



New South Wales

Legislative Assembly

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Wednesday, 18 October 2017

Authorised by the Parliament of New South Wales

TABLE OF CONTENTS

Bills	961
Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017	961
Second Reading	961
Consideration in Detail	983
Third Reading	987
Community Recognition Statements	987
Cronulla High School Fundraising	987
Elmore Vale Lions Club	987
Fred and Pat Merrick Sixtieth Anniversary	987
King Park Public School Football Team	987
Tribute to Bob Waterer	987
Rugby League World Cup	988
Harbord Public School Boys' Dance Group	988
Wirrinya Annual Picnic Day	988
Kemps Creek United Soccer Team.....	988
ClubsNSW Community Awards.....	988
Emerging Women Leadership Forum.....	989
Jenny's Place Women and Children's Refuge.....	989
Indoor World Cup Cricketer Amy Riddell	989
Charlestown Gymnast Tahlie Park	989
Cedars of Lebanon Folkloric Group	989
Port Stephens Koala Hospital	990
Balmoral Sailing Club	990
East Maitland Bowling Club and Easts Leisure and Golf Club	990
Castle Hill RSL	990
Autism Community Network	990
International Pregnancy and Infant Loss Remembrance Day	991
Tribute to Mrs Esther Kitching, OAM	991
Barrenjoey Community Performance Space	991
Visitors.....	991
Visitors.....	991
Bills	992
Aboriginal Languages Bill 2017.....	992
First Reading.....	992
Question Time	992
Parramatta Light Rail.....	992
Parramatta Light Rail.....	993
Parramatta to Olympic Park Corridor.....	994
State Economy	994
Sydney CBD Light Rail.....	996

TABLE OF CONTENTS—*continuing*

Visitor Economy	996
Multiculturalism	997
Single-Use Plastic Bags	998
Westconnex	999
Hunter and Central Coast Roads	1000
Petitions	1002
Petitions Received	1002
Responses to Petitions	1002
Business of the House	1002
Lake Macquarie Palliative Care Services	1002
Reordering	1002
Motions Accorded Priority	1004
F6 Extension	1004
Consideration	1004
Government Priorities	1004
Consideration	1004
Documents	1005
NSW Ombudsman	1005
Government Responses	1005
Motions Accorded Priority	1006
F6 Extension	1006
Priority	1006
Visitors	1009
Visitors	1009
Bills	1009
Health Practitioner Regulation Amendment Bill 2017	1009
Second Reading	1009
Third Reading	1018
Crimes (Sentencing Procedure) Amendment (Child Sexual Offences) Bill 2015	1019
Justice Legislation Amendment (Committals and Guilty Pleas) Bill 2017	1019
Crimes (High Risk Offenders) Amendment Bill 2017	1019
Returned	1019
Aboriginal Languages Bill 2017	1019
Second Reading	1019
Third Reading	1037
Parole Legislation Amendment Bill 2017	1037
Returned	1037
Private Members' Statements	1037
Tribute to Mr Brian Joseph Bannon, OAM, A Former Member for Rockdale	1037
Anowah Community Living Fiftieth Anniversary	1038
Narellan Sports Hub	1039
Energy Prices	1039

TABLE OF CONTENTS—*continuing*

Fiesta La Peel-Multicultural Street Festival	1040
Port Kembla Community Investment Fund	1041
Our Healthy Clarence Initiative	1042
Gender Equality	1043
Chronic Fatigue Syndrome/myalgic Encephalitis	1044
Visitors	1045
Visitors	1045
Private Members' Statements	1045
Westconnex	1045
Drummoyne Electorate Public Transport	1046
Matter of Public Importance	1046
Diwali Festival	1046

LEGISLATIVE ASSEMBLY

Wednesday, 18 October 2017

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

The SPEAKER read the prayer and acknowledgement of country.

[*Notices of motions given.*]

Bills

FAIR TRADING AMENDMENT (TICKET SCALPING AND GIFT CARDS) BILL 2017

Second Reading

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (10:11): I move:

That this bill be now read a second time.

As this bill was introduced in the other place on 11 October 2017 and is in the same form, the second reading speech appears at pages 36 to 43 in the *Hansard* proof for that day. I commend the bill to the House.

Ms YASMIN CATLEY (Swansea) (10:12): I lead for the Opposition on the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017. Once again, the House is presented with a bill that seeks to intervene in a market brought to a head by the advent of technologies that have disrupted traditional markets—in this case, buying and reselling tickets to various events for a profit. In economic terms this is referred to as arbitrage or more commonly known as ticket scalping. For decades, ticket scalpers were part and parcel of events. Many of us will recall attending events with scalpers out the front touting admission tickets to willing purchasers. This practice was curtailed by government in the 1980s on the basis of a fair go for consumers. But a secondary market did not disappear. In recent years the emergence of online activities has presented many more opportunities for scalping or arbitrage that present genuine challenges to consumer rights and the regulatory environment, which seeks to protect consumers.

Online arbitrage through platforms such as viagogo have presented circumstances where a huge number of tickets can be purchased by bots and on-sold at a later time with a significant mark-up in price. This bill disrupts the market and it is the Government's hope that it will deliver a positive outcome for consumers wishing to purchase tickets to an event. There are a number of issues affecting consumers' rights and protections in these markets. There are the increased prices, where a ticket bought for \$100 is on-sold for hundreds of dollars more; ticket cancellations, where consumers who have bought tickets on the secondary market have found out, even when turning up to the event, that the ticket is no longer valid; and ticket fraud, where a ticket bought on the secondary market is not a valid ticket at all.

As I said, this bill seeks to disrupt aspects of these various activities, with the hope that consumers will have more opportunities to purchase tickets from the primary market sellers—event organisers, sporting venues, concert halls and the like. The Minister has talked up this bill and what it will do and, at this stage, the Opposition will not oppose this bill. However, we note that the bill will not directly address instances of fraud, and presents only an opportunity to disrupt sophisticated online ticket reselling platforms. This bill is no silver bullet, and the maxim "caveat emptor", buyer beware, still applies to the case of purchasing tickets online in the secondary marketplace.

Before I go on I will outline the intention of the bill. The bill amends the Fair Trading Act 1987 with respect to the supply of tickets to sporting and entertainment events. This part of the bill: one, prohibits the resale of certain tickets to events for a profit; two, prohibits the publication of advertisements for the resale of event tickets for a profit; three, prohibits the use of software to bypass the security measures of a ticketing website in order to purchase tickets; and, four, requires certain event organisers to publicly disclose the number of tickets made available for general public sale for certain events.

The bill amends section 58 of the Fair Trading Act to allow the Minister to switch on parts of the Act for major sporting and entertainment events. New sections 58E and 58F prohibit the resale of tickets bought on the primary market on the secondary market for more than 10 per cent of their original supply cost. That is not inclusive, of course, of booking fees and other fees and charges. Section 58D imposes penalties of up to 1,000 penalty units for corporations and 500 for individuals for breaches of the new laws. The proposed section 58H

prohibits the scalper from claiming that the mark-up of the ticket price is for additional offerings, such as hospitality, yet exempts the supply of such packages authorised by the event organiser.

Proposed section 58K tackles the scourge of ticket bots—prohibiting certain conduct in relation to a ticketing website, which is defined as the use of any software to enable or assist the person to circumvent the security measures of the website and to purchase tickets in contravention of the website's terms of use. Section 58 deals with the resale of tickets on various platforms—prohibiting the advertisement of any resale on any platform such as newspapers, magazines or websites—that is more than 110 per cent of the original supply cost, with a defence for some platforms whose purpose is not directly to facilitate the buying and selling of goods and services, such as Facebook. Proposed Section 58L requires the publication of ticketing information to specified events, where the total number of tickets must be a number that the event organiser believes on reasonable grounds is not more than 10 per cent greater or less than the total number of tickets that are to be made available to the general public.

This bill primarily focuses on regulating the secondary market. The 2014 inquiry was convinced of the need for a secondary market—in part due to features of the primary market and the ticket-selling strategies used to sell out. This has not been addressed in the bill. Just this week tickets for the Pink concert went on sale. A number of members in this place and people in my electorate and beyond have raised with me the fact that when they went to the website to purchase tickets for Pink they found out that that particular online service was in meltdown and that only packages were available. They were available at \$500, twice the original sale price of \$250. It is unfortunate that that style of selling from the primary venue will be exempt in this legislation, yet it appears that people are paying twice the price but certainly not getting twice the value. We on this side of the House will keep a watching brief on that because, if it is the case, we want to protect all consumers.

There are some transparency measures in this bill that affect the primary market, such as division 4 which deals with public disclosure of ticketing information—where the total number of tickets to be sold for public sale must be notified by the organiser, plus or minus 10 per cent—although there are concerns primary market sellers can still operate with a degree of opaqueness such as I have just described. The Opposition still believes that opaqueness in the primary market is a cause for concern in relation to consumer rights and protections. The Opposition supports greater transparency in all markets, and will keep a watching brief on how practices in the primary market impact consumers.

As a related matter, there is no recognition of efforts in the secondary market to improve standards through codes of conduct and the like. Whilst operations like viagogo are the obvious focus of the bill, there are other operators that have sought to develop codes of practices and ethical business standards to provide greater consumer protection. We note the codes of ethics developed by the Ticket Brokers Association as well as the consumer protections advanced by organisations such as TicketHub, where money is not exchanged until an event is attended by the secondary purchaser. Yet, at the end of the day the practice of ticket reselling operates in a grey area of legislation, and there is nothing in the bill that either outlaws or effectively legitimises the practice. The Opposition would appreciate the advice of the Minister as to whether the Government would consider stronger regulations of the secondary market as a way of promoting greater transparency across the primary and secondary markets.

We are concerned that the central response is a cap, which was not recommended by the upper House inquiry in 2014 and whose longer term impact is unknown. In fact, it is quite odd that the right-wing members of the Liberal Party are supporting a bill that places price caps on a market where they would not consider caps in other areas like housing, power or other life necessities. This presents an intriguing state of play in this Parliament. Surely those members would hold the allocative efficiency of the market almost as an article of faith.

The Opposition is still significantly concerned with the practice of cancelling tickets by event organisers and believes much more needs to be done in this area. The Opposition is concerned that a central focus of consumer complaint, namely, fraud and ticket cancellation, is not adequately addressed by this bill. Whilst reselling heavily marked-up tickets is of concern, this is also long-established market dynamics. If I were to look for an international flight to London for tomorrow I would expect to pay a higher price than if I had, for instance, bought it weeks ago.

The question is about the supply being illegally purchased through an online bot before I had a chance to purchase a ticket. I would contend that a massive fan buying a ticket for \$500 is a reflection of demand. The critical issue is that once a ticket has been purchased for an inflated price it is genuine and not going to be cancelled. This is perhaps the more critical issue at play here, and goes back to the need for transparency and certainty in the two markets that operate in this platform. The Opposition believes that this bill does not address these aspects, and cautions the event-going public to exercise ongoing caution when buying tickets on line.

Furthermore, industry stakeholders are concerned also that this bill raises more questions. I seek clarification regarding two questions that have been raised. Will the secondary reseller always know the original price of the ticket in order to ensure that they are complying with the regulation? The provision requires transparency and noting the row number, seat number and price on the resaleable ticket, but has the Government considered that that may provide further assistance to those who fraudulently duplicate tickets?

Given that this is the second time a bill of this nature has been brought before the House, the Opposition is concerned that it still does not quite get the balance right. However, given the urgent need to attempt to disrupt the business of ticket bots, we will not oppose it. Many in the industry have sought a further inquiry on top of the 2014 inquiry. I note that Government members wrote a dissenting report to that inquiry's recommendations. It seems the Government is hell-bent on implementing its only regulatory solution to this matter, come what may. Whether or not this legislation disrupts the business model of the likes of viagogo remains to be seen. The Opposition is concerned that the use of caps in the secondary market may have unintended consequences. We are concerned there is less regulatory intervention in the primary market—all of which means fewer rights and less information for the consumer. Despite that, the Opposition will not oppose the Government in its attempts to ameliorate some of the negative impacts from online ticket scalping.

During the Committee stage we called for a statutory review of this legislation within the first three years. I am disappointed to say that the Government did not accept those amendments, despite the Government having acknowledged that it is aware of how fast this business model is spreading and how it keeps pace with any form of prosecution. Therefore it would be fitting for the legislation to be reviewed much sooner than the five-year statutory review in the current form of the bill. I am very disappointed that the Government has not joined Labor to ensure that consumers are protected by reviewing the legislation in a more timely fashion. The advances of technology and the instinct for profit are powerful forces that should make us keep a close eye on this aspect of the bill to ensure the consumer is getting the best deal. I now turn to the reforms proposed for the sale and longevity of gift cards. The Opposition welcomes the reforms and believes there are no issues of concern. I am sure the Minister for Innovation and Better Regulation was pleased to hear that.

Mr Matt Kean: Thank you.

Ms YASMIN CATLEY: Lengthening the expiry date of gift cards to three years makes absolute sense and is positive for the consuming public. Retailers make their money when the gift card is originally purchased, so to lengthen the term of validity to three years simply requires some accounting measures—something that retailers should do immediately. The Opposition notes that the reforms do not apply to cards supplied in exchange for goods, a prepaid card or voucher redeemable for phone credit, internet access or the like, a debit card, a credit card, a prepaid travel card supplied by a financial institution, or a card or voucher supplied as part of a customer loyalty program. The Opposition strongly supports this aspect of the bill and wants to see it implemented as quickly as possible.

In this day and age, such reforms can be implemented by businesses quite seamlessly, regardless of what they tell us. To effect that, the Opposition in the other place moved an amendment to provide that this initiative be implemented from 1 December this year—in time for the upcoming Christmas season. It would be wonderful if the Government agreed to that amendment. I know the Minister would like it to happen. The consumers of New South Wales would see that we support them. We want to make sure that any gift cards received this Christmas come under this legislation and are valid for at least three years. I call on the Minister to join with us on this side of the House and—in good spirit for consumers in this State—ensure that this initiative is introduced 1 December.

