr A  
Rowell, Mr J  
Stokes, Mr R  
Tudehope, Mr D

Aplin, Mr G  
Bromhead, Mr S (teller)  
Constance, Mr A  
Davies, Ms T  
Elliott, Mr D  
Gibbons, Ms M  
Griffin, Mr J  
Henskens, Mr A  
Johnsen, Mr M  
Maguire, Mr D  
O'Dea, Mr J  
Perrottet, Mr D  
Provest, Mr G  
Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G

Ayres, Mr S  
Brookes, Mr G  
Coure, Mr M  
Dominello, Mr V  
Fraser, Mr A  
Goward, Ms P  
Gulaptis, Mr C  
Hodgkinson, Ms K  
Kean, Mr M  
Marshall, Mr A  
Patterson, Mr C (teller)  
Petinos, Ms E  
Roberts, Mr A  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

AYES

Williams, Mr R

Williams, Mrs L

Wilson, Ms F

NOES

Aitchison, Ms J

Atalla, Mr E

Barr, Mr C

Car, Ms P

Catley, Ms Y

Chanthivong, Mr A

Cotsis, Ms S

Crakanthorp, Mr T

Daley, Mr M

Dib, Mr J

Doyle, Ms T

Finn, Ms J

Foley, Mr L

Greenwich, Mr A

Harris, Mr D

Harrison, Ms J

Haylen, Ms J

Hoenig, Mr R

Hornery, Ms S

Kamper, Mr S

Lalich, Mr N (teller)

Leong, Ms J

Lynch, Mr P

McDermott, Dr H

McKay, Ms J

Mehan, Mr D

Mihailuk, Ms T

Minns, Mr C

Park, Mr R

Parker, Mr J

Piper, Mr G

Robertson, Mr J

Scully, Mr P

Smith, Ms T F

Tesch, Ms L

Warren, Mr G

Washington, Ms K

Watson, Ms A (teller)

Zangari, Mr G

**Motion agreed to.**

### **Third Reading**

**Mr PAUL TOOLE:** I move:

That this bill be now read a third time.

**Motion agreed to.**

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

### **Second Reading**

**Debate resumed from 8 August 2017.**

**Mr MICHAEL DALEY (Maroubra) (13:00):** I lead for the Opposition in debate on the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017. I say on behalf of the Opposition, and in effect on behalf of all members in this place, that all of us completely and utterly abhor corruption at the public level—whether it be a member of Parliament, councillor or council staff or an agent of government in any capacity. We all agree, for a variety of reasons that need not be enumerated upon, that corruption is a cancer of good governance. We on this side of the House have always sought to do things, particularly in our last term of government, like maintaining a strong Independent Commission Against Corruption [ICAC] and fighting for the retention of one of the most prominent crime fighters in this State, Megan Latham. For a number of years we have also been calling out, although in vain, for this Government to introduce greater measures at the level of local government such as calling for developers and real estate agents to be banned or made ineligible to sit as councillors on local government. It appears that plea has fallen on deaf ears because it has not been included as part of this legislation. We think it should be included.

We on this side of the House have also called on this Government to implement other measures that apply to members of Parliament—spending caps in local government elections. It would appear that is not going to be enacted either before the local government elections to be held in five weeks time. That will mean that those who are well heeled will have an advantage over those who are not. That is not acceptable; it does not apply at State government level. It also gives a leg-up to developers who want to get onto councils with the express intention of doing the wrong thing when they get there. It cannot be denied that a small number of people who get onto councils—developers, mates of developers and agents of developers—want to do the wrong thing. For 13 years I served on Randwick City Council. I note that the member for Coogee is in the Chamber. He was a mayor of Randwick City Council. In my time at Randwick City Council I never witnessed one corrupt activity. That is one of the good councils. But a very small number of councillors in New South Wales—it is not confined to the city regions—want to do the wrong thing. In his second reading speech the Minister noted there had been 20 investigations into local government affairs by ICAC. He said:

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 ... 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.

Most of those relationships have been between developers and councillors, agents of developers and councillors and occasionally council officers. This bill potentially swaps the decision-makers. We accept that the bill has been introduced with good intentions but it is flawed. The Minister has said it is urgent but we question that. However, to facilitate its passage, even given our serious misgivings, Labor will not oppose it in this House but will be moving amendments in the other place to improve it. We all want a better administrative regime in councils. No-one wants to see the dodgy developers take control of an application before a single council in New South Wales. It is unfair and it goes against every principle of good governance.

The timing of this bill and its treatment in the past 24 hours has been less than acceptable. In October last year I had a conversation—and I am not giving away any confidences—with the former Minister for Planning, the member for Pittwater, in his office to discuss potential amendments to the Environmental Planning and Assessment Act, including independent hearing and assessment panels [IHAPs]. So it was being discussed within government in October last and a draft bill was released for discussion in January. We are now in August and on effectively the last legislative day before the local government elections on 9 September it is suddenly urgent. The Minister has justified this by saying it has been ventilated in the community for a long time. If that is the case Local Government NSW would not be saying it is less than adequate, as it has today. If we had more time to consult with stakeholders we could all come up with a really good bill—this is not a really good bill. As I have said, this bill contains serious deficiencies and we will try to remedy them in the other place.

The Government is asking us to trust it. I cannot think of a government that has introduced legislation with respect to local government in this place that has less entitlement to trust than this Government. This Government introduced a regime of forced amalgamations, the disorganisation of which was matched only by the level of disingenuity. The Government said that we needed to amalgamate councils because reports said that it would bring greater efficiencies to councils, save ratepayers a bucketload of money and streamline and put into effect better decision-making at a local government level. The Government founded this reasoning on the KPMG report, which to this day remains secret. The secrecy of that report, embarrassingly for this Government, resulted in a court victory for Ku-ring-gai Council, which set off a chain of events that led to the whole regime unravelling. That is as embarrassing as it gets for a government. But wait, there is more. The Government then had to introduce three classes of local government in New South Wales: those that were forcibly amalgamated, those that remained unamalgamated and councils effectively in The Nationals areas that were off-limits because the Premier was scared off by the Deputy Premier barking at her.

When the Minister says he is going to appoint an independent panel—and I will get to that in a minute—I hope it is more independent than the delegates were, because the structure that attended the appointment of those delegates was dishonest. The delegates were all given written instructions, they engaged in a tick-a-box exercise and there was not a modicum of independence about them. When the Minister says he is going to appoint an independent panel, sorry Minister. If this legislation gets through the Parliament today and tomorrow we will be watching very closely who he appoints to that panel; we will be watching very closely the vetting processes that the Minister brings to bear on that panel; and we will be ensuring that we do not simply replace one imperfect system with another.

Some of our colleagues and some people in the community who have contacted us in the past 24 hours have said that in their opinion this legislation simply avoids the challenge of cleaning up local government in New South Wales and that if councils in New South Wales are deficient at present, this legislation will not cure it and could, in fact, facilitate and compound corruption in local government decision-making. We will do our best to remedy that. One thing we say should have attended this discussion was a prohibition on the Government to ensure that developers and real estate agents were not eligible persons to sit on local government. That will not be part of this package; let us be very clear about this. In five weeks time, lamentably, in councils in New South Wales there will be developers and agents of developers who an hour and 13 minutes ago would have nominated for local government.

Let us be clear about this. Nominations for the elections in September closed today at midday, and in the NSW Electoral Commission right now, on nomination forms that are sitting and waiting to be processed in that office, are the names of developers and real estate agents. In our view, they should not have been allowed to nominate. It is okay for the Minister to introduce this legislation to say that the Government is going to deal with councillors, but he should have dealt with the problem at its source, and the problem at its source is that developers have an irreconcilable conflict of interest, or potentially so, and should, as a class of persons, not be able to stand for local government in the way that that class of person is not allowed to donate to any one of us sitting in this House.

I have not heard a cogent argument from anyone on the other side of the House as to why that should not have been the case. It is to the great shame of this Government, and it undermines the purpose and intent of this legislation, that right now in the NSW Electoral Commission there are disasters waiting to happen because people who have their names on nomination forms will end up sooner or later before ICAC, at which time we will stand in this Chamber and say, "I told you so", because that should not have been allowed to happen. It should also be the case that spending caps should apply in the elections in September—they apply to everybody in this House. There is a great discussion currently in the Federal Government about spending caps and donations.

They have got rocks in their heads in Canberra if they do not adopt the laws that Nathan Rees put into place that protect all of us—and I thank him every day for doing that, because those laws protect every one of us—but they also ferment a great unfairness now in the fact that having not been adopted at the local government level, rich developers have a better chance of being elected in September than any other person who goes up against them. That is not acceptable and it is entirely avoidable. We are asking the Minister today to draft an amendment that says developers and real estate agents should not be allowed to nominate. We will come back next week and sit next week if we have to and pass legislation to disqualify the nominations that they invariably put into the Electoral Commission today.

**Debate interrupted.**

#### *Community Recognition Statements*

### **TARRO UNITING CHURCH CELEBRATIONS**

**Ms SONIA HORNERY (Wallsend) (13:15):** Over a May weekend, Tarro Uniting Church celebrated its 150th year of services. Reverend Bob Walsh led the Saturday service, with special guest preacher Reverend Dr Jerry Duncan joining on Sunday. The Tarro Uniting Church was founded as the Upper Hexham Wesleyan Church in 1867. The present church was opened on 17 July 1954 by the president of the Methodist Conference, and it was severely damaged in the Newcastle earthquake. The Tarro Uniting Church provides a special link with the Hunter's past, from the 1860s right through to the present day. It was my pleasure to join Reverend Walsh and his congregation to celebrate 150 years of service to our local community.

### **CRONULLA SURF LIFE SAVING CLUB**

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (13:16):** Last weekend I attended the annual general meeting of the 110-year old Cronulla Surf Life Saving Club. I congratulate outgoing president of five years, Rob Short, on his outstanding service as a wonderful community leader, in particular his great achievement in getting a development approval for the refurbishment of the clubhouse, including in his role as convener of the building development committee.

I congratulate the incoming management committee—returning patron, Geoff Forshaw; new president, Richard Pinker; returning deputy president, Daniel Wood; returning secretary, Emma Larssen; new treasurer, Chris Giles; and returning club captain, Chris Barber. I congratulate the club generally on achieving no lives lost in the last season and I thank the club for its outstanding service of 10,000 volunteer hours on patrol, protecting 25,000 visitors and carrying out 125 rescues, as well as many hours of volunteer services in other capacities including with Nippers and training and instilling leadership and community skills in young people.

### **NEWCASTLE CITY HALL ABORIGINAL FLAG-RAISING CEREMONY**

**Mr TIM CRAKANTHORP (Newcastle) (13:17):** Today I pay tribute to former Newcastle Lord Mayor Joy Cummings. This Sunday marked 40 years since Joy Cummings' historic decision to fly the Aboriginal flag from Newcastle City Hall. Joy Cummings was the first female Lord Mayor in Australia, and her decision to fly the Aboriginal flag 40 years ago was a momentous event in the history of Newcastle as it was the first City Hall to do so in Australia. The raising of the flag marked a turning point in relations with the local Awabakal and Worimi people as it acknowledged their importance to our community and began the process of reconciliation in the Hunter. Members of the extended Cummings family, local dignitaries and the local Aboriginal community gathered on Sunday in Civic Park to celebrate the fortieth anniversary of this important event. I pay tribute to Joy Cummings and her family and acknowledge her pivotal role in this historic event.

### **JUNIOR SPORTS STAR AWARD RECIPIENT HAYLEY JOHNSTON**

**Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (13:18):** Not many 10 year olds can brag about having represented New South Wales in swimming, or to have won 63 medals and 10 trophies after only two years as a competitive swimmer. However, Hayley Johnston has done just that, working hard and training four to five times a week to improve her skills. It is clear that Hayley already shows focus, dedication and drive, which are all such important traits to have for someone who wants to succeed in the swimming world. It is no wonder that with these outstanding achievements as an up-and-coming swimming



prodigy that Hayley's school, Wideview Public School in Berowra, nominated her for the 2016 Junior Sports Star Award, which she later went on to win. I congratulate Hayley on her many fine achievements and her Junior Sports Star Award. I look forward to someday watching her compete at the Olympics, representing Hornsby and Australia.

#### **ASSYRIAN MARTYRS AND GENOCIDE DAY COMMEMORATION**

**Mr GUY ZANGARI (Fairfield) (13:19):** On Sunday 6 August 2017 I had the great honour of joining the local Assyrian community for the Assyrian Martyrs and Genocide Day Commemoration at St Hurmizd's Cathedral in Greenfield Park. The official date for the Assyrian Martyrs Day is on 7 August each year, with Assyrian Australians joining together to reflect on and commemorate those who fell victim to the Simmele Massacre in 1933 and Seyfo Genocide in 1914. The commemorations were well attended with community and religious leaders present to honour and pay respects to the millions of Assyrians who lost their lives in the 1933 massacre and 1914 genocide. I commend and thank the Assyrian Universal Alliance and the Assyrian Australian National Federation for their continued advocacy and support for Assyrians in Australia and abroad and for their kindness and hospitality on the day.

#### **MANLY ROTARY GRASS SKIRT PROJECT**

**Mr JAMES GRIFFIN (Manly) (13:20):** Today I recognise the work of the Grass Skirt Project. Founder Tahina Booth, Manly Rotary, the team from J-Train led by James Brodie and even Wallaby "The Honey Badger" Nick Cummins came to Manly last month to collect surfboards from my office to send to Papua New Guinea. The Grass Skirt Project works to fight domestic and gender-based violence in Papua New Guinea through sport. The Grass Skirt Project team is collecting equipment, shoes and athletic wear around Australia to send to schools and clubs throughout Papua New Guinea. More than a tonne of equipment and gear has been sent, demonstrating the incredible work that Tahina and the team have already done since they began collecting in September 2016. I am sure that all members appreciate the benefits that sport can provide to people, in particular, young people. I look forward to seeing the continued success and growth of the project in Australia and in Papua New Guinea.

#### **ST PETERS COOKS RIVER HISTORY GROUP**

**Mr RON HOENIG (Heffron) (13:21):** I congratulate the St Peters Cooks River History group on its magnificent work in promoting and maintaining the history and heritage of the St Peters area and the St Peters Anglican Church. Under the guidance of Bob and Laurel Horton, the history group not only is guarding and restoring the splendid physical heritage of the church building, first constructed in 1838, but also is recording and publicising the history of ordinary individuals who lived and died in the area. I encourage any local history buffs to visit the church and appreciate the work of the history group in restoring the original hardwood floorboards, which are nearly 180 years old; to take a guided tour of the historic graveyard with its online "Voices From The Graveyard" project, or to lend a hand in establishing the new local history museum that is planned for the site. St Peters Anglican Church is the earliest and finest example of colonial Gothic architecture in Australia and it is vital that it is retained for the benefit of future generations. I commend the work of the history group to the House.

#### **FORSTER SURF LIFE SAVING NATIONAL MEDAL AWARD RECIPIENTS**

**Mr STEPHEN BROMHEAD (Myall Lakes) (13:21):** Forster volunteer lifesaver and Surf Life Saving NSW deputy president Brian Wilcox has been awarded the national medal. Earlier this year Brian turned 50 and last month he was elected Surf Life Saving NSW deputy president before being awarded the prestigious national medal. Mr Wilcox was presented with the medal during the Surf Life Saving lower North Coast awards of excellence at Tuncurry Sporties Club in June. Other award recipients included Claire Van Kampen, Brock Van Kampen, Beth Lee, the ladies boat crew from Cape Hawk, Nathan DeRoy, Nick Croker, Lorraine Morgan, Kellie Connolly, Natalie Carrier, Brendan Pieschel, Dave Ellis, Paul Martin, Phil Guiney and Andrew Jones. The club of the year was Crowdy Head and junior lifesavers of the Year were Kynan Witherow-Strutt, Kady Tritton and Molly Aikin, Black Head.

#### **BANKSTOWN BERRIES FOOTBALL CLUB**

**Ms TANIA MIHAILUK (Bankstown) (13:22):** I take this opportunity to recognise the fantastic achievement of Bankstown Berries Football Club which, on 26 July, defeated South Australian national premier league team North East Metrostars 2-1 to progress to round 16 of the FFA Cup, much to the delight of the 550 spectators at Jensen Park in Regents Park. The Berries are one of Australia's oldest and most successful football clubs, having been formed in 1886 as Canterbury-Marrickville, and producing a conveyor belt of former Socceroos. The Berries have played in the former national soccer league, and currently participate in the New South Wales national premier league 2, where they are having a great season. It gives me great delight as the member for Bankstown to see the glory days returning to the Bankstown Berries. I congratulate the entire

board, including president Theo Mitrothanasis, secretary Bill Gotsis, Nick Georgopoulos, and the many volunteers who will revel in the success of the Berries, such as Eve Nembotakis and Tony Barr. Good luck in the next season.

#### **CRESTWOOD BRANCH LIONS CLUB EXECUTIVE**

**Mr DAVID ELLIOTT (Baulkham Hills—Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) (13:24):** Over the winter recess I was privileged to attend the annual general meeting of the Crestwood branch of the Lions Club. It was with great pleasure that I witnessed the election of a new president of the branch, my good friend Mrs Helen Rose. Helen is well known around the Hills for her tireless dedication to our local community through a variety of causes, including the Lions Nurses Trust and Bella Vista Farm. I am confident she will go above and beyond the call of duty in serving our beautiful shire in her new role with the Lions Club. It would be remiss of me not to thank the immediate past president John Ebbott, also a Hills' icon, for his untiring efforts during his tenure as president. I wish the new executive well for the year ahead.

#### **GIFT OF BREAD CHARITABLE ORGANISATION**

**Ms JO HAYLEN (Summer Hill) (13:24):** Gift of Bread is a fantastic example of inner west ingenuity. Volunteers collect excess bread donated from local bakeries, slice it up, pack it and supply it to community organisations throughout the inner west. An average 5,000 units of bread each week, or roughly 260,000 units per year, are shared with more than 100 community organisations, including the St Vincent de Paul Society, Youth Off The Streets, the Exodus Foundation, the Asylum Seeker Centre, women's refuges, boarding houses and many others. Additionally, Gift of Bread supports nutrition programs run by some of those community organisations, including the Red Cross Good Start Breakfast Club. It also delivers directly to many individuals and vulnerable families. Recently I had the pleasure of opening its newly refurbished Outreach Centre at St Brigid's, Marrickville. It is there every night that one can meet volunteers preparing the simple gift of bread for those in need. I pay tribute to Marcel de Maria and his amazing team of volunteers, as well as directors Valerian Rego, Joe Gonzalez and Nick Tropea and again congratulate them all on taking a simple idea and making a huge impact in our community.

#### **MILTON ULLADULLA RED CROSS BRANCH**

**Ms SHELLEY HANCOCK (South Coast) (13:25):** I acknowledge the ongoing contribution to the Milton Ulladulla community of Tricia Meredith who was recently presented with a Red Cross medal for a decade of service to the local chapter. Tricia's contribution to fundraising and merchandising for the Milton Ulladulla branch has been essential in the ability of the local Red Cross to contribute back to the local community and indeed more broadly. As a member of the Vincentia branch of the Red Cross, I know firsthand the hard work undertaken by local members each and every day and the ongoing contribution members make to the South Coast community. Tricia's service is well recognised and I congratulate her as well on a decade of service to our community. Further I acknowledge and congratulate Milton Ulladulla Red Cross branch president Kath Heath, treasurer Rose Wright and secretary Gill Rolfe who were all re-elected for another year in their positions. My best wishes to all of them for the next 12 months.

#### **LANTERN CLUB COMMUNITY GRANTS PRESENTATION**

**Ms SOPHIE COTSIS (Canterbury) (13:26):** On 27 June I attended the Lantern Club community grants presentation to local schools, including Belmore South Public School, sporting groups, not-for-profit organisations, including Northcott and a number of community groups. I was also very pleased to see that Life Education received support to assist our local schools. The Lantern Club's vision and aim is to make a significant contribution to the quality of life in the Canterbury local community. The club is passionate about the work it does in supporting community groups, welfare organisations, education and sporting groups in the local area. I commend the Lantern Club for the invaluable contribution that it makes to our community. My special thanks go to the general manager Debbie Waicokacola and her staff.

#### **ROTARY CLUB OF NORTH SYDNEY ANNUAL DINNER**

**Ms FELICITY WILSON (North Shore) (13:27):** Earlier this winter I had the honour of attending the annual changeover dinner of the Rotary Club of North Sydney when we reflected on all the incredible work that the club does for our community and all that is still to come. The club is the major sponsor of the North Shore Business Awards. It facilitates annual Christmas events in July and December for seniors in the area; the Tree of Joy collection service for gift donations; and the Salvation Army Red Shield Appeal in which I was able to participate this year, which raised more than \$14,000. The Rotary Club of North Sydney does not stop there. The past year also included a distinct focus on youth empowerment and cultivation. I congratulate Pi Lee from Mosman who was awarded the Rotary Youth Leadership Award. The club also supports Sailability Middle Harbour, a noteworthy pursuit. I thank John Taylor for his ongoing work. It is only right to thank and acknowledge Tammy Chu, Sam Lee, Doug Garner, Kevin Thomas, Jenny Thomas and all the Rotary Club members for their

service and compassion. To newly elected president Silvio Gmur I say: I know that his work will continue next year.

#### **YMCA YOUTH PARLIAMENT PROGRAM**

**Ms PRUE CAR (Londonderry) (13:28):** All members will be familiar with the New South Wales YMCA Youth Parliament program that sees hundreds of young people every year participate in a program that introduces them to the wonderful world of politics. I congratulate Blake Whitford who is in year 9 at Richard Johnson Anglican School and lives in Marsden Park in my electorate, who will be participating this year as the member for Londonderry. Blake and his lovely mum, Julie, who I have come to know quite well, came to see me earlier this year to talk about how Blake could become more involved. It was a pleasure to help sponsor him so that he could take part in this year's YMCA Youth Parliament program. Blake has since been appointed as the Minister for Family and Community Services. I look forward to seeing the work he and his committee do and I look forward to helping them.

#### **WINSTON HEIGHTS PUBLIC SCHOOL**

**Mr MARK TAYLOR (Seven Hills) (13:29):** I pay tribute to the fantastic work occurring at Winston Heights Public School in the northern end of my electorate of Seven Hills. The school is led by a wonderful principal, Margaret Creagh, her caring and inspiring teachers and the student leaders of 2017. Great leadership is being shown by the school captains, Chloe Roberts and Oliver Dean, and vice captains Lauren Bugeja and Trae Allen. Winston Heights Public School was established in 1974 and has played an integral part in educating the growing local community ever since. Today approximately 435 students at Winston Heights are supported by an effective and strong parents and citizens association that helps the students to achieve their school motto of "Communicate and Grow". I also note and acknowledge the outstanding contribution and dedication shown by all the teachers of Winston Heights Public School. They are doing a fantastic job. I wish everyone at the school a successful second half of 2017.

#### **TRIBUTE TO REBECCA GONCHEE**

**Mr RYAN PARK (Keira) (13:30):** I acknowledge the work of Rebecca Gonchee, the school captain at Keira High School. She is a wonderful local leader within our school community. She has organised a women in leadership forum that I will be attending briefly on Friday. It will involve a number of key women in leadership positions across the Illawarra. Rebecca is doing an outstanding job at an outstanding school. As someone who had the pleasure in a former life of being the school captain of my school, I know just how important these roles are and I know how committed she is to ensuring that Keira High School is an even better school as a result of her contribution. I congratulate her, the entire student representative council, the great and hardworking principal, David Robson, and all the staff and parents who make that school a wonderful educational institution.

#### **TAREE CANTEEN RECREATION DAY**

**Mr STEPHEN BROMHEAD (Myall Lakes) (13:31):** I inform the House that around 40 young people affected by cancer took part in a CanTeen recreation day held in Taree. The group, aged between 12 and 25, had the opportunity to meet others their own age to discuss what they were going through with their own cancer or that of a close family member, develop coping skills and have fun. The focus was to connect young people who can often feel isolated through their various cancer journeys. Whether experiencing cancer treatment and recovery themselves, supporting and caring for a sibling or parent, or living with the death of a loved one, all these situations are so challenging for young people who are also taking on the transitions of study, work, and adolescence.

The weekend provided a chance to bounce around at Inflatable World, dance, cook, complete team challenges and even try some boxing at the police citizens youth club. These young people simply may not get the same opportunities as others to engage regularly in these kinds of activities, so it was wonderful to see CanTeen give them the chance. Especially in regional areas like Taree and beyond, where someone may not have met another person their age with similar experiences, connection to others and support can make a real difference to people's ongoing wellbeing and coping. I have real admiration for the work undertaken by CanTeen. I hope we see similar events hosted in Myall Lakes in the future.

#### **EASTCOAST FOODS AND BEVERAGES**

**Ms LIESL TESCH (Gosford) (13:32):** The seeds of Eastcoast Foods and Beverages in the beautiful Central Coast hinterlands started to grow in 1965, when Salvatore Lentini picked and packed fresh fruit from his Central Coast orchards for the Flemington markets. When the Australian Government removed tariffs on imported juice concentrate, Salvatore's three sons seized the opportunity to create their own niche market by squeezing citrus fruit juice made from 100 per cent fresh fruit. It is now flourishing as a third-generation Australian family business, supplying bottled fruit juices, smoothies and, more recently, local water—some for export.

The Lentinis are citrus farmers and work closely with other local Central Coast farmers as suppliers, employing more than 25 local Central Coast staff. Eastcoast Foods and Beverages source and use Central Coast and wholly Australian produce in every possible part of the production process. This was especially good for our local famers when consumer trends favouring appearance over taste of fresh fruit changed our fruit sales. The fruit from Kulnura may not always look the best but, boy, it tastes great. Imagine if the juices were delivered to us in glass recycled on the Central Coast.

#### **ITJI-MARRU ABORIGINAL RESOURCE CENTRE TWENTY-FIFTH ANNIVERSARY**

**Mr GREG PIPER (Lake Macquarie) (13:33):** I recently had the great privilege of attending the twenty-fifth anniversary of the Itji-Marru Aboriginal Resource Centre at Morisset High School, which I am very pleased to acknowledge in the Parliament today. In the local Awabakal language, Itji-Marru means "to teach everyone", and that is exactly what it has done for many hundreds of students over the past 25 years. The centre is located in what was the old headmaster's residence at Morisset Public School. It provides a focus on Aboriginal education for Indigenous and non-Indigenous children, staff, parents and the broader community.

I acknowledge the work of the school's senior education officer, Selena Archibald, who is also known to many of the students as "Mum" or "Auntie". Selena has overseen the school's education programs for more than 18 years. It is truly a wonderful centre that Lake Macquarie is very fortunate to have, because it teaches young people—especially Aboriginal children—about their culture in a very welcoming and valuable learning environment. I am pleased to be able to recognise the efforts of my friend Selena Archibald and the Itji-Marru centre in Parliament today. I wish them every success for the next 25 years.

#### **NSW MARITIME MEDAL RECIPIENT CHRIS MITCHELL**

**Ms SHELLEY HANCOCK (South Coast) (13:34):** Today I congratulate South Coast resident Chris Mitchell, who was awarded the 2017 NSW Maritime Medal for selfless, outstanding and sustained contributions to the sector. Chris is the principal designer at Hansa Sailing, a business based out of South Nowra, which has more than 2,500 Hansa sailboats on the water in 34 countries and is a proud supporter of the Sailing for Everyone Foundation. For more than 20 years Chris has been advancing disability accessibility through vessel design, infrastructure and advocacy. His boat design for the disabled is used in 32 countries. I am thrilled that Chris' many years of dedication and commitment have been recognised. He has volunteered so much of his time to ensuring that people living with a disability are able to sail in a dignified manner in vessels designed to meet their needs. The Minister for Roads, Maritime and Freight presented Chris with the award last week at the Sydney International Boat Show breakfast. Well done and congratulations, Chris. It is very much deserved.

#### **MID NORTH COAST RIFLE ASSOCIATION**

**Mr STEPHEN BROMHEAD (Myall Lakes) (13:35):** I inform the House that the Mid North Coast Rifle Association's champion of champions title for target rifle has gone to Jim Blackmore from Wingham. Blackmore, 55, scored his biggest competition win when he took out the champion of champions at the Wingham range. Now he will take on the State's best at the Malabar range in Sydney later this year. Shooters from the three Mid North Coast clubs contested the annual event held in perfect conditions. Shooting was over 300-metre, 600-metre, 700-metre and 800-metre ranges. Blackmore finished with a total score of 197, with 16 centres. He moved back into the A-grade ranks at Wingham this year after taking out B grade in 2016. Blackmore is also heavily involved with the administration of the club, where he has held the position of captain for 10 years. He was also the area commander for the Gloucester Great Lakes Rural Fire Service prior to the recent amalgamation.

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

*Visitors*

#### **VISITORS**

**The SPEAKER:** I welcome everyone to the Parliament. I extend a warm welcome to 61 participants of the Legislative Assembly's public sector seminar, guests of the Speaker and member for South Coast. I hope you have enjoyed your day so far. Let us see if what I foreshadowed this morning does in fact happen during question time. I welcome also a delegation I have met previously from the Kiama Beachside Ladies Probus Club, guests of the Parliamentary Secretary for Education and the Illawarra and South Coast, and member for Kiama. I welcome the Vice Chancellor of the University of Wollongong, Mr Paul Wellings, CBE, who is accompanied by the Director of Government Relations, Mr Canio Fierravanti, guests of the member for Wollongong. I welcome to the Chamber the former member for Bankstown and Deputy Speaker, Tony Stewart, who is accompanied by members of the Australian Workers Union. Finally, I welcome Rowena Penniment and Silvia Nadilé of Earlwood,

one of whom is a former schoolteacher, guests of the member for Blue Mountains. I welcome all those people to question time.

*Announcements*

**DAFFODIL DAY**

**The SPEAKER:** I remind members of the Daffodil Day morning tea, which is to be held tomorrow in the Speaker's Garden commencing at 10.30 a.m. Entry is only \$5. It is for a great cause—the Cancer Council NSW. I encourage all members and staff to attend.

*[During the giving of notices of motions]*

*Notices*

**PRESENTATION**

**The SPEAKER:** Order! The Minister for Health will come to order. If he continues to interject I will call him to order. This is my final warning.

*Later,*

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

*Question Time*

**LOCAL GOVERNMENT ELECTIONS**

**Mr LUKE FOLEY (Auburn) (14:26):** My question is directed to the Premier. Given that in this place on 31 May last year Premier Baird committed to the Government introducing spending caps for local government election campaigns and given that millions of people are required to vote at local government elections next month, why has your Government failed to deliver on the clear promise made by your predecessor?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:26):** The New South Wales Government was very pleased this week to introduce legislation in relation to independent hearing panels for local government because we have taken on board the comments made by the Independent Commission Against Corruption [ICAC] in its investigation into Wollongong City Council some years ago. Some of those opposite will remember the nature of those allegations and the subsequent recommendations. When it comes to strengthening integrity provisions in all levels of government, we on this side of the House not only do what is right and enact those changes but also ensure that we live by those changes. Those opposite have a lot to say about integrity but when it comes to actually practising integrity they fail on every occasion. It is important for us to make a number of changes to increase integrity in government whether by protecting whistleblowers—which those opposite failed to do when they were in government—

**Ms Kate Washington:** Point of order: My point of order is under Standing Order 129. The question was specifically about spending cuts and the Premier has not mentioned that at all.

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

**Ms GLADYS BEREJIKLIAN:** We will continue to do everything we can in Government to not only ensure confidence but instil confidence in every decision we make and everything we do. That is why we appreciate that it is critical for the public to have confidence in local government across the board. We appreciate that when a development application goes before a council in Greater Sydney, every council must be treated consistently under those regulations so that every decision is based on its merits and what is in the best interests of the people of New South Wales. Those opposite have a lot to say about integrity but when they were in government and were required to act on what they said they would do, they failed on every occasion. It is a sad indictment when Opposition members raise issues of integrity that they must be reminded that four Ministers in the previous Labor government were not only—

**The SPEAKER:** Order! The member for Rockdale will be removed from the Chamber if he continues to interject.

**Ms GLADYS BEREJIKLIAN:** —alleged to have been corrupt—and there is a difference—but also found to be corrupt. When it comes to local government reform, we have found that where mergers have already proceeded in Sydney, unsavoury practices have been uncovered and referred to the Independent Commission Against Corruption [ICAC], Opposition members opposed that at every turn.

**Mr Ryan Park:** When?

**Ms GLADYS BEREJIKLIAN:** Who said, "When"? Did Opposition members not oppose the mergers? Labor members are not opposing mergers now. Who made that interjection?

**Mr Luke Foley:** Point of order: Gladys, perhaps you can tell us whether you are for or against mergers today?

**The SPEAKER:** Order! There is no point of order. The Leader of the Opposition will resume his seat. I call the member for Keira to order for the first time. I call the member for Kogarah to order for the first time. The Premier has the call.

**Ms GLADYS BEREJIKLIAN:** This information is valid as at 23 May: The Government has amended the Election Funding, Expenditure and Disclosures Act 1981 to extend the State caps on political donations to local government elections. This means that candidates and third party campaigners will not be able to accept more than \$2,600 per year from the same donor.

**The SPEAKER:** Order! Members will cease interjecting.

**Ms GLADYS BEREJIKLIAN:** This is reform. Clean out your ears. Registered parties and groups will not be able to accept more than \$5,900 per year from the same donor. This side of the House is introducing measures that Labor failed to introduce after 16 years in office. When it comes to integrity, there is no competition. Fail there, success here.

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

### JOBS GROWTH

**Ms MELANIE GIBBONS (Holsworthy) (14:31):** My question is addressed to the Premier. How is the New South Wales Government driving jobs growth across New South Wales?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:31):** I thank the member for Holsworthy for her question. I know how important job creation is to her and her colleagues in south-west Sydney. I am pleased that this Government is all about jobs, jobs, jobs. I know the workers in the gallery will be interested to hear this.

**The SPEAKER:** Order! Members will cease interjecting.

**Ms GLADYS BEREJIKLIAN:** At the last election we promised we would create 150,000 jobs over four years. It is just over two years and we have already created 179,000 jobs in New South Wales.

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

**Ms GLADYS BEREJIKLIAN:** Not only that, the unemployment rate in New South Wales is at 4.8 per cent, which is the lowest of any State for the twenty-fifth consecutive month. For more than two years, we have had the lowest unemployment rate of any State in the nation. This means that our unemployment rate in New South Wales has been at or below the national average for 43 consecutive months. That is why we are the party for the workers. We are creating jobs.

**The SPEAKER:** Order! The member for Maroubra will not converse with people in the gallery. I call the member for Prospect to order for the first time.

**Ms GLADYS BEREJIKLIAN:** I know what the hardworking workers feel down here because this Government is creating jobs.

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

**Ms GLADYS BEREJIKLIAN:** I feel compelled to remind Opposition members about their unemployment record. When they were in office, the unemployment rate was equal or above the national average. New South Wales unemployment was higher than the national average for 63 of Labor's last 68 months in office.