In conclusion, the Opposition strongly supports many aspects of the bill, particularly efforts to smash the business of ticket bots and the gift card reforms, but we have genuine concerns about certain elements regarding ticket resale. While we will not be opposing the bill, we will be maintaining a watching brief. Interfering with a complex market such as ticket resale, which involves not one but two markets—primary and secondary markets—may result in situations neither anticipated nor welcomed for consumer rights. I hope the Government will see the error of its way and support the Opposition's amendments in the consideration in detail stage. I commend the bill to the House.

Mr ADAM CROUCH (Terrigal) (10:30): I support the Fair Trading (Ticket Scalping and Gift Cards) Bill 2017 and congratulate the Minister for Innovation and Better Regulation, who is in the Chamber, on championing this bill. Those residents living on the Central Coast who have fallen to ticket scalping are grateful that this situation will no longer be tolerated. On numerous occasions they have journeyed down the M1 only to find themselves victims of dodgy ticket scalpers. They are pleased that the Minister's passion and drive have resulted in the introduction of this bill.

I turn now to speak in support of the measures in the bill that will improve information transparency in the primary and secondary ticket markets, and prevent price gouging by unscrupulous scalpers. On-selling a ticket in

the secondary ticket market can be a great way for consumers to recoup the money they paid for a ticket when they find they are no longer able to attend a sporting or live entertainment event. This peer-to-peer or "sharing economy" side of the internet has been a boon for consumers and has greatly changed the way people connect. It is well known that the internet has a decidedly dark side, and ticket on-selling is part of it. As noted by members in the other place, ticket scalpers have hijacked the online resale of tickets at the expense of ordinary fans, including people in my electorate of Terrigal and on the Central Coast.

In recent years global traffic to ticket resale sites such as viagogo, Ticketmaster Resale and StubHub has exploded. Along with that explosion has come a sharp rise in consumer dissatisfaction and many consumers feel they have been duped or ripped off—even when they do gain admission to the event they wanted to attend. Mr Temporary Speaker Provest, I am sure similar things have happened to the good people of the Tweed. Online scalping operations, often assisted by bot technology, are distorting the market by creating artificial shortages of tickets on official channels, thus driving fans to resale sites where scalpers demand grossly inflated prices. This increasingly means that when considering whether to take the family to see the local footy team play in the final or whether to see a favourite rock band in concert, consumers are faced with a dilemma—either pay the exorbitant prices to scalpers or accept that tickets to major events are simply not available to ordinary, hardworking consumers. As the Minister said, that is just not on. This Government firmly believes that situation is not good enough. We have heard the calls from far and wide that consumer confidence in the ticket market needs a serious boost.

I will speak about the three major elements of this bill. Number one is prohibiting price gouging and the 10 per cent cap on resale mark-ups. First, the bill tackles the problem of price gouging by scalpers in the resale market. Because the anti-gouging measures are being inserted into the Fair Trading Act, they will apply across the entire marketplace. The bill will capture any sports or entertainment event in New South Wales for which tickets are originally sold subject to a condition restricting resale. Under these laws, it will be an offence to resell, or offer to resell, a ticket for more than the original supply cost plus transaction cost. The original supply cost is the face value of the ticket, and the transaction cost is any booking fees, credit card surcharges or ticket delivery fee that the first purchaser may have incurred. While the transaction cost may vary, it can never exceed 10 per cent of the face value for the purposes of the prohibition on profiteering from ticket resale. This puts the individual scalpers on notice that their activities will soon be illegal, and by gouging profits from fellow consumers in the resale market they could soon be risking a \$22,000 maximum penalty.

The Government's consultation with consumer advocates, sporting codes, venue operators and event organisers indicates this reform will be broadly popular. The flip side to the ban on ticket resale profiteering is that the fair and reasonable exchange of tickets between consumers—where scalping is not involved—will be protected. New section 58J in the bill makes void any term or condition on a ticket that provides for it to be cancelled for being resold within the 10 per cent mark-up cap. As the consumer group Choice noted in its August report on ticket scalping, "consumers need a well-functioning secondary ticket market".

The second element of the bill is prohibited resale advertising, the liability placed on publishers of ticket resale advertisements. Stakeholders agree it is not enough to outlaw the activities of individuals scalping tickets. It is high time that dedicated resale websites and other publications that host ticket resale advertisements and facilitate the transactions are also held to account. Accordingly, new sections 58F and 58I require publication owners to ensure that no prohibited advertisement is published. The same maximum penalties that members will find throughout the bill apply to the hosting of a prohibited advertisement. This would require the publication owner to take such steps as: responding promptly to take-down notifications, whether they be from consumers, event organisers or NSW Fair Trading; incorporating into the terms and conditions of use of the website a prohibition on listing advertisements for resale of tickets above the 10 per cent cap; and any other such measures as may be reasonable to prevent prohibited advertisements from being published. A prohibited advertisement is one that advertises a price for the ticket that is above 110 per cent of the original supply cost—or face value—of the ticket.

Advertisements for the resale of tickets must also include two key facts that consumers and their advocates have been crying out for: first, the original face value of the ticket; and, second, essential information the purchaser needs to know about the ticket they are buying, including any bay, row or seat number that is applicable, whether it is for general admission and so on. Compliance with these advertising requirements will greatly boost consumer confidence in secondary markets, and go a long way to ending the dysfunction that has so frustrated consumers and regulators alike. Further, such transparency in ticket resale advertisements will mean any consumer can tell straightaway what is a fair and reasonable price for a ticket. Taken together with the bill's prohibition on bots, these measures strike at the heart of the scalpers' business model by putting a serious dent in the profits they can legally make by reselling tickets. In truth, the measures in this bill effectively mean no profits can be made on the resale market.

The third element of the bill is primary market transparency and relates to improving transparency in the primary—or official—ticket market. Members may recall that the report by the General Purpose Standing Committee No. 4 on the Fair Trading Amendment (Ticket Reselling) Bill 2014 recommended the Government explore ways to boost transparency in relation to the allocation of tickets in the primary market. This call has been echoed by others, both in Australia and elsewhere, within and external to government. Through this bill the Government is once again showing that it has answered those calls.

The basic premise is that with access to better information about how the ticketing game is played, consumers will be less likely to complain that the game is forever rigged against them. Accordingly, new section 58L is devoted to public disclosure of ticketing information by the primary market, including event organisers and the ticketing agencies that are authorised to sell tickets on their behalf. The bill provides a new power for the Minister to publish an order requiring public disclosure of the number of tickets to be made available for general public sale to certain major events if the Minister is satisfied that it is in the public interest to do so. The meaning given to "general public sale" in the bill is exactly what most reasonable members of the sports- and entertainment-loving public would like it to mean. These are tickets that are truly available for any person to purchase, without having some special insider access, whether that be membership of a sporting club, holding a particular credit card or being connected to a major corporate sponsor of the event. [*Extension of time*]

However, in advocating for transparency in the primary market, the Government has taken care not to lumber the sports and entertainment industries with onerous regulation and unnecessary red tape. The public disclosure requirements will not apply to every event where there are resale restrictions. Instead, the process outlined in new section 58L is intended to capture only those major headline events that are highly likely to sell out and be targeted by systematic scalping operations. Here the Government has in mind Ashes cricket tours, Rolling Stones concert tours, the National Rugby League grand final or the State of Origin. We are not thinking of imposing these disclosure requirements on ordinary season rugby league matches at Leichhardt Oval or on the Central Coast and on Sheffield Shield cricket matches at the Sydney Cricket Ground.

We have listened to our industry stakeholders and the bill reflects a considered position. The Minister may not make an order under this section unless procedural fairness has been observed, in that: the Minister is satisfied the event organiser has been notified of the proposed order; the event organiser has been given a reasonable opportunity to make submissions to the Minister about the proposed order; the Minister has considered any submissions made; and the Minister is satisfied that it is in the public interest to make the order. With regard to the number of tickets to be made available for general public sale, the bill permits publication of a figure that is 10 per cent higher or lower than the final figure. Having an inbuilt margin of error means that event organisers will not need to make minor adjustments to their disclosures because of last-minute factors such as an increase in the stage size at a concert that removes some seats from the venue.

I am extremely proud to be part of a Government that is committed to putting consumers first and protecting the little guy. People on the Central Coast buy their tickets in good faith. The proposed transparency measures, taken together with the bill as a whole, are all about giving ordinary fans and everyday consumers—like those on the Central Coast—fair and equitable access to tickets for events they love. I thank the Minister for his passion on this. I congratulate his hardworking ministerial staff, Benjamin Coles, Julia Steward and Richard Hodge. I also highlight the great work done by the Department of Finance, Services and Innovation staff, including Gabbie Mangos, Lachlan Malloch, Diana Holy, Pauline Lynn, Maggie Phang, Marcel Savary and John Tansey. It is their hard work that has brought us these excellent amendments. I commend the bill to the House.

Ms JO HAYLEN (Summer Hill) (10:42): The Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017 seeks to address growing problems with ticket reselling, or scalping, using so-called bots and associated technology. The bill also prohibits the sale of gift cards with an expiry of less than three years. Although the resale of tickets to live music, entertainment or sporting events is nothing new, advances in technology are making the practice increasingly difficult to manage and regulate. Far from the old days when scalpers or "ticket brokers" would purchase tickets and stand outside events in trench coats hoping to make a buck, automated bots now gobble up tickets online and resell them at exorbitant prices. Although no reliable data is available on transactions deployed by bots in Australia, Ticketmaster has alleged that its United States store was hit by five billion bot attempts to purchase tickets in 2016 alone.

Australian fans of Adele, Midnight Oil or Justin Bieber allegedly watched tickets to concerts being snapped up and then resold for 10 times the original cost. The recent Australian Football League and National Rugby League grand finals were reportedly targeted. Bots are potentially behind the absurd situation of \$30 Sydney Ashes test tickets now selling for more than \$1,500—hardly the spirit of summer. Behind the bots are sophisticated anonymous operations often based in tax havens such as Gibraltar or the Caribbean, masked with proxy IP addresses. Using powerful algorithms, they are able to purchase huge numbers of tickets. One United States

bot company could amass up to 20,000 tickets in a couple of minutes before it was shut down. As the technology used to execute scalping streaks ahead, fans are being left behind, and that is what this legislation seeks to address.

This legislation follows a motion in the Federal Senate in March this year calling for the outlawing of ticket bots. It follows a blanket ban put in place in the United States by President Obama in December 2016 and the decision by the Australian Consumer and Competition Commission to take ticket resale site viagogo to the Federal Court over a string of alleged breaches of consumer law. The bill prohibits ticket bot activity, legislating a mechanism by which event organisers can pursue people who profiteer from bot technology. This is sensible in theory; however, it raises significant questions as to whether regulation will be able to keep pace with technology.

It is interesting to note that, since the United States implemented its prohibition on ticket bots in 2016, there have been no meaningful prosecutions under the legislation. Consumer groups such as Choice have raised questions as to whether the legislation will sufficiently allow for companies using bots to be prosecuted if they are located overseas. Choice and other organisations have noted that similar laws in Queensland have been flouted, with the Government apparently unable to pursue shady overseas operators. The Minister must provide assurances that this legislation will allow for the prosecution of operators in overseas jurisdictions. This is imperative, as the vast majority of operators using bots are located overseas, masking their identities with proxy IP addresses.

The Opposition moved a sensible amendment to bring the statutory review of the legislation forward three years to more adequately address any regulatory lag, and I am disappointed that the Government will not support it. We must ensure that the regulation of the industry keeps up with fast-moving technology. A statutory review in three years would have better equipped us to deal with that problem. The bill prohibits the resale of tickets for more than 110 per cent of the original ticket price and prohibits advertising tickets for more than 100 per cent of the original cost. This promises to restore some balance to a market that has tipped away from fans. Queensland has imposed a similar cap, with operators subject to fines of up to \$2,400 and with buyers also liable for fines. I note concerns raised by some domestic resellers that a cap may have unintended consequences of raising ticket prices. A cap may distort the primary market for ticket sales—that is, sales direct from the promoter—and the secondary market, where tickets are resold through third agents. It is critically important that this legislation do what it is intended to do: reduce profiteering and ensure that tickets end up in the hands of fans.

The consideration of a licensing scheme for secondary market resellers may help to bolster that aim. Importantly, the bill requires promoters and event organisers to publicly disclose details of ticket allocations for public sale, instilling greater transparency in the industry for fans and customers. That is a good thing. It promises to provide greater transparency around the number of tickets that are available to the public in the first place, as well as tickets sold to industry insiders or pre-sold. This is one of the primary concerns raised by resellers and fans alike, who often discover that only a fraction of the tickets at an event were ever available for the public, therefore driving up the cost. Disappointingly, the legislation fails to address fraudulent ticket sales.

Following the sale of fraudulent tickets hitting endemic levels, major Queensland venue the Queensland Performing Arts Centre now issues regular warnings to patrons. In Perth over the past six months 350 patrons have been turned away from Perth Arena at 14 events, including a Guns N' Roses concert, because they had purchased fraudulent tickets. While this legislation is a positive step, more must be done to stamp out fraudsters taking advantage of fans, including investing in technology to better apply protections in the industry. For example, some overseas festivals now print a photograph of the purchaser on the ticket. Harry Styles fans will be required to check in before the concert when he tours later this year. This bill does not address these issues and may not reduce the potential disappointment of patrons. I believe it is wise to warn the Minister that there is nothing more dangerous than disappointing a Harry Styles fan.

With respect to the second schedule to the bill, I support moves to prohibit the sale of gift cards with an expiry date of less than three years. Again, that is a good move. We know gift cards are popular items that can easily end up in the bottom of boxes, sock drawers and handbags, only to be discovered after their expiry date. An estimated \$60 million stays in the hands of retailers each year thanks to unused gift cards. This bill is a huge victory for Choice, which is located in my electorate of Summer Hill. I congratulate Choice and other consumer advocates who have been pushing for this important reform for many years.

Along with my colleagues, I call on the Minister not to force consumers to wait any longer and to bring these rules in before 1 December this year so that consumers can benefit from the legislation over the Christmas period. We do not want cards from relatives to end up lost and for consumers miss out—that would be disappointing when the legislation is before us now. This bill acts to crack down on the reckless profiteering of shady characters in the ticket resale industry. While this is a positive step forward for consumers, the bill would be far more effective with some of the sensible amendments proposed by this side of the House. However, we do not oppose the bill and we welcome the positive steps forward.

Mr JOHN SIDOTI (Drummoyne) (10:50): I support the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017 and commend the Minister for Innovation and Better Regulation for championing the rights of consumers and bringing this bill to the House. The bill puts consumers first by providing fairer access to the sale of sporting and entertainment event tickets. I will speak in support of the specific measures in the bill that outlaw the use of ticket bots that distort the ticket market and cause detriment to consumers. The anti-bot law reform is of particular significance because New South Wales is showing the way forward.

For several years, other States have had various laws restricting scalping activities, including limiting the profit that can be made from the resale of tickets for certain declared major events. But no government in Australia has had the fortitude to bring in a specific measure targeting the very means by which scalpers execute their business model. The New South Wales Government is once again showing it is willing to lead the way. It agrees with calls from various quarters that the time for talk is over and we need a legislative response. Through this bill the New South Wales Government is saying loud and clear that it is time to ban the bots.

The bill sends a clear message about the Government's commitment to consumers. It sends a clear message to those shonky operators who seek to deprive consumers of a fair and transparent transaction in the marketplace. The image of the traditional ticket scalper that many of us in this place would remember does not match the reality of today. Traditional ticket scalpers would stand outside major venues with a wad of paper tickets in their hand, hoping to attract passers-by with the lure of a ticket to a sold-out event. Buying from such a character certainly had its risks, and the scalpers themselves risked being moved on, being banned from the venue precinct or being confronted by the purchaser if the ticket turned out to be invalid.

But for many years, New South Wales has had venue-specific legislation, or by-laws, that prohibit such unauthorised commercial activity in and around major sports and entertainment venues. As a result, and coupled with the growth of vast global online marketplaces, the traditional kerbside shyster is now a creature of the past. If a fan wants to find a ticket to an event that appears to be sold out, they try their luck not with a shady character on the forecourt of the venue but online at either a dedicated ticket resale site or any other forum where exchange takes place.

The great speed with which scalpers buy tickets online and then repost them at inflated prices can only be achieved using technology. This is where the bots come in. They can carry out the ticket harvesting and resale process, not in human time like us mere mortals but in machine time. What exactly is a ticket bot? It is a software program that automates the process of searching and buying tickets to events. Using bots, scalpers can syphon off hundreds and thousands of tickets instantaneously. These software programs are available to purchase online and download for a few hundred dollars, which means almost anyone who is enterprising enough and has sufficiently few moral qualms can become an online scalper.

Many commentators and regulators in the developed world believe the increasing public frustration over ticket scalping in recent years is due in large part to the rise of the bots. In late 2016 the United States Congress legislated the Better Online Ticket Sales Act 2016, known as the BOTS Act, with the Federal Trade Commission responsible for enforcement. Recently the United Kingdom made provision for possible future adoption of a similar law, and in March this year the Australian Senate passed a resolution calling for anti-bot legislation. How do the bots work? To understand why the bill includes a prohibition on bots I will explain how they are used to infiltrate the systems of the official ticketing agencies.

The circumvention of security measures on an official ticket agency's website is fundamental to the operation of bots. Some of those security measures would be familiar to anyone who has bought event tickets online. They include devices to identify the user as a real person and devices to identify the user's unique location on the internet, which enables the agency to limit ticket purchases by members of the general public. Put another way, the bots are helping the scalpers defeat the ticketing agency's efforts to ensure fair and equitable access to the tickets available for general public sale.

Several types of ticketing bots can be used to amass thousands of tickets, which allows unscrupulous scalpers to dominate the resale market. Bot technology enables scalpers to constantly monitor ticketing sites to detect the very instant that tickets are released. They then conduct multiple near-instantaneous searches for tickets, which puts those hundreds of tickets on hold and out of the reach of every other ordinary consumer. Next, they purchase tickets using a large batch of names, addresses and credit card numbers. Finally, they automate ticket buying on ticket agency websites by defeating the security measures that are meant to block them.

The security measures most commonly used are in the form of a CAPTCHA test, which is a type of challenge response test used on websites to determine whether the user is human. The bots can make thousands of requests on ticket sellers' servers using thousands of different IP addresses, giving ticket bots a distinct advantage over humans. Ticket scalpers use bots to deprive fans of reasonably priced tickets because they buy tickets in the primary market for the purpose of reselling them at a grossly inflated price. In 2016 Ticketmaster

blocked more than six billion attempts by ticketing bots to gain access to its websites in 27 countries around the world, including Australia.

I now turn to the substance of the bill relating to the ban on bots. Division 3 relating to the online purchase of tickets is where the rubber hits the road. New section 58K of the Fair Trading Act will make it an offence for any person to engage in prohibited conduct when using ticketing websites. Engaging in prohibited conduct involves using software to assist the person in circumventing the security measures of the website and to purchase tickets in contravention of the website's terms and conditions. In this way, the bill gives legal backing to what the ticket agencies and event organisers have already been trying to do, which is to stop the bots. The bill provides that a breach of this section can attract the maximum penalty allowable under the Fair Trading Act—a \$22,000 fine for an individual or a \$110,000 fine for a corporation. The bill also provides for specific security measures on ticket websites to be prescribed by regulation. This will give the law the ability to adapt to changing technology and scalping business models.

It is worth reminding the House of some of the live entertainment events that fell victim to scalpers in recent times, likely assisted by bots. For instance, tickets to the 2017 Falls Festival in Lorne and in Byron Bay sold out in record time. Many of those tickets were then quickly advertised on ticket resale sites at highly inflated prices. Similarly, after tickets to Justin Bieber's Queensland concert sold out, ticket resale sites were offering VIP tickets for a 374 per cent mark-up on the original price—I have no idea why. The Jerry Seinfeld tour of 2017 was eagerly awaited for more than two decades. When tickets for the Sydney show at the International Convention Centre, Darling Harbour, finally went on sale scores of consumers told the same frustrated story in online forums and in workplaces. On that note, I congratulate Minister Kean and commend the bill to the House.

Ms JULIA FINN (Granville) (11:00): I speak in debate on the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017. As members have stated, the Opposition will not oppose the bill but it does have concerns that the bill does not go far enough. This is a very complicated issue. Over the past few years this rapidly evolving market has caused huge problems for consumers in New South Wales. Despite what people have been led to believe, this bill will not solve all those problems. Commendably, the bill will prohibit ticket productivity and will prohibit the resale of tickets for more than 110 per cent above the original sale price. However, it does not properly address fraudulent activity around the sale of fake tickets, which is of enormous concern. People may have spent a lot of money on tickets for an event, paid for parking, babysitting or have travelled long distances to attend a long-awaited event, only to find that they cannot get in because they do not have a legitimate ticket. This bill does not address those issues. A statutory review should be undertaken within three years to ensure that the market has not moved on and completely circumvented the limited restrictions put in place by the bill.

I will share my experience of attending various music and sporting events over the past couple of years since the problem with ticket bots and viagogo has emerged. Last year I bought tickets to the Rugby Sevens from viagogo. It appeared first in my feed when I did a Google search for the tickets because I did not know which ticketing agency was selling them. Viagogo seemed to be selling better tickets than those available from original point-of-sale places but the mark-up was enormous. People are not aware of the mark-up on the original price until the tickets are received only a couple of days before the event. In addition, the booking fee was insane. The booking fee for four adult tickets was \$125 for the Rugby Sevens—almost as much as one adult ticket, which was originally around \$70.

Many people have had problems with viagogo, which is an overseas company that will be very hard to regulate because of the bill's limitations. We need nationally consistent legislation that makes it difficult for companies like viagogo even to advertise their services through Australian search engines. This bill goes only some way towards dealing with this problem. It addresses resale prices, although I do not know how viagogo will be prosecuted by Joe Bloggs in New South Wales—as we will see over the next couple of years. Hence a statutory review is necessary to ensure that the measures put in place actually work. A few months ago I bought tickets through resale not from viagogo but from their original seller for the Argentina versus Brazil international game. The tickets, which I paid more than \$200 for, originally sold for \$79 but were sold again through the same ticketing agency. That is an absolute disgrace. I enjoyed the game but it is a ridiculous mark-up.

I considered purchasing tickets with a friend to see LCD Soundsystem, which had pretty much sold out very quickly. The tickets were increasing in price every day on the reselling website. Within a week of the performance, the tickets were more than double their original price. I am aware of many musical festivals that have sold out within 10 minutes of tickets being released and the average consumer could not access them. The tickets were then put on sale again within hours, at an enormous mark-up. That is extremely unfair for consumers. The problem is compounded by tickets being sold in tranches by the original seller—something the bill does not address adequately.

At the moment ticket bots take all the tickets on the first release and consumers believe they will not have another chance to buy tickets so they pay far too much through the reseller. Later tranches of tickets come on sale

but only to those people who are registered on the waiting list. In the past I have registered on waiting lists and I have been pleased not to pay over the odds for tickets, but it is important for consumers to know what proportion of all tickets will be sold in each tranche so that they can weigh up their options for buying tickets if they miss out in the first instance.

I turn now to gift cards. The expiration period of three years for gift cards is an important change. People forget about gift cards; they leave them in the bottom of their drawers and, in my experience, often find them about a month after they have expired. It would be ideal if this measure were put in place before 1 December this year so that people can buy gift cards for Christmas. There is no reason that cannot happen. It is important that this Christmas consumers are not ripped off and do not lose their Christmas presents. If it is only a small amount on a gift card people will not spend it all at once—unless they go to the post-Christmas sales. Therefore, there is no reason why the measure cannot commence from 1 December. I wish the Government had accepted that foreshadowed amendment. In conclusion, this is important legislation but it does not go far enough to adequately protect consumers. We need to do more. We must be vigilant to ensure that the minimum steps outlined in the bill work and break the business model that has been an absolute nightmare for consumers and has made life very difficult for everyone.

Mr JAMES GRIFFIN (Manly) (11:08): I speak in support of the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017. I applaud the Minister for Innovation and Better Regulation for his work, which has led to the introduction of this bill. Gift cards offer valuable flexibility to consumers while providing an income for businesses. It has been interesting to read about the history of gift cards. The House will be interested to know that in 1994 Blockbuster in Florida was the first company to introduce gift cards for consumers. At the time they replaced gift certificates that were being photocopied fraudulently. Blockbuster brought gift cards into being and 23 years later gift cards are now digital. I was disappointed to hear some of the comments from those opposite as this is another great example of the Government legislating for the future. I applaud the Minister for his good work. Gift cards have contributed to the demise of gift wrapping, which is a logical outcome. Gift cards are great presents that give flexibility and freedom to the recipient. I often purchase gift cards for my loved ones.

Unfortunately, many New South Wales consumers are experiencing problems using gift cards, which is not good for consumer confidence in the market. The bill before the House takes great strides to solve the problems experienced by consumers by clarifying expiry dates and banning junk fees that may be charged to redeem a gift card. Feedback from NSW Fair Trading revealed the most common problem consumers have is losing the dollar value on a gift card through expiry before they have a chance to use it. The loss is a concern for consumers. Some consumer groups characterise this loss of money as a transfer of wealth from consumers to business as the value becomes business revenue. Others have characterised it—and I would agree—as simply unfair.

Consumers indicate that confusion about the activation and expiry dates on cards often leads to the full value of a card not being utilised. In practice, the length of time for which the gift card is valid varies from business to business. The usual expiry period is 12 to 24 months, but it can range from three months through to no expiry date at all. I note that a large online retailer that is coming to Australia shortly has a policy of no expiration date for its gift cards. This bill will level the playing field for consumers and allow businesses to remain competitive. Further confusion arises from the calculation of the expiry date as some businesses activate the card at the time of purchase whilst others use the date of activation.

These differences in business practices can be confusing and misleading for consumers, leading them to believe they have no time to redeem the gift card when, in fact, they do. If a consumer attempts to redeem a gift card that has expired they lose the entire value of the card. That is frustrating. Consider the consumer who has been gifted a card without any information on when the card was purchased and has no idea when it will expire: How will they know how long they have to redeem the card? I will take a moment to share with the House the experiences of consumers who have lost the value of their gift cards. Their comments tell a story about how consumers feel they have been treated unfairly. The most common sentiment expressed about losing money on expired gift cards was that consumers felt businesses were stealing from them and they had lost their hard-earned cash.

Words and phrases such as "robbery", "money grab" and "blatant theft by big business" were used to describe their experiences. Clearly people are outraged at receiving nothing for the money they have paid. Consumers perceive a gift card to be cash and cash does not expire. Consumers feel unfairly treated when they lose money on expired gift cards. A quick poll in my office confirmed that sentiment. Some consumers are so fed up with the lack of transparency and integrity surrounding gift card expiry dates that they will never buy another gift card. That is a terrible indictment on the customer service of those businesses. It is clearly not good for consumer confidence in the gift card market or the productivity of our economy.

Consumers vote with their feet and will use social media to air their concerns. The change.org petition to have expiry dates removed from gift cards has more than 8,000 supporters, which is no small number. It is a clear

indication this is a problem for consumers and the gift card market. The Fair Trading survey delivered a clear and simple message: Gift cards are like cash, and businesses taking money for expired gift cards without offering anything in return is considered by consumers to be straight-out theft. Gift cards are an important tool for business and consumers. It is important that sentiment towards this growing market segment remains positive, and the bill will help to achieve that.

Consumers may lose the value of the card because they are unable to find anything they want to purchase during the period that the card is valid. A Choice survey found that regional consumers, in particular, may be disadvantaged by short or no expiry dates as they may not have time to visit stores and redeem gift cards before they expire. Low income groups may be disadvantaged if they find it difficult to spend the full value of their card before it expires. The amendments in this bill will address those major concerns raised by consumers. As members have said, the number one problem consumers have with gift cards is losing money as a result of expiry. The bill provides clarity for business and consumers with regard to expiry dates and will ensure that gift cards cannot be sold or issued in New South Wales without a minimum three-year expiry date.

Through this legislation consumers will not lose money unnecessarily. The bill will protect consumers from any additional administration fees applied to a gift card after it is sold, stopping the loss of value from the card. Junk fees on gift cards in New South Wales will be disallowed. The Minister said that he has had a "gutful", as have many members in this place. There are currently no regulations directed specifically at gift cards in any Australian jurisdiction. New South Wales is leading the way as a consumer champion to put protections in place to prevent people from losing their hard-earned money. I am confident that this commonsense reform will protect consumers from financial loss and strengthen the gift card market by reducing the potential for consumer discontent with gift cards. I commend the bill to the House.