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

**Ms GLADYS BEREJIKLIAN:** During their time in office, unemployment was above the national average. Since we have been in office, it has been below the national average. It is sad that in its last decade in office, jobs growth was the lowest of any State in Australia. That is why we are the party of the worker. We are creating jobs. We are building infrastructure. Today I was pleased to be in Milperra with the Minister for Western Sydney and the member for East Hills, Glenn Brookes, because I know that as well as the member for Holsworthy—what is the matter? Got a problem?

**The SPEAKER:** Order! I warn Opposition members that interjections are disorderly at all times.

**Ms GLADYS BEREJIKLIAN:** I was at Southern Steel Supplies in Milperra, which has a great story about jobs for Western Sydney. It has secured the contract to supply all the steel for the Western Sydney Stadium that is now under construction in Parramatta.

**Dr Geoff Lee:** Hear, hear!

**Ms GLADYS BEREJIKLIAN:** The member for Parramatta is happy and relieved because his stadium is getting built. The workers and the manufactured steel is coming from the heart of Western Sydney. This Western Sydney manufacturer will supply 4,000 tonnes of Australian steel for the stadium, securing jobs for 200 workers in Western Sydney. That is why we are the party of the worker. We are creating jobs and building infrastructure. Membership of the Australian Workers Union will increase because we are creating jobs. Stick with Labor; they are losing jobs. Stick with us; we are creating jobs. We are the party of the workers. We are creating jobs. We are reducing unemployment. Labor reduces employment. I am pleased that more than \$60 million in contracts for the Western Sydney Stadium at Parramatta have been awarded to local suppliers. These are estimated to generate 2,000 jobs during and after construction. The steelworks we visited this morning that will provide manufactured steel for the stadium employs 200 people in Western Sydney. The issuing of the contracts will generate 2,000 jobs. That is very pleasing. [*Extension of time*]

The jobs bonanza in Western Sydney continues, because we are investing in infrastructure. The projects that the Opposition opposed are now creating thousands of jobs for workers in Western Sydney. We know they opposed WestConnex, but it will create 10,000 jobs during construction, including hundreds of apprenticeships. All the workers here and in the gallery know how important apprenticeships are. If we do not have projects, we do not have apprenticeships. If we do not have projects, we do not have jobs. If we have a Labor Government we have neither—no jobs and no infrastructure.

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

**Ms GLADYS BEREJIKLIAN:** It does not end there. We are also pleased with the billions we are investing in Sydney Metro. The investments we are making in light rail alone will create employment opportunities for 10,600 workers. More than 16,000 workers have been involved in the Sydney Metro North West project so far. The list goes on. Earlier this week I was pleased to be at the Arnott's factory in Huntington with the Minister for Western Sydney and other colleagues.

**Ms Prue Car:** Where?

**Ms GLADYS BEREJIKLIAN:** Sorry, Huntingwood.

**The SPEAKER:** Order! The member for Londonderry will cease interjecting and pay attention. I call the member for Londonderry to order for the first time.

**Ms GLADYS BEREJIKLIAN:** I congratulate that company for having confidence in Western Sydney. It is investing \$22 million in state-of-the-art packaging. Arnott's in Huntingwood employs 529 workers in Western Sydney. We are the party of the workers. We are creating jobs, building infrastructure and reducing unemployment. We are making sure that everybody can work in New South Wales.

#### LOCAL GOVERNMENT ELECTIONS

**Mr MICHAEL DALEY (Maroubra) (14:38):** My question is directed to the Premier. Given that there are strict limits on what she and every member of this place can spend on their endeavours to be elected to this Parliament, why are there no limits on what a developer will be able to spend to get elected to a municipal council in September this year?

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

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:39):** I refer the member for Maroubra to my previous answer. I appreciate why Opposition members take such an interest in these issues: They are obsessed with internal workings, factions and whatever it takes to get their candidates elected to local government. We are obsessed with strengthening all our institutions and ensuring that we provide the best-quality infrastructure and services for the people of New South Wales. I am proud of our record in strengthening the integrity of our institutions and proud of what we will continue to do. A government that continues to respect the authority and integrity of all electoral processes and institutions is a government focused on the job it needs to do. When it comes to integrity, we know that Labor is an abysmal failure. Not only did Labor let us down in government but also it is letting us down in opposition. At the Labor convention the Leader of the Opposition had a chance—

**Mr Michael Daley:** Point of order: My point of order is taken under Standing Order 129. We know that developers nominated for local government today and because of the Premier they will be able to spend whatever they want. I asked her to tell us why.

**The SPEAKER:** Order! There is no point of order. The member for Maroubra will not make a speech or be aggressive at the microphone.

**Ms GLADYS BEREJIKLIAN:** Why does the member for Maroubra not let us know why he thanked Eddie Obeid and Joe Tripodi in his first speech? Why did he thank them? I want to know.

**The SPEAKER:** Order! I call the member for Port Stephens to order for the third time. Members will cease interjecting.

**Ms GLADYS BEREJIKLIAN:** When our Government embarked on merging councils Labor members opposed us at every turn, in greater Sydney in particular. We know now that some of the merger success stories are uncovering a number of unsatisfactory practices that Labor did not want exposed. That is why those opposite did not support our reforms. Members opposite need to act on their words. At the last Labor convention the Leader of the Opposition had a chance to outline his vision for New South Wales and put forward policies. Rather than focus on the things that matter to the community—such as integrity in office, infrastructure, services and supporting the most vulnerable—what did he do? He read out the five points of the Unions NSW action list. When members opposite have a chance to articulate their policies for New South Wales they revert to form.

**The SPEAKER:** Order! The member for Summer Hill will come to order. She will be removed from the Chamber if she continues to interject.

**Ms GLADYS BEREJIKLIAN:** We have demonstrated by our actions that we here for one reason and one reason only—to serve the community we work for.

**The SPEAKER:** Order! Opposition members may earn brownie points for interjecting when the Premier is speaking but those who continue to do so will be removed from the Chamber.

**Ms GLADYS BEREJIKLIAN:** We are here for the hardworking men and women of this State. We are here for the community. Labor members are here for themselves.

**The SPEAKER:** Order! The Minister for Roads, Maritime and Freight will come to order. Members will cease arguing across the Chamber. The member for Blacktown will come to order.

#### REGIONAL SPORTS INFRASTRUCTURE FUND

**Mr STEPHEN BROMHEAD (Myall Lakes) (14:43):** My question is addressed to the Deputy Premier, and Minister for Regional New South Wales. What is the Government doing to promote sporting participation in regional New South Wales?

**Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (14:44):** I thank the member for Myall Lakes for his question. He is a champion of and a strong advocate for regional sport. I remember in 2011 when we debated the very complicated and controversial library bill the member for Myall Lakes spent one minute talking about libraries and 19 minutes talking about the Manning River Rats and the history of rugby. He is passionate about regional sport and sporting infrastructure.

Talking about the Government's recent announcement is a proud moment. We know that regional sporting teams are often the fabric of our rural and regional communities. The character of many cities and towns is defined on the footy pitch. In Queanbeyan it could be the Blues versus the Kangaroos or—across the electorate and with the round ball—the Monaro Panthers versus the Cooma Tigers. Feats on the sporting field define us. That is why the Government recognises the importance of regional sport and sporting infrastructure as part of the landscape and will ensure it does what it can to support regional communities.

We often hear about the Government's fantastic investment in Sydney stadiums. Of course that is important—they are the drawcard for international sporting events. Government members are also committed to building the amenities and sporting infrastructure that is so important for the vibrancy of regional communities and the future of our kids. We want our kids to achieve their dreams on the sporting field and, of course, become Olympians. There is a great Olympian on the other side of the Chamber and there are many in regional areas. Brad Haddin and Laurie Daley started their careers in regional New South Wales.

On Monday I was lucky enough to be in Queanbeyan to announce the establishment of a \$100 million Regional Sports Infrastructure Fund, where I was joined by Alan Tongue, who is a former Raiders player working for the National Rugby League [NRL], and the fantastic Australian cricketer Alex Blackwell. The fund is part of



the \$1.3 billion Regional Growth Fund that we announced in the budget. We have previously announced \$100 million for culture and arts and \$200 million for the Stronger Country Communities Fund, which will be used to build sporting facilities up to the value of \$1 million. The Regional Sports Infrastructure Fund will be used to finance projects worth more than \$1 million.

This is not just about building infrastructure, amenities and facilities or extending participation opportunities for local teams and kids; it is also about making sure that we can attract local, regional, State and national sporting events to regional New South Wales. We are using sport as a tourism driver, which is great for the economy and for jobs. Earlier we heard from the Premier about jobs and business confidence in New South Wales, which is being led by this Government's infrastructure spend of \$73 billion over the next four years and its record spend over the past six years. Our budget surplus means we can continue to build the facilities and infrastructure that matter. There is no greater amenity than sporting infrastructure to support regional communities.

Alex Blackwell from the NSW Breakers said the Regional Sports Infrastructure Fund will provide "so many more opportunities for young boys and girls to reach their dreams of playing for their State or playing for Australia." Alex grew up in Yenda, just outside Griffith. She said that when she was learning to play cricket there was a concrete pitch and a 44-gallon drum for a wicket. It would have been a great time to be a bowler! NRL legend and former Tamworth boy Alan Tongue said:

Sport is community. We all come together and I know speaking from experience that everybody stops and goes down to the footy ... I think it's wonderful and it's been great to see places like Tamworth and Mudgee being able to host whether it be preseason games but also competitions.

On Monday the *Daily Telegraph* contained a timely story about the NRL wanting to take five premiership games to the bush. That was a fantastic announcement by the NRL. [*Extension of time*]

That was a fantastic initiative and announcement with the NRL. We all know what is happening with cricket across New South Wales—events will be happening shortly in Coffs Harbour. My line is that if you build it, they will come. This diagram is about building the right infrastructure to support our communities, our kids and our families in regional New South Wales. More importantly, it is about attracting some of those significant, large, national, regional and State sporting events as a tourism driver. Regional tourism is a key industry in this State. Tourism creates jobs. We want to make sure that we continue to invest in anything that allows us to create jobs—if it is in Lismore then we know it is baseball. We have some fantastic facilities right across our regions. We want to make sure that we continue to invest in infrastructure that makes a difference.

Sport is good for kids. Team sports bring families and communities together. There is also a health benefit because getting kids healthy and active means less burden on our health system later on. Sport is great for the economy, great for health and great for inclusion. As I have said, the character of a town is often defined on the footy pitch—whether you are from a small population like the Cooma Tigers or the Monaro Panthers. I take this opportunity to congratulate the Cooma Tigers. For a number of years they have been the Capital Football National Premiers, and so far this year they are in the top four on the table. Unfortunately, my club, Monaro Panthers, are sitting at the bottom of the table. It has been a tough year for the Panthers. Those opposite say they need better infrastructure and facilities. This fund is all about building the right facilities.

**The SPEAKER:** Order! Members will not pass lollies and chewing gum around the Chamber. Chewing gum is not an attractive look; some members do it every day.

**Mr JOHN BARILARO:** This fund does not stand alone. Some \$50 million in ClubGRANTS is predominantly going to sporting facilities and the \$100 million regional sports grant is another bonus for regional communities to build infrastructure that matters.

### SYDNEY GATEWAY PROJECT

**Ms JODI McKAY (Strathfield) (14:51):** My question is directed to the Minister for WestConnex. Minister, is the total cost of the Sydney Gateway project still \$800 million?

**Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (14:51):** I appreciate the question. The Sydney Gateway project is not part of WestConnex. The budget for WestConnex, which is \$16.8 billion, includes an \$800 million allocation for the Sydney Gateway project to improve access to the port and to Sydney Airport.

### JOBS GROWTH

**Mr JOHN SIDOTI (Drummoyne) (14:52):** My question is addressed to the Treasurer, and Minister for Industrial Relations. How will the Government's jobs-creating policies ensure that New South Wales is the jobs capital of the nation, and is the Minister aware of any impediments to jobs growth in this great State?

**Mr DOMINIC PERROTTET (Hawkesbury—Treasurer, and Minister for Industrial Relations) (14:52):** As everyone knows, particularly the members of the Australian Workers Union [AWU], no-one has done more to create jobs and opportunity in the history of this State than the Berejiklian-Barilaro Government. They know that we have been a light on the hill for all those who seek the security and benefits of meaningful and productive work.

**The SPEAKER:** Order! Members will come to order. I cannot hear the Treasurer. I remind the member for Port Stephens that she is on three calls to order. This is her final warning.

**Mr DOMINIC PERROTTET:** From day one we have stood in solidarity with the working people of this great State, creating more than 370,000 in the past six years. Those opposite fail to understand—and we say it all the time—that you cannot be a worker if you do not have a job. We are proud of our policies, which have led to New South Wales having the lowest unemployment rate in the nation, at just 4.8 per cent. Thanks to projects like the WestConnex, more people are now working in New South Wales than ever before. The WestConnex project has created more than 10,000 jobs in construction alone and thousands of new jobs will accompany the strong pipeline of projects that are on the way. These are not just numbers; behind every job figure is a story of a family with financial security, of children who have new opportunities, and of entire communities that have renewed hope for the future.

This is the good that Coalition governments do: We create a pipeline of prosperity wherever we go, lifting the living standards of all and growing the economy with productivity and profitability. The real jobs and growth happening right here in New South Wales are the natural consequences of this Government's work to create the right conditions for success. As the Deputy Premier mentioned, our infrastructure agenda alone has added 0.05 per cent to our gross State product [GSP]. The latest CommSec State of the States report shows New South Wales is once again ranked number one, retaining our position as this nation's highest-performing economy. The National Australia Bank Business Survey shows that confidence among small- and medium-size businesses is now again surging in our State. Coalition governments grow our economy. We work in partnership with the business community and everyone benefits from the jobs that we create.

Rather than embrace this tried and tested formula that works, those opposite stubbornly persist in pursuing the tired politics of failure. They raise taxes, increase regulation and cancel projects. They attack the business community, undermine prosperity and interfere in the markets. They sabotage productivity, demonise profitability and then wonder why there is no jobs growth when they are in office. For a party meant to be all about the workers, Labor always ends up presiding over economies with fewer jobs and higher unemployment. It is true. Let us never forget that, under Labor, New South Wales had the lowest jobs growth of any mainland State for an entire decade. That is no coincidence. Whilst the Liberal-Nationals preside over economic prosperity, no-one has done more to destroy the jobs and aspirations of working people than the New South Wales Labor Party.

Only one group benefits from Labor policies—the union movement. In relation to this question, the unions are nothing more than a handbrake on economic reform, holding back jobs creation, wages and economic growth. They talk about penalty rates but under the change brought in by the Federal Government a KFC worker will be on \$24.30. I started at KFC; it was a great job. I never joined a union because, as was shown yesterday, I would have been ripped off. Under a union-sanctioned pay rate I would get \$21.19. That is \$3 worse off, under union pay arrangements. I have not even got to McDonald's. [*Extension of time*]

**The SPEAKER:** Order! The member for Macquarie Fields will cease shouting across the Chamber.

**Mr DOMINIC PERROTTET:** At McDonald's under the new changes at the Federal level it is \$24.30. Under a union-sanctioned pay rise by the Shoppers it is \$21.08. That is \$2.22 worse off under Labor. But the good news for the Chamber, not for the AWU, is that the latest figures show that people are waking up to this failed agenda. They show that union membership is collapsing to record lows. In the private sector it is now less than one in 10. Among millennials—the future of our great State—only around 5 per cent are members of unions. Nothing is going out of fashion faster than the Labor Party and the union movement. But some good people on the other side of the House are beginning to see the light, like the member for Kogarah, who gave a strong maiden speech calling on his party to move away from the unions and to embrace a wider agenda. And what happened to him? He was punished and exiled from the shadow ministry for a year. But just like me, and just like others in the movement, he is a man who hears the future coming. Simon Crean has said:

We can't just be a union party ... we need to be an inclusive party.

And the great Greg Combet asks:

Just how long have the unions been opposing what's in the best economic interest of NSW?

He should know because he used to run the unions. This is an extraordinary turn of events. The unions are so out of control that we have the unions telling the Labor Party to fight back against the unions. While we will continue

to put the people of this State first, Labor will never change and will put unions above the workers of this great State.

### SYDNEY GATEWAY PROJECT

**Ms JODI McKAY (Strathfield) (15:00):** My question is directed to the Minister for WestConnex. Is it true that because discussions with Sydney Airport Corporation about the route of the Sydney Gateway have produced nothing, the Government still has no preferred route or design for the project?

**Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (15:01):** The question related to Sydney Gateway, which is not part of the WestConnex portfolio.

**The SPEAKER:** Order! The member for Strathfield will listen to the answer.

**Mr STUART AYRES:** To be really clear and to help the member for Strathfield, WestConnex is made up of three roads—the M4, the M5 and the M4-M5 link.

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

**Mr STUART AYRES:** It does not include the Sydney Gateway, which is a project that the Government is working on with a number of key stakeholders around the airport site, including the Commonwealth Government in relation to a transport rail line, and a number of landholders. As I said in my earlier answer, the budget for WestConnex has allocated in it \$800 million towards the delivery of Sydney Gateway. One thing this Government recognises is that on top of delivering an expanded M4, on top of delivering an expanded M5, on top of making sure the M4-M5 link—

**Mr Michael Daley:** Point of order—

**The SPEAKER:** Order! I direct the Clerk to stop the clock. This is ridiculous.

**Mr Michael Daley:** Good, because it is digging a hole. We can get him up for 20 minutes; it is awesome.

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

**Mr Michael Daley:** It is under Standing Order 129. The question was whether there was still a preferred route and design, because we know there is not.

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

**Mr STUART AYRES:** I am more than happy to continue answering questions that are relevant to the WestConnex portfolio. The roads Minister is here. If those opposite want to ask about the other roads I am sure she is more than capable to talk about them. As I was saying, WestConnex is made up of those three roads. The allocation of \$800 million out of the \$16.8 billion that has been allocated to deliver WestConnex is going towards the delivery of the Sydney Gateway project. It is an important part of the Sydney motorway network, ensuring that we can create good access to the airport and to the port.

### RURAL AND REGIONAL TOURISM

**Mr GREG APLIN (Albury) (15:03):** My question is addressed to the Minister for Tourism and Major Events, and Assistant Minister for Skills. Will the Minister confirm to the House that the New South Wales Government is creating a tourism bonanza for rural and regional New South Wales?

**Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (15:03):** I thank the member for Albury for asking me that question. He, like many members in this place, understands the value of hosting a major event, such as the Logies, in regional New South Wales—noting the fact that I think the member for Albury is the only member of this place to win a Logie himself. I am very happy to say to the member for Albury and this House that this Government has indeed created a tourism bonanza for rural and regional New South Wales.

Currently, tourism in New South Wales, particularly in regional areas, is experiencing unmatched highs thanks to record investment over the past six years by this side of the House, with tourism now contributing \$38.1 billion a year to the State's economy across metropolitan and regional New South Wales. But that investment and that level of record activity was, sadly, not always the case. From March 2006 to March 2011, total overnight visitors to regional New South Wales grew by only 1.6 per cent. In the past six years of this Government, we have seen that same metric grow by a whopping 21.6 per cent. That is absolutely vital for the economies of regional New South Wales. As the Deputy Premier said earlier, tourism translates in regional areas to jobs and growth and it allows regional communities to thrive and reach their potential.

I am unashamedly proud, as a country-based member of Parliament and a Minister in a Liberal-Nationals Government, to be focused on driving even further growth in regional New South Wales tourism. That is why I was very happy to join with the member for Tamworth in the country music capital last Friday to release a New South Wales first, a \$6 million Regional Conferencing Strategy and Action Plan, delivering on a key election commitment this Government made. This announcement has been universally welcomed by industry stakeholders and local government. Currently, the conferencing industry is worth around \$145 million a year to regional New South Wales, but we on this side of the House want to grow that enormously. Bringing more conferences, more visitors and more business events to regional New South Wales will help local economies create more jobs and will sustain local businesses right throughout the State.

The business events sector presents a significant growth opportunity for regional communities, as the member for Albury knows only too well, and the actions of this strategy and the funding program that underpins it will ensure that this growth potential is realised. From the bush to the coast, we want every conference organiser to know that regional New South Wales can offer delegates both an opportunity to do business and the chance to explore the fantastic tourism offerings that we have outside the metropolitan areas. The strategy will equip local businesses and local councils with the tools and resources they need to bid for these conferences and to ensure that, once they have attracted them, those visitors and delegates have the best possible experience while they are there.

In addition, we have created a specific Regional Conferencing Unit within Destination NSW to work with communities to attract conferences and to proactively promote those centres to industry to plant the seeds for industry to think about hosting their next conference or business event in a regional New South Wales location. The launch of a new website portal will showcase the array of business event venues and destinations in regional New South Wales, and will feature testimonials of half a dozen major conferences that have been held successfully in regional areas. But the bonanza for regional New South Wales tourism does not stop there. I can announce today that expressions of interest are now open for the 2018 regional Flagship Event Fund—an important opportunity to further support the growth and development of major events. [*Extension of time*]

The fund will offer successful applicants a one-off annual grant of \$20,000 or a triennial grant of \$27,500 per year for three years. Last year, through this fund, the Government supported 37 great events around the State, such as the Ballina Prawn Festival, the Broken Heel Festival in wonderful Broken Hill, the Grafton Jacaranda Festival, the Elvis Festival, the Taste Riverina Festival and, my personal favourite, the Trundle ABBA Festival—an absolutely terrific festival. Tourism is truly everyone's business, and we on this side of the House will continue to build impressive lists of achievements for regional New South Wales as we continue to grow local economies and to create more jobs.

## WASTE MANAGEMENT

**Mr GREG PIPER (Lake Macquarie) (15:09):** I direct my question to the Minister for the Environment. Given recent exposure and scrutiny of the waste and recycling industry, will the Minister support an inquiry to examine the viability of the industry and its systemic flaws, including the alleged organised criminal exploitation of waste disposal due to the high cost differential between States stemming from the New South Wales waste levy?

**Ms GABRIELLE UPTON (Vaucluse—Minister for the Environment, Minister for Local Government, and Minister for Heritage) (15:10):** I thank the member for his question. I know he is genuinely concerned about contamination and waste issues. He often drops into my office to share his ideas with me. I also thank him for his genuine engagement on those issues. This question gives me an opportunity to update the House. The NSW Environment Protection Authority [EPA] released a statement this afternoon in which the chair and chief executive officer, Barry Buffier, confirms that he has written to the chief commissioner of the Independent Commission Against Corruption [ICAC] referring allegations of possible corrupt conduct through inaction by the EPA in response to notifications of illegal waste activities. I welcome that decision and that action by the EPA, and now it is up to ICAC to consider the serious issues that have been raised.

It is unfortunate that Labor Party members here and in Queensland are hypocrites when it comes to tackling the waste issues that face our community. We heard their colleague and comrade, the Queensland Premier, on the radio this morning crying crocodile tears about the movement of waste between our two States. She has known about this problem not for one year, not for two years, but for three years, and she has done nothing. She could simply reintroduce the waste levy.

**The SPEAKER:** Order! Members will get nowhere shouting at the Minister. It is rude, it is unacceptable and it is unparliamentary. The Minister has the call.

**Ms GABRIELLE UPTON:** It is hypocritical of the Labor Party to be making such comments in the Chamber. Pick up the phone to your comrades in Queensland.

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

**Ms GABRIELLE UPTON:** Tell your comrade Premier in Queensland that all she has to do is reintroduce the waste levy and then this issue would be removed. It is just disingenuous of the Labor Party.

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

**Ms GABRIELLE UPTON:** It has gone on for three years. All the Queensland Premier has to do is reintroduce the waste levy and this issue will be removed.

**The SPEAKER:** Order! I call the member for Gosford to order for the third time. The member for the Entrance will resume his seat. Hanging around the door is not a good look; nor is chewing gum. I know who the gum chewers are. I have taken their names and I have given them to the Leader of the House for future reference.

**Ms GABRIELLE UPTON:** I call on the Leader of the Opposition to pick up the phone to the Queensland Premier and this problem will be solved.

**The SPEAKER:** Order! The member for Gosford will cease interjecting. I remind the member that she is on three calls to order.

**Ms GABRIELLE UPTON:** The issue of illegal dumping is serious. It is something that this Government is determined to stamp out. We will shortly release for public consultation a draft regulation that flows from the discussion paper that was released last year. This flows on from a program of work on this issue. Next month the heads of the environment protection authorities across the States and Territories will meet to work up a national plan in the absence of action by the Queensland Labor Government to tackle this problem.

**The SPEAKER:** Order! I remind the member for Gosford that she is on three calls to order. This is her final warning.

**Ms GABRIELLE UPTON:** On a very serious note, this Government has some of the toughest environment protection laws in the nation. Let me assure the House that if any improvements need to be made, we will make them. [*Time expired.*]

### JOBS GROWTH

**Mr MARK TAYLOR (Seven Hills) (15:15):** My question is addressed to the Minister for Transport and Infrastructure. How is the Government supporting jobs growth in key Sydney regions and is the Minister aware of any alternative plans?

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (15:16):** I thank the member for his question. There is a jobs theme in question time today. I particularly note those opposite who earlier today voted against the Martin Place tent city bill. That says to me that the Leader of the Opposition is looking for his next job, the mayor of Martin Place.

**The SPEAKER:** Order! All members who have been called to order are deemed to be on three calls to order.

**Mr ANDREW CONSTANCE:** I am glad the member for Seven Hills asked that question because he is aware of the enormous jobs growth in his community, particularly from the metro and other transport projects. With a four-year \$43 billion program for roads and transport, we are seeing very significant jobs growth from that construction activity. With the advent of Sydney Metro in about two years that part of Sydney, which is the size of Canberra, is going to enjoy the benefit of having a turn-up-and-go, fully automated single-deck train service, which is going to transform that part of town. What has been exciting is the employment that this has generated—some 4,500 jobs.

**The SPEAKER:** Order! I remind the member for Blue Mountains that she is on three calls to order.

**Mr ANDREW CONSTANCE:** It is disappointing that those opposite had every opportunity to build it. That part of Sydney has been desperately crying out for the north-west metro. The Labor Party, under the leadership of Carl Scully, through the first use of the New South Wales Labor Party playbook, sold that community an absolute pup.

**The SPEAKER:** Order! I direct the member for Blue Mountains to remove herself from the Chamber for a period of three hours.

[*Pursuant to sessional order the member for Blue Mountains left the Chamber at 15:18.*]

**Mr ANDREW CONSTANCE:** The Labor Party announced the north-west metro in 1998, 2005, 2008, 2009 and 2010. It was five times promised and five times cancelled. The project alone has delivered 4,500 jobs from building the twin metro tunnels and some 4,600 people have worked on the skytrain project. That is massive. Many families have benefited from our infrastructure program and the Government is getting on with building more. The metro project will extend through to the city and then out to the south-west. Some 31 metro stations are being built, with more tunnelling under the harbour, under the city, then out to Sydenham and we will then see the metrofication of the line to Bankstown.

What is interesting about Labor in this space is that its record on metro is appalling. When in government a Labor member of Parliament told the *Daily Telegraph*, "We can't afford it. It's as simple as that. There was also thinking among the Ministers at the time that it would take years to build and no-one believed we were going to do it anyway". That is Labor's attitude towards metro. In fact, at the last election the member for Maroubra, who was shadow Treasurer at the time, said that the metro project was uneconomic yet it has a cost-benefit ratio of 1:5. Labor's record in this space has not been good.

What is particularly concerning, though, is that the Labor leader, Luke Foley, has announced a plan for the next election. He has a policy—one single policy—and guess what it is? Because he is in the pockets of the union bosses he is going to buy back the poles and wires; \$7 billion of poles and wires money will be going directly into Sydney Metro. There is no doubt about this bloke; he loves pole hugging. He loves hugging the poles. He is a pole lover, he is a pole hugger, he is a pole dancer but there is one pole that he does not love and that is the opinion poll. That is a pole that he does not like. Labor is an abject failure and stands condemned for working against the metro, which has generated thousands of jobs.

**Ms Jodi McKay:** Point of order: Madam Speaker—

**The SPEAKER:** Order! The Minister has completed his answer. The time for questions has expired.

#### *Petitions*

#### **PETITIONS RECEIVED**

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

#### **Eastern Sydney High School**

Petition requesting the urgent establishment of a new comprehensive co-educational public high school in eastern Sydney, received from **Mr Jihad Dib**.

#### *Business of the House*

#### **MULTIPLE SCLEROSIS FUNDING**

#### **Reordering**

**Mrs LESLIE WILLIAMS (Port Macquarie) (15:23):** I move:

That the General Business Notice of Motion (General Notice) of which I gave notice this day [Multiple Sclerosis] have precedence on Thursday 10 August 2017.

My motion should have precedence because this is an important month to raise awareness and funds for multiple sclerosis [MS]. The MS Readathon One Month Challenge kicked off on 1 August, with schoolchildren signing up to read as much as possible during the month and asking friends and family to sponsor them. This money will go towards providing support and services for people and their families living with multiple sclerosis. Members would have heard with sadness about the passing of the great Betty Cuthbert. Betty died earlier this week aged 79 after a long battle with multiple sclerosis. Betty was a runner from childhood and her career highlights included 16 world records, three gold medals at the 1956 Melbourne Olympics and one gold medal at the 1964 Tokyo Olympics. She was indeed our "Golden Girl".

Deservedly, Betty was named an Australian National Treasure in 1998 and was inducted as a legend in the Sport Australia Hall of Fame in 1994 and the Athletics Australia Hall of Fame in 2000. In 2012 Betty was recognised with a prestigious international accolade and inducted into the International Association of Athletics Federation Hall of Fame. Betty was diagnosed with multiple sclerosis in 1969 and would go on to battle with the condition for the rest of her life, spending much of her later years in a wheelchair. This did not dampen her spirit and she remained involved in Australian sport and was an Olympic torchbearer at the opening ceremony of the 2000 Sydney Olympics. Betty was also an active contributor to the cause of people affected by multiple sclerosis. She will be sorely missed.

However, I am pleased to say that the New South Wales Government has provided significant funding to support MS research. This has included funding for the NSW Multiple Sclerosis Clinical Trials and Research Network to drive collaborative projects and trials and the MS Research Australia Brain Bank, the only dedicated MS brain bank in Australia, based at the Brain and Mind Centre. We provide funding also through the Medical Research Support Program to medical research institutes that undertake groundbreaking research, including the Westmead Institute for Medical Research, which is investigating the genetic links between type 1 diabetes and MS, exploring the role of vitamin D in preventing the onset of MS, and the Hunter Medical Research Institute, which is looking at how the environment we live in affects gene activity in the immune system. New South Wales represents a key hub for MS research. All six pharmaceutical companies with current MS drugs are based in New South Wales. [*Time expired.*]

**Mr TIM CRAKANTHROP (Newcastle) (15:27):** My motion should have precedence tomorrow because the Independent Commission Against Corruption inquiries have led to the resignation of a string of Liberal members of this Parliament, including Barry O'Farrell, Chris Hartcher, Chris Spence, Darren Webber, Bart Bassett, Garry Edwards, Tim Owen, Craig Baumann and Andrew Cornwell. We nearly reached number 10 but maybe number 10 went to the crossbenches. Even after all these resignations and scandals the Government still fails to introduce legislation on spending caps and developer donation reforms for local government.

For this the Government should be condemned. The Government has failed to honour the solemn commitment by former Premier Baird to legislate for local government campaign spending caps. The Government should adopt Labor's plans to restore integrity and to legislate for spending caps and ban developers from local government. Through its inaction the Government is aiding and abetting corruption in local government. Labor's laws will stamp out corruption in local government and the perception of corruption in local government decision-making. Labor should not have to propose this law; it should have been introduced by the Government. Already in Newcastle, in the run-up to the local government elections, the self-described walking automated teller machine [ATM] has already admitted that he has made his office available for the so-called Independents to meet. But surely this is an in-kind donation and cannot lawfully be made by property developers.

Our legislation is about serving the community, not ourselves. There were three by-elections in the Hunter in 2014, all developer driven. Behind these three by-elections was the local identity who described himself as a "walking ATM" for State members of Parliament. What do those opposite think that does for public confidence and good governance, let alone the cost involved to taxpayers? In case those opposite have forgotten, 10 Liberal parliamentarians have gone to the crossbench or resigned from the party in New South Wales as a result of the Independent Commission Against Corruption [ICAC] inquiry into alleged illegal donations—in the Hunter alone, Garry Edwards, Andrew Cornwell, Craig Baumann and Tim Owen. The list goes on. The Hunter was at the forefront of dodgy developers and brown paper bags. Our legislation will make sure this never happens again. The Premier must stand with Labor in condemning local government corruption and take action immediately. I ask all members to support my motion in this reordered debate.

**The SPEAKER:** The question is that the motion of the member for Port Macquarie have precedence on Thursday 10 August 2017.

**Motion agreed to.**

*Motions Accorded Priority*

## REGIONAL JOBS AND INFRASTRUCTURE

### Consideration

**Mr CHRISTOPHER GULAPTIS (Clarence) (15:31):** My motion deserves priority because for 16 years while Labor was in government the people of regional New South Wales suffered poorly. One-third of the people in this State live in regional New South Wales. We deserve the same opportunities as those who live in the city.

**The SPEAKER:** Order! The member for Maitland will remain silent.

**Mr CHRISTOPHER GULAPTIS:** For 16 years we suffered neglect and a litany of broken promises. A classic example is the ironclad guarantee given by Bob Carr when he came up to Grafton in 2007 that the new Grafton Bridge would be built.

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

**Mr CHRISTOPHER GULAPTIS:** He gave that ironclad guarantee just prior to the 2007 election. Of course, that ironclad guarantee rusted away, just like the Carr Labor Government.

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

**Mr CHRISTOPHER GULAPTIS:** It was not until 2011 when the Liberals and Nationals were elected that we saw massive public investment in regional New South Wales. From south to north and from east to west, we are seeing massive public investment in regional New South Wales.

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

**Mr CHRISTOPHER GULAPTIS:** The Government has spent \$4.36 billion on the Pacific Highway between Woolgoolga and Ballina, which is almost entirely in my electorate.

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

**Mr CHRISTOPHER GULAPTIS:** Let us compare that with the infrastructure plan that Labor brought to the last election. When we drill down on its \$10 billion infrastructure plan, \$486 million was to be spent in regional New South Wales. Labor allocated 5 per cent of its infrastructure plan to regional New South Wales, where 30 per cent of people in this State live. That is insulting and shameful and Labor should be condemned to sit on that side of the Chamber for a long, long time. I can assure Opposition members that they certainly will be as far as regional New South Wales is concerned.

**The SPEAKER:** Order! If the member for Keira threatens another member in that manner again he will be removed from the Chamber.

**Mr CHRISTOPHER GULAPTIS:** I can assure those opposite that confidence in my electorate has skyrocketed since the Liberals and Nationals were elected in 2011.

**Mr Gareth Ward:** Because they have a good local member.

**Mr CHRISTOPHER GULAPTIS:** Absolutely, they have a good local member and we are seeing massive infrastructure projects.