Mr DAVID MEHAN (The Entrance) (11:17): I make a contribution to debate on the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017. The explanatory note to the bill states:

The object of this Bill is to amend the *Fair Trading Act 1987* with respect to the supply of tickets to sporting or entertainment events and the expiry dates for gift cards. In particular, the bill:

- (a) prohibits the resale of certain tickets to sporting or entertainment events for a profit, and
- (b) prohibits the publication of advertisements for the resale of event tickets for a profit, and
- (c) prohibits the use of software to bypass the security measures of a ticketing website in order to purchase tickets for an event, and
- (d) requires certain event organisers to publicly disclose the number of tickets made available for general public sale for certain events, and
- (e) prohibits the sale of gift cards with an expiry date that is earlier than 3 years after the date of sale of the gift card, and
- (f) prohibits the imposition of any charge or fee that reduces the value of the gift card after its sale. The Bill also makes related amendments to the *Fair Trading Regulation 2012* to create exceptions to the proposed prohibition relating to the sale of gift cards, and to provide for the issue of penalty notices in connection with a contravention of the prohibition. The Minister for Innovation and Better Regulation, the member for Hornsby, was asked during question time about his approach to ticket resales, and I commend him for his language. He said, "We will smash the business model of the dodgy ticket scalpers by taking on ticket bots." In particular, he mentioned the company viagogo. My office has received a number of complaints about the company, which I have forwarded to the Minister. I commend the Minister for responding to those complaints in the way he has. I am sure that he has received complaints via many other members in this House. The Minister said, "We want to make sure that the fans get a fair go and the dodgy ticket scalpers are run out of town." Bravo and all the best to him in pursuing that endeavour. He also said, "We think that when people use cash to purchase a gift card, they are entitled to receive the goods and services they wish to receive."

Again, all power to the Minister in that aim. I am willing to acknowledge a Liberal Minister who speaks about dealing with unfair profits and making sure that the market does not operate unfairly—because we all know deep in our hearts that the market, left to its own devices, produces nothing but inequality and unfairness—and who is willing to take on the market as this Minister has done in this instance. I will also indicate publicly that the Minister is doing a good job. In relation to the three-year rule, I note that the shadow Minister suggested that the Minister consider a start date of 1 December this year to ensure that during the Christmas period gift cards are sold with the new limit in place. That is a worthwhile suggestion for the Minister to consider. Other than that, I think this is a good bill and this is a good Minister.

Mr MARK TAYLOR (Seven Hills) (11:20): It is a pleasure to speak to the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017. I note the comments of the member for Granville, who related her unfortunate experiences with ticket sales. She outlined eloquently some great initiatives in the bill. The member for Manly made some incisive comments about the impact of gift cards on wrapping paper sales and the changes that has made to the economy. What outstanding in-depth research the member for Manly has brought to the Chamber today! It is an absolute credit to him. He certainly has a great future in this place judging from that depth

of analysis. I applaud the Minister for Innovation and Better Regulation, who is in the advisers' area, for bringing the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017 to the House.

Mr Mark Coure: Outstanding Minister.

Mr MARK TAYLOR: I acknowledge the call made by the member of Oatley; he is certainly an outstanding Minister. In researching the history of the bill—albeit not to the depth of the member for Manly—I noted that the Minister had drafted it, with the help of his staff, while carrying out his electorate duties as the member for Hornsby, which he performs excellently. I noted from his Facebook page that the Minister recently visited Arcadia Public School parents and citizens association and a number of sporting clubs to present cheques. He also attended an art show recently with the Mayor of Hornsby, Mr Philip Ruddock. I then got to the Minister's Facebook page that referred to a cycling event and depicted the Minister in lycra—and I stopped at that point. It certainly goes to show that the Minister is capable of many things besides bringing great legislation such as this to the House.

I will speak today about gift cards but I wish to make a passing comment concerning ticket scalping and the excellent initiatives in this bill. We have heard about fraud and companies taking advantage of vulnerable, innocent people who are merely trying to enjoy some entertainment. We must do all we can do to stop schemes that are set up to take advantage of such situations to increase illicit profits. This is excellent legislation, and I commend the Minister for introducing it. As for gift cards, many consumers report problems such as short expiry dates, cards expiring before they are activated and administration fees gouging the value of the card over time. Consumers in New South Wales deserve fairer terms on their gift cards that will not reduce the value or make them unusable in a short time frame. There is nothing worse than receiving a gift card—whether it is wrapped or unwrapped—and finding that there is only a very limited time in which to use it, especially if the person who purchased the gift card believed the card had a long expiry date.

The bill will make sure that consumers get a fair chance to use their gift card. It will protect consumers from administration fees that reduce the value of the card and it will impose fines on businesses that ignore their duty to give their customers a better product. We have heard how the gift card market is growing in Australia. This is also the case internationally, with gift cards increasing in popularity. In recognition of consumer concerns, overseas jurisdictions have implemented bans or minimum expiry periods. These changes have been in place for many years and have proven to provide significant benefits to both consumers' wallets and businesses' bottom lines. More and more gift cards are sold in countries where these changes have been made. We want to keep up with international markets and best practice around the world. So let us take a moment to examine how other countries have addressed consumer concerns about gift cards.

As the member from Oatley would say, New South Wales is number one in this country for the economy, jobs and infrastructure. As we lead the country in so many areas, no doubt we will need to look overseas to keep up with world best practice in this field. In 2015 the United States introduced at a federal level a minimum five-year expiry date and banned administration "junk" fees that reduce the value of gift cards on redemption. Some States have gone further to ban expiry dates altogether, including California, Washington, Florida and Connecticut. The introduction of a minimum expiry date has added to the strength of the market, and it is improving each and every year. Gift card transactions in the United States increased to \$130 billion across all sectors in 2015, which represented significantly better growth than overall retail sales. Since introducing the gift card minimum expiry in 2009, the United States gift card market has increased by a massive 63 per cent. The market has increased incrementally every year since then, sitting at \$91 billion per annum in 2009 and growing to an estimated \$149 billion in 2017.

The gift card market has gone from strength to strength. Most importantly for consumers, the amount of value left unspent has dropped to well below 1 per cent of the value loaded onto cards. Consumer losses on unredeemed gift cards have dropped from \$7 per \$100 to a mere 75¢ per \$100 since 2015. Another country that has addressed this issue is Canada, which has also introduced protections for consumers. All 10 Canadian provinces have reformed gift card regulations to remove expiration dates altogether. Again, the results have been positive, with the market in gift cards in Canada growing steadily. The increased transparency for consumers has not changed the popularity of gift cards in the Canadian market, with 49 per cent of shoppers identifying them as a preferred gift. This figure is up from 45 per cent in 2009.

These reforms will be the first of their kind in Australia, with New South Wales leading the way. It will put us in line with international jurisdictions that already have gift card regulations, allowing us to continue to thrive in a popular market while ensuring that consumers have strong protections. The evidence in overseas markets suggests that confident consumers will buy more gift cards as terms and conditions are applied uniformly and transparently. As members have said, similar changes are happening overseas. If we want to offer best practice in consumer protection in New South Wales, this is one of the best ways to do so. This issue affects people across New South Wales, and also in the electorate of Seven Hills.

I note that as we approach the end of the year it is spending season. If members have the chance to be in the Seven Hills electorate, I recommend they visit the shopping centres, in particular the Centro Shopping Centre, where there is always a good bargain to be had and a high number of constituents are in attendance because the shops provide great services for our residents. No doubt the shops take advantage of young people shopping for gifts and recommend gift cards. This legislation will provide the buyer and the receiver of the gift card with confidence that the gift card will hold its value and can be used at a time suitable to them. I am confident that the bill has addressed many of the concerns raised by consumers about gift cards, which contribute to our strong economy. I commend the bill to the House, and I commend the great effort of the Minister and his staff in bringing the bill to fruition.

Mr GREG PIPER (Lake Macquarie) (11:30): It was a privilege to hear the great speech by the member for Seven Hills on the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017. His inquisitive mind shone on the bill and illuminated it for us all.

Mr Mark Coure: He had me convinced.

Mr GREG PIPER: He convinced us all. Like other members, I support the bill. I acknowledge and congratulate the Minister and his team on preparing a response to an issue that has been nagging our communities for a long time. This is much-needed reform. In some ways, the issues now surrounding the event ticketing industry are another example of how regulation and legislation have struggled to keep up with technology and the modern world. I have no doubt that this reform will be accepted by the vast majority of fair-minded people in this State. The first part of the bill relates to the expiration of retail gift cards. The bill provides a fairer go for consumers, who lose an estimated \$60 million on expired gift cards or expired gift card balances every year. Most people have had that experience.

It is not always the case that people simply forget about a gift card they have received as a birthday or Christmas present, having left it in a sock drawer for a year. In many cases, we are talking about the balances of gift cards or vouchers that are not fully expended and are subsequently forgotten. A person might treat themselves to new clothes with a \$100 gift card they received as a birthday present, they spend \$80 and keep the balance for later. The card then sits in a handbag, a wallet or a drawer and is forgotten. People think they have a reasonable time to redeem the card and some time can pass before they remember to use it. A gift card can be easily forgotten, but it should not be forgotten that a large retail chain is usually profiting from, perhaps even counting on, forgotten cards.

The three-year period of currency proposed in the bill provides a reasonable amount of time for people to use a gift card. It is fair to the consumer and the retailer. Unfortunately, there is no foolproof way to control the honouring of gift cards in the event of a retail store closing down or going into administration. I am pleased that after-sales fees will be controlled or eliminated by the bill. There is also a case for better regulating the cost of processing or establishment fees that are charged on the purchase of gift cards. However, I am happy for the consumers to determine whether they are getting a good deal. If a retail store wants to charge a high establishment fee, such as a \$10 fee on a \$100 gift card, then the consumer reserves the right to walk away and take their business elsewhere. For some time, consumers have too often worn the rough end of the stick when buying gift cards, but this bill tips the balance of fairness in their favour.

The second part of the bill relates to the resale of tickets to major events, concerts and sporting events. This reform is long overdue. It will finally break the unconscionable practices of ticket scalpers and the computer-controlled hijacking of major ticketed events. Genuine ticket buyers have been at a significant disadvantage for too long, almost at the mercy of high-tech scalpers who have created a lucrative industry by taking fair play out of the game. Other members have given examples of this practice. I am aware of many people in my electorate who have been left angered and disappointed at having to compete with computer bots and professional buying or scalping organisations when they buy tickets online. The bots are computer avatars that are able to sweep ticketing sites and buy huge numbers of tickets from them at the same time. This is machine against man, and the machines usually win.

I was astounded to learn that last year one of the major legitimate ticket-selling agencies was bombarded by several billion bot-buying attempts in Australia. This was no more evident when tickets went on sale this year for major concerts by Bruno Mars and Ed Sheeran. Many people tried for hours to buy tickets online only to be left disappointed when the websites crashed. The ticketing agencies reported that millions of users were trying to purchase tickets. The reality is that the number of real people trying to purchase tickets was in the tens of thousands while millions of machines were attempting to buy tickets for scalpers and resale businesses.

Mr Brad Hazzard: Did you get some Bruno Mars tickets?

Mr GREG PIPER: I did but Ed Sheeran is my go. Within minutes of these concerts selling out, tickets were being advertised for resale at triple their original cost. What made it even more extraordinary in the case of one of those events is that physical tickets were not provided at the time of sale and would not be provided to purchasers until closer to the event date. This new industry of ticket resale sites will be screaming because this bill will significantly impact on their business model, which was wrong from the start. It relied on unfair practices that significantly disadvantaged people and families and regularly added an enormous cost burden to those who were genuinely trying to buy tickets to a major sporting event or concert. No doubt these unscrupulous scalpers will still find a way to make a big buck, but I am confident that this legislation will significantly impact on their existence. It sends a message that this Government is serious about pursuing this issue.

I have no problem with the rights of genuine ticket resale sites to exist in the marketplace. There will always be circumstances where people are not able to attend an event for which they have bought tickets, and the resale industry allows them to recoup their costs. But the recouping of costs should not be about feeding a whole new industry of profiteers and unscrupulous market manipulators at the expense of people doing the right thing. This is a commonsense response to an issue that has been nagging the community for a long time. I acknowledge the good work of the Minister and his staff. I thank him for introducing the bill.

Mr BRUCE NOTLEY-SMITH (Coogee) (11:37): The Government is legislating to put ordinary consumers first by giving them fair and equitable access to increasing numbers of high-profile events in New South Wales. Fans of ordinary sports and live entertainment are finding it harder and harder to access tickets to see either their favourite sports team play or a performance artist in concert. Often the only way they can access tickets is to be charged exorbitant prices by scalpers in the resale market. Modern ticket scalping practices involve the use of bot software, which is not covered under any existing Australian legislation. The New South Wales Government has had enough of ordinary fans being ripped off by these scalpers and is introducing tough new ticket scalping reforms.

The Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017 will prohibit profiteering from the resale of sporting and entertainment event tickets and improve the information available to consumers in the retail and official ticket markets. The bill recognises that many consumers have a legitimate reason to onsell a ticket and provides some protection to purchasers of those tickets against being refused entry to an event. The new part of the Fair Trading Act will apply only to sporting or entertainment event tickets that are originally sold subject to a resale restriction. A resale restriction is any term or condition that allows the ticket to be cancelled or rendered invalid if resold or resold in certain circumstances. Such conditions can result in consumers being denied entry to sports or concert events because they hold a ticket that was acquired in the resale market, and they have no recourse for a refund. These laws do not apply to amateur events such as school plays and church fetes where resale restrictions do not usually apply.

The reforms to the Fair Trading Act will prohibit anyone from reselling a ticket to a New South Wales event for more than the original sale price, or face value, plus any transaction costs. Transaction costs will be capped at a maximum of 10 per cent of the original sale price. This means that tickets to those events cannot be resold for more than 10 per cent above their original price. The new laws also account for consumers with legitimate reasons to onsell event tickets. The New South Wales Government is proposing to prohibit profiteering from ticket reselling but we are not prohibiting all reselling of tickets.