**The SPEAKER:** Order! The member for Blacktown will come to order. He has only two days left in this place.

**Mr John Robertson:** Only one, really.

**The SPEAKER:** Then he should not spoil it.

**Mr CHRISTOPHER GULAPTIS:** The Government is investing in public roads, public schools and hospitals right across regional New South Wales. We are seeing investment in Blacktown. That is why the member for Blacktown is resigning, because he wants to leave on a high note.

## **M4 TOLL**

### **Consideration**

**Dr HUGH McDERMOTT (Prospect) (15:34):** My motion should be accorded priority because the people of Western Sydney, especially the families, continue to be attacked by this Premier. Western Sydney's families will be the hardest hit when this Government introduces a toll on the M4 next week. The toll will be capped at \$4.56, which means a regular motorist from Penrith to the Sydney central business district [CBD] will be slugged with costs of more than \$2,000 per year. It will cost even more for hardworking tradies and small business transport owners travelling from job to job. It will mean a minimum of \$5.50 and up to \$13.67 per trip.

Just imagine the cost to parents who have to do the school run during the week and sports runs with their children in the evenings and on weekends. This is the Liberal State Government's shameful legacy for the families of Western Sydney. It is always the people who can least afford it who are hit the hardest. What makes it even worse is that this toll will rise above the consumer price index at about 4 per cent per quarter. This toll will burden Western Sydney families for 43 years until 2060. NSW Labor abolished the previous toll on the M4 in 2010. This new toll is a 55 per cent increase on the \$2.75 toll that Labor abolished.

**The SPEAKER:** Order! There is too much audible conversation from Government members.

**Dr HUGH McDERMOTT:** What is the response of the Minister for Western Sydney, and Minister for WestConnex to these families who cannot afford this massive toll increase? He says, "Hard luck. You can use Parramatta Road as an alternative." Those who know Western Sydney know that Parramatta Road is not an alternative. The Premier is boasting about so-called record surpluses and rivers of gold flowing into her Government's coffers. With all this money, why are Western Sydney families condemned to this toll? This regressive tax takes from their incomes and household budgets money that should be spent on the needs of their children and their family's financial security.



What was the point of all the privatisation of publicly owned assets if the Government continues to burden another tax on families and small businesses? This is the Berejiklian New South Wales: wage stagnation, massive increases in household bills, increased taxes, and now 43 years of excessive tolls on the M4. Minister Ayres, this is your chance. You have four days to change this, to protect the families of Western Sydney and to stop this toll going ahead. But we know what you and the Government will do—nothing. You will slug those families. As the member for Penrith, you should know better. It is a good thing that in 2019 the people will deal with the member for Penrith and throw him and his entire Government out.

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

**The House divided.**

Ayes .....51  
Noes .....34  
Majority..... 17

#### AYES

Anderson, Mr K	Aplin, Mr G	Ayres, Mr S
Barilaro, Mr J	Berejiklian, Ms G	Bromhead, Mr S (teller)
Brookes, Mr G	Conolly, Mr K	Constance, Mr A
Coure, Mr M	Crouch, Mr A	Davies, Ms T
Dominello, Mr V	Elliott, Mr D	Evans, Mr L
Fraser, Mr A	George, Mr T	Gibbons, Ms M
Goward, Ms P	Grant, Mr T	Griffin, Mr J
Gulaptis, Mr C	Hazzard, Mr B	Henskens, Mr A
Hodgkinson, Ms K	Humphries, Mr K	Johnsen, Mr M
Kean, Mr M	Lee, Dr G	Maguire, Mr D
Marshall, Mr A	Notley-Smith, Mr B	O'Dea, Mr J
Patterson, Mr C (teller)	Pavey, Mrs M	Perrottet, Mr D
Petinos, Ms E	Piccoli, Mr A	Provest, Mr G
Rowell, Mr J	Sidoti, Mr J	Speakman, Mr M
Stokes, Mr R	Taylor, Mr M	Toole, Mr P
Tudehope, Mr D	Upton, Ms G	Ward, Mr G
Williams, Mr R	Williams, Mrs L	Wilson, Ms F

#### NOES

Aitchison, Ms J	Atalla, Mr E	Barr, Mr C
Car, Ms P	Catley, Ms Y	Chanthivong, Mr A
Cotsis, Ms S	Crakanthorp, Mr T	Daley, Mr M
Dib, Mr J	Donato, Mr P	Foley, Mr L
Harris, Mr D	Harrison, Ms J	Haylen, Ms J
Hoenig, Mr R	Hornery, Ms S	Kamper, Mr S
Lalich, Mr N (teller)	Lynch, Mr P	McDermott, Dr H
McKay, Ms J	Mehan, Mr D	Mihailuk, Ms T
Minns, Mr C	Park, Mr R	Robertson, Mr J
Scully, Mr P	Smith, Ms T F	Tesch, Ms L
Warren, Mr G	Washington, Ms K	Watson, Ms A (teller)
Zangari, Mr G		

#### PAIRS

Roberts, Mr A

Finn, Ms J

**Motion agreed to.**

*Joint Sitting***LEGISLATIVE COUNCIL VACANCY**

At 15:45 the House proceeded to the Legislative Council Chamber to attend a joint sitting to elect a member to fill a seat in the Legislative Council vacated by the Hon. Duncan Gay, resigned.

At 16:00 the House reassembled.

**The ASSISTANT SPEAKER:** I report that the House met with the Legislative Council in the Legislative Council Chamber to elect a member to fill the seat in the Legislative Council vacated by the resignation of the Hon. Duncan Gay and that Wesley Joseph Fang was duly elected. I table the minutes of proceedings of the joint sitting. I order that the minutes of proceedings of the joint sitting be printed.

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

**Mr CHRISTOPHER GULAPTIS (Clarence) (16:01):** I move:

That this House:

- (1) Notes that business confidence in New South Wales is at the highest level it has been since March 2010.
- (2) Acknowledges that the record investment by the New South Wales Liberals and Nationals has led to increased confidence and job growth across rural and regional New South Wales.
- (3) Recognises that only the New South Wales Liberals and Nationals can deliver jobs and economic growth for the people of regional New South Wales.

I ask that members support this motion because the people in regional New South Wales know that it is true. After experiencing 16 years of Labor, they are now experiencing what it is like to have a progressive and positive Liberal-Nationals Government investing heavily in the regions. My electorate of Clarence is benefitting enormously from our infrastructure spend. For example, this Government is building the Grafton Bridge, which Bob Carr promised but never delivered. The \$240 million project has created 120 jobs and 65 per cent of the associated contracts have been awarded to local contractors. There is enormous local input into this infrastructure project and three-quarters of the suppliers are local.

Further downstream the Sportsman Creek Bridge, which the former Labor Government mooted but never delivered, is also being built. The bridge project is worth \$27 million and there are 30 jobs on the bridge at any given time. The new Grafton Correction Centre public-private partnership is believed to have a construction value of \$800 million and it will create 1,100 construction jobs, 600 of which will be full time. Those are valuable jobs in regional New South Wales that will sustain communities. They will certainly sustain the community of the Clarence Valley.

I mention the Pacific Highway upgrade, on which \$4.6 billion has been spent between Woolgoolga and Ballina. More than 160 bridges are under construction or will be constructed. Some 2,500 direct jobs are involved in the project as well as 10,000 indirect jobs. This Government is about creating jobs, especially in regional New South Wales. We know that more than 58,000 jobs have been created in regional areas since the 2015 election. That means there have been more jobs created in regional New South Wales than in all other States combined. By creating 175,000 jobs in the past two years, the Government has certainly met its commitment to create 150,000 jobs this term. Other parts of my electorate are also benefitting. Two weeks ago the Premier visited Casino to announce a \$7 million grant to go towards upgrading the Casino Saleyards, which is a \$14 million project that will generate \$50 million in the economy, create 200 jobs and underpin one of the major industries in the region. It will certainly cement Casino as the beef capital of Australia.

All this is in stark contrast to what we saw during 16 years of Labor. Members on this side of the House are the doers; members on that side are the talkers. The doers are doing it. Things are happening right now and we can see the cranes in the sky. Talkers like Bob Carr promised a bridge but never delivered it. Labor made a litany of promises but they were simply lies upon lies. We never got a thing that they promised; we are still waiting for some of them to come true. Only the Liberals and Nationals are delivering on their promises by creating jobs in regional New South Wales and sustaining regional economies. There is an unprecedented era of growth in the regions. I commend the Liberals and Nationals for their wonderful efforts to invest in infrastructure across regional New South Wales.

**The ASSISTANT SPEAKER:** Order! I remind the Parliamentary Secretary and member for Kiama, the member for Canterbury, the member for Keira, the member for Kogarah, the member for Port Stephens, the member for Prospect, the member for Londonderry, the member for Strathfield, the member for Gosford and the

member for Maitland that they are on three calls to order. I will not be as lenient as the Speaker was during question time. If those members interrupt debate they will be removed from the Chamber for the remainder of the day.

**Mr RYAN PARK (Keira) (16:06):** I always feel sorry when this guy gets up to speak. It is almost like whacking a five-year-old; you feel bad doing it. It is like when I give my son a smack.

**Mrs Leslie Williams:** Point of order: I ask that you direct the member for Keira to refer to members by their correct titles, not as "this guy".

**The ASSISTANT SPEAKER:** Order! I uphold the point of order. All members, including the member for Kiama, will observe Standing Order 52.

**Mr RYAN PARK:** The member for Clarence is a heavy hitter, there is no doubt about it. Although his own party does not know him he is a heavy hitter, so I will take it easy on him today. Let us talk about the inaccuracy of this motion. I have before me some employment facts from the Australian Bureau of Statistics.

**Mr Paul Scully:** Not fake news?

**Mr RYAN PARK:** This is not fake news, as the member for Wollongong says. Let me examine a couple of statistics. Members opposite are familiar with the Capital Region in the Snowy country. The unemployment rate there was 3.4 per cent in March 2011. It is now 4.5 per cent. That is a fantastic result! What about the Coffs Harbour and Grafton region? The Assistant Speaker will be interested to know that the unemployment rate there was 3.7 per cent under Labor and is now sitting at 7.7 per cent. That is another wonderful result!

Unemployment rates in the New England and north-west were 6.9 per cent under Labor and are now 7.1 per cent. In the Southern Highlands and Shoalhaven unemployment was 6.3 per cent under Labor and is now 6.8 per cent. When the leader's office tells a member to defend a motion every now and then not only should the member get the speaking notes but also they should say to the adviser, "I might just do a bit of random research myself on the Australian Bureau of Statistics website." It is here in black and white—those opposite are not doing well in New South Wales. I am pleased that the member for Wollongong is in the Chamber. Labor has a \$250 million Illawarra Job Fund that is designed to create, support and encourage investment in what I consider to be the best region in New South Wales. Labor has even more planned. We will stand up for regional communities.

Under Luke Foley's proposal, which he announced in his budget reply speech, when the Commonwealth takes over the Snowy Hydro scheme we will ensure that not 30 per cent, not 40 per cent, not 50 per cent but 100 per cent of the proceeds of that sale go directly to regional communities. That is what Labor has been advocating for and that is why I am proud to be the shadow Treasurer from a regional community. But those opposite are correct: They are creating jobs. The Department of Primary Industries has a lot of failed Nationals candidates on the old job. I have even heard that it is becoming a bit of a job placement department. Candidates who go for National Party preselection and get knocked out or do not win the seat are given the third prize—a job in the Department of Primary Industries. Those opposite are doing fantastic work creating jobs for The Nationals but we would like to see the figures going down. Members who represent the electorates of Wollongong, Campbelltown, Swansea and Wyong know just how important regional New South Wales is. [*Time expired.*]

**The ASSISTANT SPEAKER:** Order! Before I call the member for Port Macquarie, I remind the member for Keira that he must cite the sources of figures and other information that he refers to in debate.

**Mrs LESLIE WILLIAMS (Port Macquarie) (16:13):** It gives me much pleasure to support the motion moved by the member for Clarence. The member for Keira made a very interesting contribution. He said over and again, "We have plans, plans and plans." I do not know what Labor's plans were when it started its 16-year term of office but investing in regional New South Wales certainly was not one of them. I will give the House one example from my electorate.

**The ASSISTANT SPEAKER:** Order! I refer the member for Wollongong to Standing Order 52. I call the member for Wollongong to order for the first time.

**Mrs LESLIE WILLIAMS:** The Lake Cathie Public School had been spoken about in this House for years and years. Indeed, for the 16 years those opposite were in government the community of Lake Cathie lobbied for a local public school. Did we get one? No. Labor talked about it and promised it and, as the member for Keira said, planned for it. Did Labor deliver it? No. In 2011 the Liberal-Nationals Government committed to building the school and in 2015 Lake Cathie Public School was finally opened. Further to that, in the most recent budget the Government has committed to providing even more upgrades and new classrooms at Lake Cathie Public School. Those opposite talk about planning for regional communities but they never deliver.

The list goes on in my electorate of Port Macquarie—for example, Stingray Creek Bridge. Those opposite promised to build it but never delivered. Earlier this year Stingray Creek Bridge was opened, thanks to the investment of this Government. The member for Clarence will talk about the Government's unprecedented investment in health infrastructure so I will not steal all his thunder, but it took this Liberal-Nationals Government to deliver an expanded mental health unit at the Port Macquarie Base Hospital. This is a \$15.3 million project, which was lobbied for during the 16 years those opposite were in office but never delivered. We have committed \$2.3 million to upgrade the Telegraph Point sewerage system, having recently completed one on the north shore. We have also committed more money for social housing. I repeat: All those infrastructure projects were ignored by those opposite.

**Mr GREG WARREN (Campbelltown) (16:15):** We see many weird and wonderful things in this place but we are really reaching the peak when we see the words "Liberal Party" and "confidence" in the same paragraph of a motion. Those opposite might be confident in themselves but the people of New South Wales are not confident in this Government. Yet again, we have a motion before the House that has Government members patting themselves on the back. In truth, this is the highest-taxing State in Australia. One needs only to look at the hundreds of people who are escaping the tyranny of this Government for greener pastures under Labor governments in Victoria and Queensland.

**Mr Gareth Ward:** Ha, ha.

**Mr GREG WARREN:** I note the jovial nature of the member for Kiama. He is laughing because he well knows the benefits that good Labor governments have brought to this nation. The motion also notes that business confidence in New South Wales is at its highest level since March 2010, post the global financial crisis. Labor was in office in 2011 so it took this mob six years to destroy things. Unemployment in New South Wales is out of control and wage growth is low. Indeed, the low disposable income of households is no better revealed than in the unaffordable housing figures throughout the State. I always feel sorry for The Nationals. They might be the lost cousins of the Conservatives, but they do their best. Ultimately, this Liberal-dominated Government is making bad decisions for working families. It is also making terrible decisions for the collection and distribution of wealth, which is not being allocated fairly

Those opposite talk a lot about capital investment but they have flogged off nearly every asset that was standing still—\$50 billion worth. How will they pay for the doctors, nurses, teachers, police and so on when the revenue from those assets is gone? The inflation rate in Sydney is 2.2 per cent, while wage growth in New South Wales is at a record low of 2.1 per cent. Since 2010 youth unemployment in my electorate of Campbelltown has doubled. It was 7 per cent in 2010 under a Labor Government and it is now just over 14 per cent.

**Mr Gareth Ward:** What are you doing?

**Mr GREG WARREN:** I am working hard to get rid of you mob from government so that we can once again have a good Labor government in this State to provide the prosperity that the people of New South Wales need and deserve.

**The ASSISTANT SPEAKER:** Order! Before I call the member for Clarence, I remind Opposition members of the old saying that empty vessels make the most noise. There are microphones in the Chamber; there is no need for members with the call to shout.

**Mr CHRISTOPHER GULAPTIS (Clarence) (16:19):** In reply: I thank the member for Keira, the member for Port Macquarie and the member for Campbelltown for their contributions. We can see why there is such scepticism in regional New South Wales about electing another Labor government. As I said before, members on this side of the House are the doers, those on the other side of the House are the talkers. The member for Keira spoke about employment in the Clarence. I assure him that employment in the Clarence is at the highest level ever because of the current infrastructure spend. I mentioned earlier that 2,500 direct jobs have been created on the Pacific Highway. More than 30 per cent of those jobs are local jobs, within 100 kilometres of the site. That is 800-plus jobs that have been created in a regional area where jobs are hard to come by. Those regional jobs sustain regional communities. Without those jobs there would not be a community.

There is a stark difference between members on the other side of the House and those on this side of the House. Those opposite went to the 2015 election with a promise to spend \$10 million on infrastructure. As I said before, when we drill down we find only \$500 million of that was going to be spent in regional New South Wales. We heard what the Deputy Premier said about the infrastructure spend in regional New South Wales—\$73 billion over four years. That is unprecedented spending in regional New South Wales. We never saw such massive investment in infrastructure in the 16 years that Labor was in government.

In Health, we have \$180 million to complete the redevelopment of Lismore hospital, stages 3A and 3B. Where was Labor when we were looking for that money? We have \$156 million to redevelop Coffs Harbour

Hospital. Where was Labor when we were calling for that? We have \$50 million for the Macksville hospital redevelopment. Again, where was Labor? Labor members have not been seen in those areas—and they do not need to visit because they are not welcome when they do not bring commitments that they will honour. We also have \$15 million for a new inpatient mental health unit at Port Macquarie; \$26.2 million in the 2016-17 budget for the \$60 million Armidale hospital redevelopment; and \$30 million to redevelop Inverell hospital. Those are just some of the investments in health that we have seen across regional New South Wales.

As I mentioned before, we are seeing investment in roads, hospitals, schools and bridges, and we are seeing jobs created in regional communities. Local businesses are flourishing as a consequence of that Government investment and confidence has never been higher. I commend the Government for the work it is doing in regional New South Wales.

**The ASSISTANT SPEAKER:** The question is that the motion as moved by the member for Clarence be agreed to.

**The House divided.**

Ayes .....51  
Noes .....33  
Majority.....18

**AYES**

Anderson, Mr K  
Berejiklian, Ms G  
Conolly, Mr K  
Crouch, Mr A  
Donato, Mr P  
George, Mr T  
Grant, Mr T  
Hazzard, Mr B  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Mrs M  
Piccoli, Mr A  
Rowell, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Aplin, Mr G  
Bromhead, Mr S (teller)  
Constance, Mr A  
Davies, Ms T  
Elliott, Mr D  
Gibbons, Ms M  
Griffin, Mr J  
Henskens, Mr A  
Johnsen, Mr M  
Maguire, Mr D  
O'Dea, Mr J  
Perrottet, Mr D  
Provest, Mr G  
Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G  
Williams, Mrs L

Ayres, Mr S  
Brookes, Mr G  
Coure, Mr M  
Dominello, Mr V  
Evans, Mr L  
Goward, Ms P  
Gulaptis, Mr C  
Hodgkinson, Ms K  
Kean, Mr M  
Marshall, Mr A  
Patterson, Mr C (teller)  
Petinos, Ms E  
Roberts, Mr A  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G  
Wilson, Ms F

**NOES**

Aitchison, Ms J  
Car, Ms P  
Cotsis, Ms S  
Dib, Mr J  
Haylen, Ms J  
Lalich, Mr N (teller)  
McDermott, Dr H  
Mihailuk, Ms T  
Parker, Mr J  
Smith, Ms T F  
Washington, Ms K

Atalla, Mr E  
Catley, Ms Y  
Crakanthorp, Mr T  
Harris, Mr D  
Hoenig, Mr R  
Leong, Ms J  
McKay, Ms J  
Minns, Mr C  
Robertson, Mr J  
Tesch, Ms L  
Watson, Ms A (teller)

Barr, Mr C  
Chanthivong, Mr A  
Daley, Mr M  
Harrison, Ms J  
Hornery, Ms S  
Lynch, Mr P  
Mehan, Mr D  
Park, Mr R  
Scully, Mr P  
Warren, Mr G  
Zangari, Mr G

**PAIRS**

Barilaro, Mr J  
Hancock, Mrs S

Foley, Mr L  
Finn, Ms J

**Motion agreed to.**

*Bills***ENVIRONMENTAL PLANNING AND ASSESSMENT AND ELECTORAL LEGISLATION  
AMENDMENT (PLANNING PANELS AND ENFORCEMENT) BILL 2017****Second Reading****Debate resumed from an earlier hour.**

**Mr MICHAEL DALEY (Maroubra) (16:31):** The adjournment of the second reading debate on the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 has afforded me the opportunity to visit the Electoral Commission's website, and I can confirm that I have seen nominations from people who, to the best of my knowledge, are developers. It will be on the head of this Government when those people eventually hit the wall—and they will because that is the way they operate. Of course, the Opposition was—and still is—ready to cooperate with the Government to ensure that such people are not eligible to nominate. We will happily come back to this place next week to pass legislation to invalidate their nominations. I make that standing offer on behalf of the Opposition.

**Mr Gareth Ward:** Don't call us, we'll call you.

**Mr MICHAEL DALEY:** I thank the member for Kiama for punctuating my remarks perfectly. I have referred to some defects in the legislation. I should indicate to the House that I have spoken several times today to the Minister for Planning about the bill and if we can fix some of those defects, we will do so. If not, the Opposition will have to vote against the bill and see what happens in the upper House. We will push strongly for the amendment of some provisions. One such provision involves whether members of the new local hearing panels are amenable to the jurisdiction of the Independent Commission Against Corruption [ICAC]. We have had a look at the Independent Commission Against Corruption Act, and that proposition is at least questionable.

We met with the Minister's staff and representatives this morning, and we indicated to the Minister that it will give us some comfort to see written confirmation from the Crown Solicitor's Office or from ICAC that the panel members will be amenable to the jurisdiction of ICAC. Of course, it would make a mockery of the situation if we were effectively to legislate to swap one consent authority—being elected councils, which are subject to the ICAC regime—for people who are not subject to the ICAC regime. That would be a very poor outcome. We would like some comfort and stand ready to cooperate with the Government to amend the bill. In fact, if we do not get that comfort we will seek to amend the bill in the other place to that effect. If panel members are not subject to ICAC, the only sanction in the bill for misbehaviour is removal from the planning panel. I am not sure how much these panel members will be paid—or indeed who is paying them. However, it is not acceptable if the only sanction is removal from the panel and not investigation and perhaps criminal sanctions for corrupt conduct.

We are also at a loss to understand why the legislation applies only to local government areas in the Greater Sydney area and Wollongong. I recall quite accurately the white shoe brigade descending on the Tweed and Tweed council being sacked at least once, from memory, or possibly twice. At the moment there is a Government-initiated investigation of allegations of water theft in the Murray-Darling basin. Such things occur because it is lucrative to break the rules sometimes. If you can break the rules about water, it does not matter how small your council is because the land is valuable. We do not see any distinction between councils in Sydney or councils in the Tweed or in the Hunter. The Hunter is the largest regional economy in New South Wales. We saw unsavoury behaviour from characters there—I do not want to name them because that is not going to be the flavour of my contribution this afternoon—that made its way to ICAC, and developers were fined last year and earlier this year. We do not want to see that happen again, but it could if this regime does not apply. There is no rationale for not winding out this regime statewide so that it applies to every council in New South Wales.

Another glaring shortcoming in the bill is the fact that not only can developers stand for election and be elected to councils, but also they can then become members of independent hearing and assessment panels [IHAPs]. I note that three of the four panel members must have requisite professional expertise, but nowhere does it say in the bill that being a developer is a disqualification. That is entirely unacceptable. Also, a council could elect as the ward community representative as presently constituted a person who is a developer at the time of appointment or who subsequently becomes a developer. Of course pecuniary interest provisions apply, but developers should not be able to sit on the panel in the first place. We will move an amendment to that effect in the other place. Appointing a developer to an IHAP is completely and utterly unacceptable to the Labor Party.

The provisions also state that mayors and councillors cannot sit as panel members in their local government area. We will move an amendment to ensure that they cannot sit on panels in other council areas either. Now that the Government has opened the door for developers to sit as councillors, they could collude and appoint a mayor and/or a councillor to serve as an IHAP member on another council, and that council could fall under the spell or influence of developers who should not be there in the first place. That is not acceptable.

The Labor Party also has questions about the thresholds that would see a development application sent to an IHAP. The provision regarding objections from 10 or more houses is curious. Yes, a great deal of subjectivity attends the selection of quantities that apply to these sorts of rules. But in my 13 years on Randwick council, I cannot remember a single consent application for a dual-occupancy dwelling, carport or childcare centre that did not receive more than 10 objections. I would have thought that the number 10 should be revisited because that number is too small.

**Mr Gareth Ward:** Nimbyism.

**Mr MICHAEL DALEY:** The member for Kiama says it is nimbyism. It can be nimbyism but nimbyism should not be enough to see one of these applications sent to a panel that I believe will be relatively busy. The problem with the structure of these panels applying to wards is that it also concentrates the power in the hands of a person in a much more focused way mathematically than applies presently to a councillor. Let me explain. Many councils that have been amalgamated now have 15 councillors; the smallest has nine. A councillor who sits in determination of a matter, assuming a quorum is present, has one-fifteenth of a vote, one-ninth of a vote or one-twelfth, as the case may be.

When it comes to the council's appointee to a ward—and indeed all of these people—the concentration is one in four. Given that developers can run and be appointed to independent hearing and assessment panels [IHAPs], a developer who has one-quarter of a vote on a matter is not acceptable. The Opposition will seek to remove the requirement that these panels can be appointed with respect to a ward because it is too small an area and too concentrated in the hands of one person. If a small ward in a council that has a representative wants some business done, it has to go and see this fellow. That person would be the most popular bloke in town; he would never have to buy a meal for himself in his life. People who want to put applications before the council will just descend upon such a person and that is very dangerous.

One of the issues I have discussed today with the Minister is the rotation of panels. When I spoke to the former Minister for Planning in October last year about the prospect of IHAPs, I made the suggestion that for development applications that were to be decided by an IHAP, there must be no prospect of the applicant knowing the identity of the persons appearing on the panel and the reasons for that are very clear. If a person knows the identity of the person determining the application, and they are a professional person and a developer, they might want to throw some work their way or towards their firm—in other words, conduct that might be more conducive to the application being considered more favourably.

The panel should be rotated. The problem I have, and Parliamentary Counsel agrees and has indicated in writing today, with the way the bill is presently drafted is that the panels are fixed panels that cannot rotate. Certainly the ward council is fixed in place for three or six years as the case may be but Parliamentary Counsel's view is that the other three panellists are fixed in geographical location and time. The preference for both the Minister and me, if these regimes are to come to fruition, is that they actually do rotate. At the moment the drafting of the legislation does not allow for that and it should be rectified.

The other amendment that the Opposition seeks relates to the deliberations of the IHAP. Presently, before a planning committee of council, a requisite committee of a council or a full council meeting that is determining an application, if council governance procedures are as robust as they should be, the meetings are held in public. After all of the advertising and public notification provisions in the Act have been complied with—that they be advertised for 21 days and submissions sought and so on—the council meeting is convened at a convenient time in a public place and members of the public are able to attend, hear the deliberations of the councillors as matters are discussed, hear the arguments, and the councillors then deliberate and decide in full public view and a written determination is then given.

In the case of the joint regional planning panels [JRPPs]—and I am not too sure about the Planning Assessment Commission—it has been advanced to me by a number of senior officers in councils as well as councillors that they do not have confidence in those bodies because they disappear into a room and deliberate behind closed doors. That should not be the case. If these bodies are meant to sit in the place of and stand in the shoes of publicly elected councillors then they should conduct themselves in the same way as councillors. They must deliberate in public and record electronically all of their deliberations. I note that some councils in New South Wales still do not record their proceedings. They might take minutes of what happens.

**Mr David Harris:** And they change them.

**Mr MICHAEL DALEY:** That is not good enough in this day in age. The member for Wyong says that that they change them, and they do. In this day and age they should be broadcast live and recorded. It is the case with these local panels that they should conduct themselves with the best governance practices in mind; they should justify their decisions in writing. As well as written determinations they should conduct their affairs in

public and allow members of the public to address committees in the same way as they do with councils. As indicated, the Opposition is not happy about some of the glaring defects in the bill. The bill will pass through the House without the Labor Party standing in its way. However, we will use our best endeavour to amend the bill for the better in the other place. If those amendments, which are vitally important to us, are not agreed to, then I doubt the Opposition will support the bill in the upper House.

**Mr JOHN SIDOTI (Drummoyne) (16:46):** I speak on the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017. The Government is attempting to change the Environmental Planning and Assessment Act 1979 so that all Greater Sydney and Wollongong councils set up a panel to decide local development applications [DA]. I state at the outset that any changes to contemplate weakening the bill will open the door for an entrance of lurk merchants and spivs once again.

**The ASSISTANT SPEAKER:** Order! The member for Bankstown will have an opportunity to speak in the debate.

**Mr JOHN SIDOTI:** I am sure the member for Maroubra comes into the House with good intentions and that every member of the House would look for the highest standards and that planning decisions should be made on merit, free of favour and dealt with in a professional manner and not because of the name on the application, the political party to which the applicant belongs or any other mysterious circumstance. Planning is about merit. One does not need to look further in New South Wales to see what goes on in many councils than the decisions handed down by the Independent Commission Against Corruption. A cloud is hanging over many councils.

The Leader of the Opposition and members opposite can come in here wearing their white knight gowns and looking pure but council elections will be held in September. So they have been given ample warning. All I say is that they should look very closely at each and every one of their candidates, particularly in the inner west. Members opposite cannot come into this place and talk about developers and real estate agents because they will be endorsing many themselves. I will be looking very closely at each and every one of them. Members opposite should think very carefully when they oppose or try to water down this legislation to open the door again to many of these unemployed councillors who have been in office for 20 or 30 years and own 20 and 30 properties.

I support independent hearing and assessment panels right across Greater Sydney and I always have. I have spoken to many local government experts. Having served for a short time on council and been a mayor I can see the benefits that the panels will bring. They will bring independence. If brought in correctly and adopted as is, they will create a very safe environment for all our residents to have confidence in a system that is hole proof and corruption proof. The system will attract a very high standard of councillors to councils across the city who have a genuine passion and belief in issues of concern to them.

There is no need for councillors to assess local development applications at all. Applications should be held and assessed by independent professional bodies. Councillors will still have input into local environment plans [LEPs] and development control plans [DCPs] but for them to be involved in rezoning and individual development applications is unacceptable. These panels will strengthen the long-term vision that councils develop through the strategic planning by making informed decisions which are—as I said earlier—free of influence. They will determine better outcomes for our future homes, neighbourhoods and communities. Blind Freddy knows this. Anyone who has served on their local council knows about the very fine line.

Using panels to help councils make informed and transparent decisions is not a new idea. There are councils across Sydney that seek expert advice on technical or design matters to improve and inform their assessments of the buildings, spaces and places that make up their area. Councils have set up independent hearing and assessment panels [IHAPs] comprising experts to make decisions on development applications on behalf of councils. In New South Wales at least 15 councils have established IHAPs to assist with development applications and to strengthen and streamline the assessment process. Unfortunately, it is often the case that an IHAP is only set up after there has been a problem, an ICAC inquiry or an incident.

If IHAPs is left as a voluntary tool very few councils will take up the initiative. I believe this policy will be most beneficial if it is compulsory for every council to take up the challenge. Councils that already have IHAPs include Lane Cove, Mosman, Liverpool, North Sydney, Parramatta, Wollongong, Sutherland and Strathfield. Some of the panels are advisory while others are determinative. They have different levels of expert and community representation and consider different types of development applications. We need an IHAP system that is consistent across the many council areas. This proposal introduces a consistent model of independent expert panels to determine local development applications of a high value and applications of potential risk or strategic importance. Panels will formalise the opportunity to draw on local residents' knowledge and voices by community members representing the public interest.



Council planners would provide their assessment to the panel members who then conduct site inspections, hear from interested parties at public meetings and review submissions. Panel members are open to the public to increase transparency and provide opportunities for the community to understand the decision-making process and see how the issues they have raised have been addressed. Panels can also assist small or regional councils with decision making where in-house or local technical expertise is not always readily available. Panels make better decisions about DAs because independent experts are equipped to make technical decisions in line with, and by understanding the intent of, councils' strategic plans and development controls.

Panels allow the council to instead focus on setting the vision and strategy for land use in their local government area, reflecting the current needs and future aspirations of the local community. For instance, where have we come from? What is the story of our community now? What do we value? What do we want to protect? What do we want to see in the future? What do we need to do to get there? By telling the story well and clearly articulating the strategy at a local level, a picture should emerge for the intended future or outcome. The story can be told as a broad overview at a district or neighbourhood level or at the fine grained detail of a city block. It will be apparent from the story what type of development will help that story materialise and what will offend.

Strategic planning then provides the rationale and content for setting the development controls which panels will apply and enforce. This is the essence of strategic planning and it should be a key focus of councils to plan for their community's future. This will allow the focus of planning in this State to shift from battles over individual DAs to strategic planning. The community will be more accepting of development that meets the council's local land use strategy. At the same time developers will be less likely to put forward inappropriate proposals not in keeping with the strategy.

At present some councils get into the weeds of determining individual DAs. Only 2 per cent of DAs valued under \$1 million are currently determined by half of the councils in Sydney at council meetings. Some councils determine around 30 per cent of DAs under \$1 million. This needlessly ties up council meetings from discussing issues of importance to the broader community. Instead, councils are determining many straightforward DAs which could easily be handled by the council's professional staff. Local planning panels will free councils from being bogged down in these individual assessments. Instead, individual development applications will be determined either by expert council staff or by the panels. [*Extension of time*]

Introducing a standard panel model will provide much-needed certainty and consistency for both the community and the applicants. The proposed composition of the model is in line with the suggestion of the Law Society of New South Wales who have stated:

We suggest...the local planning panel could consist of four members, being three independent experts and a community representative. In our members' experience of the operation of IHAPs, the chair is often a legally qualified expert. The chair, in such cases, would find it very useful to have two other independent experts, such as a planner and an urban designer, or two planners, to assist in determining complex and contentious applications.

This is a good model. It produces the best planning outcomes. That is why this Government proposes to lock in these benefits by mandating local panels across the Greater Sydney region and Wollongong, where a panel already exists. Many councils and organisations expressed support for expanding the panel model. Bayside Council is one of the councils with a panel which supported making local planning panels a regular feature of the planning system across local government areas. Wesley Council noted the positive experience from their panel in that the expert members add significant value to the assessment and determination of DAs. More importantly, the panel has instilled a renewed confidence that planning decisions are being made on their merits by some of the leading professionals in their respective fields.

Randwick Council acknowledged that panels reduced negative perception of political rather than merit-based decisions and therefore reduced the risks and potential conflicts of interest and allowed councils to give greater focus to key strategic and policy issues in their areas. Panels are a safeguard in being the decision-maker for DAs that carry serious risk of conflict of interest or are most contentious in the community, leaving council staff to continue to deal with the vast majority of the DAs quickly and efficiently. The introduction of local planning panels will assist to reduce corruption risks, increase transparency, improve decision-making and lead to better planning outcomes at the level of individual DAs and the local strategic level.

I will finish the way I commenced: Those opposite who seek to make amendments to water down this policy will leave the door open for lurk merchants, spivs and crooks who have been exposed by the ICAC for their wrongdoings in council. I strongly urge Opposition members to ensure that their amendments strengthen the bill—which they will not be able to do because it is hole-proof. Members will say they are strengthening the bill but, in essence, they will attempt to water down the bill. I say to all Opposition members, particularly the Leader of the Opposition because of his local council area, to take a close look at each of their council candidates before they talk about developers and real estate agents. Only then can the Leader of the Opposition quibble about the definition of a developer. He has an opportunity to jump on board and make a once-in-a-generation change to

hole-proof IHAPs to ensure that planning is based on merit and independence, not on personalities, names on DAs, who made donations or political preferences. For those reasons I commend the bill to the House.

**Ms TANIA MIHAILUK (Bankstown) (17:01):** I make a contribution in debate to the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017. I note the comments made by the shadow Minister for Planning that in its current form this bill is inherently and deeply flawed. I note also that the member for Drummoyne foreshadowed that several amendments should be made to strengthen the bill. Some of those amendments were articulated by the member for Maroubra. We must examine what we can do to ensure that members of independent hearing and assessment panels [IHAPs] are as accountable to the public as the current planning members and district commissioners who fall under section 74 (3) (c) of the Independent Commission Against Corruption Act. Therefore the Independent Commission Against Corruption [ICAC] can make a recommendation that a member should be removed as a result of corrupt conduct. The Government is proposing that that provision apply to members of IHAPs. It is not clear. The question has been posed by the shadow Minister and I ask the Minister for clarification. In his second reading contribution the Minister said that the Government has consulted with ICAC. I am not sure when but it is clear that the legislation must be amended to ensure that that provision applies to every member of an IHAP.

I am concerned about a number of issues. Firstly, we are ramming this bill through all stages because apparently members are concerned that on 9 September rogue councillors will be elected. Therefore, we have to ram the legislation through Parliament to avoid a catastrophe. If the Government was genuinely concerned about pending corruption inquiries relating to one or two councillors, it should delay the council elections so that it can gather more information. I suggest that we should look more closely at the Liberal councillors who have been selected in preselections in the past few weeks. Perhaps Mr Anthony Roberts' faction has lost some numbers across those councils and that might be the real reason he is concerned.

**The DEPUTY SPEAKER:** Order! Members will be referred to by their electorates.

**Ms TANIA MIHAILUK:** Perhaps the member for Lane Cove has lost numbers in those councils. We would have to examine the situation more closely and talk to the factional war lords on the right to find out what happened to the numbers.

**The DEPUTY SPEAKER:** Order! All members will have an opportunity to make a contribution. The member for Drummoyne has completed his contribution. The member for Bankstown will be heard in silence.

**Ms TANIA MIHAILUK:** The argument that members are concerned about rogue councillors and the way that the IHAPs will be set up does not gel. Under the Sydney Planning Panels, the district commissioners are the chairs. The Minister can appoint three panel members and the council can appoint two. The bill before us states that the Minister will appoint only the chair and the rogue councillors they are concerned will be elected on 9 September will be able to appoint three panel members. Two of those will be selected from 300 panel members—I do not know how many ex-Liberal members of Parliament or councillors can fit on a panel—and one will be a community representative. This proposition does not gel with the argument that although we are concerned about dodgy and corrupt councillors, they will be given the authority to choose the majority of the IHAP members.

I have other concerns with the bill. The member for Maroubra raised the two three-year terms. An amendment must be made to adjust the legislation. The potential that members cannot be rotated is also a concern. The member for Drummoyne told us passionately that there is no way that any mayor or councillor can make development assessments, yet they can make assessments on other planning panels in other council areas? The bill says that councillors can be appointed on an IHAP in another council area. That provision must be clarified in the upper House. The bill does not prohibit a property developer or real estate agent from being appointed to a local planning panel, which again raises the issue that Labor has always stated. We must ensure that developers, real estate agents and potential lobbyists are not elected on councils.

The bill contains no provisions to incorporate spending caps or donation caps for council elections, which should be the biggest issue four weeks out from an election. The bill proposes that panel members will remain on their respective local planning panels with no scope for members to rotate. This could provide fertile ground for property developers and lobbyists to exert influence on panel members with no scope to hold panel members accountable for their decisions. The fact that these vital elements are blatantly missing from the bill could lead to perceived conflicts of interest with respect to specific planning decision-making. For example, the bill could enable a council to appoint the likes of a Salim Mehajer as its community representative. What stops that from happening? Nothing in this bill stops that outcome.

I will need to take a closer look but I wonder what underlying issue the Government has with the existing district commissioners. Why is it undermining the Sydney Planning Panels and the Greater Sydney Commission?

I would love to hear from the former Minister for Planning, and the member for Pittwater, Rob Stokes, in this debate. Former Minister for Education Adrian Piccoli often speaks on education bills. I would love to hear the thoughts of the former Minister for Planning on this legislation and learn whether he supports the undermining of the Greater Sydney Commission and the Sydney Planning Panels which will no longer assess development applications unless they meet the \$30 million criteria.

One is forced to wonder if the Government has problems with district commissioners such as Dr Deborah Dearing from the North District or others. Why it is undermining those experts who now have the capacity to assess \$20 million applications? The Government is saying that it will exclude them from that process. The member for Lane Cove has always claimed that these things are about cutting red tape. [*Extension of time*]

When the member for Lane Cove was Minister for Fair Trading he constantly cried out that we needed to cut red tape. Why in his role as Minister for Planning is he introducing another layer of red tape in development applications? We have Sydney Planning Panels, we will have Independent Hearing and Assessment Panels and we will have the council as well. Who will pay for all this? Has the Government made a commitment to pay for these planning panels or will ratepayers be forced to pay for another layer of bureaucracy that this Government has implemented? I hope the Minister for Planning will answer these questions in his speech in reply.

It is clear that the legislation before us needs strengthening. We also need an explanation as to why the Government is ramming through this bill in a climate that it is clearly very concerned about. Apparently horrible councils will be elected on 9 September and so we must rush through this legislation. The Government has simply given us no explanation as to why. In addition, this bill only focuses on Sydney. There will be different planning processes across the State—one set of rules for regional and rural communities and another for Sydney communities. That in itself would create a range of concerns in the minds of most people.

Councillors are public officials and accountable to the public. They have clear obligations and duties of care. They must adhere to the principles of the Independent Commission Against Corruption Act to ensure that they are always accountable and transparent. It is important that the new panels have a code of conduct, but we are yet to see one prepared by the Government. The only document I have seen is a six-page flyer containing a couple of questions and answers. In the words of the member for Lane Cove, you can get more information from a McDonald's restaurant menu. The flyer gives us no details about the code of conduct that panel members must adhere to. There is also very little detail about how to ensure that they are held accountable to the same standards as apply to other public officials such as councillors and members of Parliament. We must be able to have confidence in the message we give the public that no rogue individual with an agenda or a conflict of interest will end up on one of these panels.

A further issue is that once 10 objections are made to a development application the application will be transferred to an IHAP irrespective of its value. Neighbours and residents who cry out about a development application will be deprived of their opportunity to speak to the council about their concerns. I hope the applications that are taken to the IHAPs will also be discussed in some sort of open arena but we are yet to be clear on whether the panels will provide the public with an opportunity to have their concerns addressed. The Minister needs to respond to many aspects of this bill. I hope he does so in an orderly manner and does not rush this bill through this place tonight.

**Ms JODI MCKAY (Strathfield) (17:16):** I feel compelled to make a contribution to debate on the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 because I am so disappointed that this incredibly important bill is being rushed through. Integrity within the planning system and in developments means something to communities such as mine. It is what they are crying out for. The problem is my community, and I as their representative, have not had the opportunity to examine this bill because the Government is rushing it through. There is no need for the Government to do that. We face a council election in a month. It would make a whole lot of sense to wait until that has occurred and then look at how we can bring greater integrity to the planning system.

Time after time I get feedback from my community that development within Burwood and other suburbs is a real problem. This weekend I will hold a community meeting in Enfield about a development on the Flower Power site and another on the Vision Australia site. These are the issues that occupy the minds of my residents and that they bring to me. The area I represent is facing massive development. Burwood is growing at an exceptional rate. Quite frankly, the new buildings there are ugly and they are changing the look of my community. People ask me time and again about what is happening to our community. Development is also occurring in suburbs such as Enfield and Croydon Park. North Strathfield is a target for enormous growth under the Parramatta Road transformation plan, which I will speak further about. I am concerned that my community will effectively be shut out from consultation on developments.

I am absolutely not opposed to bringing integrity into the system to improve it. That must happen. But the way this bill is drafted means that my community, who already feels locked out of the planning system, will be further locked out because decisions will be taken behind closed doors by people they have no connection with. That is my deep concern with this bill. In addition to that is my concern that developers and real estate agents can serve on these panels. If we are truly trying to restore integrity to the planning system, why is the Minister allowing that to happen? I hear this time and again. Indeed, it was the member for Drummoyne who raised it and I agree with him. Developers should not be on these planning panels, nor should development interests be allowed to interfere in decisions made in the council arena. This bill does not clean that up; it allows them to have a greater position.

If we are going to clean up the planning process in this State, we should be looking at spending caps. This is a good place for the Government to start, but it continues to ignore it. Earlier in question time today Labor questioned the Government about this but we got absolutely nowhere. Spending caps apply to me as a local member of Parliament and they should apply to councillors. I can only spend a certain amount; councillors should have the same requirement. Labor is concerned that councillors and mayors will be allowed to serve on planning panels other than their own council planning panels. That is completely and utterly conflicted. No-one opposes having experts on these panels but they will have no familiarity with the concerns of the residents in the area. My community already feels completely alienated from the planning process. Indeed, most of the issues they raise with my electorate office are planning issues. People feel that the same developers are lodging development applications time after time and they get through without consultation. There must be a way to include something in the bill that will give my community some faith.

The member for Drummoyne mentioned that communities will feel more involved and have greater confidence in the planning system. I do not see that. This legislation locks people out. We need to build community confidence, particularly in the inner west. The communities of Burwood and Strathfield are facing enormous growth and the Parramatta Road transformation plan is one of the main issues for them. I commend the member for Drummoyne for working with me on that issue. The residents do not know whether the area is going to be zoned or rezoned. They do not know whether they are going to have a 12-storey building next to them or if they will retain their current neighbour. They have no confidence because the Government has not been able to make a decision about light rail or metro. This comes back to the fundamental pinning of the planning and infrastructure program of this Government, and this bill further undermines that. This will not give my constituents any confidence in the planning system, which I desperately want them to have.

The bill also undermines the Greater Sydney Commission, which we support. The Greater Sydney Commission was established to provide independence and a greater oversight of the planning system. It was there to provide a helicopter view to get consistency across the State. This is another way of removing that independent body from the planning process. This legislation is not fair across the board. These planning panels are being imposed in metropolitan areas like mine—Burwood, Strathfield, Canada Bay councils—but they are not being imposed in other areas of the State. The Deputy Speaker is a member of The Nationals but these panels will not exist in National Party areas. Why should the electorate of the Deputy Speaker be treated any differently to mine?

**Dr Geoff Lee:** He is a good member.

**Ms JODI McKAY:** He is a very good member.

**Dr Geoff Lee:** As you are.

**Ms JODI McKAY:** I appreciate the member for Parramatta saying that. There should not be one rule for some and another rule for others. If we are to bring integrity to this system we should not make this about politics. Those on this side of the House should not have to guess about the motivations of those opposite. I am still trying to work out the motivations for not making this consistent and why this bill has been introduced without the opportunity to liaise with our constituents. I also want to know about the selection of the community member. The bill says that a community member will be chosen—perhaps by the council—to sit on these panels but the experts on the panel will run roughshod over them. How will I know that the person chosen by a council, which this Government says it does not trust, is actually a legitimate community member? Where are the checks and balances on their background? How will I know that they genuinely understand what the pressures are within my electorate? How will I know that they even give a damn about what is happening in my community?

Everyone has different motivations. The community members will not be elected; they will be chosen by council. This comes back to community; everything the Government is doing is about taking things away from community. On the one hand this is a contest between integrity in the planning system and good development, development that is done without fear or favour; and on the other hand there are the interests of the communities that want a say in what is going on. Not only does this bill not solve that contest but it actually makes it even worse. I repeat, I hold very grave concerns about this bill. I want to be able to read the bill in full and talk to my

constituents. I have made this contribution today because it is important to place on record what I believe about this bill.

**Mr ALEX GREENWICH (Sydney) (17:26):** I oppose the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 because it is an assault on local democracy and prevents communities being represented in approvals for development in their neighbourhood. This bill will radically change the way development decisions are made. I am appalled that it is being rushed through the House, preventing members from conducting meaningful consultation with their local councils and communities. This Government has a disturbing practice of ramming important and controversial bills through Parliament, thereby showing an abysmal lack of respect for basic democratic principles. What is the rush when the bill will not take effect until March next year?

This bill will require all councils in the Sydney metropolitan area and Wollongong council to set up a local planning panel to make the development proposal decisions that elected councillors normally make. Local planning panels can be useful in development approvals, particularly when decision-makers have a conflict of interest in a proposal, but they should not replace all council development decisions. Making panels mandatory is merely a way for the Government to fast-track approvals in the guise of addressing corruption. This bill will not reduce corruption. Indeed, the poor model proposed in the bill could increase risks. Panels will be stacked with ministerial appointees. The Minister will choose the chairperson and the experts that councils are permitted to appoint. Three out of four panel members will be chosen by the one Minister. They will not be independent panels.

Centralising power in one position increases opportunities for corruption. The development industry could heavily lobby the Minister to include development professionals on the list who would be willing to overlook good planning principles and public benefit in order to fast-track approvals. Whilst this Minister can say he is not corrupt, he cannot speak for future Ministers. Panel members will not be more or less corruptible nor more or less prone to establishing inappropriate relationships with developers than are councillors. There are countless examples of public servants making decisions that benefit others for kickbacks. But, unlike councils who make decisions at public council meetings, panels will make decisions behind closed doors. Of great concern is the express exclusion of mayors and councillors on panels. Mayors and councillors are democratically elected to make decisions and can be voted out if they fail to represent their communities. They have local knowledge and understand the planning instruments that underpin decisions.

Furthermore, each council will have just one local planning panel to make all decisions on its behalf. A better model would allow a different panel make-up depending on the expertise needed for the matter at hand. Not only would expertise match proposals but attempts to influence decision-makers would be reduced because developers would not know who would make the final decision—similar to not knowing who a judge is before a trial. The Government says that local planning panels will determine development applications that are valued between \$5 million and \$30 million, pose a potential conflict of interest, are contentious, are of strategic importance, are of high risk, or depart from development standards. But these criteria are not in the bill and will, instead, be the subject of a future departmental direction, thereby providing councils no guarantee.

The proposal to class all developments with 10 or more objections is fraught. It would not be hard to harvest 10 vexatious objections to ensure that a proposal bypasses council, or, alternatively, those genuinely concerned about a proposal may fear lodging an objection because it could prevent their elected representatives making the final determination. This needs greater consideration and input from councils. The bill has clearly not been established in partnership with local government and, as a result, the proposed model is deeply flawed. The bill should go on public exhibition so that councils can contribute their expertise to develop a better model. Councillors should make decisions on development; that is what they are elected to do. Voting for people to make decisions on the community's behalf is a basic foundation of a healthy democracy. Councillors know the areas they represent and have the local knowledge to make decisions that protect communities and neighbourhoods into the future.

The Council of the City of Sydney and Woollahra Municipal Council are functioning well and do not need their development approvals seized from them. This bill is not in the best interests of the communities I represent. The bill is another blatant grab for power from councils by a government concerned that democratically elected councillors do not deliver the fast approvals it and the development industry want. The bill is the next step in diluting local democracy following the botched amalgamation attempts. A modern planning system needs democratic, transparent, accountable and comprehensive decisions, and these are best done by elected councils. I oppose the bill.

**Mr DAVID HARRIS (Wyang) (17:31):** I too raise concerns on behalf of my community about the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017. I will try to put into context particularly why I and many in my electorate feel that this legislation raises serious questions. The Government's first step was to try to merge councils so that it could get

control over different council areas in order to increase the speed of development. Quite a few of the councils took the Government to court and had that decision overturned. This is now its latest power play to get what it wanted in the first place, which is control over approving development applications. We have to look at the big picture, not just at the bill.

The Government says this bill is about combating corruption. If the Government were honest about its aim to combat corruption, why is it limiting the legislation to Sydney and Wollongong? If there is corruption out there, surely this is an initiative the Government should apply to the whole State. Why would the Government apply it to just Sydney and Wollongong when there are examples of councils outside of Sydney that have had issues, some of them major. Why are those councils not included in this action? This is all about development; it is not about what is best for democracy and outcomes for local communities. The Opposition did not have a lot of time to consult the community about this bill but I did write about it on Facebook. The responses I received were interesting. Martin says:

The Liberal party appears to want to stitch up every part of the planning process from start to finish, particularly after the Liberal party forced amalgamated Council fiasco process has expired.

It is not just me, Labor or The Greens saying this in Parliament. The general public is hitting the nail on the head. People understand what this is about; they know what the motivation is behind this legislation. Another response on Facebook, from Vera, states:

Will this further take away decisions from the local public; the people who are affected and pay rates?? Certainly experience of the last Gosford CC with "Open for Business" seemingly had a policy of looking after developer mates.

She does not see it as being an improvement. Perry says:

Development proposals must take into account local views, as locals are the ones who have to live with the consequences. Banning developers and their proxies from local councils, and making secret lobbying a serious offence would help enormously.

These people know how to stamp out corruption; the general public knows what needs to be done. The Government is out there grandstanding, saying it is against corruption—but only in some places, not everywhere. It is not including whole parts of the State. I wonder if the Central Coast and the Hunter were not included because many of the 11 former members of Parliament and others involved came from those areas where their mates got caught out. Maybe the Government is leaving them out of the equation because it is scared what might happen. Pete, a local businessman, says:

With the state government already having planning power over major developments it's a little moot. Also not sure you couldn't just swap a corrupt councillor for a corrupt new "official". Better to have public accountability for me.

That is a small businessperson who gets it as well. This initiative does not fix the problem because, as has been pointed out by the shadow Minister, there is no guarantee in this bill that if someone is doing the wrong thing the Independent Commission Against Corruption [ICAC] can intervene. I believe that is a serious failing. There must be the opportunity for ICAC to investigate if members of these panels are doing the wrong thing. We will be interested to hear from the Government on that point. Who appoints the people and what are their connections? People want to know that the members will be independent and not connected to the industry.

Anyone who has dealt with determinations on the mining industry knows that every member of the Planning Assessment Commission has a background in the mining industry. Communities do not see these panels as being very independent on their behalf. In fact, they would see the opposite, that the panel is swayed towards the development industry. Just saying there will be independent people on a panel does not convince the public. I have had about 60 responses along the same lines, except for Bruce who wants electricity back again—but he tends to write that in every one of his comments. I received telephone calls this morning from people asking why the Central Coast has been left out. The public can see through this; they understand what this is about.

As the shadow Minister has indicated, the Opposition will move amendments in the other place. Because the Government brought on the bill so quickly we have not had time to draft those amendments. Members on the other side of the House talked about watering down the legislation. We cannot water down what is already weak; all we can do is try to strengthen it. The amendments that are being suggested by the Opposition seek to strengthen the process, not to weaken it. If the Government were serious, it would ban developers and people involved in the real estate industry and it would put caps on expenditure. The local paper in my area recently reported allegations about a person who knew there were to be changes to the local environment plan [LEP] and who bought land that had been previously zoned for farm sheds, et cetera. The person held onto the land until the LEP was changed and the rezoning occurred and now they are erecting farmstay accommodation and all sorts of things on the land, as a result of inside information.

Having these panels does not change that situation. I am sure if the panel members have set periods and are not rotated the developers will soon work out who the panel members are and will be knocking on their doors to discuss development applications. There are many weaknesses in this bill. It is being rushed through the

Parliament because the Government wants to be seen as being tough on corruption before the local government elections. In fact, it is achieving the opposite. It is creating more confusion, more concern and more cynicism among the public, who have very little trust in the Government, given the developments that have been pushed through in many areas over the past few years. Following the ICAC investigations on the Central Coast there was a raft of rezonings that went against Department of Planning policy and there was direct evidence of developers paying for election campaigns. That is on the public record; it is in the ICAC transcripts. Person after person made donations to Liberal Party members who were elected at the 2011 election, and the rezonings followed.

Make no mistake, if the Government is serious about stamping out corruption this bill is not the way to do it. It creates just another entity that can be influenced by or that can influence local decision-making. People care about their community; they care about development that happens in their community and they want input. They want to have a say. Under this system they get less say, not more. In the very short time I have had to consult with my community I have received feedback to that effect. For example, Jenny said, "It all comes down to power and Macquarie Street loves it and hates giving it up. Keep it local as it's our space." That is what people are saying.

The Government must have a serious rethink about this legislation. It needs to consider our amendments but, more importantly, it needs to be fair dinkum with the people. If the Government thinks this is such a great idea it should treat the whole State the same way. It is not doing that at the moment because there is an agenda in the corridors of Sydney to get as much development as possible. The Government thinks local councillors will stand in the way of development. It tried to merge many councils because it thought local councillors would stand in the way. This bill is an instrument to overcome that obstacle. Plan A did not work so this is plan B—and plan B gets an "F".

**Mr JAMIE PARKER (Balmain) (17:41):** I speak on behalf of The Greens in debate on the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017. This bill is the fig leaf with which the Government is attempting to cover its desire to destroy accountability and democratic participation and to ensure that its mates from the development and property industry get to decide development issues in local communities. Local planning panels will comprise four members who are paid for by the council. Who appoints the chair? The Minister appoints the chair. I make a prediction: This will blow up in the face of either this Minister or another planning Minister down the track. We have seen that when planning Ministers are given power—whether it is through part 3A or in other circumstances—it blows up in their face. The bill essentially says that the Minister will appoint his proxies to the committees, potentially to have a casting vote. At almost every turn, the Minister's proxies will make significant planning decisions.

Why on earth would the Government give an individual Minister the right to develop a pool of mates from whom to choose who gets the spot as chair, and the money that comes with it? The Minister will be doling out largesse to people in the industry by appointing them to chair the panels. It is unbelievable that the Government would put the Minister in that position: Either something will happen with the Minister—there will be some kind of shonky arrangement with someone—or people will try to influence the Minister so they can join the pool with their Labor Party or Liberal Party mates and be given a sinecure heading up a panel. The corruption risk and the risk to probity is absolutely breathtaking.

Each time the Minister appoints someone to a panel the public will say, "This bloke donated to the Liberals or to Labor; his mate is a cousin of a developer who does this and that", and a relationship with the Minister is created. It is a Pandora's box for the Minister for Planning. The Government is giving a hand grenade—a ticking bomb—to the Minister because we know that the chair and panel members will be chosen almost exclusively from the property industry. They will be architects, engineers or consultants whose economic survival depends on the property industry.

**Mr Christopher Gulaptis:** Experts.

**Mr JAMIE PARKER:** The member for Clarence knows as well as I do, having worked in local government for 12 years, that you can find a heritage consultant who is known to be pro development. You can find a heritage consultant who is conservative when it comes to demolishing buildings. They will be picking and choosing panel members. You see it in the Land and Environment Court every day: The expert on one side says it is a great development and another expert on the opposing side says it is a terrible development. They will choose people to make sure they get the development outcomes they want.

But more importantly—and I have seen it happen with independent hearing and assessment panels [IHAPs]—there will be panel members whose economic survival depends on developers. They will not say, "No, we don't support this proposal" because they will not get any future employment as a consultant if they keep making problems for the development industry, on which they depend to earn a living. People need to understand that the so-called "independent experts" are not independent; they survive on the largesse and support of the

developers who employ them. This is a great problem. A large proportion of such people rely on the development industry for their jobs—to feed their children and pay their mortgages—and they will not step out of line because they know which side their bread is buttered on. That is most concerning.

We know that the real shadow Government in New South Wales, the Property Council, has been begging for this change for a long time because it does not like the accountability of councillors. The truth is that people phone local councillors and talk to them; they grill them and challenge them in public. Local councillors can be kicked out; they are subject to ICAC provisions and to all the scrutiny that elected representatives have in public and in the local newspaper. The IHAPs will hold meetings behind closed doors, no-one will be accountable and certainly no-one will be kicked out because there is no democracy—the panel was not elected. It is important to recognise the head-on confrontation that will occur between local councils and local residents, who have the right to have a say about local developments and local issues. The bill creates a new, unaccountable, unelected bureaucracy—hand-picked by the Minister for Planning—that will steal planning decisions from councils that are democratically elected.

The Government says that there are problems in local government and that is why we must take powers from councillors. There are problems in this place; members of this place were found to be corrupt rorters and imprisoned. Was there a call to take powers from members of Parliament—to not let members of Parliament make laws because some of them were corrupt? Of course not. Members of Parliament still participate directly in the process of governing, even though some of us were found to be corrupt. Let us just call a spade a spade when addressing this issue. It is important to recognise that this legislation is about not just large-scale developments but every development—your residence and my residence.

**Mr Christopher Gulaptis:** Over \$5 million.

**Mr JAMIE PARKER:** I acknowledge the interjection. But let us not forget about the 10 or more objections. It is not about Mrs Bloggs down the road getting upset. Basically, any development that receives 10 or more objections will go to the IHAP and local councillors cannot participate or be involved in that process. It includes voluntary planning agreements as well. Clearly, it will be very difficult for the Minister for Planning to determine that panel members have no conflict of interest when he will not even know what development applications they will be considering. Corruption concerns are not removed when property industry representatives, chosen by an individual rather than local councillors who are democratically elected, take over decision-making on local development applications. Past New South Wales planning Ministers have been far from immune to corruption so we should recognise that this is a significant issue.

This proposal is nonsensical. We do not want local councils to have power so we are going to give it to an independent board, but we are going to give the Minister for Planning—and former Ministers in that role have been accused of very serious issues—the right to choose who chairs the committees. It is quite remarkable. It creates a centralised corruption risk rather than a series of potential issues at local council level. I am concerned at the suggestion that somehow a panel with a majority of three hand-picked representatives from the property industry, which is not accountable to anyone, will be more accountable and less susceptible to corruption and conflict of interest than a democratically elected council. That is ludicrous.

We know that people who work in the property industry have relationships with developers—of course they do—not just because they are employed by them but also because they have developer friends. Who is to say such people are not more susceptible to corruption than councillors who are democratically elected by their community on their merits, who are accountable to residents and who can get kicked out by residents at every election? Who says that the hand-picked property development industry representatives will be more averse to corruption? What is the answer? The answer is to have rigorous, strong, independent, corruption-fighting organisations in the State that will uncover the facts. That is the reason for the ICAC's existence. However, 20 staff were shed from the ICAC last year because of the Government's lack of funding. Its investigative team was reduced from four to three. The Government radically restructured the ICAC in order to sack the commissioner.

**Mr Damien Tudehope:** It is pretty good now though, Jamie.

**Mr JAMIE PARKER:** I acknowledge the interjection from the member for Epping. The ICAC is receiving many referrals, including referrals about local government at Auburn and Wagga Wagga, water theft and recycling. Indeed, it is receiving so many referrals from New South Wales government bodies that I do not know how its officers can do their jobs. Where is the extra funding and support for the ICAC? Its funding has been reduced. The ICAC asked for \$2 million but it was not given that funding and has lost 20 staff. Yet every five minutes a Minister or a government department seems to be referring people to the ICAC. The solution to the potential corruption risk is to provide strong law and strong investigative powers to corruption-fighting bodies, and to fund and support them to ensure that they can carry out their role.



I applaud those people who are concerned about corruption and are fighting it. I think every member is concerned about it but this bill is not a solution. If the Government were serious it would invest in the ICAC. Instead of having three investigation teams, it would have 10. The Government would make sure that laws were improved to support whistleblowers. The Government could implement a raft of measures to improve accountability, openness and the power of independent investigations to uncover corruption. It is wrong to say that just because someone is hand-picked from the property industry they are less susceptible to corruption. I oppose the bill.

**Mr RON HOENIG (Heffron) (17:51):** I make a contribution to debate on the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017. I endorse the remarks of the member for Maroubra, whatever they might have been. Nothing I say should be seen, either expressly or by implication, to be inconsistent with his remarks. I support also the Opposition's position, whatever that may be. I observe that something has been snuck into the bill. I resent it when Ministers of the Crown come to the House with urgent legislation. The bill is supposed to make a major legislative change relating to the Environmental Planning and Assessment Act but it will effectively take away the democratic rights of elected councillors in deciding local development applications. This is buried as schedule 4, which relates to amendments affecting local government elections. They have nothing to do with the Environmental Planning and Assessment Act.

It is quite reprehensible and in breach of the conventions of the House for the Government to slip in at the back of the bill an amendment to the Environmental Planning and Assessment Act relating to the method of determining applications a provision that changes the Parliamentary Electorates and Elections Act 1912 by imposing obligations and penalties regarding local government elections. Also, through new section 21CA (5) the Government is backdating the provisions. Creating penalties and backdating laws is contrary to every convention and principle known to this House.

I know that the amendments to the Environmental Planning and Assessment Act are contentious but how dare the Minister for Planning stick something in the back of a schedule to a bill that has nothing to do with this Act. I cannot tell how this will impact upon the Act because the Minister has rushed the bill into this place. The Minister for Planning should remove that provision because he has no idea what it means. Unless someone from the Office of Local Government wrote him a brief, he would not have a clue; it is not in his portfolio. The Minister for Local Government would not have a clue either. How dare the Government hide this provision in the bill. It is pretty poor form.

As to the major part of the bill—the part that is open and not buried in an unconventional way—my first reaction to the concept of taking away from elected people decision-making on development applications is anathema. In my inaugural speech I said words to the effect that when development applications are made, whether they are of State significance to be determined by a Minister accountable to this House or in relation to local areas, they should be made by elected representatives because they are accountable to the people and have knowledge of the impacts. A State Minister for Planning and councils have knowledge of the impacts of significant matters. That has always been my default position.

When a development application is granted the nature of an area is changed or impacted for the next 100, or sometimes 200, years. The planning decisions about historic buildings were made by elected people 100 to 150 years ago. If something is going to impact on successive generations the default position should be that the decision be made by elected people who will be held accountable, as should the strategic planning. However, over time—particularly in the Sydney metropolitan area—independent hearing and assessment panels [IHAPs] have been established to deal with a number of development applications. Some of the early ones, like those introduced by Robert Furolo as Mayor of Canterbury, were designed effectively to take the public heat out of the consideration of many development applications. Some councillors within the Sydney area are abusing their position in respect of development applications for political purposes. The consideration of development applications is contained in section 79C of the Environmental Planning and Assessment Act, which should be the only thing that councils are permitted to consider.

Across New South Wales people have sought public support under the pretence of some objector's misfortune and tried to advocate the refusal of applications based upon reasons not contained in section 79C of the Environment and Planning Assessment Act. Those councils, in order to take the heat and bring some intelligence to the discussion, have IHAPs that have made recommendations to elected representatives. They have taken the heat out of the development applications process. Some councils have given IHAPs determinative authority, others have decided they will delegate, while others have declined to utilise them. Despite my default position that decisions should be made by elected representatives, I have been persuaded—in view of the activities occurring at many councils during the planning phase—that an IHAP is an appropriate vehicle to deter the impact not only of corruption but also of improper influence in deciding development applications.

I have come to the view—it is similar to that of the Minister for Planning and many Opposition members—that the time has come to distance elected representatives from detailed deliberations on development applications to provide for a mechanism that prevents improper influence, let alone corrupt influence, and more importantly prevents the pressure of improper influence. That improper influence could be a developer wanting to take a councillor out to lunch to persuade him or her of the merits of a development application. It might sound like it is an innocent way in which to advocate for the benefit of a development application, but development applications are required to be considered by councillors in the presence of the press and the public. If materials are given to councillors to consider for a development application, whether from applicants or objectors, it needs to occur in the presence of the press and the public. If a developer is communicating with a councillor over lunch about the value of his development application, such communication is not occurring in the presence of the press or the public. Therefore, somebody with a different view will not know to advocate for that view.

The other issue is that whatever material you are supposed to give councils to consider in the presence of the press and the public must be given to them collectively. A councillor has no other individual responsibility; his or her responsibility is to act collectively. All councillors are entitled to receive the same information. If deliberations regarding development applications were to occur in that way there would be no need for the consideration of IHAPs and no need for intervention by the Minister for Planning introducing a bill that I consider to be quite excessive and which requires substantial amendment. [*Extension of time*]

The way in which the Environmental Planning and Assessment Act is supposed to work and the way in which transparency is supposed to operate when councillors collectively receive all the information in the presence of the press and the public has been subverted, but as a matter of practice not as a matter of impropriety. The same influences occur in relation to objectors who communicate their objections to a development application privately with a councillor. This system will stop all of that. IHAPs will stop, or partially stop, people who seek election to council in New South Wales in order to receive some sort of benefit for their own development or that of their mates. This is a mechanism to dissuade all the spivs and carpetbaggers who want to improperly influence councillors or those who seek election to council for the purpose of benefiting themselves.

**Mr Damien Tudehope:** A disincentive.

**Mr RON HOENIG:** I thank the member for Epping for his suggestion. The system will create a disincentive for those people. I spoke with the shadow Minister for Planning and the Minister for Planning about the concept of a rotating IHAP so that nobody can know who the panel will comprise each time. I am not sure the Act provides for that, but it is a clever idea. However no IHAP will replace the knowledge of the impact of a development application that a councillor has, so there must be some consideration as to whether we retain overriding councillor control and whether the IHAP should offer a recommendation.

I raise that issue because for a council to overturn the decision of an IHAP—if it offers a recommendation—there needs to be a system in place for that to occur publicly and that ensures accountability. I have often advocated that effective changes to the Planning Act can be rectified by insisting that councillors comply with the heads of consideration under section 79C and that there will be penal provisions when they do not comply. This will act as a disincentive to their contemplating irrelevant considerations. This issue should be considered when the amendments are moved in the other place.

The other matter I would suggest the Minister for Planning consider in respect of IHAPs is other sources of possible corruption such as local environmental plans [LEPs] or requests for such plans. I suggest that if IHAPs are established they should consider and make recommendations to council for changes to the local environmental plan. It makes the process more transparent. It puts somebody between the council staff and the councillors as an independent mechanism for ensuring the scrutiny of local environmental plans. Work needs to be done in the Local Government portfolio to prevent the spivs and lurk merchants from influencing and taking council planners out to lunch in an effort either to manipulate the assessment or, alternatively, to persuade councillors to try to bypass the process by manipulating the assessment.