Some consumers have a genuine reason for wanting to onsell a ticket, such as being unable to attend an event due to work or family commitments. In those cases, the event organiser is not obliged to offer the consumer a refund. Such consumers are usually hoping to only recoup the money they paid to buy the ticket. The new laws will make certain resale restrictions void where tickets are resold within the 10 per cent mark-up cap. In practice, that means consumers who hold a resale ticket should not be refused entry to an event venue purely on the basis the ticket was resold. The new laws are not intended to capture situations where a scalper has resold the same ticket multiple times and more than one consumer arrives at the venue expecting a seat. That is outright fraud and is a separate issue.

In an Australian first, the New South Wales Government will be cracking down on bots—security manipulation software that allows scalpers to buy tickets in unauthorised high quantities. Ticketing bots are programmed to buy large amounts of tickets at speeds hundreds of times faster than humans can. Scalpers then resell these tickets at grossly inflated prices, at the expense of genuine fans. The bots can also launch cyber attacks on ticketing websites, preventing ordinary users from being able to buy their tickets. The new laws will make it illegal to use a bot to cheat the system and purchase more tickets than the ticketing site allows. We need to stop this market distortion and give access to tickets back to genuine fans. It is time to ban the bots.

New requirements for specific details to be included in ticket advertisements will improve transparency in the resale market. Tickets advertised for resale must specify the original cost of the ticket; details of the location from which the ticket holder is authorised to view the event, including seat, row and bay number; general

admission; and so on. The Government will work together with industry to target the scalpers before they reach the consumer. Owners of publications, such as ticket resale websites, will be responsible for regularly reviewing and taking down any non-compliant advertisements.

Several reports in recent years have recommended consumers be given better information about the way tickets are allocated in the official, or primary, ticketing market. Giving consumers more information about the numbers of tickets to certain major events that are to be made available for general public sale would improve consumer confidence in ticket markets and reduce dissatisfaction. The new laws will give the Minister the power to require event organisers to publicly disclose the number of tickets that are to be made available for general public sale to certain major New South Wales events. The Minister would be able to issue such an order only after giving the event organiser a chance to make submissions about the proposed order and only if the Minister is satisfied it is in the public interest to make the order. The Government intends that the Minister would exercise this power reasonably and with regard to procedural fairness and only for high-profile events that are susceptible to large-scale scalping operations.

The new ticket scalping laws are being inserted into the Fair Trading Act, which means they will apply to the whole marketplace and not just declared major events. Including a special ticket scalping part in the Fair Trading Act also means that the enforcement provisions of the Australian Consumer Law will be available to both Fair Trading as the regulator and any person who wishes to take legal action against scalpers. An important aspect of this is the power to seek court injunctions to stop scalping operations, under section 232 of the Australian Consumer Law. Scalpers who breach the new laws can face penalties of up to \$22,000 for an individual or \$110,000 for a corporation, which are the maximum penalties allowable under the Fair Trading Act. We are sending a strong message that this Government has had enough of consumers being ripped off and is serious about stopping ticket scalping. The only time I have resold a ticket is when I decided that I did not want to go to an Abba concert in 1977, and I have regretted it ever since. I commend this wonderful bill to the House.

Ms JENNY LEONG (Newtown) (11:45): On behalf of The Greens, I speak to the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017, which amends the Fair Trading Act to make changes relating to gift card expiry dates and to the resale of major event tickets. Specifically, the bill prohibits the resale of certain tickets for a profit and any advertising of such a sale; prohibits the use of software to bypass security measures on ticketing websites; enables the Minister to require certain events to publicly disclose the number of tickets made available for public sale; and requires the expiry of gift cards to be no sooner than three years.

The Greens strongly support the principles of consumer protection, including those for buying tickets to attend major sporting events, entertainment and cultural events. My Greens colleague in the Legislative Council Mr Justin Field outlined our support for new ticketing laws and our interest in relation to scalpers and bots, which are the focus of this bill, and highlighted our concerns as to whether this legislation will achieve its intended purpose. Nonetheless, The Greens are supportive of the bill, which makes crucial improvements to ensure that people are put before the interests of those who try to gain an unacceptable profit through ticket sales to major sporting, entertainment and cultural events.

I foreshadow that I will be moving an amendment relating to the gift card element of this bill. The bill states that gift cards can expire no sooner than three years. While this is a welcome change, the question that needs to be asked is: Why do gift cards expire at all? We are talking about large retailers and public companies. Some large retailers that operate in this State do not nominate an expiry date for their gift cards. Gift cards can be used in a number of ways. They can be used as a gift, or they can be issued as reimbursement for an exchange or a return of goods when cash is not able to be provided for some reason.

In our society, we do not accept the idea that cash withdrawn from an automatic teller machine [ATM] has an expiry date and must be used by that date. I would imagine there would be an uproar if it were proposed that cash withdrawn from an ATM can have an expiry date. Under this bill, we are talking about cash being handed over in return for a gift card that has an expiry date of three years. Whilst the extension of the expiry date is welcome, it is unclear to The Greens and to many in the community why a card that has a cash value would expire after three years. One might say, "The wacky Greens always want to do these things." I note that the Minister for Health, who is seated at the table, is nodding his head. As the Minister is using his mobile phone, I encourage him to google which of the large retailing outlets in New South Wales and Australia offer expiry-free gift cards. It is not only The Greens who believe that when a person buys or receives a gift card that they should have access to it until it is spent. That is not such a controversial idea. Clearly it is possible because some larger retailers are doing it now. We need to consider the pressures on everyday people using gift cards. I asked the Minister for Health to do a google search; I did not ask him to play a YouTube clip. Minister, we do not need to see advertisements for large retailers.

TEMPORARY SPEAKER (Mr Lee Evans): Order! The Minister for Health will refrain from looking at YouTube.

Mr Brad Hazzard: I was looking at The Greens video to check out how wacky they are. No, I am not.

Ms JENNY LEONG: I do not acknowledge that interjection. The Greens propose to move an amendment to reflect how people use gift cards. People receive gift cards from their grandmothers or aunts or perhaps it is an end-of-year present from an employer. Each of us has had a gift card sitting in our wallet or in the little jar where the house keys are kept. We say to ourselves, "I am going to go to that shop" or "I am going to log online and buy something". Indeed, if I were to look in my wallet now I would certainly have an expired gift card or two. Gift cards are generally for amounts of \$20, \$50 or \$100. Statistics show that New South Wales consumers are losing up to \$60 million each year on expired gift cards.

The Greens do not want gift cards to have an expiry date. Often when consumers take goods back to a major retailer, the outlet, for one reason or another, provides a gift card instead of refunding cash or putting the amount back onto the consumer's credit card. I will give a personal example. In the week out from 28 March 2015—some members in this place will well recall that date—I was asked what I was going to wear on election night. Newtown was a brand-new seat and we did not know who was going to win. The latest ReachTEL poll, which should never be trusted, indicated that I was going to lose the seat of Newtown by at least 10 per cent. I can hear members opposite expressing disappointment that the ReachTEL poll was not correct.

Mr Brad Hazzard: I am more interested in what you were going to wear.

Ms JENNY LEONG: Exactly. I am telling members my story because it is important. When one reads a ReachTEL poll that says you are going to lose a seat by 10 per cent, one does not spend the day shopping. The reasonable thing to do is to spend the day on the telephone, doorknocking, or talking to voters. But someone else, who had a vision as to what might happen that election night, said to me, "We really need to think about this." My sister is a lovely person. She offered to go and buy me multiple sizes of multiple clothes so I could try them on. My sister spent more money in that bizarre circumstance than she would have ever spent at one time. After the election, I returned the unwanted goods to the shop. Because my sister had purchased them on a credit card, the shop was unable to put the money back onto her card. Instead, the retailer said, "Can I give you a gift card in return?" I was provided with a gift card but I did not realise that it had an expiry date; in my head it was an issue of cash. The card expired. When I rang the company the response was, "I am sorry, we cannot honour it."

The gift card was for \$500, a significant amount of money. The company again said that it could not honour the card. This was unacceptable to me, so I went through the process. Eventually, after much advocacy and speaking to a very senior person in that company, it was agreed that a new gift card would be sent to me. The average person, who might not be a representative in this place, would not have pushed that hard and would have lost their \$500. I returned the goods; I did not own them. That company could have put the cash back onto a credit card but it said, "Here is a gift card instead." How many retail outlets are making money through that process because someone does not have the right bank card with them? Companies are saying, "We cannot give you cash. We will give you a gift card; it is just as good." It is not just as good as cash because after three years they keep it.

The last thing we need to be doing in this State or nationally is providing more boosts and more profits to big retailers. People are doing it tough. A \$20, \$50, \$100 or \$500 gift card should never be handed back as cash to a big retailer. People are given these cards as gifts; it is their money. It is completely unacceptable to have an expiry date so that at some point a large retailer can add the money to its bottom line and count it as a profit. That is why The Greens will be moving an amendment that rather than gift cards expiring after three years—which is obviously a welcome change—they will not expire. When one takes money out of an automatic teller machine that money does not have an expiry date, and nor should a gift card.

Mr DAMIEN TUDEHOPE (Epping) (11:56): I make a contribution to debate on the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017. It is not often that I agree with The Greens but in advocating for this reform, in which I played a role by taking it to the Minister, it is my preferred position that we adopt the position outlined by the member for Newtown. However, I understand the restrictions that the industry is moving towards and I advocate a review of this legislation at a future stage. I, like the member for Newtown, have serious objections to handing over money, receiving a gift card and having my money expire. Effectively, retailers have the benefit of our money.

It is not unreasonable to expect that if people give a retailer \$10 they should get that \$10 back. Retailers love collecting addresses because they can then generally send lots of spam. Perhaps in reviewing this legislation at some stage in the future, retailers and consumers may give some consideration to collecting email addresses as a mechanism to trigger an alert when a gift card is about to expire. However, if a retailer does collect a consumer's email address, there would need to be a corresponding obligation on the retailer to notify the consumer when a credit card is about to expire. I too, like the member for Newtown and other members who have contributed to this debate, have received gift cards and, lo and behold, at some future stage have found them to be expired. Unlike

the member for Newtown, who engaged in some considerable advocacy, most people do not engage in that advocacy when they find a gift card has expired. They take the view that it has expired and do not pursue it.

The member for Newtown correctly identified that there is often a residual amount on the card after the first \$15, \$20 or \$100 has been spent and the card has been put away. The balance then expires. There ought to be some mechanism to alert customers that the balance amount is still there or, alternatively, it should not expire at all. However, I welcome this legislation. Gift cards with a six-month or 12-month expiry date are an outrageous abuse. It is a very principled Minister who introduces this sort of legislation to protect consumers. The role of Ministers in this place is often understated, but this Minister, who is in the House, has acted as a great advocate for consumers. He ought to be congratulated on this part of the bill.

I now turn to the ticket scalping reforms. Like many members, I have sought to purchase tickets five to 10 minutes after they went on sale only to be notified that they are sold out. Previous speakers talked about concerts they tried to buy tickets to only to be disappointed. It would be remiss of me not to say that the tickets I would want would be for Neil Diamond, Nana Mouskouri and Cat Stevens, although I do not think that is his name these days. Mainly I am interested in sporting events. I have heard anecdotally that tickets for the upcoming Ashes tour are selling in the United Kingdom for four or five times the price that Australian ticket agencies are selling them. There is a serious problem to be remedied, and the Minister has adopted a remedy by attacking so-called bot purchases. As the member for Coojee said, the Minister has put in place a mechanism to ban the bot.

Mr Matt Kean: Stop the bot!

Mr DAMIEN TUDEHOPE: Stop the bot. Technology that allows algorithms to be used to purchase multiple tickets, and which excludes the general populace from the market, is not in the interests of consumers or families. The people who suffer most are the ordinary families who want to go to the football or cricket at a reasonable cost only to find that they cannot take their children to the event because the tickets are too expensive. We have an obligation to those families and the future test cricketers and sportspeople of this country to ensure that they can engage in sporting and cultural events at a price they can afford. By taking steps to protect consumers and outlaw ticket bots and ticket scalpers the Minister is acting in the interests of consumers and families.

That is not to say that there are not people who purchase tickets genuinely and find they cannot use them. As a rule, ticket sellers never buy tickets back unless they are to a sold-out event, so some consumers will need to dispose of tickets for an event that they can no longer attend. This legislation addresses that problem by allowing people to sell their ticket if they identify where the seat is located in the stadium and receive for it no more than 10 per cent above the original purchase price. That is a sensible reform because it identifies those people who genuinely need to resell tickets while ensuring that tickets are properly available for consumers in the marketplace.

A significant amount of work went into this bill to make the sale of tickets more transparent and to regulate the primary selling market to stop people from purchasing reams of thousands of tickets instantaneously and selling them for a high profit. We welcome this bill involving gift card reforms and the end of ticket scalping, which is part of a suite of legislation that the Government has introduced. This Government truly is the friend of the consumer. This Minister has introduced good legislation that addresses a problem consumers have been crying out about. The Minister has been brave enough to stand up to retailers that would prefer gift cards to expire and ticket sellers who would prefer to sell all of their tickets in one go. I congratulate the Minister, his staff and all those in his department who have been involved in drafting this excellent legislation. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) (12:06): As my colleague the member for Newtown outlined, The Greens are broadly supportive of the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017, which ensures we can stop ticket scalping. We are also supportive of the approach of the Government regarding gift cards. It is clear that a rot has been perpetrated on the people of this State and Australia for far too long. The fact is that these retailers have been stealing money from consumers by rigging the gift card system to ensure that they expire. Some gift cards have very short expiry dates so that retailers can book the money as a profit on their bottom lines. We understand that consumers lose almost \$60 million to those retailers each year.

The Minister has treated retailers and the Australian Retailers Association lightly. His position has been moderate. The community are outraged when their gift cards expire and they learn when they approach the retailer that the system is a rot. Groups such as the Retailers Association are running a protection racket to continue the windfall profits of retailers. The Government is introducing a minimum three-year expiry on gift cards to ensure that the most egregiously dodgy retailers selling cards with very short expiry dates are captured by this legislation. The fact is that the money is not the property of the retailer and it should not be booked as profit. It should be carried on the balance sheet because it is the money of the consumer.