This is an area for codes of conduct. All other codes of conduct are completely useless, but this is an important area for a code of conduct to determine the independent assessment process. There is a variety of ways to go about it. If we are to go down this path—which would not be my ideal path, although I understand why the Government has done it—we should consider worthwhile amendments, think about having LEPs being subject to but not determined by the IHAP process, and examine codes of conduct or mechanisms for stopping council planners from being influenced by the same people that we are trying to protect councillors from. Then we might come up with a reasonable mechanism. We cannot get away with passing this bill and then just hiving off responsibility to an independent panel. It is not good enough. It will not work. As The Greens rightly say, it is undemocratic.

**Mr BRUCE NOTLEY-SMITH (Coogee) (18:06):** I will make a short contribution to debate on the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017. The previous speaker mentioned that codes of conduct are required in order that councillors and officers of the council behave in an appropriate manner not only when dealing with development applications but also in all their deliberations, whether or not related to planning and assessment. I believe during the first council meeting that took place after the gazettal of the Environmental Planning and Assessment Act 1979, councillors were already working out ways to circumvent the objectives of the Act. Ever since then we have been introducing legislation in this place. That is one reason we are here: to ensure honesty, transparency and appropriate and ethical behaviour on the part of serving councillors and council officers. The bill deals with elected councillors, who should always engage in ethical deliberations.

I was a councillor when the 2008 reforms were made that banned property developer donations. There was particular emphasis on declaring pecuniary and non-pecuniary interests. Many councillors not only from the council that I served on but also from other councils spoke at local government conferences about the complexities of declaring their interests or perceived interests. Until 2008, councillors were not obliged to declare whether they or their campaign had received donations from somebody who had submitted a development application they were considering. Many did not believe it was necessary that they should. The fact is that development assessment and planning is the most complained about issue that a councillor or local member of Parliament will hear about. By and large, people trust their councils and its councillors, but they may know about past decisions that they vehemently disagreed with or that were tainted by corruption or incompetence.

There is no silver bullet legislation that will stamp out corruption or inappropriate behaviour of local government councillors or politicians. We must be forever vigilant because as soon as we legislate to prevent bad behaviour or have it publicly declared, an unethical person will work out a way to circumvent it. No matter how much legislation we introduce in this place, there will always be mongrels who act unethically and not in the interests of their community and we will be required to enact new legislation or amend existing legislation. The role of councillors should be to consider strategic long-term planning for their communities. In my experience, councillors spend far too much time dealing with development assessments and reports prepared by experienced, skilled council officers. Trusted councillors can recommend that applications be refused or approved with certain conditions or that they be deferred until they are improved and resubmitted.

I have seen councillors overturn or shred recommendations as a result of their political interests. There was no suggestion of corruption, political donations being made or political favours being returned, but simply that it was not in their political interest to approve an application. Development applications concerning the most minute alterations to people's properties such as a balcony extensions or building a granny flats would consume hours of councillors' time. Frankly, it left no time for councillors to look after the long-term planning of their community. Councillors should be setting the parameters and guidelines for how their communities should be developed tomorrow, the following week, the next month and the next 100 years.

When councillors are dealing with development assessments they do not have the time to seriously consider the local environmental plans or development control plans in the ongoing manner that they should. It is only when they are up for review that they are examined in detail. Councillors should be looking from street to street, block to block and suburb to suburb and forensically deciding on what is an appropriate framework for the development of those areas in the future. It might be that very little development should take place or that a precinct be conserved and enhanced, such as heritage conservation areas. Unfortunately, when councillors consider a DA that will change the nature of a street, suburb or community, the horse has already bolted. The reason the DA is being considered is that it has slipped through sloppy local environmental plans and development control plans. Councillors should be focusing on those two issues, not shutting the door after the horse has bolted. *[Time expired.]*

**Ms JENNY AITCHISON (Maitland) (18:17):** I speak in debate on the Environmental Planning and Assessment Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017. I acknowledge the contribution of the member for Coogee. His suggestion that legislation is a blunt tool has some merit when it comes to addressing corruption. This bill will starve local councils of resources and will funnel those resources towards remuneration, costs and expenses of local planning in other areas. One Opposition amendment recommends that those costs should be covered by the department rather than councils. Legislation is not enough to keep people honest. Local environmental plans and development control plans are not enough. We must ensure that councils have the resources for investigations to ensure true accountability is enforced.

That is what is wrong with this legislation. This bill was introduced as an exposure draft by the former planning Minister. In that exposure draft local planning panels were to be a voluntary policy for local councils. Like other flawed attempts by this Government to change or supposedly reform local government in New South Wales, this bill will ultimately fail because it fails to address the core issues. The bill will force all councils in the

Greater Sydney region and the city of Wollongong to adopt local planning panels. They will not be mandatory for regional councils in the Hunter, on the Central Coast, in the Tweed or anywhere outside of the Greater Sydney and Wollongong areas. That is because at its heart this Government does not really care about corruption. Government members want to have a bit of a go at legislation and talk about setting up panels but when it comes down to it they are not concerned about stopping corruption.

This bill is a blatant political stunt just before local government elections that councils have waited an extra year for. Some councils have been under administration and others have had existing developer councillors working on them while this Government sat on its hands and failed to apprehend anyone or stop them from doing things that were not right. This Government has lost 11 members from this place because of corruption. Most of them were from the Hunter and the Central Coast but this bill will not affect those areas.

The problem is that panel members will not be subject to investigation by the Independent Commission Against Corruption [ICAC] because they are not public officials. The Government claims to have consulted ICAC about the legislation but the best it could have done was consult with its officers; there has not been a substantive head of ICAC since the resignation of Megan Latham late last year and Monday this week. What type of consultation could have really happened? We know this Government is poor at consultation. It conducted such a good process of consultation on local government amalgamations it resulted in multiple backflips. In fact, the Barilaro-Berejiklian flip-flops are well worn in this place. The Government's consultation with councils about the failed fizzle of the FESL, or the Fire and Emergency Services Levy, is another example of its failure to consult properly.

The core issues in this bill are who will sit on the planning panels and whether they will be accountable to the people of New South Wales. Local councillors are accountable. They can be voted in or voted out. They have to make decisions about what is best for their community while knowing they will not be there next time if they do not do the right thing. If they do the wrong thing to the point of being corrupt they can be referred to ICAC. I second the concerns other members have raised about this Government's lack of resourcing for ICAC. Government members talk big on corruption and say they are going to fix everything but they will not resource ICAC with the tools and powers it needs to deal with the issue. We can all stand with our hands on our hearts and say that we do not support corruption and we want to fight it, but unless you put on the suit you are not Superman. We have to put in the dollars required to resource organisations that fight corruption.

We have seen time and again that when those who will benefit from development applications are allowed to decide on their approval it greatly limits our ability to fight corruption. That is the real problem with this legislation. There is nothing to stop councillors or mayors from sitting on the planning panel of an adjacent council. Some councils have already been gerrymandered through the abominable process of local government amalgamations. Further, the Minister himself will be in charge of appointing delegates. Well, it is not like we have ever had a planning Minister who has been a problem, so let us ignore that! This Government has failed time and again to address corruption. It needs to be strong on the issue.

Many places in the Hunter are suffering as a result of corruption. It is not just something to read about in the newspaper; it really impacts on communities. Corrupt development application processes create real problems for families that have planned to live their lives in a community with a certain type of structure and environment. When a developer comes along with plans that do not fit within the local environmental plan or the development control plan but the project is waved through, a family's life can change forever.

This Government must properly engage with councils. Many have spent large amounts of money fighting this Government tooth and nail over amalgamations in the courts. The money that councils were forced to spend on legal fees before the Government's backflips should have been spent in local communities. It should have been used to provide resources such as libraries for young people or on roadworks or social and community supports. Instead, councils have had to use their money to fight this Government's failed policies in court. We must ensure that the Government begins listening to the community. The Opposition will move a number of amendments to this bill. We want the Government to follow the lead of Labor and ban real estate agents and developers from being councillors. Those two roles have a fundamental conflict of interest. If Government members cannot see that, one has to wonder how they can see any form of corruption. It is such a basic thing.

Another notable omission from the bill is the lack of any action on spending limits for council elections that the Government promised. That has been a core issue for councils. There was the walking ATM in Newcastle and the developer mayor. People have funded their own way into the local government and it is disgrace. It should not be the way it happens. Community representatives should come from the community. They should not be funded to be there but be voted to be there by the community. They should be elected because of their real, apparent and absolute commitment to the community and not because of how much cash is falling out of their pockets in brown paper bags. Since 2011 the Government's policy on local government has been ideological and

partisan. It has consistently ignored the will of New South Wales people. It is past time that members opposite realise that a government serves at the will of the people, not in spite of them.

It does not matter how many panels the Government establishes. It will not clean up local government unless it gives accountability back to the people, and that is what we want. It is fine for the councils that want these panels and think they will work. However, we need to make sure that property developers and real estate agents are not eligible to be members of local planning panels. In addition, we do not want the panels to be imposed only on Greater Sydney and Wollongong. If this legislation is so damn good it should apply to all council areas.

The Opposition amendments will provide that the role of local planning panels is to exercise the consent authority functions of the council and not to operate as a broader planning advisory body—that is, they cannot advise on other planning matters. Our amendments will guard against cost shifting by providing that the remuneration, costs and expenses of a local planning panel are covered by the department rather than the council. I seek an extension of time.

**TEMPORARY SPEAKER (Mr Greg Aplin):** The question is that the member's speaking time be extended.

### The House divided.

[In division]

**Mr Andrew Fraser:** Point of order: Under the standing orders, if leave is not granted an extension is not applied. There has been no motion put to this House so it is up to you to call the next speaker.

**TEMPORARY SPEAKER (Mr Greg Aplin):** The question was that the member for Maitland's time be extended. I asked for those in favour to say "aye" and to the contrary "no". The ayes put that a division be called and they have the right to do so. A division has been called.

Ayes .....34  
Noes .....46  
Majority.....12

### AYES

Aitchison, Ms J  
Car, Ms P  
Cotsis, Ms S  
Dib, Mr J  
Harrison, Ms J  
Hornery, Ms S  
Leong, Ms J  
McKay, Ms J  
Minns, Mr C  
Scully, Mr P  
Warren, Mr G  
Zangari, Mr G

Atalla, Mr E  
Catley, Ms Y  
Crakanthorp, Mr T  
Doyle, Ms T  
Haylen, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mehan, Mr D  
Park, Mr R  
Smith, Ms T F  
Washington, Ms K

Barr, Mr C  
Chanthivong, Mr A  
Daley, Mr M  
Harris, Mr D  
Hoenig, Mr R  
Lalich, Mr N (teller)  
McDermott, Dr H  
Mihailuk, Ms T  
Robertson, Mr J  
Tesch, Ms L  
Watson, Ms A (teller)

### NOES

Anderson, Mr K  
Berejiklian, Ms G  
Conolly, Mr K  
Davies, Ms T  
Evans, Mr L  
Goward, Ms P  
Gulaptis, Mr C  
Hodgkinson, Ms K  
Kean, Mr M  
Notley-Smith, Mr B  
Pavey, Mrs M  
Piccoli, Mr A  
Rowell, Mr J

Ayres, Mr S  
Bromhead, Mr S (teller)  
Constance, Mr A  
Dominello, Mr V  
Fraser, Mr A  
Grant, Mr T  
Hazzard, Mr B  
Humphries, Mr K  
Lee, Dr G  
O'Dea, Mr J  
Perrottet, Mr D  
Provest, Mr G  
Sidoti, Mr J

Barilaro, Mr J  
Brookes, Mr G  
Crouch, Mr A  
Elliott, Mr D  
Gibbons, Ms M  
Griffin, Mr J  
Henskens, Mr A  
Johnsen, Mr M  
Maguire, Mr D  
Patterson, Mr C (teller)  
Petinos, Ms E  
Roberts, Mr A  
Taylor, Mr M

## NOES

Toole, Mr P  
Ward, Mr G  
Wilson, Ms F

Tudehope, Mr D  
Williams, Mr R

Upton, Ms G  
Williams, Mrs L

## PAIRS

Finn, Ms J  
Foley, Mr L

Marshall, Mr A  
Stokes, Mr R

**Motion negatived.**

**Ms KATE WASHINGTON (Port Stephens) (18:36):** I contribute to debate on the Environmental Planning and Assessment And Electoral Legislation Amendment (Planning Panels And Enforcement) Bill 2017. Labor's deputy leader and shadow Minister for Planning has eloquently set out our position on this bill. Given the manner in which this bill has been rushed into this House, and its ill-thought-out nature, we will be moving numerous amendments in the upper House. We will be doing this in an effort to stretch this poor effort into something that may actually see some integrity being returned to local government. In its current form this bill does not even go close to curing the problem of corruption in our local councils. It is deeply flawed and requires much greater scrutiny than that which this Government has allowed us. Indeed, the Government's actions remind me of the greyhound bill and the shameful sell-off of the land titles office, which were pushed through in one day and into the dark of night.

This Government's record on local government and planning reform is a trail of abandoned policies, broken promises and disaffected communities. No-one trusts its intentions in local government reform because of what we have been through. This Government has proved that it hates democracy. It has no hesitation in sacking democratically elected councils and installing their mates as administrators like at MidCoast Council where a former Nationals Minister was appointed. Now it wants to take planning decisions out of the hands of elected councillors and give it to a handpicked panel of four people, three of them chosen off a list approved by the Minister and a fourth person, who is meant to represent the community's view, handpicked by the councillors—potentially a developer on council picking a local mate. No community wants to see that scenario.

The only criterion we have been given for the community spokesperson is that they cannot be one of the local councillors, although a local councillor can sit on a panel in a neighbouring local government area. There are no restrictions on property developers or real estate agents being appointed, nor are there any restrictions on the Liberal Party mates of those opposite being appointed. It will not be the residents of a council or of a ward who choose their representative on the panel; it will be the gerrymandered councillors in this Government's hand-drawn council boundaries. The panels proposed in this legislation will not fix the problem. The State Liberals and Nationals had no hesitation in appointing their conservative mates and former colleagues as so-called independent administrators and delegates during the debacle of the council amalgamations. That should give us a great deal of concern about who will be considered to be an acceptable person on the Minister's list.

If the Minister does not agree with someone's view on planning issues, what is the likelihood that that person will be able to make it on the Minister's list? It is as if the Minister wants to play the role of Santa Claus with his list of good boys and girls who will get to make a planning decision and the naughty boys and girls who will be those who support inclusionary zoning, affordable housing targets, developer contributions, green space and heritage protection. They will not make it onto the list any time soon. The Minister will check his list twice to make sure none of his experts opposes overdevelopment and urban sprawl. This is not a solution for communities.

It has been a difficult few years for the Liberals. I refer to the Independent Commission Against Corruption [ICAC] revelations on the Hunter and Central Coast; Arthur "I don't recall" Sinodinos' business dealings; and losing a second Premier in an ICAC scandal. Is it any wonder that these "independent" panels will not be open to ICAC scrutiny? Not only are these panels not accountable to the residents whose neighbourhoods they oversee, they are not even accountable to the watchdogs at the Independent Commission Against Corruption. It beggars belief that this Government could lob up a proposal like this—a supposed anti-corruption measure that cannot even withstand or be open to the scrutiny of ICAC.

Those opposite love to rail against those who used the Labor Party and their position for their own ends. But at the same time they sack the head of the ICAC and water down its powers and now create a planning approval body that ICAC cannot review. If this Government were truly concerned about corruption, it would

address the core of the problem and ban the people where conflicts arise the most. If the Government were serious, it would adopt the Opposition's policy to ban property developers and real estate agents from standing for council and place a ban on spending caps during local government elections. If the Government did that, it would remove the conflict of interest which lies at the heart of local government. If this Government were truly concerned about corruption, it would implement the spending caps on council campaigns which Premier Baird committed to.

I turn to the timing of this bill. We are on the eve of a council election in which it is widely speculated that any Liberal candidate will carry the baggage of this Government's failed merger policy. We have already seen an explosion in Independent candidates taking to the field—candidates standing as Independent instead of wearing their Liberal Party badges. Has the New South Wales Opposition so tarnished the Liberals' brand that it is beyond repair and members of the Liberal Party now feel that they must run as Independents and not disclose their true party membership? Do they need to stack their mates onto "independent" panels to decide development applications [DAs] because they are not going to make it onto the councils?

Corruption will continue to exist even with these panels because they fail to address the core of the problem. The risk of corruption extends well beyond DAs. The panels will not go close to capturing all of the corruption risks because developers and real estate agents will remain in the driver's seat, be it within council or, now, even on a so-called "independent" panel that will make planning decisions. I will provide an example of something that has caused a great deal of stress to many families in my community, and continues to do so. Port Stephens Council has approved a tender for council-owned land to be leased to a sandmining company. The mayor, who is a developer and owns a sandmining company, put in a tender and then withdrew it at the last minute because he knew he was not the successful tenderer. But he wanted to be in the room to make sure his developer mates were awarded the contract, instead of the company that was identified as the preferred tenderer by council staff. He made sure the contract was awarded to a company associated with Buildev and Nathan Tinkler, who had been repeat offenders before ICAC.

The stench involved with this dodgy council process remains. Families continue to fight the proposed sand mine which sits at their back fence while they also sit within the red zone, suffering from the contamination coming from the RAAF Base at Williamstown. The dodgy practices at Port Stephens Council have been exposed again and again, but this Government and its agencies have refused to act. Will the measures proposed in this bill protect my community from acts like this in the future? No, they will not. Will this bill prevent money being shovelled into local government campaigns so developers can buy their seats on council, as has occurred in my area time and again? This bill will not stop that happening in the future. It makes little sense that I have a limit on how much I can spend on a State election, but there is no restriction on spending for a local government election.

Under a popular mayoral system, the deepest pockets win. That is not democracy. Nothing in this bill will prevent these same dodgy tenders, dodgy council works and dodgy decisions. For a government that purports to be corruption busters, it does not even go close. I turn briefly to another element of this bill that I find staggering. As shadow Minister for the Hunter, I cannot fathom why the bill seeks to introduce anti-corruption measures only in Sydney and Wollongong. That confirms for the residents of the Hunter that this Government thinks New South Wales ends at the Hawkesbury River. What possible justification does the Minister have for restricting the application of these supposed anti-corruption measures? In his second reading speech, the Minister said:

... it is unlikely that a mandatory model will be suitable for smaller regional councils, as they generally do not have the volume and complexity of development to warrant this approach.

I am going to call it what it is: complete and utter hogwash. The Hunter is the largest regional economy in Australia. Does the Minister seriously think that our economy continues to grow and thrive without significant development? Trying to limit these supposed corruption-busting panels to Wollongong and Sydney exposes this Government's true motivations for this rushed and premature bill. The introduction of this bill today was motivated by nothing more than pure, cold, hard politics; it was not motivated by anti-corruption measures. It was introduced in a vain hope that the Government would look tough on corruption prior to the local government elections and to avert eyes from areas where the Liberal Party has done its worst. The implication in the bill is that the worst misdemeanours in local government occurred in Wollongong and Sydney, which happen to largely involve Labor party players.

But what we have seen and continue to see in the Hunter and on the Central Coast perpetrated by the Liberal Party members and their developer mates has been staggering. We have seen dodgy fundraising schemes through which developer funds have been channelled and we have seen brown paper bags handed out in the back of a Bentley. We have seen a developer mayoral candidate funding the campaigns of his running mates in order to shore up a controlling voting block which has since wielded its unholy decisions on my community for an extended five-year term, courtesy of this Government's failed amalgamation policy. This bill is not a genuine solution; it fails to address the rotten core of the problem. It is nothing but a second-rate solution. I just hope that the Government agrees with the Opposition amendments in the upper House.

**Mr PAUL SCULLY (Wollongong) (18:46):** I am pleased to make a contribution to the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017. The bill will mandate the use of local planning panels for all local government areas in Greater Sydney and the City of Wollongong. All consent authority powers currently vested in elected councillors within each local government area [LGA] will be removed. For a government that at every opportunity likes to represent itself as supporting small government, it certainly loves creating extra layers of bureaucracy in planning and local government. For a government that appears to oppose mandating—as it does when it comes to using 90 per cent Australian-made steel in all publicly funded infrastructure projects—it loves imposing a mandate when it suits its purpose. Planning and local government regulations are now complex and layered with additional bureaucracy. This bill adds yet more layers to an already very complicated system of planning and regulatory approval. The President of Local Government NSW, Mr Keith Rhoades, issued a media release yesterday, which echoes those concerns. He said:

The forced introduction of local planning panels will not only create an additional bureaucratic process where there may be no need for one, but it will also introduce additional professional and administrative costs on councils and applicants.

In his second reading speech yesterday, the Minister suggested one of the reasons for introducing this bill—which I note is being rushed through the House today—was because some administrators in local government areas "have raised strong concerns existing IHAPs will be abolished by newly elected councils after September, and therefore the risk of corruption will return". He said:

They are aware of some candidates who have promised to sack existing IHAPs.

I have heard no such public claim made or reported by any of the candidates standing for election in Wollongong on 9 September. No candidate standing under the banner of the Labor Party has made any such statement and will not be making such a statement. Is the Minister concerned that Liberal Party candidates standing for election in Wollongong have made such suggestions? If so, the Liberal Party should strip that candidate or candidates of their preselection endorsement immediately. Is the Minister concerned that the current independent Lord Mayor, who is standing for re-election in Wollongong, is set to make such a promise?

A few years ago a previous council of Wollongong was sacked and an Independent Commission Against Corruption [ICAC] investigation concluded there had been inappropriate and unlawful decision-making conduct. That council, which was led by an Independent lord mayor, was sacked by the Iemma Labor Government. A Labor Government took action because a Labor government would not tolerate such behaviour. As a result of the strong action taken by the Iemma Labor Government—I know the member for Epping does not like to hear plain fact—the Independent-led council was dismissed. It has been nearly a decade since the ICAC investigations into Wollongong City Council were concluded. Despite the uncomfortable and intolerable corruption found at the time, Wollongong and its council have moved on.

As the elected representative of Wollongong in this place, I will not stand by and continue to see my great city slurped in this place by Government members because of past actions of individuals who were unceremoniously turfed out of public life and any valuable role in public administration. Those individuals have gone from public life and public administration never to return, not ever. None of those individuals has placed themselves forward for election on 9 September, despite the grubby slur that the Liberal lord mayoral candidate for Wollongong, flanked by the member for Kiama I might add, attempted to make when launching a bid for Wollongong City Council yesterday. Those people were expelled from the Labor Party, and it was right that we did so. If they ever attempted to stand again, I am confident that the voters in Wollongong would deliver them great and appropriate public humiliation.

If the Government were serious about confronting the risk of corruption in local government it could insert additional provisions into this bill which ban developers and real estate agents from standing as candidates in local government elections. It could do this today if it were serious about minimising the risk of corruption. It could also prohibit from appointment any developer and real estate agent to the proposed local planning panels. It could do this today if it were serious about minimising the risk of corruption. It could impose spending caps for council elections, as once was promised by this Government, and it could do this today if it were serious about minimising the risk of corruption. Yet the Government's bill contains none of these provisions.

I am very suspicious of a bill mandating local planning panels for some council areas but not for others. Wollongong City Council is captured by the bill but other councils, such as Kiama and Shoalhaven councils, have escaped the net. These local planning panels are not required in National Party-held electorates. Tweed Council has been sacked twice, yet under this bill a local planning panel will not be required. If Government members want to raise corruption legacy issues, we can all remember the white shoe brigade of northern New South Wales and the inappropriate and corrupt conduct of individuals during the Greiner years. Some National Party members in this place may object to my highlighting that passage of history and suggest that corruption no longer exists in



that form. I say to such complaints: now you understand how I feel. Now you understand why I strongly object to my city being slurled in this place for the political convenience of members opposite.

I also note with interest that areas similar to Wollongong—notably Shellharbour, Central Coast and Newcastle—have been left out as areas requiring panels. Once you cross Windang Bridge you are in another world, as far as this Government's policy is concerned. That is despite the fact that these councils are part of the same region and treating them in the same way would provide certainty. I also have concerns about the appointment process proposed under the bill. These concerns are shared by the Local Government NSW. The bill does not detail how the community member is to be selected, whether the community will have a say, whether there will be a nomination process, and whether there will be background checks or other probity checks.

Perhaps cousin Tony, who dined with Matthew Guy recently on lobster and Grange, might be selected. Who knows? There are no protections. The Government is saying that it does not trust the people of Wollongong to select a group of councillors who can be relied upon to make decisions in the best interests of their community and to uphold the integrity of the council and its decision-making. In fact, what the Government is effectively saying with this bill is that, lurking under the surface, every person who has put themselves forward to be elected to Wollongong City Council on 9 September is somehow ultimately corruptible. It is offensive, even to the Liberal Party candidates.

**Mr Kevin Anderson:** Bring it down a bit.

**Mr PAUL SCULLY:** No, I will not bring it down. It is not your city that is being attacked. It is all right for you to sit there and say it is fine. I am defending my city against the constant slurs by this Government. Is it any wonder the Government did not run a candidate in the by-election? For some reason, the Government hates Wollongong. This is a disgusting and undeserved slur against every single candidate. We can all recall the last time the Government appointed so-called independent experts in relation to its now junked local government amalgamation changes. So independent and transparent were those appointments, the Land and Environment Court and Supreme Court upheld appeals by local councils, which threw the entire amalgamation process into turmoil.

These matters are appropriately dealt with by and should remain the responsibility of the locally elected council and its councillors, not by a top-down, technocratic panel appointed by the government of the day. This bill represents a significant affront to the concept and practice of local democracy. It is often said, and it has become a cliché, that local government is the closest government to our communities. This bill intends to whittle away the authority of local government and those elected by their local communities to serve on councils. Elected representatives are directly accountable to their communities. Representatives appointed to serve on these local planning panels are not accountable and there are no sanctions for misbehaviour, only removal from the panel. Members of these planning panels will be accountable to no-one but the Minister.

Given that the IHAP in Wollongong has been in operation for more than eight years, I wonder if anyone has bothered to check on how it functions. I understand that Wollongong's "non-determinative" panel provides recommendations to council for decision and has resulted in only one or two development applications actually being considered by council. The Deputy Leader of the Opposition indicated earlier in the debate that the Opposition would not oppose passage of the bill in this place tonight but we will propose amendments to this bill in the other place. This bill, as it stands, has significant deficiencies. Those deficiencies have been outlined by previous speakers on this side. They have been painted over by members opposite but, nonetheless, the provisions have troubling implications.

Had this bill been subject to further exposure and consultation and with some goodwill from the Government it would have been substantially improved. No-one on this side of the House wants, in the words of the Minister, "shonks, the lurk merchants, the sketchy lobbyists and the spivs" to have influence over development applications. The Opposition's proposed amendments can, if adopted by the Government, improve aspects of this bill. I urge the Government to take the opportunity in the other place to do so. I say again, I will not tolerate any of the members opposite continuing to slur the city of Wollongong, which I am proud to represent in this place and which I will stand up for in circumstances where it continues to come under attack.

**Mr GUY ZANGARI (Fairfield) (18:56):** I make a brief contribution to the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017. I note the objective of the bill is to constitute local planning panels for all local government areas in the Greater Sydney region and the city of Wollongong to exercise all consent authority powers currently vested in elected councillors and to make changes to electoral laws regarding local councils and councillors. I note from the outset, as previous speakers on this side of the House have noted, that the NSW Labor Opposition has reservations about this bill in its current form and will be moving a series of sensible amendments in the other place.

This legislation has come about because, as the Government has indicated, of a number of deficiencies within councils throughout New South Wales. To date, very little has been done to clean up the mess that is present in various councils throughout New South Wales. The Liberal-Nationals Government has a strong and proven track record of messing up everything it touches when it comes to matters involving local government. We only have to think of its wonderful achievements such as forced amalgamations and the fire and emergency services levy, known as FESL. Of course, they are two great Liberal-Nationals Government success stories that quickly come to mind. The changes proposed in the bill before us today will not resolve any of the issues of corrupt conduct or shoddy decision-making. If anything, it will compound the problem.

According to the bill, local planning panels will consist of four members, three of whom will be chosen by the council while the fourth will be a community representative chosen by council. This person cannot be a councillor. Further, members will be drawn from a pool of experts established by the department with the approval of the Minister. The Minister will also choose one member who will become the chair of the panel and council will choose a further two. Should the local government area [LGA] be divided into wards, a community representative is to be appointed from each ward present within that LGA. Members will be appointed to the panel for a maximum period of two three year-terms; however, they will be able to sit on more than one panel.

Following the inception of this legislation, a local planning panel will be mandatory for local government areas in the Greater Sydney region and the city of Wollongong from 1 March 2018. However, these panels can also be voluntarily adopted by other local government areas should they wish to do so, even though I note the bill relates only to the Greater Sydney region and the city of Wollongong. It is also worth noting that councillors and mayors cannot serve on panels within their own local government areas but there is nothing to prevent them from serving on panels in other areas. Members appointed to panels do not rotate and they are not accountable to anyone. It is extraordinary that there is no accountability. The only sanction available is removal from the position. Developers and those seeking to exert influence will always know the identity of the members of each panel in the various LGAs and they will also know the community representatives in each ward.

These panels are also not subject to ICAC investigation, which leaves us scratching our heads. There has been no clear indicator as to whether or not the ICAC believes appropriate supervision is in place for local planning panels. Despite the expansion of the Electoral Commission's powers of investigation and ability to bring action, it is clear that inadequate funding has been provided to fulfil these roles and there is no commitment from the Government to ultimately plug the gap in funding. Once again, the Government has moved this type of legislation, yet it has not done its homework. Despite the essence of this bill intending to primarily deal with development applications between \$5 million and \$30 million, these panels will go well beyond that. Local planning panels will get involved in decision-making about local infrastructure and other considerations involving land use, modifications, consents, council finances and a range of other matters.

Despite having some merit in its concept, the bill in its current form reeks of Liberal-Nationals sloppiness, which may mean that the bill is destined to fail. As I stated earlier, the New South Wales Labor Opposition will be moving a series of sensible amendments in the other place because of numerous reservations we have with the bill in its current form. Should the Government successfully block those amendments, the Opposition will oppose the bill. As stated in this place, we will allow for the carriage of the bill through to the other place, but we hope that the Government takes on board the sensible amendments that will be moved by the Hon. Penny Sharpe on behalf of the New South Wales Labor Opposition.

**Mr JIHAD DIB (Lakemba) (19:02):** I, too, make a contribution to the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 and I will try not to be repetitive.

**Mr Damien Tudehope:** That would be hard.

**Mr JIHAD DIB:** Mate, don't talk about repetitive. This all sounds good in theory but we are debating a bill that is being rammed through the two Houses of Parliament today. Proper legislation requires consultation. It is about ensuring people have enough time to digest the issues and gain a proper understanding. At first glance, this looks like a good idea. Who would not support a measure that stamps out corruption in any form? However, like with many things, when one digs deeper, as one member said earlier, it is a fig leaf to provide a little modesty. This bill is a typical example of the Government making a decision on the run and seeking to run it as a media strategy.

Candidates made their nominations today for the upcoming council elections. What assurances do we have that those people are appropriate to be on council? This bill is providing another loophole, and that does not fill one with confidence. It is clear that the Government is trying to push this bill through. I am greatly concerned that we are dealing with the bill through all its stages in one day. At best the approach is lazy and at worst it is a cynical and terrible attempt to ram through legislation that needs further consultation. I understand the main purpose of

the bill is to provide local planning panels and consent authority powers for local government areas in Greater Sydney and the city of Wollongong.

If it is such a good idea, why is the policy not being rolled out across the State? Some of my colleagues from the Hunter have raised that very point. With its recent history, the Hunter would be a prime candidate for such a measure. I have made it clear in many of the speeches I have delivered in this place that we should look at the big picture, that is, if something is good for one place then we should make sure it is good for everybody. It is hard not to be cynical that this bill is designed for a particular person. I took the time to read the Minister's long and interesting second reading speech, which I think was written by somebody else. I say with respect to the Minister that I do not know how much he understood. I was not filled with confidence. However, the Minister said that the key purpose of the bill was to prevent corruption.

As I said at the outset, the Opposition agrees that corruption is a problem, but I am firmly of the view that the bill does not go far enough and, if it is implemented in its current form, will prove to be ineffective. My colleagues have foreshadowed that in the other place we will move amendments and I suggest that those amendments be very carefully looked at so that a compromise position can be found. As matters currently stand, if the bill's purpose is to prevent corruption, I think the bill lends itself to the possibility of being a corruption tool in itself, and that is not what we want. Nobody wants to see corruption creep into any council or government position. The bill avoids the challenges, though, of actually cleaning up local government in New South Wales. It takes the easy, lazy option. Our great fear is that there is a naive over-reliance on this bill to fix corruption. This may be repetitive but I am not convinced that this bill, as it currently stands, addresses corruption and could potentially make it worse.

The serious and worrying omissions in the bill are that there is no provision for spending caps or donation caps for council elections. Why is that important? It is important because today is the day when nominations close for council elections to be held in one month's time. There are many issues around local government, whether it is forced amalgamations, the backflip with some not now being amalgamated, and gerrymandering to suit certain political parties. There is not a clear picture at the moment, yet we are presenting an opportunity for people to exploit the situation further.

People talk about the pub test. If someone in a pub asks, "Does it make sense for a developer to be on council?", I do not think that many people, other than developers, would agree that it was a good idea. Who in their right mind would say, "Yes, we are going to allow developers to go on council and we are actually going to let them vote on proposals that they can benefit from." It is so ridiculous. You could not make this stuff up. Rather than stopping them from being on council, we are now saying, "There is a bit of loophole here because these people potentially could now sit on this panel." Not only are we allowing them to sit on council, which is ridiculous in itself, we are opening up an opportunity for them to sit on the panel.

Another aspect of concern relates to the Greater Sydney Commission? Is it not the role of the Greater Sydney Commission to ensure independence in the planning process? The Government is now going to override the commission and take away the matters that are referred to local planning panels. The Minister said that 10 objectors will mean that it could go to an Independent Hearing and Assessment Panel. How does one prevent a bottleneck? Someone may make a development application, such as in my electorate, to build a boarding house and there are more than 10 objectors. Will every single application have to go to an IHAP? What will happen in communities that constantly have such issues? Will its range be expanded or will it focus on big developments that will change the nature of an area?

We talk about the compromise of independence. This is no slight against the Minister, but it worries me that the panel chairs will be his appointees. Where is the independence in that? In the worst-case scenario, the Minister might choose a friend or a donor. That would defeat the purpose of what we are trying to do. What makes members think that this process will be completely independent and that it will be immune to favouritism? The rotation arrangement is also a concern. The panel will stay the same. If the Government were genuine about this it would have a 10-member panel or a bigger panel. If the panel members were rotated, no-one would know who would be considering a particular development application. We know that as soon as people find out the membership of the panel considering their application, they will know who to lobby.

Rather than stopping corruption, this legislation has the potential to make it worse and to ensure that people can be lobbied. My greatest fear is that if we are to have these panels none of the members will be subject to Independent Commission Against Corruption [ICAC] scrutiny. Why is that? We hold up the ICAC as the body that ensures that everything we do is above board; it is the body that has the power to investigate. A planning committee will nominate a planning panel that could include a developer. In other words, panel members could make decisions in their best interests or in the best interests of people they want to support. They would not take into account what is good for the community or for social infrastructure. It could be a case of who is looking after whom.

The Minister will nominate the panel chair. However, ICAC—the body that we rely on to keep people honest and above board—will not have the power to scrutinise members of the panel. I invite the Minister to subject this to the pub test. It will not stand up. I have digressed. The idea might have been good, but this legislation has been rushed and it has many holes. Everyone wants to prevent corruption, but this legislation could inadvertently create more opportunities for it to flourish. I have a major concern about the fact that ICAC will not be involved and that developers could be appointed to the panel inadvertently. The Government cannot tell the average person that it will ensure that everything is above board.

**Ms JO HAYLEN (Summer Hill) (19:12):** The Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 will mandate the use of independent hearing and assessment panels [IHAPs] in Sydney metropolitan and Wollongong local government areas. As the Minister noted in his second reading speech, 15 councils have already adopted forms of IHAPs across the State, including the Inner West Council and the Canterbury-Bankstown Council, which oversee the planning for suburbs in my electorate.

An IHAP is an independent panel that assesses and determines certain development applications, removing this from the purview of elected representatives. The panels have taken many different forms in practice, but at their core they constitute a panel of professional experts and members of the community, chaired by an expert in the law or an associated profession. The Minister asserts that this bill has been introduced urgently in response to advice from council administrators that some candidates in the upcoming local government elections have reportedly promised to abolish IHAPs. The Minister claims that this bill is necessary to stamp out corruption in local government. That is a noble cause and, of course, it is one that I wholeheartedly support.

Along with my colleagues, I cautiously support the bill in that spirit, but I will raise concerns about the Government's need to ram this legislation through the Parliament without properly consulting with the community on something that will fundamentally alter local planning in our communities. This is a one-size-fits-all model for IHAPs that does not necessarily reflect best practice. I have grave concerns about that. The Government is forcing this process on the people of New South Wales without engaging any of the other safeguards against corruption in local government that have been proposed by the Opposition, including prohibiting property developers and those involved in the property industry from running for local government.

Like many here, before being elected to this place, I served as a local councillor and a mayor. They were fulfilling years, and I relished the challenge to work hard for my local community. People nominate and run for election to council for many reasons. For me, it was to strengthen local services, to create stronger links in our communities, to advance social justice, and to improve our local environment. Of course, there are some who seek election to peddle influence and to give a hand up to developers, no matter the impact on neighbours, local streets or communities as a whole. Sitting in judgement on the merits of a development application when one has a vested interest is clearly breaking the law, and it is a breach of faith with the electors.

IHAPs are certainly one way to weed out those councillors with vested interests, but they are not a fix-all, nor is the Government's model the silver bullet that it claims it is. Done well, there is merit in an approach to planning that harnesses the professional expertise of those who work in architecture, planning or the environment. That is why as mayor of Marrickville I initiated an architectural excellence panel. I knew that councillors were not always best placed to understand or to achieve design excellence. It continues to work well and to provide excellent advice across the Inner West Council. I also know just how much of councillors' time is taken up by researching, assessing and deliberating on development applications. Again, councillors are not always best placed to make all of these decisions and in that context IHAPs can lead to better planning outcomes for the community.

IHAPs can work, but they must be done well if they are to truly meet community expectations and address corrupt behaviours. I am concerned that this legislation does very little to address corruption in local government. There is no prohibition on developers or real estate agents being elected to council or serving on these planning panels. Councillors are not allowed to serve on IHAPs in their own local government areas, but they are allowed to serve on others. The empowerment of the Minister and the Department of Planning and Environment to appoint panel members removes decision-making from local government, and arguably intensifies the possibility of political interference in development application approvals. Panel members also do not rotate. Therefore, developers and those seeking to exert influence will know members of the panel and the community representatives in each ward. Importantly, the IHAP model that the Government has presented shields panel members from proper scrutiny. Meetings will not be held in public. Unlike elected councillors, panel members will not be accountable to the public and they will not be subject to investigation by ICAC.

I take this opportunity to note how the two councils in my electorate have coordinated their respective IHAP processes. Both councils have instigated IHAPs that arguably exceed the call for transparency and integrity outlined by the Minister as the motivating force behind this bill. The IHAP at Canterbury-Bankstown Council comprises two separate bodies: a determining and assessment body, which determines development applications

and provides recommendations to council on planning proposals; and a review body that determines section 82A and section 96AB reviews of determinations made by the determining panel. This two-stage process allows for far greater probity than is proposed in the Government's preferred model. It gives the community greater confidence in the integrity of the process.

The panel consists of a chairperson, who is a lawyer, a barrister or other associated professionals, and a pool of six additional professionals with experience in planning, architecture, the environment, urban design, land economics, traffic and transport, engineering, government and public administration. Appointments are made by the general manager for two years. At the Inner West Council, the pool of panellists also includes two dedicated positions for members of the local community. The general manager again appoints members to the panel pool, and there is no limit to the number of people who can serve on the pool as long as they meet the professional requirements stipulated in the guidelines. This ensures the greatest breadth and depth of expertise when assessing applications. Importantly, at Inner West Council, deliberations are made in a public forum, giving the community the fullest confidence that the decision-making process has integrity and is fully transparent. In both instances, the IHAP process has been developed in consultation with the community and works to maximise community participation and confidence.

It is clear that a one-size-fits-all model will not deliver best-practice outcomes for IHAPs across metropolitan New South Wales and Wollongong. The Minister has provided transitional arrangements for councils with existing IHAP processes to adopt the model preferred by the Government. However, I am concerned that councils with more robust models than the one the Minister is presenting—such as those in my electorate—will have to weaken the safeguards they have put in place. This clearly goes against the Minister's call to implement their IHAP model as a means to reduce corruption and maladministration. We simply cannot have a situation where some councils are going backwards.

Under the Government's proposed regime, the Minister and the Department of Planning and Environment will appoint and approve the pool of panel members. While it is essential that those in the pool be experts in their field, there is no detail in the bill as to whether those members will be required to be locals. Similarly, the bill indicates that members of the panels will be able to serve three-year terms and serve only twice. There is no scope for shorter terms as is the practice in Canterbury-Bankstown. I am also concerned that there is no detail on how the meetings will be held. I point to the fact that former Leichhardt councillors fought long and hard to ensure that independent hearing and assessment panel meetings be held in public. The Minister's failure to clearly legislate any provisions in respect to the openness or broadcast of meetings is a deficiency that must be addressed. We must allow councils that already have well-functioning IHAPs and that have stronger controls to protect transparency and the integrity of the process.

When dealing with corrupt councillors, it is right that we have properly constituted and empowered arms-length bodies like the Independent Commission Against Corruption to investigate such allegations. It is right that councillors be subject to the highest forms of scrutiny and accountability, not the least of which is the ballot box. Increasingly this Government, which argues this bill is designed to clear out corruption in local government, has moved to diminish both those important safeguards. It has weakened ICAC through successive budget cuts, including in the most recent State budget, and it has diminished local democracy by forcing mergers on local councils that did not ask for them, only to reverse some and leave us with the ridiculous situation where some councils have 14,000 residents and others have 360,000.

The act of amalgamating councils was nothing more than a politically-motivated attack on local democracy, designed to cynically strip Inner West residents of local representation. At the same time this Government is ramming through WestConnex, the Sydney Metro and the mass rezoning of our suburbs. If this Government were genuinely concerned with the business of cleaning up corruption in local government, it would stop playing politics and work with the Opposition to implement sensible democratic reforms. NSW Labor would ban property developers and anyone associated with the property industry from sitting on councils. This is the clearest and most accountable way of ensuring the weeding out of corruption in the planning process. NSW Labor will impose spending caps for local government campaigns and reinstate real-time disclosures of donations. That is real transparency, real accountability and real action, and that is what we need.

This Government has professed that it wants to restore local planning decisions to local communities. But I believe this IHAP model is overly prescriptive and will do little to address corruption concerns in local government. The bill is being rammed through the Parliament. I note it has been reported that the Property Council of New South Wales is behind the push to implement these laws before the 9 September local government elections. This one-size-fits-all approach to IHAPs will leave some communities, including the ones I represent in Sydney's inner west, with processes that do not meet community expectation and indeed may reduce local decision-making. Unlike those opposite, on this side of the House we are serious about reforming local government.

**Ms SOPHIE COTSIS (Canterbury) (19:22):** I speak on the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017. This bill was introduced by the Minister for Planning yesterday. He and the Government want to ram it through. There are many holes in this bill and it does not go far enough in preventing corruption. My colleagues, particularly the shadow Minister for Planning, Michael Daley, have spoken comprehensively and at length and advised the Government that the Opposition will introduce a number of amendments to close loopholes.

There are problems. As those of us on this side have outlined and as the Government has stated, ICAC has looked into a number of councils over many years and is currently looking into councils that have done the wrong thing. Many members of the community are concerned about transparency and accountability. We on this side are advocating very strongly to ensure that local panels are open and transparent. One of our major concerns is that the Minister for Planning will have final veto over who is appointed to these panels. The panels will have four members. The department will establish a pool of experts from which three members will be chosen by the council, with the approval of the Minister.

The Government established by gerrymander the forced mergers, particularly in my area in which it forced the merger of Canterbury and Bankstown councils, which was not supported by the majority of the communities of both those local government areas. The concern is again that the Government, through the Minister, will have the final approval of who goes onto these panels. The Minister will choose which of the three members chosen by the council will become the panel chair. The fourth member will be a community member chosen by council but they will not be a councillor. How do we know what type of person the council will put onto this panel and what the integrity measures are? We have seen deals done in some Sydney councils that have resulted in bad outcomes. We do not want to see bad, corrupt people on these panels as there is too much at stake.

In my community, one need only drive along Canterbury Road to see what has happened. The major concern my community has is about developments that have been approved by the Department of Planning and Environment under this Government where the infrastructure has not matched those developments. Our schools are overcrowded and at capacity. Canterbury Road has been funded like a billy goat track. Our local community infrastructure is being squeezed. There have been sell-offs of reserves and public land. We do not want to see this continue. The Government has again targeted our community—four suburbs in my electorate—and intervened with priority precincts that will massively rezone suburban streets.

The community is very concerned. Last Saturday I held a community meeting in Canterbury that was attended by approximately 200 people. People want to see progress and revitalisation. They want to see organisations such as the Greater Sydney Commission, Infrastructure NSW and the Department of Planning and Environment working together for the benefit of the community and to get good outcomes for the community. We want to see jobs moving into our area. We are close to the city and to the airport. We speak more than 200 languages. We want to see revitalisation of our local precincts but we do not want to see this mass rezoning where the heavy-handed Government comes in and dumps 15,000 units on us without identifying where schools will be built and without providing additional funding to Canterbury Hospital.

There is a strategic plan to redevelop Canterbury Hospital. It is on the website of the Ministry of Health but the Government has not funded it. We are at capacity and we are being squeezed. This should not be about whether an area is a Labor area or a Liberal area. Governments should not determine planning on that basis. In 2011 when this Government came to office, Barry O'Farrell talked about accountability, transparency and openness. Unfortunately, while the Government is acting all righteous about this it has allowed developers and real estate agents who were councillors to vote on their own development applications [DAs]. It was the debacle involving that bloke from Auburn, Salim Mehajer, that forced the Government to act, after many years of the Labor Opposition saying to the Government that it had to reverse its decision to allow people on councils with a conflict of interest to vote on their own DAs. And when it was voted on last year, even that was stuffed up.

If the Government is serious about making sure that councils are corruption proof, there must be checks and balances to ensure that democratically elected local councils serve the people of their local communities and work hand in glove in an open and transparent way with panellists. In about five weeks there will be local council elections across the State and voters must have confidence in this process. It must be an open and transparent process, and so I urge Government members to consider the amendments that the Opposition will move in the other place. I also urge crossbench members in the upper House to carefully consider those amendments. As the member for Canterbury, I am concerned about some of the development applications in my area. Many residents are outraged about those developments and they want openness, transparency, accountability and consultation. People are happy that there is revitalisation of the area, but they want consultation about development as well as checks and balances. I therefore urge the Government to support Labor's amendments.

**Mr EDMOND ATALLA (Mount Druitt) (19:31):** I contribute to the debate on the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017.

I will start by making some general comments and then address some specific concerns in relation to the legislation before us. I do not understand the motive behind the Government's agenda to rush this bill through the Parliament tonight. It seems that the Government wants this bill to be rubber-stamped without adequate consultation. There has been no consultation with either the community or local councils in relation to this legislation. Local councils' comments about the impact of this bill have not been taken into consideration.

I am concerned that this bill will change the dynamics of how local councils operate. Councillors are democratically elected to represent their community. There is no doubt that when a council is the consent authority, members of the community can take their concerns with a particular development in their area to their local councillor. How will this work in the future? If this legislation is passed, when members of the community ring their local councillor about concerns, the councillor will say, "It is nothing to do with me." I want to know how the dynamics will work between the elected councillors representing the community and the appointed representatives of the panels.

If the motive behind this bill is to minimise corruption of councillors then let us look at what the bill does. The bill removes the consent authority from, say, my local government area, which has 15 councillors, and vests that consent authority in three panellists who are appointed by the Minister. That means the master of those panellists is the Minister, the person who appoints them. That also means the decision-making process will not be independent because the Minister is the master of the decision-makers, not the community. Who has the power to terminate the appointment of panel members? I presume the Minister would have the termination rights, and therefore those who are appointed by the Minister will be slaves to the Minister's requests. The reality is that if the Minister wants a particular outcome and the panel members do not deliver that outcome, it is logical to expect that the term of the members on the panel will be shorter than the terms spelt out in the bill.

Another area of concern is that I presume the cost of the panel will be shifted onto local councils. There is nothing in the legislation to suggest that the State Government is going to fork out for the cost of operating a panel. Will local councils be expected to bear the costs of these panels? That is not made clear and needs to be clarified. I believe there will be an uproar from local councils if the State Government advises them that they need to fork out to cover the cost of the panels. I turn to the legislation. As I said, there has been no consultation with local councils or the community, so I consulted my council to seek its advice as to—

**Mr Anthony Roberts:** Name them.

**Mr EDMOND ATALLA:** I think the Minister can work out which council, but I will not name the councillors. I consulted the council about its concerns in relation to the bill. I looked at statistics for how many development applications were lodged in my local government area of Blacktown, which was the largest local government area prior to the amalgamations. I asked the council how many development applications it had dealt with in the last financial year, and the answer was 78. That number raises another concern for the Government because currently, under the Environmental Planning and Assessment Act, any development application that is not dealt with within 40 days is deemed to be refused. Councils generally determine applications either on a fortnightly or a three-weekly cycle. There is nothing in the bill that stipulates the frequency of the meetings of the panels to determine development applications. That means that if there is a backlog of applications and the panel cannot meet the 40-day time frame for assessing development applications then a huge number of development applications will be shifted to the Land and Environment Court. That would not be a good outcome for the State Government's aim to improve the efficiency of processing development applications.

New section 23L of the bill concerns advice in respect of planning proposals. There is no indication as to how the advice received by the council is to be treated. This will be of particular importance where the Minister directs the panel to provide advice to a council. New section 23L (2) does not make sense and needs to be clarified. The drafting of new section 23L (4) is very broad. It means that a planning panel can be empowered to exercise any function under the Act. This is not reasonable. If councils are able to monitor as stated in new section 23LA, subsections (4) and (5), they must be able to have the panel provide information to allow that monitoring to occur. It is also noted that there is no power for a council to take remedial action arising from the monitoring. It is not clear how new section 23LA (7) will work if there is conflict between a lawful direction given to a general manager by the council and a delegation from a panel. One needs to prevail over the other without the need to resort to legal advice.

In schedule 4B, part 2 on line 20 on page 7 it is unclear as to what is meant by "otherwise". There needs to be some clarity as to the definition of "otherwise" in the schedule. To have practical effect, in new section 124J in schedule 2 the general manager must be empowered to sub-delegate actions required by the panel. These are some of the concerns that I can see councils will have and will raise. That is why I indicate that by rushing this bill through the House we are missing an opportunity to produce good legislation. We need adequate comment from local government to ensure that good legislation is carried in this place. I can see that there will be amendments to the legislation.

**Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (19:41):** In reply: I thank members for their contributions to debate on the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels And Enforcement) Bill 2017. When I introduced the bill yesterday I drew members' attention to the fact that this is primarily an anti-corruption measure. I wish to ensure members that, in addition to the robust protections we are building into the design of the panels, they are also appropriately subject to the jurisdiction of the Independent Commission Against Corruption [ICAC]. Furthermore, the bill gives me the power to remove a member of a panel from office if the ICAC recommends their removal because of corrupt conduct.

The ICAC will be able to investigate and report on the conduct of local planning panels. The member for Maroubra asked for the Crown Solicitor or ICAC to confirm this, but if those opposite would simply take a look at the legislation they will find that this is quite clearly the case. The functions of the ICAC include advising on and investigating the conduct of public authorities and public officials. A public authority is defined in section 3 of the Independent Commission Against Corruption Act to include a local government authority, which is, in turn, defined to mean a council or any other person or body exercising any of the council's functions. That means a member of a local planning panel.

The process for appointing the pool of experts will be very similar to the robust and transparent process used for joint regional planning panels and Sydney planning panels. It will include a statewide expression of interest for applicants based on expertise requirements, the four general standards set up by the Public Service Commission based on merit, fairness, diversity and integrity, and specified role capabilities. Councils will be invited to nominate suitable experts for consideration as part of this process. Local Government NSW will be consulted as part of the process. I note the confected outrage about councillors not being able to sit on panels for their own local government area but being able to do so for other LGAs. This is exactly what occurs with the Sydney planning panels that members opposite praised during debate. Why is the process good for one panel and not for the other?

Panel members will have to comply with a thorough code of conduct and statutory procedures governing the operations of the panels. The code will ensure that panel members understand the standards of conduct expected of them, are able to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence. They must act in way that enhances public confidence in the integrity of the panel and report and manage appropriately any perceived or actual conflicts of interest. They must disclose appropriately non-pecuniary interests and be aware of their obligations in the bill to disclose financial interests. To ensure that panels meet their obligations, the department will undertake robust monitoring of their operations, both in terms of the recruitment and maintenance of the pool of experts and the ongoing operations and decisions of the panels. Panels will be directed to conduct their business in public.

I note that the Opposition flagged concerns about ward representation. The member for Bankstown inquired about the views of the former Minister for Planning, the Member for Pittwater, about the bill. I can inform the member for Bankstown that the former Minister has advocated most strongly for the inclusion of a ward representative, and this inclusion is his initiative. The matter of panel member terms was also raised in debate on the bill. Panel terms are not fixed. Members can sit on a panel for up to three years with a maximum of two terms, but can serve for a lesser period. A council can appoint multiple alternates to the panel and draw on these members to sit in a meeting as required. Panels will have multiple community representatives from various wards to make determinations on projects affecting their local community and to avoid potential conflicts of interest.

This reform does not undermine the role of councils in the planning system; the role of councils remains critical and is enhanced by these reforms. By removing the function of determining individual development applications from councils, councils are freed to focus on longer-term, higher-level strategic planning and on setting the rules for the local area within which the experts will make technical decisions about DAs. This facilitates councillors providing leadership on the economic, environmental and social sustainability of the future of their local area. Councils will retain a strong role in relation to the panels, including setting the strategic planning framework and development controls within which the panel makes decisions, selecting the majority of panel members—two expert members and a community representative on each panel—nominating suitable persons to be assessed for inclusion in the expert pool, and remaining as the authority to which panels are accountable.

I thank the member for Balmain for his contribution on the bill, but we all know why The Greens oppose this bill. It is because they oppose all development. The Greens object to the investment that the Government is delivering for the people of Sydney and New South Wales to maintain our position as Australia's international city. The member for Balmain said the bill will place a hand grenade in my hand. This is not the case. To clarify, as Minister, I will approve the pool of experts from which the council will choose two experts. The appointment of the majority of the panel will be the responsibility of the council, with the Minister choosing only the chair.



The benefits of panels simply cannot be understated. They will not only prevent corruption but also ensure better outcomes for our local communities. This is a once-in-a-generation opportunity to get decision-making at the local level right, to depoliticise the decision-making process and to ensure that we get the best planning outcomes for these communities both in terms of individual development applications and local strategic-level planning. For those reasons, I commend the bill to the House.

**The DEPUTY SPEAKER:** The question is that this bill be now read a second time. A division has been called for. There being fewer than five members against the question, the question is resolved in the affirmative.

**Noes, 4**

Mr P Donato  
Mr J Parker  
Ms J Leong  
Ms T Smith

**Motion agreed to.**

**Third Reading**

**Mr ANTHONY ROBERTS:** On behalf of the decent citizens of New South Wales, I move:

That this bill be now read a third time.

**Motion agreed to.**

**APPRENTICESHIP AND TRAINEESHIP AMENDMENT BILL 2017**

**First Reading**

**Bill introduced on motion by Mr John Barilaro, read a first time and printed.**

**Second Reading**

**Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (19:55):** I move:

That this bill be now read a second time.

With the introduction of the Apprenticeship and Traineeship Amendment Bill 2017, the New South Wales Government is continuing to implement its plan to reskill New South Wales through the development of a highly skilled workforce to support our growing and dynamic economy. The reforms introduced in this bill will ensure that the New South Wales apprenticeship and traineeship system is fit for the current economy and into the future. The changes will reinforce a system that is built on integrity and high quality, flexible in approach, responsive to industry needs, and streamlined in administration. The bill builds on the 2015 Compact that was a commitment by the Government and peak industry bodies to encourage more businesses to take on apprentices and trainees and to continue to create more job opportunities—especially for young people—in New South Wales. It will also create new career pathways for those who want to upgrade their skills to make the most of the employment opportunities that this Government has provided.

Apprenticeships and traineeships are the cornerstone of the development of skills. The Apprenticeship and Traineeship Act regulates the employment and training of apprentices and trainees in New South Wales. It allows the Government to define the qualifications that are recognised as apprenticeships or traineeships and under what conditions those qualifications are delivered. The Act provides a safety net for employers, apprentices and trainees through a training contract. The Act provides New South Wales with a system that supports a variety of apprenticeship and traineeship models designed to meet the collective and individual needs of employers, industries, apprentices and trainees. However, evolution in the way business operates and changes in the way training is delivered mean that the Apprenticeship and Traineeship Act must be brought into line with current employment and training practices if it is to continue to be effective with supporting the skills base of the State.

Since the Act was last amended in 2011, the greater emphasis on developing a national skills base of higher-level, internationally competitive occupational skills has had a downstream influence on the supply of the future generation of trade-qualified workers. The retirement of the baby boomer generation of trade-qualified workers increases the imperative to produce a stream of homegrown workers with the skills necessary to support an expanding New South Wales economy that is leading national growth. The important package of measures contained in the Apprenticeship and Traineeship Amendment Bill 2017 will bring the New South Wales apprenticeship system up to date. The proposed changes will improve communication lines between registered training organisations and employers of apprentices and trainees to better coordinate on-the-job and off-the-job training.

Apprentices will be better skilled, completion rates will be improved, and apprentices and trainees will be trained in qualifications that are most appropriate to their jobs. Apprenticeships and traineeships are key to skills development across the regions of New South Wales. Completion rates in regional New South Wales are higher than in city regions. However, regional centres are not immune from the skills shortages evident in metropolitan regions. Better links between employers and trainers will improve the retention of apprentices and trainees in regional areas, keeping skilled workers where they are needed and, in many cases, where they grew up and want to remain living.

The changes being proposed will strengthen the requirements for training providers to consult with employers throughout the training process, improve provider responsibility to ensure that students can apply the skills they have learnt at work and simplify processes by removing administrative red tape by abolishing the Vocational Training Review Panel and moving powers to the Commissioner for Vocational Training. This will also rationalise trade recognition processes, clarify completion processes and reduce red tape to streamline cancellations. The bill will also update maximum penalties for offences for the first time since the Act commenced in 2001. We have consulted widely with industry representatives, individual employers, apprentices and training providers about their views on the current system and their visions for its future. They told us that the Act is generally operating well, but stakeholders also told us that policy emphasis on provider-based training has detracted from the importance of on-the-job training.

The bill will introduce a requirement for training providers to give information to the employer about progress through the training plan at specified intervals and obtain confirmation from the employer of on-the-job progress. This will ensure that employers have a greater say in provider-based training of their apprentices and trainees. To address employer concerns about the relevance and quality of the off-the-job training, the bill requires training providers to collaborate with the employer about off-the-job training progress and to document employer confirmation of on-the-job progress. This will reduce disputes between employers, apprentices and training providers. Importantly, each party will be aware of their roles and responsibilities in the competency-based progression of the apprentice or trainee. This change will increase employer support for competency-based progression and completion.

To enable New South Wales to better regulate training organisations in relation to training plans and collaboration with employers, exclusions have been made to the regulatory powers referred to the Commonwealth, which are set out in the Commonwealth National Vocational Education and Training Regulator Act 2011. Those exclusions are limited in scope and are restricted to those provisions of this bill that impose obligations on training organisations. The bill abolishes the Vocational Training Review Panel, or VTRP. This will reduce the administrative burden associated with maintaining the panel, which considered only 15 disputes in 2016. The complaints and dispute resolution functions will be moved to the Commissioner for Vocational Training. The complaint will be referred to a conciliator in the first instance to bring the parties to a settlement acceptable to both of them. If a complaint remains unresolved the commissioner will hear and decide the matter, with the benefit of industry expertise when necessary. The commissioner's team already plays a major role in the resolution of complaints and disputes between employers and their apprentices and trainees. This will continue.

Appeals against the commissioner's decisions under the Act will be able to be made to the NSW Civil and Administrative Tribunal and will follow the administrative review requirements of the Administrative Decisions Review Act 1997. The panel's responsibility for trade recognition processes will also be moved to the commissioner. Trade recognition provides an important pathway to a trade qualification for technically unqualified but skilled people working in a trade, or who qualified elsewhere or overseas, who have not had access to the New South Wales apprenticeship system. These trade assessment processes have been available through the Smart and Skilled program since the start of 2015 and will continue to be funded in this way. I commend the former members of the Vocational Training Review Panel for their commitment to quality apprenticeships and traineeships and trade recognition. I note that the commissioner will continue to seek independent expert advice whenever necessary.

In cases where a certificate of proficiency is a prerequisite for a trades licence—for example, an electrical licence—the commissioner will additionally obtain industry input. Accuracy and quality around the apprenticeship sign-up process by employer agents will be strengthened by changes in the bill. Agents known as Australian Apprenticeship Support Network providers are responsible for almost all applications on behalf of employers. They play a significant role in determining the type of apprenticeship or traineeship being undertaken, and they provide advice and support to the employer and apprentice or trainee. These changes will require more accountability by agents for the accuracy of information and documentation of applications, including training plans. These new provisions also enable the Commissioner for Vocational Training to accept or refuse applications from agents. Quality trade and non-trade training will be further strengthened. The Commissioner for Vocational Training will be able to seek independent assessment of the competence of apprentices and trainees, or individuals seeking trade recognition, before the commissioner issues a certificate of proficiency.

Within our stakeholder consultation sessions some concerns were raised by employers about the adequacy of training provided to an apprentice or trainee despite the apprentice or trainee being deemed competent by their training provider. To address these concerns, the changes proposed here will enable the commissioner to engage an independent training provider to assess and report on the competence of an apprentice or trainee. This will guard against any training providers who may be more focused on their profits than on the quality of their training assessments. It also enables the commissioner to report findings of assessment to the Australian Skills Quality Authority. For example, to maintain public safety in the high-risk trade of electrical work, an independent training provider may be called upon to assess the skills and competence of those electrical workers. Maintaining the integrity of the apprenticeship and traineeship system in New South Wales is paramount.

Penalties for non-compliance have not been increased in the Act since 2001. The legislation clearly outlines the responsibilities of all parties; however, until now enforcing the obligations has been difficult. Under the proposed amendments, the maximum penalties for offences under the Act will be increased, bringing penalties into line with modern legislative frameworks of other government agencies. The bill also enables penalty notice offences to be introduced in future amendments to the regulations. Penalties will now also be applicable to training organisations, Australian Apprenticeship Support Network providers and employers to ensure that they are all honouring their obligations to apprentices, trainees and employers. I make no apology for raising maximum penalties or for introducing penalty notices. Quality providers should have no issues with the legislation. These changes will strengthen the New South Wales apprentice and trainee system by introducing a sanction for inappropriate behaviour. Changes will commence on proclamation, which the Government intends to be early in 2018.

New South Wales continues to be the powerhouse of the Australian economy. Business demand for apprentices and trainees is growing strongly, reflecting the growing New South Wales economy and employer confidence in their future business prospects. Despite this, shortages of prospective apprentices and trainees are creating bottlenecks in the economy. Employers feel that apprenticeships and traineeships are not sufficiently valued by the community. There appears to be too much emphasis placed on schools to channel students into universities. A stronger supply pipeline of potential apprentices and trainees is necessary to meet current and future skills needs in New South Wales. To complement the updates to the Apprenticeship and Traineeship Act, a range of non-legislative initiatives to traditional trades is also being rolled out that will align the New South Wales system with contemporary approaches to work and training. These other measures are aimed at making apprenticeships more attractive to employers and young people. There will be renewed emphasis targeting school-based participation in trade training and support for mature-age workers to secure trade qualifications.

A series of innovative, new front-end models of apprenticeships aimed at increasing take-up and improving retention rates is in the process of being rolled out in association with eight industry associations, group training organisations and employers across five industries. Trials have begun on two new models of innovative tertiary pathways that integrate apprenticeships with higher education qualifications, providing both academic and hands-on skills and giving high-achieving apprentices and trainees more attractive post-school options. Finally, the Government is increasing the emphasis on already available alternative pathways to vocational occupations for mature-age, experienced but unqualified workers. New South Wales has long been the national leader when it comes to building and supporting a nimble and responsive system for training its apprentices and trainees. I am confident that the package of measures introduced today will continue to place New South Wales at the forefront of innovative skills delivery for the tradespeople of the future. I commend the bill to the House.

**Debate adjourned.**

## **CHARITABLE FUNDRAISING AMENDMENT (INQUIRIES) BILL 2017**

### **Second Reading**

**Debate resumed from an earlier hour.**

**Mr DAVID ELLIOTT (Baulkham Hills—Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) (20:10):** I speak in support of the Charitable Fundraising Amendment (Inquiries) Bill 2017. The purpose of the bill is to enhance the existing powers in the Act to inquire into fundraisers. The need for these amendments, which provide an alternative for an inquiry to be held as a public inquiry, is highlighted by the recent allegations against former Returned and Services League of Australia [RSL] New South Wales Branch directors and two of its related entities. As members would be aware, an inquiry under section 26 of the Charitable Fundraising Act is underway by retired Supreme Court Justice Patricia Bergin, SC. This bill will allow inquiries such as these to alternatively be carried out as a public inquiry when the Minister and the Premier of New South Wales consider that it is in the public interest to do so.

The recent allegations about the RSL in New South Wales are particularly disturbing to me as the Minister for Veterans Affairs. It is alleged that donated funds, meant to support those brave men and women who have served our country, were allegedly used for other purposes. The RSL is an organisation for which I cannot express enough admiration. It provides vital services for the wellbeing and commemoration of current and former defence force personnel and their dependants. I am sure all members will agree that the bravery and sacrifice of the men and women who have served this country deserve the utmost respect. It is heartbreaking to see the good work of the RSL in New South Wales tarnished by these alleged actions. This is an opportunity to begin to remedy the damage caused by those allegations.

Under the new leadership of President James Brown, the organisation has taken a promising change in direction and we are confident James will continue to turn around this much-loved institution. In the meantime, I call attention to the need for a public inquiry into the RSL in New South Wales to assist in its rejuvenation and also to correct previous wrongdoing. A public inquiry will make sure that a thorough investigation is able to shine a light on any malfeasance. It will guide us to help foster any support we can give to strengthen the community's trust in the RSL in New South Wales. That trust is vital for its good work and service to continue. The investigation conducted last year by audit firm KordaMentha highlighted that there may be times where additional public inquiry powers could be needed, particularly where those requested to provide information can withhold certain documents with impunity. With the new powers proposed in this bill, a current or retired judge leading the inquiry will be able to compel witnesses to attend a hearing, answer questions and provide documents. A public inquiry will be robust and effective and will swiftly uncover any wrongdoing.

The RSL is a truly worthy organisation deserving of the public's trust and respect. It works hard to provide support to veterans and their families, including advocacy, counselling and financial assistance. The work of the RSL improves the health, wellbeing and quality of life of our defence force personnel both during and after service. The RSL provides help for as long as help is needed, and its programs help veterans transition to civilian life. Its members also do valuable work mentoring young people transitioning from juvenile justice into the community. This public inquiry will see the damaged name of the RSL in New South Wales restored to the status deserving of such meaningful work. The bill will ensure that a public inquiry can be held and all evidence can be uncovered to expose the truth and restore public trust in our New South Wales charities. This is an important and necessary bill. I am pleased that the public inquiry it enables will help the RSL to move forward and allow the community to be confident in donating money and their time to the many exemplary New South Wales charities that do such good work. I commend this bill to the House.

**Mr PAUL SCULLY (Wollongong) (20:14):** I contribute to debate on the Charitable Fundraising (Inquiries) Bill 2017. At the outset I acknowledge the hard work of charitable organisations not only in Wollongong and the Illawarra but also throughout the State. Daily, hardworking volunteers engaged in supporting and advancing the work of charitable organisations give of themselves, going above and beyond, to help make the lives of others a little easier. On behalf of the people those volunteers have helped, and those they may help in the future, and everyone else who appreciates their work, I thank them for making our communities better places in which to live. I am sure that many volunteers will not have any reason to be subject to the provisions of this bill but we should carefully examine them in case they do.

We are debating this bill today in response to the reaction of a Minister who was seeking to get an issue out of the headlines and to look tough in the eyes of the public. However, the Minister ultimately fell short by not understanding the provisions of the Charitable Fundraising Act. That overreach has now resulted in the effective denigration of charitable organisations and those who operate them across this State. Thus we now have a bill before us with some sort of subtext that there are deep-seated problems, abuses and misdoings in charitable organisations as a whole. Indeed, should this bill be passed in its current form it will likely mean the erosion of the rights of individuals who have voluntarily put themselves forward to help others.

**Mr David Elliott:** But Foley said he wanted to support this bill.

**Mr PAUL SCULLY:** We will be supporting the bill.

**Mr David Elliott:** You are on the public record as saying that this bill needs to be supported.

**Mr PAUL SCULLY:** We are. I agree that the circumstances that lead to this intervention—

**Mr Matt Kean:** Why don't you want to clean up dodgy charities?

**Mr PAUL SCULLY:** I do not support dodgy charities at all—not one little bit. The uncovering of the goings on at the RSL and its related charities were absolutely serious allegations. When they were exposed following the actions taken by my friend Glenn Kolomeitz—at great personal expense I might add—there was reason to question the behaviour of people in that organisation and to thoroughly investigate the activities of a

number of people alleged to be involved. That investigation was welcomed by many of the members of the RSL with whom I have spoken about it.