The money has not been exchanged for a product or item; it has simply been provided to the retailer for it to hold it in trust for the consumer, in a sense. If the retailer does not have a system to manage that situation it should not be in the business of issuing gift cards. The truth is that those retailers want to keep this rort alive. They want to continue to book \$60 million as profit by stealing it from consumers in this State. The Minister has been incredibly moderate on this issue. It is remarkable that he is not more fired up because, quite frankly, the approach of the Retailers Association in particular is a disgrace. Retailers of good conscience, who put their consumers first—and there are many of them—do not put expiry dates on their cards.

Mr Matt Kean: They have nothing to fear.

Mr JAMIE PARKER: The Minister is absolutely right: ethical retailers and those who take the correct approach when dealing with consumers should have nothing to fear. Rent-seeking, not only by retailers but also by many businesses, is one problem with the system. We see it in the coal industry where some companies would rather seek subsidies than improvements in productivity. We see it with people seeking to damage the environment rather than ensuring good environmental compliance. We also see it with retailers trying to rort consumers by selling gift cards rather than providing good services. Those retailers are the first to complain to government about online trading and all the different systems and problems. Instead of complaining about competitors they should improve their game.

Rather than relying on rorting customers through gift cards to boost their profits, retailers should provide better services, pay their staff more and have better quality staff and products. That is the way to compete in a marketplace where competition is growing from online retailers. Retailers should tackle it head on by providing good quality service and products and excellent customer satisfaction. The customer experience is destroyed by rorters like those retailers who continue to offer inferior products and service. That is why The Greens will move an amendment to this bill to ensure that retailers do not steal people's money. Retailers should not steal money they hold in trust for consumers. This legislation should be adopted but the amendments should also be agreed to. If an organisation like the NSW Trustee and Guardian that holds money in trust decided to take money from people there would be outrage. But these retailers have continued their rort. The loophole in the gift card system has been closed in other jurisdictions around the world. I encourage other jurisdictions in our great nation to take up these proposals.

I also address the problem of ticket scalping, and I acknowledge the work of the department, the Minister and the Government in trying to address it. This vexed and complex issue is often difficult to deal with. Again, the rent-seekers come out asking for the loopholes in the system not to be closed and for the rorting to continue. I am pleased that an approach has been taken to protect consumers. In many situations an unfettered market leads to monopolistic and cartel-like behaviour that rorts and manipulates consumers. That is why consumer protection is so important. I acknowledge the efforts of the Minister in taking steps to address this issue, along with those in the Government and Opposition who are being imposed upon by retailers. The retailers come up with all sorts of guff to try to justify their outrageous profiteering, but we should not be afraid to stop them. We should stand up to them and say that they need to introduce a contract system for their cards and if they cannot do it they should stop selling them. If retailers cannot guarantee that consumers are protected they should stop providing a product that they know is designed to rort them. They should prioritise consumer respect and care.

I am appalled that some retailers continue to think that they should be able to rob, rort and profiteer from consumers. It is a shame that the Government did not grow a backbone and take up this issue earlier. Quite frankly, those who argued that gift cards should not have unlimited expiry dates—I suspect some of them were on the Government side—are selling out consumers. The worst type of representative is one who buckles to rent-seeking lobbyists and throws consumers under the bus. It is a disgrace. I acknowledge all those who have made a contribution to this debate. I give credit where it is due: This bill makes good progress, but there is a huge gap between the expectations of consumers and reality. I look forward to supporting the amendment put forward by the member for Newtown.

Ms LIESL TESCH (Gosford) (12:14): I commend the Minister for Innovation and Better Regulation for bringing the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017 to the House to protect the consumers of New South Wales. The object of the bill is to right a wrong that has been brought about by the rapid growth and change in technologies that has disrupted traditional markets. Welcome to the new world! Ticket scalping has changed a lot. When I was young, it involved a man or woman hocking tickets outside a concert venue or sports match. Now it is unofficially legitimised, with international websites and massive profits backing scalpers up at the expense of the consumer.

I am disappointed that the Government would not work with Labor on its amendments, which would have further ensured that this legislation delivered a fair go for consumers in this new world of ticket scalpers. The Opposition supports greater transparency in all markets, and will keep fighting to ensure that consumers are not hurt by quick changes in markets that happen before regulation can catch up. This legislation and these changes

are about fairness. The legislation needs to be in place to ensure that consumers know what they are getting and are confident that software bots are not unfairly pushing up the prices they are paying. Government has a social responsibility to protect the community from the unfettered push and pull of the market. Unchecked, this problem will only get more out of hand.

Not only has technology changed the way we buy tickets; it has changed how tickets are onsold and scalped. Websites such as Craigslist or Gumtree make it easier than ever for tickets to be resold on a small scale, and sophisticated e-commerce sites such as Viagogo give consumers a false confidence that the tickets they are buying are legitimate, which is not always the case. Online arbitrage, through platforms such as Viagogo, has allowed bots to purchase huge numbers of tickets that are then onsold with a significant mark-up. I have had personal experience of how difficult it is to follow up on something that is not right on a megascale website. Let us hope that this new legislation breaks the current business model. My office has received complaints from consumers about dodgy ticket sellers, which we have forwarded to the Minister to resolve.

Like many people around the country, on Monday my brother-in-law spent hours on the computer and on the phone trying to secure tickets for the Pink concert—any tickets that were not in the standing-room only area, so I could join the group. There were none. We do not know how many tickets were available or how many were purchased in large blocks and sold for incredibly expensive prices with a free drink or early access or what have you. All we know is that we missed out yet again.

I would like additional restrictions to be added to the resale of tickets—adding a component of row, seat and how many tickets are available—to better highlight what is available for consumers and to ensure fairness and equity in sales. I know that the people of Gosford and New South Wales will be closely watching this new legislation, and I encourage all members of the Gosford community to be in touch with our office to let us know where it is not tight enough. This legislation is about ensuring the free and fair enjoyment of events for everyone. For us on the coast, it is not just the cost of the tickets we have to think about; it is the cost of hotels, meals and everything that goes along with a trip to the city for a big event. These are often family events that involve a great investment of money by people on the coast. We have heard of worst-case scenarios where families who have made the investment have turned up to venues only to be turned away at the gate because they have been sold illegitimate tickets. That is unacceptable.

Consumers need to have confidence that the tickets they buy are legitimate. We need to ensure that people get what they pay for. We cannot let these businesses get away with exploiting consumers to make a quick buck. These ticket scalpers buy in bulk and they turn individual enjoyment into a steeplechase of profits. This bill amends the Fair Trading Act 1987 with respect to the supply of tickets to sporting and entertainment events. The bill has a number of key protections that will ensure that consumers are protected from the worst scourges of profiteering from scalpers. The bill will prohibit the resale of certain tickets to events for a profit; prohibit the publication of advertisements for the resale of event tickets for a profit; prohibit the use of software to bypass the security measures of a ticketing website in order to purchase tickets; and will require certain event organisers to publicly disclose the number of tickets made available to the general public sale for certain events.

The bill will give the Minister the power to activate parts of the Act for major sporting and entertainment events so they are accessible to everyone. New sections 58E and 58F prohibit the resale of tickets for more than 10 per cent of their original cost. New section 58G imposes a penalty of up to 1,000 penalty units for corporations and 500 for individuals who breach the new laws and a maximum penalty of \$110,000 on current figures. That is good. New section 58K will tackle the use of ticket bots that enable and assist computers or individuals to use software to buy tickets in bulk or in contravention of the terms of use. New sections 58I and 58J deal with the resale of tickets on various platforms, prohibiting the advertising of any resale on any platform or newspaper or magazine website at more than 110 per cent of supply cost, with a defence for some platforms whose purpose is not directly to facilitate the buying and selling of goods and services, such as Facebook.

Scalping is not the only thing this bill is tackling. The member for Newtown and the member for Balmain spoke about gift cards. The sale of gift cards is becoming increasingly popular, especially as we approach Christmas. The member for Newtown spoke about returning goods and services. I know there are a number of gift cards sitting on my shelf that have expired. Lengthening the expiry date to three years makes sense and is a positive change for the consuming public. Let it be lengthened to forever. When I take money out of the teller machine I expect it to remain in my possession, yet gift cards expire on the shelf as I go about my busy life.

I support the Labor amendment to ensure that the legislation will be in place by 1 December this year, ready for the Christmas season. I support all speakers and say that the Opposition strongly supports many aspects of the bill, particularly efforts to smash the business model of ticket bots and the gift card reforms. I congratulate the Minister on his efforts in drafting the bill and making changes to the 1987 Act. The Opposition has concerns about elements of the bill regarding ticket resale. We will continue to press for change and for amendments to ensure that consumers are protected and can feel confident with their purchases in this disrupted economy.

Ms TANIA MIHAILUK (Bankstown) (12:21): I speak in debate on the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017. Many moons ago I was the shadow Minister for Fair Trading when the then Minister for Fair Trading, Anthony Roberts, introduced a similar bill known as the Fair Trading Amendment (Ticket Reselling) Bill 2013. At some point there was a reshuffle and Minister Stuart Ayres became the Minister. He was dismayed at the inherent flaws in the 2013 legislation. For some time both Minister Ayres and I tried to amend the legislation to assist the Government to pass the bill. It ended up in the upper House and it is now somewhere in the abyss. Minister Kean has accepted that some parts of the original bill needed to be salvaged and he has included those in this bill.

In the past I took issue with the onerous requirements placed on consumers trying to resell their tickets. Some of those included taking photographs of the tickets. That showed a real misunderstanding on the part of those drafting the original bill because people do not receive their tickets in the first stages of purchasing them. Issues to do with fraud were raised earlier but I note that this bill does not directly address that. All members would be concerned about the secondary market and would acknowledge that as technology changes it will disadvantage consumers in some respects. All of our constituents are concerned about purchasing tickets to major events. People often want to enjoy various events and recreational activities throughout New South Wales and Australia. It is important that they are able to safely purchase tickets knowing that those tickets will not be unfairly cancelled or deemed void when they turn up to an event.

I ask the Minister to address a couple of matters in reply. I would be interested to know whether the statistics have changed with respect to ticket scalping and the number of complaints received by Fair Trading. I recall that a Government Information (Public Access) Act request was made in 2013 when the original bill was introduced. At that time only 128 complaints had been made, the majority of which related directly to cancellation or postponement of events. I understand that only one related to ticket scalping. As part of that request we also discovered an email between the then chief of staff to Minister Roberts, Tim James, and then Fair Trading Commissioner Rod Stowe in which Rod Stowe said that there was no evidence at that stage to require specific legislation regarding ticket scalping. The situation may now be different; I know other factors have come into play that are of concern to the Government, and quite rightly so, that make this legislation necessary. However, I would be interested to know whether there has been an increase in issues directly related to ticket scalping.

It was to the credit of Minister Ayres that he worked closely with the Opposition to amend the inherently flawed 2013 bill. It is disappointing that Minister Kean has chosen not to agree with the Opposition. I commend shadow Minister for Innovation and Better Regulation Yasmin Catley for her efforts, together with our colleagues in the other place, in putting forward fair amendments to the bill. Given that so many factors have changed within the past three years, why would the Government not agree to a three-year review of the legislation? Indeed, with technology advancing it is even more important to have such a review. I ask the Minister to revisit that matter. In addition, I cannot understand why the Government would not set a date of 1 December 2017 for commencement.

I do not necessarily agree with the arguments in the upper House that small businesses and other operators will have all sorts of accounting issues and other concerns relating to gift cards. We would all agree that gift cards have become a major issue for consumers. Indeed, many Government members have raised concerns about ensuring that consumers are protected, given that many gift cards expire and consumers cannot redeem the value of them. Obviously the Opposition supports the three-year expiration date for gift cards. However, I am disappointed that the Government is not commencing that as soon as possible. I cannot see how that would be a major concern, particularly for large business operators. The cards have already been purchased; the money has already been outlaid. I would have thought the Government would have put this into effect as soon as practicable.

Given the Government's presence in the media concerning this issue, it would seem to be a generous example of its care for consumers if it introduced the law prior to Christmas. The Opposition supports the legislation. It will be interesting to watch the progress of the bill as changes to technology occur. I have no doubt there are issues that the Government will need to address in relation to fraud through amendments to the legislation relating to ticket scalping and fraudulent activities in the industry.

Mr ALEX GREENWICH (Sydney) (12:30): I make a brief contribution in support of the Fair Trading Amendment (Gift Cards and Ticket Scalping) Bill 2017, which introduces sensible measures to help prevent the scourge of online ticket scalping that is ripping off everyday people. My electorate is culturally active and my constituents regularly buy tickets to events including live music such as indie and underground bands, festivals, symphony orchestras, performance dance and theatre. While much of the discussion around scalping has focused on major commercial concerts and large sporting events, smaller boutique and quirky events are also targeted regularly.

Using bots, ticket resale sites quickly buy tickets in bulk to a range of events and then jack up the price on their sites. The mark-ups can be phenomenal, with none of the additional profit supporting the entertainment industry. The process is about ripping people off. The need for official ticket sellers to invest in anti-bot software

to try to prevent this practice in turn increases the cost of tickets and booking fees, further disadvantaging the consumer. Investigations by consumer group Choice found that most people who purchase tickets from resale sites think they are purchasing from the official seller and are not aware they are paying massive mark-ups. Often the already inflated ticket prices increase on resale sites while official sellers are still selling tickets at the genuine price. But consumers get tricked into paying a higher price because resale sites look official and come up at the top of search engine searches for events because resale sites pay for this to happen.

My office did a quick test and googled an upcoming concert at the Enmore Theatre. Tickets that are currently selling for \$63 on Ticketek are selling on the Viagogo site for \$119. Viagogo came up first in the Google search. Some punters may choose not to attend an event following a search because they think the price is too high, when in fact it is within their price range on the official site. The bill will ban the use of software bots to purchase bulk tickets and put a 10 per cent cap on profits from the resale of a ticket. There are also new requirements to publish certain information about tickets, including whether they are being resold, the original price and the location of a seat. I welcome provisions in the bill aimed at ensuring that people can informally sell unwanted tickets to their friends and colleagues through social media. While the bill will not be able to stamp out unfair scalping, it will make a real difference to breaking the business model that resale sites rely on and improves consumer protections. I commend the bill to the House.

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (12:32): In reply: I thank the Temporary Speaker, the member for Terrigal, for his support of the bill and his passion for putting New South Wales consumers first. I thank all members for contributing to debate on the Fair Trading Amendment (Gift Cards and Ticket Scalping) Bill 2017. I thank members representing the electorates of Terrigal, Drummoyne, Granville, Manly, The Entrance, Seven Hills, Lake Macquarie, Coogee, Newtown, Epping, Balmain, Gosford, Bankstown and Sydney. I single out the member for Swansea, my shadow counterpart. She is genuinely committed to putting consumers first. I have had a constructive working relationship with the member for the entire time that I have been the Minister. I thank her for her exceptional efforts and continued focus on working with me to put consumers first.

I will comment on the issues raised during the debate, first in relation to ticket scalping and then in relation to gift cards. As members have heard, the Fair Trading Amendment (Gift Cards and Ticket Scalping) Bill 2017 will put consumers first and introduce measures to improve transparency in the primary and secondary ticket markets. It will prevent price gouging by dishonest scalpers and ban the use of bots to buy tickets in breach of a website's terms and conditions. Ordinary sports and live entertainment fans are finding it harder and harder to access tickets to see their favourite sports teams play or performance artists in concert. Often the only way to access tickets is to be charged massively marked up prices by scalpers in the resale market.

The Fair Trading Amendment (Gift Cards and Ticket Scalping) Bill 2017 will prohibit profiteering from the resale of sporting and entertainment venue event tickets. It will prohibit anyone reselling a ticket to a New South Wales event for more than the original sale price, or face value, plus a transaction cost capped at a maximum of 10 per cent of the original sale price. It means that tickets to these events cannot be resold for more than 10 per cent above their original price. Such a measure will allow ordinary consumers to resell their tickets should they no longer be able to attend an event after purchasing tickets, but it will stop ticket scalpers from profiteering at the expense of ordinary and genuine fans.

In an Australian first, the New South Wales Government will crack down on ticket bots, which is security manipulation software that allows scalpers to buy tickets in unauthorised high quantities. We will stop the bots. The new laws will make it illegal to use a bot to cheat the system and purchase more tickets than the ticketing site allows. We need to stop this market distortion and give access to tickets back to genuine fans. Fans should also know how many tickets are available to the public for sale. For this reason, the bill confers on the Minister a new power to require event organisers to make a public disclosure of the number of tickets that are available for public sale. The power is intended to be used only for major events, where it is in the public interest to disclose the number of tickets that are available.

By improving the information available to consumers in both the resale and official ticket markets, the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017 will protect consumers and provide greater transparency. Because the anti-scalping measures in this bill are being inserted into the Fair Trading Act, the enforcement options under the Australian Consumer Law become available to both the regulator, NSW Fair Trading, and the industry participant, should they want to bring legal action to stop scalping operations. The bill provides that breaches of the ticket scalping measures are local contraventions of the Australian Consumer Law. This means that if a prosecution is brought against scalpers for a breach of these provisions, the remedies under the Australian Consumer Law include injunctions, orders for compensation, adverse publicity orders, and the like.

The bill also provides for substantial maximum penalties for breaches of the new anti-scalping laws. A \$22,000 maximum fine for an individual, and a \$110,000 maximum fine for a corporation, are strong deterrents

to the rip-off merchants and resale sites that have been conning consumers for too long. NSW Fair Trading is active in the marketplace every day protecting consumers, monitoring compliance, educating traders, and taking enforcement action against flagrant violations of the State's consumer laws. I will not stand for it. I am sick and tired of consumers being ripped off. These laws will go a long way towards protecting genuine fans trying to purchase tickets to sporting events or music concerts.

I now turn to the issues raised by the Opposition. The shadow Minister contends that the bill neither outlaws nor legalises the onselling of tickets. I commend the interest of the member for Swansea in consumer protection. She has worked closely with me to develop these consumer-friendly laws. But with regard to her comment that the bill neither outlaws nor legalises the onselling of tickets, she is mistaken. New section 58J does exactly that. It offers consumers protection in the secondary market by legitimising the resale of tickets within the 10 per cent mark-up cap. If a genuine consumer—not a scalper—resells a ticket within the 110 per cent limit, then the person who buys that ticket should not be refused entry to the event simply because they hold a resold ticket. New section 58J makes void any term or condition of a ticket that authorises its cancellation within the fair and reasonable 110 per cent limit. At a price above that, we are trying to provide a disincentive for the ticket scalpers and rogue agents who want to gouge genuine fans. We want to smash the Viagogo and Ticketmaster Resale business model, which thrives as a result of massively inflated prices and price gouging that has been going on in the market for a long time.

I also respond to the contention by the member for Swansea that the bill does nothing to combat fraud in the secondary market. First and foremost, several features of the bill severely reduce the incentive for scalpers to engage in the fraudulent resale of tickets. Profiteering is prohibited through the 10 per cent resale mark-up cap. The prohibition on bot activity in the unauthorised purchase of tickets will also severely restrict the scalpers' ability to engage in fraud. Secondly, fraud is already illegal, and NSW Fair Trading and other law enforcement authorities can take action. I, as the Minister, as well as NSW Fair Trading regularly warn consumers about the hazards of the secondary market and ways to avoid fraud.

I note that a number of members mentioned the problems they were having buying tickets to see Pink, and I will address that very important issue in my reply. One member referred to the website selling Pink tickets going into meltdown and preventing fans from buying tickets. The primary reason the website is slow or goes into meltdown is the use of ticket bots. This bill is designed to smash the bots. We expect to see a massive increase in the speed with which fans can access tickets by destroying the bots that are currently slowing down ticket purchasing websites. Ticket bots can frequently jam websites so that ordinary consumers cannot buy tickets and scalpers can move in and harvest large numbers of tickets. This bill will address that issue.

With regard to transparency in the secondary ticket market, fans should also know what they are buying and when they are transacting in the secondary market. For this reason, the bill increases the information that must be included when a ticket is being resold. For example, details of the ticket, such as the bay, seat and row number and the original sale price are now required to be included. The member for Swansea has also asserted that the information requirements imposed by the bill on the secondary market will provide a greater incentive for fraud. The Government disagrees and firmly sees that these transparency measures are putting consumers first. The bill provides for an offence for the publication of a prohibited advertisement that carries the same substantial maximum penalties as the other offences in the bill.

The Government did not support the amendment moved in the other place to insert a three-year review clause in the bill. NSW Fair Trading keeps all consumer protection laws under constant review and, if there are any indications that these laws are not working as intended, the Government will not wait for three years to review them. I note that the intentions of the member for Swansea are good and noble, but we need to regularly monitor these laws and their effectiveness. I do not want to put an arbitrary time frame in place, whether it be three years or five—five years is the normal statutory review period. We need to make sure that our laws are moving and evolving as quickly as the technology is evolving. I give an undertaking to the member for Swansea that we will work collaboratively to keep a watching brief on how effective these laws are at combating ticket scalping and price gouging. If we need to make further adjustments, then I am very keen to work with the member to do so. Our priority here is putting consumers first and making sure fans get a fair chance to access tickets at a fair and reasonable price.

Websites based outside New South Wales or overseas that market and sell to consumers in New South Wales are subject to the laws of New South Wales and to the requirements of this bill. That includes Viagogo and Ticketmaster Resale. The Fair Trading Act has extraterritorial operation and it is noted that the Australian Competition and Consumer Commission is currently prosecuting Swiss-based company Viagogo for breaches of the Australian Consumer Law. NSW Fair Trading has arrangements with regulators in other jurisdictions and has had experience in taking enforcement action against businesses operating outside New South Wales. If companies

like Viagogo want to continue to try to rip off consumers in New South Wales, then we will do what is necessary to protect them. I give that undertaking here today.

Opposition members remarked that the prohibition on the use of ticket bots should keep up with developments in technology. I agree absolutely. The bill is drafted with that in mind and will be able to cover new technologies. First, the prohibition in the bill is broadly drafted and prohibits the use of software to enable or assist a person to buy tickets in contravention of the website's terms and conditions. Secondly, the bill has a regulation-making power that enables the security features of a website to be prescribed. This will enable new technological developments to be prescribed. Obviously, the technology is moving fairly quickly. We need to continue to ensure that our laws are able to keep pace with the changes in technology. We want to crack down on dodgy ticket scalpers; we want to bust their business model and give fans a genuine chance of getting tickets at a fair and reasonable price.

Opposition members referred to the need for nationally consistent legislation addressing ticket scalping—and I could not agree more. Ticket scalping has been discussed by the Legislative and Governance Forum on Consumer Affairs [CAF], which comprises the consumer affairs Ministers from all Australian jurisdictions. The Commonwealth Treasury will undertake a regulatory assessment of ticket onselling and present CAF Ministers with an options paper in 2018. New South Wales supports nationally consistent ticket-scalping laws. However, given New South Wales is attracting increasing numbers of high-profile events and international acts, it is important that the New South Wales Government acts now. Consumers and some industry stakeholders have been calling for government intervention to stop the rort, and with this bill the New South Wales Government convincingly answers that call. I make no apology that New South Wales leads the country when it comes to these tough anti-scalping laws, and we call on the Commonwealth and other States and Territories to put their consumers first and to match New South Wales when it comes to protecting consumers who try to buy tickets online.

I now turn my attention to the bill's provisions regarding gift cards, the announcement of which has been very well received. As members have heard, the Fair Trading Amendment (Ticket Scalping and Gift Cards) Bill 2017 will put consumers first and sets out provisions for gift cards to have a minimum expiry period of three years and no post-purchase administrative fees. Consumers have been suffering significant financial loss for some time due to gift cards expiring with value left on them. This is not good enough. Every year hardworking New South Wales consumers lose \$60 million because of early expiry dates on gift cards, and this bill seeks to address that. We believe people deserve to get what they paid for. We believe when you hand over your hard-earned cash, you have every right to get goods or a service in return for it. That is why the Government is moving to introduce minimum three-year expiry dates on gift cards.

I note the amendment proposed by The Greens, and I will address it later. But I will say that in this bill we have tried to strike a balance between the rights of consumers and the needs of businesses to have certainty in terms of the liabilities they carry on their books. We have engaged extensively with businesses, with retailers and with consumers. Our bill attempts to strike the right balance between the rights of consumers in New South Wales and the needs of businesses to continue to operate, employ people and pay taxes. A mandatory minimum period of three years will allow consumers to maximise the full value of a gift card by allowing them sufficient time to redeem a card. Gift cards sold for a period shorter than the minimum expiry period will be void, and there are penalties for those who do not comply with these provisions. This allows the currently diverse practices of businesses to be streamlined, minimising further confusion by consumers.

The provisions will enable New South Wales consumers to redeem the full value of a gift card with the certainty of the value remaining the same, as any post-purchase administrative fee is prohibited during the three-year expiry period. The business of charging post-purchase fees and thus reducing the value of gift cards—meaning consumers do not get what they paid for—is a complete racket. Our bill will put an end to that practice. Consumers deserve to get what they pay for. When they hand over their hard-earned money, they deserve to get a good or service in return—and no amount of whinging from the Shopping Centre Council or big business in this State is going to convince me otherwise.

The reforms exclude certain gift cards, including gift cards issued in exchange for returning goods or services, prepaid internet or phone cards, cards issued by financial institutions such as debit, credit or travel cards, and cards offered as part of a customer loyalty program. While we are on the topic of gift cards, this legislation has been extremely well received by consumers across New South Wales. Indeed, consumers around the country are excited that New South Wales is leading the way when it comes to protecting their rights when buying gift cards. Again, I call on other States and Territories to follow the example of New South Wales and introduce a minimum expiry date of three years on gift cards. We believe this is best practice and we call on other States and Territories to put their consumers first and to give them a fair chance to receive the goods and services they have paid for.

Introducing this bill in Parliament has not occurred without challenges. We have had huge opposition from big business and retailers in this State with a vested interest. They have sent their lobbyists to convince me not to put consumers first so that the gift card racket can continue. Every year, big businesses pocket \$60 million from New South Wales consumers and give nothing in return. Today the *Sydney Morning Herald* reported my comments about a lobby group—the Australian Retailers Association—headed by Mr Russell Zimmerman. This body went to extreme lengths to stop consumers coming first in this State. It fought to allow big businesses to continue to pocket money without providing anything in return.

The Australian Retailers Association lobbied 12 Government Ministers and went behind my back to the Premier. It threatened my office with war, which is a disgrace. It did a disservice to members of the Australian Retailers Association. Let me be clear: I will not be pushed around by Mr Russell Zimmerman or any other lobbyist or big business in any way, shape or form. I will always stand up for New South Wales consumers and the little guy in the face of big businesses with a vested interest. As the fair trading Minister in New South Wales, I will not be bullied by big businesses about gift cards or any other consumer protection issue.

This reform sets out important consumer protections and it is disappointing that people like Mr Russell Zimmerman and the Australian Retailers Association have campaigned so strongly against the reforms. Russell Zimmerman must be transparent about the businesses that he represents. This industry group lobbied government so it should adhere to the same standards that apply to any other lobbyist. This organisation purports to represent small businesses but when I asked Mr Zimmerman to disclose the businesses that pay his meal ticket, he refused to do so. It is disappointing. I have heard rumours that the organisation is funded by big businesses such as David Jones, Myer, Kmart, and JB Hi-Fi that benefit from the sale of gift cards. Mr Zimmerman should have been transparent about the fact that the beneficiaries of the gift card racket pay his meal ticket.

I want people like Mr Zimmerman to be more transparent when lobbying me as the Minister. I want to know who is paying their meal ticket, on whose behalf they are lobbying me, and what their interests are. I have to disclose my meetings, and organisations such as the Australian Retailers Association should disclose theirs. We want to protect consumers in New South Wales; we want to outlaw practices that rip off the little guy. Lobbyists like Kristin Pryce do their clients a disservice by lecturing Ministers on what is or is not good public policy. I will be the judge of that. I want businesses across this State to know that they do not need a lobbyist to access my office. My door is open to anyone who has ideas about how to protect the little people and those who put consumers first in New South Wales.