**Mr David Elliott:** Called for by your leader!

**Mr PAUL SCULLY:** Absolutely. I am not doubting it or suggesting otherwise. But we have to look at the implications of some of the provisions in this bill. It contains provisions which allow the Minister and the Premier to call a public inquiry into a charity, with limited checks and balances, and it allows for the Minister to appoint a person who can conduct an inquiry he or she considers to be in the public interest. That seems innocuous enough but it assumes that allegations of abuse or behaviour against an existing law may not be able to be dealt with. That is an assumption. There is no curb on potential excess in this provision. I am not suggesting that the current Minister or the current Government would do this, but there is nothing to stop show trials commencing against organisations that future Ministers might be opposed to.

**Mr David Elliott:** You are just trying to protect the former Labor Lord Mayor of Parramatta.

**Mr PAUL SCULLY:** Not at all. There is nothing limiting the scope of reasons for an inquiry to be launched for any politically or ideologically motivated reason into any organisation. Worse still, under the provisions of the bill an organisation under investigation could also be asked to foot the bill for such an investigation. This could result in not only trashing the reputation of a charity subject to a public inquiry that was later found to be motivated by something other than evidence of questionable practices, but also financially bankrupting them—effectively making sure that the charity in question is unlikely to ever function again. The discretionary powers that this bill seeks to afford to the Minister extend beyond being able to initiate an inquiry with questionable motive, they extend to whether or not the findings of the inquiry would be made public.

It seems one could expend all the time, energy, effort and expense of engaging a current or former Supreme Court judge, Federal Court judge or High Court justice, drag people through all of that, and it will inevitably end up in the media. But, despite all of that, there would be no requirement to make the final report public. Why not make the report public if the inquiry was launched in the public interest to begin with? It stands completely at odds with the exasperated calls for transparency that we have all had to sit through in the last few question times. But wait, there is more. The bill abrogates the privilege against self-incrimination. We are going to end up with a departure from the well-established legal principle that has underpinned the fairness of our legal system. In this bill we have the chance of a show trial that could result in bankrupting the charity in question and people having the privilege against self-incrimination taken away from them. This is following a hearing allegedly established because the public interest was so great and the results may never be made public.

But there is more. The bill does not give the people who are being investigated the right to legal representation. While that might not be the intention of the bill it is a possibility of the bill in practice. For that reason I believe that amendments should be considered that would provide for the inquirer to determine whether an inquiry should be public before it begins, rather than when it is underway. The report of such an inquiry should be required to be tabled in the Parliament—after all, the report was allegedly initiated in the public interest to begin with. Witnesses who are appearing before such inquiries should be given the opportunity to apply for legal or financial assistance, and people should be given the opportunity to be legally represented. I do not think that is too much to ask.

In considering the bill we must consider why it is necessary to begin with. As I outlined earlier, this bill is principally the result of overreach and that that overreach could have been avoided, which would likely have meant that this bill was not needed to begin with. The fact of the matter is there is a range of investigative bodies in New South Wales that could have addressed the issues with the RSL and other charities—bodies that could equally address the issues around the investigation of charities more generally, such as the NSW Police and the Australian Charities and Not-for-profits Commission, the national regulator of charities. The RSL and many other charities are also corporations and are, therefore, also subject to the provisions, penalties and regulatory oversight of corporations law. The Special Commission of Inquiries Act could have been used to establish a special commission that would have allowed for wrongdoing to be uncovered—after all, that was good enough for the greyhound industry. If all of those avenues fail, there is the Independent Commission Against Corruption. Of course, that is a weaker body than it once was but it is still there.

As I said, there is a range of options available that, in most instances, are going to be more than adequate avenues to commence investigations. We will not oppose the bill but we will be seeking to amend this bill in the other place. There is no doubt we need to be prepared to root out wrongdoing where it is taking place in charities, but this bill is a flawed way of achieving that end. What is worse is that the introduction of this bill has resulted in a question mark being placed over the charities sector unnecessarily. While the majority of people involved in charitable organisations are involved and motivated for the right reasons, sadly, at times others who do not have the same positive motivations are attracted to charitable organisations.

In those circumstances, we need to have strong governance measures in place and, when necessary, strong penalties. Without them we can undermine all the good work of a charity and leave those who rely on it in a worse position than they would have been without it. However, this bill, in its current form, does not satisfactorily address that. The bill requires improvements so that long-established checks and balances that we have built into our systems of governance are not eroded unnecessarily.

**Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (20:22):** In reply: As members have heard, the purpose of the Charitable Fundraising Amendment (Inquiries) Bill 2017 is to amend the Charitable Fundraising Act 1991 and to put consumers first by enhancing the existing powers in the Act to inquire into fundraisers. We have heard about the many wonderful charities in New South Wales, run by hardworking and honest people, who contribute in such a significant way to the fabric of our community and who continue to deserve our confidence as they provide critical support and services to the citizens of this State.

New South Wales is a generous State. In 2015, New South Wales donors gave \$5 billion in donations and bequests to charities operating across New South Wales. It is, therefore, vitally important that the public has confidence that charities that fundraise have the necessary governance and oversight of their fundraising activities. We must put consumers first on this issue—both the consumers who donate and those vulnerable consumers who are in need of the help that comes from donations.

I will now address the issues raised during the debate. The member for Swansea raised a number of concerns in relation to the bill. In particular, she questioned the discretionary powers for when such an inquiry should be held as a public inquiry. Under the existing powers of the Act, the Minister has the discretion to cause a non-public inquiry. The bill extends these existing powers to the causing of a public inquiry. However, the bill also provides additional caveats for when the Minister can use those discretionary powers for a public inquiry. Notably, not only does the Minister need to consider that it must be in the public interest to do so, but, importantly, the Premier of New South Wales must also consider it to be in the public interest.

The current Act confers either no or limited power for an authorised inspector to conduct a public hearing. A public hearing will enable transparency and robust scrutiny. Currently, witnesses and investigated persons may refuse to provide important evidence as to how the funds of an investigated charity are being used. This can frustrate an investigation by hiding the truth that is needed to fully uncover the facts of what has happened. The amendments contained in this bill will strengthen inquiry powers under the Charitable Fundraising Act to ensure that significant current and future inquiries of public importance and interest can be conducted with all the powers necessary and that wrongdoing is deterred. These powers will help to maintain and, indeed, to increase public confidence in the charity sector.

Charities rely heavily on fundraising to raise donations from organisations and the public to provide them with the necessary funds to undertake their benevolent work. The public, in turn, trusts that charities will use these funds as represented. The confidence of the public to continue to donate to charities is an important consideration, and being able to undertake a properly conducted inquiry will assist in maintaining that confidence.

I also address the issue raised about whether a public inquiry should be conducted under enhanced powers within the Charitable Fundraising Act [CFA] or under the Special Commissions of Inquiry Act 1983. A special commission of inquiry or a royal commission is generally held into matters where there is no legislative capacity to inquire into certain matters and where there are allegations of sector-wide or broad misconduct where there may be a systemic issue that warrants organisational or functional redesign to achieve desired outcomes. Here it is proposed that an existing legislative capacity be extended and that additional powers be placed in an Act which best serves the objectives of an inquiry which targets fundraising activities.

There is precedent for having public inquiry powers under other New South Wales regulatory Acts; for example, section 438U of the Local Government Act 1993 and section 143 of the Casino Control Act 1992. Amending the Act to provide these powers will allow for an effective and robust inquiry and for any future inquiries which the Minister of the day considers to be of public interest to also be carried out under the Act. The current inquiry into the fundraising activities of New South Wales RSL entities has already commenced under section 26 of the CFA, and the proposed additional powers are necessary in order to properly conduct that inquiry. The proposed amendments will enable all information gathered by the existing inquiry to be preserved.

In response to the member for Swansea's assertion that this bill is trying to somehow cover up mistakes with regulating the sector, I assure this House that this is certainly not the case. This Government has taken action under the Act where necessary to protect the public and uphold trust in sector. The bill simply enhances existing powers to ensure that there are appropriate powers to hold certain inquiries as public inquiries where it is necessary in the public interest to do so. Improving the Act to allow a properly conducted public inquiry will ensure that any wrongdoings are exposed and that the actions and conduct of those involved can be fairly, judicially and comprehensively examined.

The Government is committed to continuing to work collaboratively and productively with the charity sector in New South Wales to help shape a fit-for-purpose regulatory scheme that enhances the trust consumers have placed in the charities of New South Wales. To this end, I have instructed my department to work closely with the sector in identifying areas for reform and opportunities to reduce red tape, while continuing to maintain protections and to put consumers first. I also add that, in addition to benefiting from an increase in public confidence in charitable organisations, charities that do the right thing will not be affected by this bill.

The enhanced powers contained in the bill will be used to properly inquire into rogue persons and charities that have taken advantage of the trust and goodwill of consumers in this State. I agree with the member for Swansea that the privilege against self-incrimination is a fundamental cornerstone of our criminal justice system. Where the Minister and Premier have agreed that the allegations are of significant concern and it is in the public interest for there to be a public inquiry, accountability and transparency demand the best opportunity to ascertain exactly what has happened. That requires answers. The provisions in the bill include protections for witnesses where the abrogation of that privilege would apply, and seek only to abrogate that privilege where it is necessary to uncover the truth in a public inquiry only.

These provisions will not apply to existing powers in the Act for a non-public inquiry. The answers that witnesses may be compelled to give, and in some situations, be willing to give if protected, will only be admissible in proceedings if such witnesses commit an offence against the inquiry's powers or if the evidence is relevant to a decision to refuse, revoke or vary the conditions of a fundraising authority. New section 41R (5) provides witnesses with the same protections as witnesses in Supreme Court proceedings. No criminal or civil liability will attach to a person for compliance in good faith with the requirements of a public inquiry or in producing documents that might otherwise attract civil liability consequences. These protections will allow a public inquiry to properly inquire into a matter, while providing important protections to witnesses who provide vital evidence to the inquiry.

As noted by the Minister for Veterans Affairs, the current inquiry into several RSL entities has obtained a high public profile. Under section 41E of this bill, resulting reports from public inquiries will ordinarily be tabled in the New South Wales Parliament and I can inform the House that I will be tabling the RSL report, subject to any confidentiality recommendations from Justice Bergin. However, whilst transparency is one of the main objectives of a public inquiry, there may be circumstances where it is not in the public interest to table a report of an inquiry. The provision as drafted provides enough flexibility to allow for how the public inquiry is going to be reported on and ensures that there is not a mandated requirement to report when that may not be necessary. It is sometimes hard to foresee all possible situations that may arise where it is in the public interest to cause a public inquiry and therefore also to foresee when tabling a report is not in the public interest. That is why that discretion has been included in the bill.

The enhanced powers outlined in this bill are not to be used for every inquiry called under the Charitable Fundraising Act 1991. The purpose of the public interest test is to ensure that inquiries of this nature can only be used to investigate substantial allegations which undermine public confidence. I also confirm that during a public inquiry, the public inquirer should consider the legitimate concerns of those subject to inquiries and other affected persons when considering if hearings should or should not be held in public. This includes considerations such as the reputation of any affected persons.

As has been noted within the debate, under amendments to section 41 of the Act certain costs of the inquiry can be recovered. These powers should be used after considering the capability of the organisation to pay recoverable costs. These powers should be used after having regard to the financial ability of the organisation against which the order will be made. The purpose of the Act, after all, is to encourage donations to charities, not to make those charities insolvent. I have taken into account the issues raised in this debate and I want to thank the shadow Minister for the constructive way she has engaged in making sure this legislation is fit for purpose and that the best outcome possible is achieved. I want to foreshadow that the Government will be moving amendments to ensure that the intended effect of these new powers will be achieved to strengthen the existing safeguards in the bill.

I would like to take a moment to thank the following members for their contributions to the debate: the member for Riverstone; the member for Swansea, and I would particularly like to acknowledge her efforts in helping us land this tonight, and for the constructive way she has engaged in this entire process; the member for Baulkham Hills; and the member for Wollongong. I would also like to thank the hardworking members of my department, particularly Mary Snell, Gabrielle Mangos and Dan Harwood, who are here tonight. I thank my hardworking team, in particular my chief of staff, Ben Coles, who has put in hours to land this where it is. He is an exceptional operator and a brilliant lawyer. I would also like to thank Richard Hodge, who has been working hard on this as well.

I am proud of the provisions in this bill and the commitment of this Government to maintain a cohesive and mutually beneficial relationship with charities operating in New South Wales. I have asked my department to

consult actively with New South Wales charities and their representative bodies to identify solutions to red tape, while maintaining the important donor and community protections, and that put consumers in this State first. This consultation, including roundtables and collaborative forums later this year, will deliver a tangible pathway for meaningful and futureproofed reform that will last—reform that will respect and listen to the charities on which we rely. That demonstrates the commitment of this Government to do everything we can to maintain and build public confidence in trustworthy and accountable charitable organisations. We will ensure the charitable sector in New South Wales continues to thrive.

I would also like to assure the House that the provisions outlined in this bill do not alter, or make any amendments, to the exemptions that currently exist in section 7 of the Act. Those existing exemptions from the operation of the entire Act for religious bodies or religious organisations will continue to apply. The powers in this bill will enhance the existing inquiry powers under the Act and will support the maintenance of public confidence in donating to the large variety of worthy New South Wales charities. I commend the bill to the House.

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

**Motion agreed to.**

**Consideration in detail requested by Mr Matt Kean.**

### **Consideration in Detail**

**The DEPUTY SPEAKER:** By leave: I shall deal with the bill in groups of clauses and schedules. The question is that clauses 1 and 2 be agreed to.

**Clauses 1 and 2 agreed to.**

**The DEPUTY SPEAKER:** The question is that schedule 1 be agreed to.

**Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (20:36):** By leave: I move Government amendments Nos 1 to 6 on sheet c2017-062E in globo:

**No. 1      Determination of costs**

Page 3, Schedule 1. Insert after line 27:

**[6]          Section 41 (6)**

Insert after section 41 (5)

- (6)          When deciding whether to direct a person or organisation to make payments under this section, the Minister must take into account the financial viability of the person or organisation.

**No. 2      Procedural guidelines**

Page 5, Schedule 1 [6]. Insert after line 33:

**41F          Procedural guidelines relating to public inquiries**

- (1)          A public inquirer is to issue guidelines relating to the conduct of the public inquiry if the public inquirer considers it in the public interest to do so.
- (2)          Without limiting subsection (1), the guidelines may provide guidance on the following aspects of the conduct of the public inquiry:
  - (a)          the investigation of evidence that might exculpate relevant persons,
  - (b)          the disclosure of exculpatory and other relevant evidence to relevant persons,
  - (c)          the opportunity to cross-examine witnesses as to their credibility,
  - (d)          providing relevant persons and other witnesses with access to relevant documents and a reasonable time to prepare before giving evidence,
  - (e)          any other matter the public inquirer considers necessary to ensure procedural fairness.
- (3)          The public inquirer is to ensure that the guidelines are made publicly available.
- (4)          In this section:
 

***relevant person*** means a person against whom substantial allegations have been made in the course of or in connection with the public inquiry.

**No. 3      Public hearings**

Page 5, Schedule 1 [6], proposed section 41F. Insert after line 40:



- (4) When deciding whether to direct that a hearing be held in private (and without limiting subsection (3)), one of the matters that the public inquirer must take into account is the effect of a public hearing on the reputation of any persons appearing before the public inquiry.

No. 4 **Legal representation**

Page 6, Schedule 1 [6], proposed section 41G (3) and (4), lines 8-13. Omit all words on those lines.

Insert instead:

- (3) The public inquirer may authorise:
- (a) a person giving evidence at a public inquiry, or
  - (b) an affected person,
- to be represented by an Australian legal practitioner at the public inquiry or a specified part of the public inquiry.
- (4) The public inquirer is required to give a reasonable opportunity for a person giving evidence at a public inquiry to be legally represented.

No. 5 **Legal or financial assistance**

Page 6, Schedule 1 [6]. Insert after line 13:

**41H Legal and financial assistance for witness**

- (1) A witness who is appearing or about to appear before a public inquiry may apply to the Minister for legal or financial assistance.
- (2) The Minister may approve the provision of legal or financial assistance to the applicant if the Minister is of the opinion that this is appropriate, having regard to any one or more of the following:
- (a) the prospect of hardship to the witness if assistance is declined,
  - (b) the significance of the evidence that the witness is giving or appears likely to give,
  - (c) any other matter relating to the public interest.
- (3) On giving the approval, the Minister may authorise the provision to the witness of legal or financial assistance determined by the Minister in respect of the witness's appearance before the public inquiry. The assistance is to be provided out of money provided by Parliament for the purpose.
- (4) The assistance may be provided unconditionally or subject to conditions determined by the Minister.
- (5) The Minister may delegate one or more of the Minister's functions under this section to the Secretary of the Department of Finance, Services and Innovation.

No. 6 **Self-incrimination**

Page 7, Schedule 1 [6], proposed section 41L (6), line 45. Omit "(except subsection (2) (b))".

I move these amendments in order to improve the operation of the provisions contained in this bill. The amendments are the culmination of a collaborative process and I wish to thank all members who helped refine the amendments that I am now putting forward. I would particularly like to acknowledge the work of the shadow Minister in arriving at this point. The amendments contain important safeguards that are imperative to the operation of the Act, to ensure transparency of public inquiries and to ensure that the enhanced powers contained in this bill are exercised in a way that upholds the rights and protections of witnesses. I will address the amendments in turn.

Firstly, on the determination of costs, section 41 of the Act currently allows the Minister to direct that costs can be payable by persons or organisations that are the subject of an inquiry. It is proposed to amend the bill to further provide that the Minister must have regard to the financial viability of the person or organisation before issuing a direction for costs under section 41. This amendment will ensure that financial viability of an organisation is required to be taken into consideration when a Minister is exercising his or her power under the existing and amended provisions. Proposed section 41M of the bill currently confers all the rights, powers and privileges of a judge of the Supreme Court of New South Wales on the public inquirer. I propose that the bill be amended to require the public inquirer to issue procedural guidelines relating to the conduct of the public inquiry if it is in the public interest to do so and that, where issued, the inquirer must ensure the guidelines are publicly available. This amendment ensures that where relevant persons to the inquiry require additional safeguards and the public inquiry requires additional accountability and transparency of inquiry procedures, the public inquirer is required to issue procedural guidelines to afford relevant persons procedural fairness.

Currently the bill provides that the public inquirer has the power to determine whether hearings are to be conducted in public or in private. It is proposed to amend this section of the bill by requiring the public inquirer to have express regard to the impact that a public hearing would have on the reputation of the affected persons. This amendment is crucial to allow the public inquirer to create the ideal atmosphere for the giving of evidence and to ensure those who cooperate with an inquiry are appropriately protected. Proposed section 41G of the current bill provides that the public inquirer can allow an affected person to be represented by an Australian legal practitioner or any other person the inquirer believes is capable of representing the affected person. It is proposed to amend this provision to mirror the provisions relating to legal representation as set out in section 33 (1) and (2) of the Independent Commission Against Corruption Act 1988. The mirrored provisions provide that the inquirer may authorise a person giving evidence at a public inquiry or an affected person to be represented by an Australian legal practitioner. Further, the public inquirer must give a reasonable opportunity for a person giving evidence at a public inquiry to be legally represented. This amendment ensures that all witnesses and affected persons are afforded appropriate legal representation.

The proposed amendment would allow a witness appearing before a public inquiry to apply to the Minister for legal and financial assistance. The proposed amendment is based on section 52 of the Independent Commission Against Corruption Act. The Minister could approve such assistance if he considers it appropriate given a number of factors, including potential hardship, the significance of the evidence and any other factors relating to the public interest. I believe that this amendment will bolster and enhance the procedural fairness provisions in the bill. Finally, when providing evidence to an existing non-public inquiry before it is reconstituted as a public inquiry, the bill as currently drafted does not require a witness to be warned about the risk of self-incrimination. This amendment removes "(except subsection (2) (b))" to require that the warning requirement extends to evidence gathered before the inquiry is reconstituted. This will broaden the protections afforded to witnesses.

**Ms YASMIN CATLEY (Swansea) (20:42):** I speak on the amendments moved by the Minister and member for Hornsby. First, I thank the Minister for Innovation and Better Regulation for listening to the concerns the Opposition has raised about the Charitable Fundraising Amendment (Inquiries) Bill 2017. It is refreshing, especially in the context of a government that has a record of riding roughshod over the will of the people—and we have seen a lot of that today—to have a Minister who is willing to listen to the valid concerns about the content of the bill and is sensible enough to negotiate and cooperate. I thank the Minister for that.

The amendments moved by the member for Hornsby demonstrate that, after what I am sure was very careful and thorough consideration of the content of the bill, he came to the same conclusions as the Labor Opposition. The bill needed to be amended to ensure there were adequate checks and balances in place to temper the additional discretionary powers of the Minister. These amendments address most of the concerns I raised earlier today. Affording individuals who must appear before the inquiry with the opportunity to obtain legal representation is so important, particularly in the context of the RSL inquiry. We know that many veterans suffer from post-traumatic stress disorder [PTSD] and ensuring they have access to support and legal representation means they will not be disadvantaged by the systems in place.

The inclusion of provisions for financial and legal assistance to be made available to witnesses called to appear before a public inquiry will ensure that innocent parties are not caught up in the pursuit of those accused of wrongdoing. The inclusion of procedural guidelines when appropriate to do so and ensuring these are publicly available means that individuals can be confident that the dictates of procedural fairness will be followed, as would be expected in a quasi-judicial process such as a public inquiry. When determining whether hearings will be public or not, ensuring that a public inquirer must give due consideration to the effect on the reputation of an individual who is called to appear before an inquiry means that we will avoid show trials.

With the abrogation from the privilege against self-incrimination, it is essential that there are necessary protections in place. I am pleased that the amendments seek to provide those protections for witnesses called to a public inquiry. We do not want, as a result of this bill, to see good charities forced into insolvency because of the misconduct of a few bad eggs. Whilst I am pleased that these amendments include the requirement for the Minister to take into account the financial viability of the person or organisation when determining costs, the Opposition will maintain a watching brief on this front to ensure this discretionary power is not misused in any way.

However, we have one remaining concern that has not been addressed in these amendments. As the Minister himself said, sunlight is the best disinfectant. The spirit of the bill would seemingly be to expose wrongdoing and encourage improved governance in charitable organisations. However, the fact remains that section 41E of this bill still vests in the Minister the discretionary power to publish the findings of a public inquiry. I said it before and I will say it again: Why go to all the effort of holding a public inquiry if the findings are to remain a secret? The Minister maintains that public inquiries will be held only in circumstances where it is in the public interest to do so. It would logically follow then that the public interest would also be served by publishing

the findings. Therefore, we will not be opposing these amendments today. However, we will be seeking a further amendment in another place to ensure that the spirit of the bill, to uphold the public interest, is consistent in all sections.

**The DEPUTY SPEAKER:** The question is that Government amendments Nos 1 to 6 on sheet c2017-062E be agreed to.

**Amendments agreed to.**

**The DEPUTY SPEAKER:** The question is that schedule 1 as amended be agreed to.

**Schedule 1 as amended agreed to.**

### **Third Reading**

**Mr MATT KEAN:** I move:

That this bill be now read a third time.

**Motion agreed to.**

### *Private Members' Statements*

#### **WYONG ELECTORATE COMMUNITY BUILDING PARTNERSHIP GRANTS**

**Mr DAVID HARRIS (Wyang) (20:48):** Tonight I update the House on the progress of the 2016 Community Building Partnership grants received in the Wyong electorate. We are very appreciative that the Government has continued to fund the electorate to the tune of \$300,000 a year, but I draw the attention of the House to the fact that formerly it was \$700,000. I have spoken to many Government members who think this is a good program, so I encourage the Treasurer to increase the funding to allow more programs.

Under this round, 11 projects were funded in the Wyong electorate. There were some very good projects. The Glen, which is a drug and alcohol rehabilitation centre, received \$9,709 to upgrade its gymnasium so that people undergoing programs at the centre would have good facilities to keep themselves fit and healthy. The centre runs a fitness program as well as Aboriginal cultural programs. The Glen is an award-winning establishment that is supported by many big corporations and leads the way in drug and alcohol rehabilitation. I am very happy that the program received the funds in order to support the work they do.

On Monday I visited Wyong High School to present a big cheque. The school received \$25,000 to upgrade its Mud Hut, which is a community room. The community room will be used for school activities and will be hired out for community use as well. This facility will benefit the entire community. The Young Men's Christian Association [YMCA] of Sydney received \$18,665 to install a shade cover above the children's playground adjacent to the Lake Haven Recreation Centre. It is waterproof so the playground will now be able to be used in all weather conditions. The playground is next door to a child care centre and crèche, where parents can leave their children while they undertake programs at the recreation centre.

The Wyong Lakes Australian Football Club received \$40,000 to rebuild its clubhouse which, unfortunately, had been burned down by arsonists a few years ago. The club has been fundraising to rebuild its clubhouse. This \$40,000 will help the club get underway with providing a great facility for its members and the general community. The volunteer-run Marine Rescue at Toukley received \$7,392 to install a mezzanine floor. The Toukley and District Senior Citizens Club received \$3,578 to replace worn carpet in their dining area. The Norah Head Surfing Fraternity received \$50,000 to establish an equipment storage shed as part of its fortieth anniversary celebrations. Now they will have a place to store gear, public address [PA] systems, barbecues and other things. That is another great organisation which does good things for young people. The newly built Warnervale Regional Church received \$68,656. The church has established a variety of community rooms for all sorts of different purposes, and the grant will go towards fitting those rooms with audiovisual equipment and other things. This is a great new facility for the community in the Warnervale area.

Sunnyfield received \$7,000 to build an undercover walkway at one of its houses for people with disabilities. That is a real bonus for them. The Wyong District Tennis Centre received \$50,000. With this funding, the centre has been able to upgrade four of its courts. It is part of a major overhaul which includes shelter sheds and new paths. It means that they can now hold statewide tournaments and other events. I have met with club members and presented trophies. They are very appreciative of the funding. By the end of this year, all of their courts at this great facility will have been upgraded. Finally, the Charmhaven Tennis Centre received \$20,000. The centre was having problems with water run-off. A retaining wall has been built and new gardens planted to make sure that water does not run onto the courts and damage them. They are also planning an expansion. I know that all of these organisations are very thankful for their grants.

## BATHURST ELECTORATE INFRASTRUCTURE

### **Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (20:53):**

It gives me great pleasure to speak in the House about a number of projects that have been funded in my electorate. Not a week goes by where money is not delivered to communities in my local area. That is a significant difference under this Government. This Government is ensuring that regional and rural New South Wales is receiving investment and its fair share of funding, after having been neglected for such a long time. These projects make a significant difference to people's lives. Whether the projects are large or small, they all have an impact on people day in and day out.

I was very pleased to visit the remote Glen Alice community. There is not a large town in the area and the community is more than 100 kilometres away from Bathurst. When I was there I announced funding of \$207,000 through the Clubgrants category 3 program. This is a significant investment in this part of the world. There have been 88 fires in this area over the past three years. It is susceptible to fire because of the surrounding Wollemi, Gardens of Stone and Capertee national parks. There is only one road in and out for the residents who live in the valley, which makes them especially vulnerable to fires. The money that will be spent in this area will go towards improving their hall with a new kitchen, disabled access, a deck, reverse cycle air-conditioning and landscaping.

Importantly, this grant will mean that emergency services personnel, when they go to this area to deal with fires and emergency situations, will be well catered for at this great facility. If members of the community have to leave their homes, they will be able to stay at the hall until it is safe to return home. This community has ensured that the hall will not be used only in times of emergency. The hall will be used all year round to cater for tourism and other events and the money raised from these events will be invested back in the local community.

In relation to transport in Bathurst, I recently announced \$120,000 for additional shelters to be located outside the Stockland shopping centre. This will make a big difference to the many families and elderly people who shop at the complex. Previously there was no covered area outside the centre. Now they will be protected from the sun and rain. Significant improvements are being made to the kerbs and guttering for people with disability. The taxidriver's have indicated that this is a fantastic project that the New South Wales Government is delivering. Footpaths and cycleways are also significant to our communities because they connect communities and larger centres with villages and new subdivisions. A lot of growth is taking place in Bathurst. We must continue to invest in cycleways and footpaths so that people can enjoy a healthy lifestyle.

I recently had the opportunity to attend the O'Connell Fire Station where the \$762,000 project will mean a brand-new fire station. Work has already commenced. The old station, which was fairly small, will be replaced. It will have built bays for the vehicles, meeting rooms, an office, a lockable hose drying rack, new furniture, a roof collection water tank for firefighting purposes and kitchen and bathroom amenities. This Government is supporting the good members and volunteers of the Rural Fire Service. I was pleased to be able to join the council and members of the local brigade for another great announcement in my area.

## **MOSMAN DAILY 100TH ANNIVERSARY**

**Ms FELICITY WILSON (North Shore) (20:58):** This year marks 100 years of my local paper, the *Mosman Daily*. Today I recognise and thank them for their contribution to our community throughout that time. In the early days, the *Mosman Daily* was delivered free to front doors in Mosman every day except Sunday. It has since grown to include the lower North Shore and has expanded significantly from its original four pages. For a whole century the *Mosman Daily* has been an integral part of living on the North Shore and its place in our community over the years has documented boundless iconic moments and swathes of iconic people. From Brett Whiteley, John Meillon and Sir Donald Bradman to Sir William Cullen, Marie Bashir, Ted Mack and renowned artist Ken Done, the lower North Shore has been home to many of Australia's finest and they have all graced the pages of the *Mosman Daily*.

The *Mosman Daily* has reported on the brightest and darkest moments in our community's long history. We experienced two world wars and a depression, the tragic Luna Park fire, a tornado ripping through Mosman, the opening of our iconic Taronga Zoo, which continues to flourish, the construction and completion of the Sydney Harbour Bridge, and a constant flow of positive local victories. These iconic moments are the backdrop and core of the *Mosman Daily*—local people, local issues and local news. The newspaper is in tune with the heartbeat of the community and has covered transport, traffic, development and local politics for the past century. The 100th anniversary edition presented a range of stories about the history of the paper and our local area as a walk down memory lane. These stories told us how the paper came to life during World War I. Although restrictions on coverage hindered some content, it was a crucial part of the community which informed families and friends of who had died or been injured in the war and what events wartime charities were working on.

Stories from the 1920s to the 1940s highlighted what was screening on four or five local cinemas, alongside a predominance of sporting stories. In 1954, the front page was devoted to the Queen's visit to Mosman. Closer to our own world of politics, the attempted assassination of Labor leader Arthur Calwell outside Mosman Town Hall in 1966 carried the headline "It couldn't happen here." One constant over the years has been the traffic, which the *Mosman Daily* states began to hot up in the 1950s. A front-page photo showed seven cars crowding Spit Junction, which surely sounds like bliss to the current users of Spit Road and Military Road, and more so to the member for Manly, who is in the Chamber. For its 100th anniversary, the paper also unveiled a makeover and the new-look paper features a new north-side column dedicated to local personalities and events, expert pieces on gardens, home interiors, a glossy food and drink section, and more.

To the editor of the *Mosman Daily*, Brett Thomas, and NewsLocal editor-in-chief, Kathy Lipari, your leadership and facilitation of the unrivalled local news outlet is second to none. To NewsLocal Managing Director Michael Wilkins, thank you for continuing to guide this paper even 28 years after being a local reporter with the *Mosman Daily*. The paper's 100th birthday was marked by a gala event attended by key community leaders and personalities. I was honoured to attend the celebration at the beautiful Public Dining Room in Balmoral. It was a great night and I enjoyed seeing representatives of the Mosman Lions Club, the Mosman Croquet Club and the Mosman Chamber of Commerce. I also caught up with our local royal, the self-titled Prince of Wy, Paul Delprat, who delivered a telegram in his usual style to mark the anniversary. I acknowledge my local Federal members of Parliament, the Hon. Tony Abbott, the member for Warringah; and the Hon. Trent Zimmerman, the member for North Sydney; and local mayors Peter Abelson of Mosman and Jilly Gibson of North Sydney, who also attended the celebrations to mark this milestone.

To the entire team at the *Mosman Daily*, past and present, your contribution to the local community is truly unparalleled and I extend a most heartfelt thank you. I know the paper will continue to be the lifeblood of our community for another century.

#### STRATHFIELD ELECTORATE INFRASTRUCTURE

**Ms JODI McKAY (Strathfield) (21:02):** I have spoken many times in this House about the development and infrastructure issues facing my community. Once again I feel compelled to bring North Strathfield to the attention of this House because it is a real concern for my community. It is not a large area and is tucked between the rail line, Sydney Olympic Park and Parramatta Road. The area faces enormous uncertainty because the Government has failed to make a decision on transport connections and infrastructure. That has led to a lack of clarity on rezoning which in turn has led to anxiety for residents who are unsure whether their neighbourhood will stay the same or change. This uncertainty also impacts on whether residents decide to stay or leave.

Although I have spoken a number of times about the issues confronting North Strathfield, recent developments have convinced me that I must once again bring these issues to the attention of the transport Minister and the planning Minister. The difficulties of these communities began with the construction of WestConnex which led the Government to transform, so it said, Parramatta Road and the Parramatta Road transformation plan was created. The plan proposed significant growth in areas such as North Strathfield. I was willing to give the Government the benefit of the doubt that this plan would better my community. However, no change whatsoever has taken place on Parramatta Road. Instead, the people of North Strathfield are confused. This week it was uncovered that the transformation of Parramatta Road was never the objective of Government. Development was always its objective.

I discovered that in the months before this plan was released, UrbanGrowth commissioned a report which showed that there could be \$65 billion in development in this area which would generate \$1.35 billion in stamp duty, \$644 million in value capture, and section 94 contributions of approximately \$521 million. I have spent six months trying to get this report released through the NSW Civil and Administrative Tribunal. It shows that development, stamp duty and section 94 contributions were the drivers for this project, not the transformation of Parramatta Road. Nothing has changed on Parramatta Road since this plan was released. As part of that original plan, the Government then proposed light rail from Parramatta through Olympic Park into Strathfield. This was welcomed by all. The Government's inability to finalise the route was causing uncertainty for developers and UrbanGrowth was forced to finalise its Parramatta Road plan.

There is much uncertainty for my community. The situation is more confusing as the days progress because we now know the Government is looking at Metro West. I support Metro West. Improvements in rail should be made in Western Sydney but the Government is moving too slowly. Metro West will not be delivered until the late 2020s. Then there is the recent announcement made by the planning Minister of the Greater Parramatta Priority Growth Area. That also identifies some 12 precincts. We now know that the Homebush precinct, which was part of the Parramatta Road transformation plan, is now within the Parramatta Road priority growth precinct plan. The Minister has not told us what has changed. I can only presume that nothing has changed. The population figures are the same and the dwelling intensity is the same. However, one thing is different. A little map displaying

the precincts outlines a rail line from Parramatta through Olympic Park to North Strathfield, makes a turn and comes into Strathfield. I have a sneaking suspicion that the rail line is not supposed to be on that map.

However, there is still terrible uncertainty for my community. The business case for light rail is now three months late and the plans for Metro West are a long way off. In the meantime, the residents of North Strathfield have to put up with this uncertainty and the construction of WestConnex. The North Strathfield railway station also has no lift access, and because of the uncertainty the Government will do nothing about it. There are no plans for the congested Underwood Road and no plans for George Street. These projects are in complete paralysis. I ask both Ministers to provide my community with some certainty by revealing the transport connections and the rezoning plans for this area and they must do that as a matter of urgency.

#### **BARWON-DARLING RIVER WATER SHARING PLAN**

**Mr KEVIN HUMPHRIES (Barwon) (21:07):** The management of the Barwon-Darling river system between Menindee and Mungindi in the north is a specific issue that relates to the Barwon electorate. On average, 3,300,000 megalitres flow through the Menindee gauge each year. Across the river system, 189,000 megalitres or 6 per cent of all flows go through the system. The environment and end-of-system flows are allocated 3,111,000 megalitres or 94 per cent of the flows through the system. The Barwon-Darling system contributes 2.84 per cent of water to the whole Murray-Darling Basin. The ABC *Four Corners* program is false to propagate that two water holders control 70 per cent of the water when only 6 per cent is available for production. It is also false to propagate that since 2012 water-sharing plans for irrigation on the Murray-Darling have increased. The extraction limit pre-2012 when discussions began was 523,000 megalitres. Post 2012 this was reduced to 189,000 megalitres—a reduction of 334,000 megalitres for the environmental end-of-system flow. It is false to propagate the comments from two graziers who implied there are no limits to water extraction on the Barwon-Darling system. Clearly this is false, and needs to be acknowledged as such.

It is also false to propagate that water is being traded up, down and all over the system when there are only four inter-trading zones at which trading can only be undertaken locally. This is largely around the historical irrigation districts of Mungindi, Brewarrina and Bourke. It is false to propagate the notion, as stated by Mr Mal Peters and supported by the ABC, that water sales and transfers are transfers of wealth from one part of the community to another. That is not how a free market or democratic society works. It smacks of envy and extreme socialist views and does not reflect the reality of rural agri-based economies like western New South Wales. It is also false to propagate or promote the illusion that all irrigators are taking water illegally.

It is false to propagate that compliance action has not been or is not being undertaken along the Barwon-Darling system. This is an issue that we all take seriously, given the precious nature of the intermittent water supply. In any given year around 500 investigations are carried out under the Water Management Act in New South Wales. There are also currently 47 water regulation officers in Department of Primary Industries Water who are authorised to undertake compliance activities and 69 officers in WaterNSW engaged in compliance activities across the State. Since 2010 investigations have resulted in 27 prosecutions, 369 penalties notices, 377 stop work orders and 30 remediation orders. Everybody within the system supports compliance. It is an important issue.

It is false and disingenuous to promote comments from disgruntled bureaucrats who did not survive a restructure of WaterNSW or a farmer who goes broke only to take out vexatious retribution on the new owner. It is false to promote a hearsay allegation that a Minister can override a water extraction embargo on the Barwon-Darling. That comment relates specifically to me. The comment was never made by me to an individual or at a meeting, nor is it possible for anybody in the representative position of a member or a Minister to override a gazetted process which only follows after due diligence and a lot of considered assessment by Office of Water officials. It is improper for the ABC to impugn any representative's reputation without the facts or reference to proper due diligence by the appropriate authorities. The bias and innuendo would indicate another agenda, and it is largely anti-rural.

The Murray-Darling Basin Plan seeks to recover 2.75 million megalitres of surface water from the system. Some 2.1 million megalitres has already been retrieved and recovered. That is about 73 per cent; there is a little bit more to go. An amount of 290,000 megalitres has come from the northern basin and 32,000 megalitres has come specifically from the Barwon-Darling system. There is more to go, but at the end of the day people like me will only support more recovery through efficiency gains and infrastructure improvements. The ABC report on the Barwon-Darling was full of factual errors, bias and poorly researched allegations. These are the people who gave us the live cattle debacle that nearly killed off a multimillion-dollar industry for this country. They tried to kill off the greyhounds with an emotional report. They have rubbished retirement villages in recent programs and they have seriously overreached, first on land clearing and now on water. This type of coverage brings the credibility of its reporting into disrepute. It undermines the good work that has already been achieved through the Murray-Darling Basin Plan and that which is to come.

### MANLY WEST CARNIVAL

**Mr JAMES GRIFFIN (Manly) (21:12):** It is my pleasure to share with the House some details about the planning and hard work being done for the upcoming Manly West Carnival. The Manly West Carnival is one of the most popular events across the northern beaches. Anyone who has grown up in Manly has most likely attended the Manly West Carnival. The success of the carnival, which had humble beginnings, comes as a result of not only the wonderful and diverse mixture of activities and events on offer but also the efforts of local parents. This year the carnival will be held on Saturday 16 September from 10.00 a.m. until 4.00 p.m.

The planning and organisation is well underway. I acknowledge and thank the Manly West Parents and Citizens Association—specifically President Ben Goodland, Vice President Helen Yardley, Vice President Kate Grant, Secretary Kirsten Highnam, Treasurer Michelle Lewis and executive members Rebecca Sutherland, Sarah Bickford, Clinton Alver, Tracey Martin and Megan Harries. It is only through the support of Principal Julie Organ, Deputy Principal Adrienne Bruce, Deputy Principal Wendy Mwanga and newsletter coordinator Joy Milner at Manly West Public School that the carnival is and will be such a great success.

The Manly West Carnival has also benefited from the support of truly community-minded estate agency Cunninghams. Parents and citizens associations, or P&Cs, like the one at Manly West are the beating hearts of our communities. I am particularly proud of the efforts of the Manly West P&C for bringing the carnival to life for yet another year. Anyone who has attempted to organise even a small community event, let alone one as complex as the Manly West Carnival, will appreciate the time, energy and commitment required. If people want to see a community that cares for one another, wants the best for its kids and comes together to achieve wonderful things I encourage them to enjoy an afternoon at the Manly West Carnival. I again acknowledge the efforts of the hardworking Manly West P&C and the carnival organising committee. They embody community spirit and I am grateful for their efforts. I wish them all the best in the planning stages and look forward to attending the carnival in September.

**Mr DARYL MAGUIRE (Wagga Wagga) (21:15):** I offer my compliments to the Manly West Public School Parents and Citizens Association. As a long-serving member of this Parliament, I must observe how well the member for Manly has settled in and how hardworking he is. It is refreshing to see a member who is so involved in his community bringing issues to the House that are of interest to us all. I compliment him on the way in which he has adapted to this place and on the issues he is raising. It is refreshing for members to witness. I wish him and Manly West P&C well on 16 September.

### UNREGISTERED MOTORCYCLES

**Mr CLAYTON BARR (Cessnock) (21:16):** I speak about an issue that affects a number of communities across the State. I will primarily talk about my community because that is the purpose of private members' statements. Unregistered motorbikes and unlicensed riders are terrorising our neighbourhoods and hooning around our streets. I must admit that the community that I have the privilege to represent has a long and proud history of motorcycle ownership. It would be difficult to find many families without somebody who grew up riding a motorbike—which, to be fair, was probably unregistered—between home and the bush. I do not seek to diminish the fact that such behaviour is illegal and should not be condoned in any way. However, unregistered motorbikes have historically been used just to access the bush and get home.

I empathise with those who live near bushland and understand that 100 or 200 motorbikes might go past their house on a typical Saturday or Sunday. But in more recent times the bigger problem has been unregistered and unlawful motorbikes that are being used to terrorise our streets in the middle of the night. It is clear that the riders are using their motorbikes for drug running. I have enormous sympathy for our police, who are essentially unable to pursue these bikes. Even if police could pursue them, there would be no point because the riders would immediately head into the bushland that surrounds the great electorate of Cessnock and be gone.

The unfortunate truth is that criminals not only in Cessnock but also across New South Wales seem to have worked out the rules of engagement: They know that if they are on a motorbike the police are essentially unable to engage. I have stood with police at community barbecues and other social events and seen motorbikes overtake cars on double yellow lines. The riders are not wearing helmets and have no licence or registration yet they stick their finger up at our great police officers as if to say, "Come get me, cop. I know you can't." This is a real problem and I do not pretend to have the solution. The reality is that unregistered motorbikes are a growing scourge in our community. They are certainly some of the more frequently complained about incidents in the Cessnock electorate. Frankly, there is a sense that we are gradually losing control of our streets because these people who are operating illegally seem to know they can get away with it.

The drugs seem to enter Cessnock at certain points by car or other form of vehicle but the multiple motorbikes go to a single site for the distribution to take place. Then, between 2.00 a.m. and 4.00 a.m., they loudly

zip off to various parts of the electorate, which leads to more motorbike activity in the middle of the night. It is incredibly unfortunate. I sympathise and empathise with the community and the police. As a member of Parliament, I am compelled to raise these matters because of the things I hear through my electorate office, in telephone calls and emails, and in social conversations with my friends, family and other community members. Something needs to be done to address the issue of unregistered motorbikes and unlicensed riders who do not wear helmets and are clearly drug mules.

I sympathise and empathise with the Minister for Police because this is an almost seemingly impossible problem to fix, but fix it we must. I have had some very good conversations with my local police inspector and with the Minister for Police. We all recognise that this is a problem and we need to find a way forward. I urge those in my electorate who are doing the wrong thing to take a different path. I urge those good and honest citizens in my electorate who know or live beside a person who constantly comes in and out of their residence on an unregistered motorbike to report them to the police. If the police know where these people live they can track them down. But mine is not the only electorate affected. We have to get rid of these people from our communities.

### CENTRAL COAST LOCAL GOVERNMENT ELECTIONS

**Ms YASMIN CATLEY (Swansea) (21:21):** Exactly one month from now voters on the Central Coast will go to the polls to vote for their local representatives in local government. Labor has put together an incredible team of community members who I am confident will do us proud on September 9, and I have no hesitation in throwing my support behind our candidates in the Budgewoi ward. Doug Vincent, Jillian Hogan and Rowan Turnbull are upstanding members of the community who will make excellent representatives for Labor and their local communities. I have known Doug for the best part of a decade. As a former councillor on Wyong Shire Council, I have always known him to be a thoughtful and passionate community representative. As a union activist, who has always put the interests of workers and their families first, Doug is salt of the earth. His integrity, leadership and grassroots activism as a councillor has meant that he has built strong relationships with his community based on respect. People trust that Doug will always stand up for them and for what is right for their community. I know that he will continue to represent his community with vigour, conviction and integrity. I look forward to working closely with Doug to build the communities in the Budgewoi ward.

Over the past 28 years Jillian Hogan has demonstrated that she is absolutely committed to standing up for her community. In 1989 Jillian began working at the San Remo Neighbourhood Centre—she has literally built it up from its foundations. As the manager of the neighbourhood centre, she has made such a difference to the lives of people—especially young people. She has created a safe and welcoming place for them to come and be a part of their community. Jillian has personally developed and delivered youth programs throughout the northern suburbs of the Central Coast, established a men's shed and community garden, and started the Community Drug Action Team. Jillian's track record of delivering for her community is way too long to list but she works tirelessly for her community. She is highly regarded and respected by all. Last year I was honoured to present her with the Swansea Woman of the Year Award. Jillian knows that she has my support and I know she has the overwhelming support of the broader community.

Rowan Turnbull is an impressive young man, with energy and enthusiasm for his local community. He is a pharmacist and a Lake Munmorah local. Rowan is a caring person who has always looked out for other people. His conviction for justice, fairness and equality mean that he is well placed to represent Labor next month. I know that he will work hard over the coming weeks to ensure there is no shadow of a doubt when people go to the ballot box. People know that Labor stands up for the Central Coast and Labor will make sure that the north gets its fair share. I am confident that this local Labor team has the courage and conviction to be great representatives on the Central Coast Council. I look forward to their working together and supporting each other in the future.

**Mr DARYL MAGUIRE (Wagga Wagga) (21:24):** I remind the member for Swansea that private members' statements should be used to raise matters of concern in the House such as the member for Cessnock did. They are not to be used as a platform for members to advertise and campaign for colleagues running for local elections. I politely let the member continue because she is new to this place. But I repeat: Private members' statements are a forum whereby members bring to the attention of the Government and others concerns raised by local constituents. I urge the member for Swansea to study the standing orders of this Parliament and try not to overstep the mark again as she did tonight.

### PORT STEPHENS ELECTORATE EDUCATION WEEK EVENTS

**Ms KATE WASHINGTON (Port Stephens) (21:25):** Last week we celebrated Education Week in New South Wales. It is a week to celebrate, highlight and promote the remarkable achievements in schools across our State and, from all I see happening at the schools in my electorate, there is plenty to celebrate. This year's theme was "I learn, we learn" and its focus was to celebrate the high-quality, personalised learning culture within our schools. Education Week is a time to recognise the hard work and dedication of our teachers, as well as the talent



and passion of our students. Not only does Port Stephens have the best beaches in New South Wales but also we are blessed with some of the hardest-working teachers and the most talented students in the State.

Every school day across my electorate school principals and teachers work with students to help them achieve their potential to be the very best they can be. Last week students in many schools showcased their talent and I was once again disappointed that Parliament was sitting during Education Week. This means that most of us, particularly those who represent regional communities, miss out on seeing the Education Week extravaganzas such as the enormously successful "Showcase", hosted by Irrawang High School in Raymond Terrace. Irrawang High School showcases all the students who form part of the Lakeside Learning Community—Irrawang Public School, Grahamstown Public School, Medowie Public School and Wirreanda Public school.

Over two nights 1,000 people saw students shining in all areas of the performing arts, gaining experience with professional lighting, staging and sound. "Showcase" would not be complete without the amazing Irrawang High School Drum Corps. These kids do amazing things and perform everywhere. I absolutely love it. It is not a performance you just listen to; you feel it through your whole body. Nor would the night be complete without the amazing Irrawang High School dancers. The creative and performing arts [CAPA] program at Irrawang High School is incredible.

Last week students from each of the Lakeside Learning Community schools, together with Hunter River High and Raymond Terrace Public schools, showcased their talents in the wider community performing at MarketPlace Raymond Terrace—our local shopping centre. MarketPlace Raymond Terrace not only hosted the performances but also paid for the students to be bussed from their schools to the shopping centre. It even presented a cake to the year 12 students it has supported since year 7. This illustrates the strong collaborative approach of our community. I pay special tribute to Irrawang High School's CAPA head teacher, Adele Robinson, who has had the mammoth task of organising both events during Education Week for all the schools. This is an example of how hard our teachers are willing to work, and there are many more examples across other schools.

None of this would happen without the support and leadership of school principals Paul Baxter, Irrawang High School; Deb Dibley, Hunter River High School; Philippa Young, Wirreanda Public School; Stacey Mathieson, Irrawang Public School; Allison Thompson, Medowie Public School; Michele Winn, Grahamstown Public School; and John Picton, Raymond Terrace Primary School. I also make special mention of the deputy principal from Irrawang High School, Michael O'Brien, who has retired after 38 years, three months and 27 days of teaching in public schools. Mr O'Brien has made a difference to the lives of children from Dorrigo to Nyngan and Raymond Terrace. Outside of school he also made a significant contribution through his local, State and national roles in the sport of water polo. His other big contribution to education in my eyes is his daughter, who also took up teaching. My youngest child had the benefit of a year with the amazing Erin O'Brien. Congratulations and thank you, Michael, for your years of service to education and our community.

Thank you to all the principals and teachers at all the schools in Port Stephens for all your hard work and for making a difference to young people's lives every day. My parents were both teachers so I grew up knowing that teaching is not a job, it is a life. Witnessing the collaborative approach of our schools, I am reminded of a frequently used expression: It is a village that raises a child. It rings true in Port Stephens because it is demonstrated every day in our schools, with strong partnerships between schools, families, businesses, service clubs, community groups and volunteers. I thank the parents, grandparents and carers who partner with their children's schools to make sure they get the most out of it. I offer a special thank you to all the parents who go one step further and become members of the parents and citizens association, and who give up their free time to provide much-needed support. I have been there and done that, and know how difficult and time consuming it can be—but it is always so rewarding.

I thank the service clubs, community groups and many other volunteers who help out with reading groups and breakfast clubs or, as is the case at the Boat Harbour Tennis Association, provide free tennis lessons for students at Anna Bay Public School. There are so many other schools in Port Stephens where equally amazing things are happening. Education Week is an occasion worthy of celebration because our children and our schools provide the heartbeat for our communities.

#### **FOXGROUND AND BERRY BYPASS**

**Mr GARETH WARD (Kiama) (21:30):** One of the reasons I stood for Parliament was to fix the Princes Highway, and I could not be prouder than to stand here in Parliament and advise the House that the Berry bypass is now open to traffic around the historic village. Indeed, members of the House are well apprised of my passion to upgrade the Princes Highway, and I am sure that members will appreciate how satisfying it is to see such a major project come to fruition after too many years of talk. In the lead-up to opening the road to traffic, on Sunday 18 June 2017 I was very pleased to attend a great community celebration for the Berry Bridge Walk. I was extremely impressed with the more than 6,000 local residents who took this unique opportunity to walk this new

section of the Princes Highway in Berry. The project gives the people of Berry their village back, and I am hearing very good feedback from local residents who are extremely pleased with the reduction in their travel times and congestion.

The Foxground and Berry bypass project has created around 550 jobs since the start of the project and has provided a much safer highway over the stretch of the upgrade. Many businesses have benefited from the number of workers involved in the project, with terrific economic benefits to the local community since work started. While the Berry community gets its village back, I have no doubt that Berry will go from strength to strength as people are able to fully appreciate the special destination that is the village of Berry, minus the traffic congestion of the highway thoroughfare. The removal of steep climbs, sharp bends and the expansion of road shoulders make the Princes Highway a truly beautiful driving experience for all road users, through Foxground and through Berry. The number of crashes on the Princes Highway in the upgrade area is expected to be reduced by about two-thirds as a result of the newly provided divided highway.

This project has been talked about since 1955. Many people said, "I will never see it happen; I will never be alive to see it". Let me make one thing perfectly clear: When I make a promise to our community, I keep it. I take this opportunity to thank a few people. I thank my friends the Hon. Paul Green, MLC, the Hon. Don Harwin, MLC, and the member for South Coast—all have been tireless fighters for the Princes Highway. I simply could not have done it without our collective effort. My thanks go to the Regional Manager of Southern Region, Renae Elrington. I thank Renae for her leadership, patience and guidance throughout this project and many others. I also thank Ron de Rooy, who has been a project manager on this and other projects, Tanyia Tuckey, Roy Wakelin-King and Ken Kanofski.

I also acknowledge the Roads and Maritime Services staff on this project: project manager Ryan Whiddon, Leigh Madden, Lauren Topper, Ashley Watt, Kanex Kanagalingam, Vivian Murnane, Amanda Scott, Mal Hill, Steve Lum, David Finlay, Shane McCauley, Mick Le Cerf, Rob Wiya, Greg Cioccarelli, Matt Lane, Dan Horan, John Poposki, Nicholas Gontas, Daniel Pedroza, Mark Brockman, Ian Chapple, Chantelle Thomas, Shaun Walsh, Adrian Rouse, Nick Boyd, Annette Dawson, Natasa Sarin, Hala Sattouf, Mark Keech, Amanda Priestley, Robyn Lyster, Des Lawlor, Paul Leaudais and Matt Dawson.

I acknowledge the Fulton Hogan general manager, Paul DeBritt, who was the successful contractor for this project, and representative Karen Williams. Karen, in particular, has been the public face of Fulton Hogan and her smile like a cut watermelon was simply a delight every time I visited the project for an event. I thank also the Country Women's Association Berry branch treasurer, Jeanette Dwyer and the CWA team who assisted with the Berry Bridge Walk and all the catering. Also thanks must go to Paul Andersen, Immediate Past President of the Rotary Club of Berry, and his dedicated team of Rotarians and volunteers who hosted a community barbeque for a gold coin donation, which raised much-needed funds for the adventure playground project for children and their families in Berry and the Shoalhaven.

From Berry Public School, I also acknowledge school captains Noah Goodsell and Hannah Brittain, along with students Bradley Church and Gwendolyn Eyland, who assisted me with the time capsule as a tribute to what this project represents for future generations. I also thank them for joining me to cut the ribbon on the project and plant a fig tree as a symbol of what this project means to future generations. I also thank those volunteers who supported this event including my chief of staff, Melissa Jobson, and staff Cameron Walters, Jacob Sich, Zach Fitzpatrick, Cameron McLeod, Nick Cusack and Ben Blackburn from my office. I also thank Harry Stutchberry, Christopher Rath, Elliott Donazzan, Jasper Brewer, Sam Tedeschi, Henry Streamer, James Chadban, Ranjith Raj, Chaneg Torres, Richard Hodge, David Tregenza, Hugo Robinson, Paul Ell, David Tsor, Hannah Eves, Kit Hale and Lachlan Mansell for attending the event to help me push for signatures on my petition to secure funds in the State budget to upgrade the Princes Highway between Berry and Bomaderry.

As members will be aware, I fought this battle alongside my community and we won. It was a great day for Berry and a great day for the Shoalhaven—the largest-ever single investment in the Princes Highway delivered.

**Mr DARYL MAGUIRE (Wagga Wagga) (21:36):** I too have witnessed the improvements on the Pacific Highway as an occasional user. I congratulate all those people involved whom the Parliamentary Secretary named, in particular our parliamentary colleagues the Hon. Paul Green, the Hon. Don Harwin, the member for South Coast and the member for Bega, and of course I congratulate the member for Kiama. Indeed, the bypass has improved road safety and improved many aspects of road travel for those communities that live on the South Coast, with safer travel for industry and for individuals. I do not think any one person would claim credit for that improvement, but all those involved should share the credit, under the leadership of those members named—particularly the member for Kiama, who I know has worked tirelessly since he came to this place to deliver on his promise.

**TEMPORARY SPEAKER (Mr Geoff Provest):** I offer the member for Kiama congratulations on a great event, although I must admit that I will still be getting off the highway to go to the Berry pie shop. I wonder whether there is anyone in Berry that the member for Kiama forgot to mention in his statement.

*Bills*

**SYDNEY PUBLIC RESERVES (PUBLIC SAFETY) 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.

*Matter of Public Importance*

**INTERNATIONAL DAY OF THE WORLD'S INDIGENOUS PEOPLES**

**Ms FELICITY WILSON (North Shore) (21:38):** I bring to the attention of the House as a matter of public importance that today, 9 August, is International Day of the World's Indigenous Peoples. This year also commemorates the tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples. Ten years ago, on 13 September 2007, the General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples—a major milestone with respect to the cooperation and solidarity between Indigenous peoples and member states. The implementation of the United Nations Declaration on the Rights of Indigenous Peoples has achieved some major successes over the past decade; however, there is a need to address remaining gaps between the formal recognition of Indigenous peoples and the implementation of policies on the ground.

Before I outline the work of the Government in seeking to close the gap, I would like to reflect on the local Indigenous culture and heritage of my own community of North Shore, in acknowledgement of Australia's Indigenous peoples. In recent excavations of a rock shelter near Kakadu National Park, evidence was discovered that humans first reached Australia at least 65,000 years ago. That legacy is profound, and our Australian history is enriched by the preservation and understanding of ancient Aboriginal sites which help us to understand their culture and history.

The Sydney region has one of the richest suites of archaeological sites of any major city in the world. On the North Shore there are more than 100 recorded Indigenous sites in Mosman and more than 60 in the North Sydney local government area. The original occupants of the region I now call home, the Cammeraygal people predominantly, lived along the foreshore of Sydney Harbour and in the bushland and cliffs prior to European arrival. The Cammeraygal people lived in the area until the 1820s and are recorded as being in the northern parts of the Sydney region for approximately 5,800 years. One of the most notable Cammeraygal people is Barangaroo, who worked to communicate between the Aboriginal people and the early British colonists, and yet staunchly maintained her way of life with her people. She is also known as the wife of Bennelong.

In the North Sydney local government area, the landscape of Balls Head, Berry Island, Kirribilli, Cammeray and Cremorne is dotted with the cultural remains of the Cammeraygals and tells their story, even though the people themselves have been displaced. These foreshore areas, which have some incredibly fine examples of Aboriginal culture, caves and shelters along the waterways and trade routes, were another popular location for local tribes. North Sydney's sites, such as the Gadyan Track on Berry Island near Wollstonecraft, are part of their stories and legends. Gadyan is the Aboriginal name for the Sydney cockle, a shellfish common in middens found on the island. The Gadyan Track is a 750-metre walk which loops around Berry Island and portrays specific information regarding these sites so that Aboriginal cultural heritage is retained in both a traditional and contemporary context.

It is really important for us to maintain this remaining evidence of thousands of years of Aboriginal occupation on the lower north shores of Sydney Harbour, because it ensures that we have an impression of the traditional life of the Cammeraygal people. They hold great significance to Aboriginal people today, since they are direct physical evidence of the many thousands of years of history and occupation. It is believed that a number of clans lived in Mosman, including the Cammeraygal, Wallumedegal and Borogegal people. Evidence of Aboriginal occupation can be found in all landforms across the municipality. The rock art contains an impressive range of engraved and painted figures, including hand stencils, whales, fish, kangaroos and ancestral beings, and shell middens line the foreshore providing glimpses into the past. Mosman is fortunate in that a generous portion of its area comprises reserves, particularly along the foreshore, where preservation is therefore higher.

One of the most famous Mosman Indigenous inhabitants was Bungaree, who many people would know spent quite a bit of time forming a farm in the area around Middle Head to try to enculturate groups of families into a new way of life and who worked as an intermediary between colonists and Aborigines. The New South

Wales Government remains committed to providing many initiatives that are proving effective in working to close the gap that still exists today for Indigenous people at a local level. To achieve the goals of the Government's community-focused plan, Opportunity, Choice, Healing, Responsibility and Empowerment [OCHRE], we need to look at supporting strong Aboriginal communities today in which Aboriginal people can actively influence and participate fully in social, economic and cultural life.

To support this, in particular we need to look at the revitalisation and teaching of Aboriginal languages and culture—which is something the Government has focused on. The Government has also focused significantly on health policy and looking at reparation packages for the Stolen Generation.

**Mr DAVID HARRIS (Wyong) (21:43):** I begin by paying my respects to Aboriginal people from all across New South Wales who are represented in all of our electorates, and I acknowledge the very important duty we have to the elders and the young people to educate them and help close the gap. I thank the member for North Shore for bringing to the attention of the Parliament the International Day of the World's Indigenous Peoples. I also acknowledge at the table the former Minister and Parliamentary Secretary, the member for Port Macquarie, for the very good work that she initiated when she had the portfolio. We are looking forward to the Aboriginal language legislation coming hopefully later this year.

There are an estimated 370 million Indigenous people in the world, living across 90 countries. They make up less than five per cent of the world's population, but account for 15 per cent of the poorest. They speak an overwhelming majority of the world's estimated 7,000 languages and represent 5,000 different cultures. They have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live. Despite their cultural differences, Indigenous peoples from around the world share common problems related to the protection of their rights as distinct peoples.

Indigenous peoples have sought recognition of their identities and ways of life and their right to traditional lands, territories and natural resources for years, yet throughout history their rights have always been violated. Indigenous peoples today are arguably among the most disadvantaged and vulnerable groups of people in the world. The international community now recognises that special measures are required to protect their rights and maintain their distinct cultures and ways of life. Ten years ago, as the member for North Shore mentioned, on 13 September 2007 the General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples, which was a major milestone with respect to the cooperation and solidarity between Indigenous peoples and member states. As also was mentioned by the member for North Shore, recently it has been established that Aboriginal people have existed on our continent, now known as Australia, for over 65,000 years, which is very significant.

It was originally thought the Aboriginal people had existed on our continent for 20,000 years, then 45,000 years and now 65,000 years. The Aboriginal people have had a long continuous ownership of the land that we now call Australia. Many Australians do not realise that there is the United Nations Declaration on the Rights of Indigenous Peoples. It was put in place to try to protect the right of Indigenous peoples to practise and perpetuate their cultures, which was protected in that declaration. The declaration also calls for particular attention to the rights of children and for special measures to protect children against discrimination. As a nation and as a State, this is where we have to do a far better job because Aboriginal and Torres Strait Islander children are still being removed from their families at a rate of approximately 20 per cent of all child protection reports and one-third of all children and young people in out-of-home care.

In 2014 Aboriginal people in New South Wales were 11 times more likely than non-Aboriginal people to be imprisoned and 75 per cent of those sentenced in the previous 12 months to 2014 had already been incarcerated before. We also know that young Indigenous people are detained at 14 times the rate of non-Indigenous people. As a State, we are working together to improve the lot of Aboriginal people by increasing self-determination, by supporting Aboriginal economic development through Opportunity, Choice, Healing, Responsibility, Empowerment—or OCHRE—creating language nests and connected communities. These are all excellent initiatives but we must begin focusing on children who are in out-of-home care. Through justice reinvestment in particular, we must try to establish programs that keep young Aboriginal people out of the prison system, because each time someone goes into the prison system their disadvantage is magnified and more issues are created that are then passed on to the next generation.

I thank the member for North Sydney again for bringing this matter of public importance and I certainly commend the International Day of the World's Indigenous Peoples.

**Mrs LESLIE WILLIAMS (Port Macquarie) (21:48):** I thank my colleague the member for North Shore for bringing this matter of public importance to the attention of the House. I begin by acknowledging the traditional custodians of the land on which we are gathered, the Gadigal people of the Eora nation and pay my respect to Elders past and present. I acknowledge also the Aboriginal people from the land that I represent, the Birpai people,

and thank them for their custodianship and protection of our beautiful land. As the member for North Shore reminded us, it is 10 years since the United Nations Declaration on the Rights of Indigenous Peoples, which was adopted on 13 September 2017 by the United Nations General Assembly.

Whilst across the world much work is being done to address the challenges facing Indigenous people, all members would acknowledge that more work is needed. I am pleased that the New South Wales Government remains committed to providing many outstanding initiatives that are proving effective in working to close the gap. I was proud to serve as the Minister for Aboriginal Affairs for almost two years. During that time it was a genuine privilege to work closely with Aboriginal organisations, advocates and leaders to deliver initiatives in partnership that focused on the specific needs of local communities.

Although much more work is needed, we in New South Wales can be very proud. I know that most of the other States look to our Aboriginal policies for guidance. For example, the New South Wales Government's community-focused plan, OCHRE—Opportunity, Choice, Healing, Responsibility, Empowerment—focuses on education, language and culture, employment and accountability, which are essential for closing the gap and highlighting our commitment to this issue. Achieving greater economic prosperity for Aboriginal people is a priority for the New South Wales Government and this is also reflected in OCHRE. OCHRE takes a holistic approach to Aboriginal economic prosperity and initiatives within OCHRE include industry-based agreements, public sector procurement and employment.

I highlight a couple of other initiatives referred to by other members, including the NSW Government policy on Aboriginal participation in construction, which was introduced by the New South Wales Government last year making it compulsory for contractors to spend 1.5 per cent of a project on Aboriginal participation, thus working towards creating new job opportunities. I note also that mention was made of our language legislation. We will be the first State to introduce legislation to protect Aboriginal languages. In my role as Minister for Aboriginal Affairs my proudest moment was the announcement of \$73 million for the reparation scheme for the Stolen Generation. I conclude by thanking members opposite, in particular, the shadow Minister, for his support during my time as Minister and for the initiatives introduced by the Government.

**Mr CLAYTON BARR (Cessnock) (21:51):** By leave: I join with my colleagues the member for Port Macquarie and the member for Wyong in acknowledging and congratulating the new member for North Shore on bringing this matter of public importance to the House. I too pay my respects to Aboriginal Elders past, present and future. There is so much more that we need to do. On a number of occasions I have made a plea in this Chamber about the beautiful Butterfly Cave in my electorate. Indeed, the member for North Shore spoke of how much of our Aboriginal tradition and history is in those unbuilt structures—the natural caves, the natural pathways, the natural courses—because the Aboriginal peoples were not peoples who were into carving out sandstone, putting down steel reinforcement, laying concrete and building steel structures. They integrated themselves into their natural surroundings.

That is one of the problems of trying to identify and recognise the historically significant sites of the Aboriginal peoples; they are natural sites that are part of our nature, part of the geology, the natural flora and fauna and shape of the land that we inhabit. Quite frankly, we would all agree that the planning rules and instruments of the white fella, of which I am one, have been unable to recognise, adapt and accommodate the history of the Aboriginal peoples. One of the beautiful things about Aboriginal art is that it will often portray things like campsites, footprints and journeys to the corroboree. Australians generally love and embrace Aboriginal art. We look down from above, see those paths and journeys and think, "That is a really important part of their history, tradition and culture". We can recognise it, see it in the artwork and celebrate it.

However, when it comes to the planning instruments of our State, we cannot recognise it, see it, acknowledge it, protect it, look after it and preserve it because at the ground level it is not there for us. But in the artworks we can see it, embrace it and wonder at the beauty, the tradition, the heritage and history of it. There is so much more for us to do, not only here but also internationally. One of the great things about the Butterfly Cave is that the local Aboriginal people have reached out to their international Indigenous peoples and there is now a petition with 75,000 names from across the world to preserve the Butterfly Cave. I commend the member for bringing this matter of public importance because Indigenous communities are an international phenomenon and wonder that we need to embrace.

**Ms FELICITY WILSON (North Shore) (21:55):** In reply: I pay tribute to the members who have spoken on this matter of public importance. I thank the shadow Minister for Aboriginal Affairs, the member for Wyong. It was incredibly important to hear his contribution about rights, particularly those of children, and the rates of incarceration that Indigenous people face and how we need to address those. The former Minister for Aboriginal Affairs has informed me of the work that both the member for Wyong and she have done together over the years. The member for Wyong gave a wonderful tribute to New South Wales working together to increase self-determination and economic empowerment. I thank the member for Port Macquarie for her contribution. We agree

that more work must be done. The member was heavily involved in the first legislation for language protection, reparations for the Stolen Generations and participation in construction policies so I thank her for her contribution. I thank also the member for Cessnock for his contribution—every member knows about his longstanding advocacy for the Butterfly Cave—and his comments on the ability of planning instruments to adapt to this kind of cultural preservation.

Members acknowledged the traditional owners of the lands that they represent, as we do every morning in this place. It is important for us to remember that we were the first jurisdiction in New South Wales to introduce constitutional recognition, the first and only jurisdiction to have an Aboriginal Land Rights Act that grants freehold title, and the first to develop an Aboriginal affairs strategic plan with a focus on healing and local decision-making with local communities. New South Wales was also the first State to apologise to the Stolen Generations for past government practices that have had a profound and enduring effect. The New South Wales Government is committed to the development of new standalone legislation that increases the role for Aboriginal people in the management and conservation of their cultural heritage. I am proud that we all today get to play a part in that and work together collaboratively to achieve that outcome.

**The House adjourned, pursuant to resolution, at 21:57 until  
Thursday 10 August 2017 at 10:00.**