The Opposition moved an amendment in the other place to have the gift card provision commence on 1 December. The Government is committed to reforms that put consumers first. We would like them to be implemented as soon as possible. However, we believe we must get the implementation right. We need to strike a balance between consumer needs and business operational rights regarding gift cards. The Government will work with retailers to make the changes happen as soon as it can. It was a herculean effort to introduce the bill in this place, and I thank the outstanding members in my department who have worked tirelessly. I acknowledge the work of Gabbie Mangos, Lachlan Malloch, Diana Holly—who is here today with Lachlan—Pauline Lynn, Maggie Phang, Marcel Savary, John Tansey, Graham Monday, Caterina Mazza, Vi Ngo and Rena Maher. They do outstanding work and I am proud to work with them every day of the week. I thank them for putting consumers first.

No doubt this bill would not have come to fruition without my outstanding ministerial team. I have some of the brightest, most passionate and dedicated staff members that anyone could find. I acknowledge Julia Steward, Aaron Wakeley, Brooke Eggleton, Richard Hodge, Christine Chalker, Alex Roberts, and my brilliant chief of staff Ben Coles. I commend the bill to the House.

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

Motion agreed to.

Consideration in detail requested by Ms Jenny Leong.

Consideration in Detail

TEMPORARY SPEAKER (Mr Adam Crouch): By leave, I will deal with the bill in one group of clauses and one group of schedules. The question is that clauses 1 and 2 be agreed to.

Clauses 1 and 2 agreed to.

Ms JENNY LEONG (Newtown) (12:56): By leave: I move The Greens amendments Nos 1 to 4 on sheet C2017-093 in globo:

No. 1 **Gift cards**

Page 8, Schedule 2.1 [1], proposed section 58N, line 25. Omit "of less than 3 years".

No.2 **Gift cards**

Page 8, Schedule 2.1 [1], proposed section 58N (1), line 26. Insert "(other than a public company gift card)" after "gift card".

No. 3 **Gift cards**

Page 8, Schedule 2.1 [1], proposed section 58N. Insert after line 28:

- (2) A person must not sell to a consumer in New South Wales a public company gift card with any expiry date.
Maximum penalty: 50 penalty units.
- (3) A **public company gift card** is a gift card that is redeemable for goods or services supplied by a public company or a subsidiary of a public company.

No. 4 **Gift cards**

Page 8, Schedule 2.1 [1], proposed section 58N (4), line 37. Insert "(other than a public company gift card)" after "gift card".

We are moving the amendments in the lower House because we know that in this place we represent clear constituent groups. In the coming months those groups will be buying gift cards and, in the process, they will see that they have expired gift cards in their wallets. All members in this place represent those constituents. The Greens amendment No. 1 is a simple amendment. It means that gift cards will not expire in three years. We move this amendment because when we withdraw cash from an automatic teller machine, that cash does not expire. Gift cards are owned by the people who purchase them or the people who receive them. Gift cards are not owned by the corporate retailers who put their logo and brand on them. The amendment is about who owns the gift card and who should receive the goods or services provided by the gift card. While a three-year limit is good, for some bizarre reason the ownership of the gift card returns to the retailer after three years. The Greens are not keen to see that happen.

The Greens often have views that are supported by the minority. In this case, we are standing up for the majority of people in New South Wales who agree with our view. It is rare that the majority of people in New South Wales agree with my view. But if we conducted a free vote on this issue in this place, the majority of members would support the amendment. When the member for Epping and the member for Newtown agree with each other, I believe it suggests that the majority of people in New South Wales would agree also. However, I suspect that only a small number of members will support the amendment and that the Labor Opposition will join the Liberal-Nationals Government to oppose it.

This amendment does one simple thing: it says that when a person pays money, and a retailer provides a gift card in its place to give to someone else, they have the ability to use that gift card to purchase goods or services without an expiry date. Instead, the Labor Opposition will join with the Liberal-Nationals Government to insist that after three years, the big retail outlet will steal the gift card back and take the money out of the pocket of the poor punter or poor individual who is struggling to do whatever they want to do in life because of the high cost of living and our failure to address the affordable housing crisis in this State. That is what will happen if this amendment is not supported. I urge members to consider whether they want to support that eventuality. I want members to have the time to consider whether that is really what they want to do.

The Government and Opposition are saying that after three years they will support large corporate interests stealing the money from individuals in our community to put onto their profit line. That is unacceptable to anybody, particularly members in this place. We have heard the Minister express some of the concerns and pressures that have been placed on no less than 12 Ministers by the lobbying of the Australian Retailers Association in relation to this bill. What remains unknown, and the question that needs to be answered is: How many Labor Opposition members met the Australian Retailers Association? Otherwise, one would have to think that the Labor Party would support the amendment moved by The Greens and say that we should not be taking money from individuals and returning it to big retailers.

But lo and behold, maybe what we are seeing here is the fact that the interests of the Labor Opposition are not with the people of New South Wales. Their interests and those of the Government are with the people who give them large corporate donations, who lobby them and allow them to maintain their power. This is not the first time nor the last that I will call out the hypocrisy of the so-called Labor Opposition in joining with the Liberal-Nationals Government to oppose an amendment moved by The Greens. They are advancing the interests of big business and, in this case, literally stealing the money from the pockets of individuals to hand it back to the big corporate retailers.

It is clear that if we had a vote in this place that was not along party lines we would have majority support for our amendment which does not allow gift cards to expire. It is clear that if we went to the community of New South Wales and asked: Do you think it is fair that a big retailer takes back a gift card after three years—the gift given to them by their granny, their sister or their aunt—because it has expired and big business now owns it and they cannot spend it? We would not accept it if a person bought a book and the bookshop took it back after it had been used for three years, or a dress from a dress shop, so why should we accept that the gift card can be taken back? It is clear that this is workable because large retailers are currently doing that.

I appreciate that the Minister has stood up to pressure to be able to take the bill this far but a six-month, 12-month or three-year expiry date is ludicrous. This is about cash; this is about who owns the goods, who owns the money and who was given the gift. The gift card should not be given back to the corporate retailer after this short amount of time. The Greens have moved this amendment because we believe that people should not be stolen from by the retailer if the gift card has expired. We believe gift cards should not have an expiry date and that is why I have moved this amendment. I urge all members to consider supporting this amendment. I welcome the opportunity to hear from the Labor Party as to whether it also had meetings with the Australian Retailers Association in relation to this bill.

Mr JAMIE PARKER (Balmain) (13:06): I will be brief because I know time is not with us. I emphasise the importance of this issue. This is a circumstance where a retailer has received funds from a consumer when no service or product has been provided. They do not provide a service, and they are able to gain revenue from the interest on the funds received for a gift card while it sits on their balance sheet, and then after three years they do not even have to give the money back. That is a disgrace. We know that they are already pocketing \$60 million from this situation.

The Minister has outlined that the Australian Retailers Association has been lobbying them silly to try to oppose this provision in particular. Labor has agreed with the big retailers to oppose this provision, just like the Coalition, and I am very disappointed. I acknowledge that progress has been made on this bill but all parties in this place should stand up to the Australian Retailers Association and say they should provide unlimited gift cards for people, as retailers such as Bunnings do, but no, we are buckling under the profit-seeking of the big retailers. What other reason is there for the Liberal-Nationals Government and the Labor Opposition to oppose this amendment? They oppose it because the retailers have said they will go to war if they agree to it.

Through their association the retailers have said, "If you stop us getting this free money"—more rent seeking—"we are going to put on a huge fight", so they will not support it. The Government and the Opposition will vote together today to continue the rort, a rort which consumers are so upset about; one only has to look at Facebook posts and read other comments around this issue. I am incredibly disappointed. At least the Minister has had the guts to say that he has been lobbied left, right and centre by the Australian Retailers Association. Labor will not do that because the truth is it has been lobbied by them too.

Ms Yasmin Catley: That's not true.

Mr JAMIE PARKER: It is true. If that is not true let us hear Labor say why it opposes this amendment. The only reason is because the retailers have told it they cannot hold it on their bottom line, it is too complicated to manage. That is rubbish. If they cannot manage a service, they should not provide the service. We know that if Bunnings can do it other retailers can too. This amendment should be supported. I applaud the member for Newtown for her support.

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (13:07): I acknowledge the legitimate issue raised by The Greens, but it is a bit of a stunt. This Government has been working on this bill for six months to get us to this position. We have engaged constructively with the Labor Opposition and anyone else who wanted to participate in getting reforms around gift cards that will put consumers first. We have tried to balance the rights of customers to get what they paid for against the needs of, particularly, small businesses that may have to make some changes to the way they deliver their business model or gift cards. I have no sympathy for the big retailers when it comes to them pocketing the cash of hardworking consumers in this State. I have no sympathy for those who are pocketing the vast majority of the \$60 million of hardworking shoppers' money without providing goods or services in return.

I say to Russell Zimmerman, the Australian Retailers Association and the Shopping Centre Council—those big lobby outfits that want to put pressure on governments to roll over and put consumers last—that it is not on. I will not be pushed around by Russell Zimmerman, the Shopping Centre Council or big retailers that are profiteering at the expense of customers in New South Wales. This is good reform that protects the rights of customers, and balances them against the needs of small businesses to have certainty about the liabilities that they will carry on their books. We will look at things in the future.

If The Greens want to work with me to find new ways to protect consumers in this State I am more than happy to do so. I will work constructively with The Greens, as I have been working with the Opposition. Let there be no mistake. This is about the turf war between The Greens and Labor. The Greens are trying to position themselves as a better consumer advocate than the Labor Party. The Government will work with The Greens, the Labor Party and anyone in this State who wants to put consumers first on this issue. We are balancing the rights of consumers against the needs of small businesses in this State. We will look at how this works and if we need to go further to protect consumers, I will welcome The Greens working with us to achieve that outcome.

Ms YASMIN CATLEY (Swansea) (13:09): Labor does not support this amendment. As commented on earlier, companies such as Bunnings Warehouse already provide gift cards with no expiry date. The Labor Opposition encourages that practice but it should be up to individual companies to make that decision. We consider the present balance of a three-year expiry date is just about right. We have worked with the Government and that balance has been extensively explained to us. However, some uncertainty exists around the definition of a "public company" proposed by The Greens. This was discussed in detail in the upper House last night. The Government's proposal for a three-year expiry date represents a fair balance for consumers and the businesses that will be affected. Finally, for the clarification of the member for Balmain, I have not met with the Australian Retailers Association and I do not know Mr Zimmerman. The member said he was given that advice before standing at the lectern today. His comments were disingenuous. I ask the member for Balmain to admit that he said something that he knew not to be true.

TEMPORARY SPEAKER (Mr Adam Crouch): Order! The member for Balmain and the member for Swansea will take their conversation outside the Chamber. The member for Lake Macquarie will be heard in silence.

Mr GREG PIPER (Lake Macquarie) (13:11): I acknowledge that The Greens provided me with a heads up about this amendment. I said in my earlier contribution words to the effect that this was a balanced approach. I stand by that comment. However, that does not mean the view that these cards should have a life well beyond three years does not have some appeal. It would be concerning if we were to create an unwieldy and unworkable system. Acquiring small amounts of money on a card is, in effect, entering into a contract and these companies are seeking an understanding that the value of the cards will not last for an unending period of time. I understand that some organisations have the capacity to do that. For example, in this debate Bunnings Warehouse has been advertised as a company which exercises a high degree of goodwill in that regard.

The amendment of The Greens was nuanced to set some thresholds for the dollar amount provided on gift cards. The member for Newtown rightly said that significant amounts of money are lost because of expiry dates on these cards. I would have been more comfortable if the amendment had set thresholds to better deal with some of the other definitions around the time frame. I do not see this as some kind of party political ploy. The position being put by The Greens is very understandable. However, the provisions in the bill are reasonable and I believe were formulated with the best of intentions. I take the Minister at his word when he says that he is prepared to work with The Greens and other crossbench members to nuance the legislation to address any deficiencies if it is found to be wanting in the short to longer term. Whilst I have been struggling with this amendment, my inclination is to continue to support the bill as it stands.

Mr JAMIE PARKER (Balmain) (13:14): In order to avoid any confusion, I wish to clarify my comments in relation to the member for Swansea. I did not seek to imply that the member has had a meeting with the Australian Retailers Association. I take it as fact that she has not done so. I certainly did not mean to cause the member for Swansea any offence in raising that discussion point.

TEMPORARY SPEAKER (Mr Adam Crouch): The question is that the amendments of the member for Newtown be agreed to. A division has been called for. There being fewer than five members for the question, the question is resolved in the negative.

Ayes, 4

Mr A. Greenwich
Ms J. Leong
Mr J. Parker
Ms T. Smith

Amendments negatived.

TEMPORARY SPEAKER (Mr Adam Crouch): The question is that schedules 1 and 2 be agreed to.

Schedules 1 and 2 agreed to.

Third Reading

Mr MATT KEAN: I move:

That this bill be now read a third time.

Motion agreed to.

Community Recognition Statements

CRONULLA HIGH SCHOOL FUNDRAISING

Mr MARK SPEAKMAN (Cronulla—Attorney General) (13:19): I congratulate Cronulla High School students who last month presented Cancer Council NSW with a cheque for more than \$43,000 from their fundraising efforts from the 2017 Sutherland shire Relay For Life. The students won the Highest Team Fundraiser, Most Creative Fundraiser and Most Laps Team awards and Breeana Rox received the award for Most Laps for an Individual. Relay For Life is the world's largest movement against cancer and is hosted in 26 countries. Sutherland Shire Relay For Life is one of the largest Relay For Life events in New South Wales. I congratulate the Cronulla High School Students on being the highest fundraising team at the 2017 event, with a total of 90 participants.

ELERMORE VALE LIONS CLUB

Ms SONIA HORNER (Wallsend) (13:20): Members of the Lions Club of Australia and its branches do immeasurable good for communities across our country. I extend my congratulations and deepest gratitude to Ron MacLeod of the Elmore Vale Lions Club. Ron and other local Lions Club members' recent coin trail fundraiser at Jesmond Shopping Centre raised \$547 for the Australian Lions Childhood Cancer Research Foundation. The coin trail has a wonderful history thanks to the Lions Club. In 2006 Ron brainstormed the coin trail, a fun and great way to raise money. With the help of Elmore members Paul and Barbara Duggan, Ron has overseen the raising of approximately \$40,000 for the Australian Lions Childhood Cancer Research Foundation since 2006 and seems determined to keep raising more.

FRED AND PAT MERRICK SIXTIETH ANNIVERSARY

Mr STEPHEN BROMHEAD (Myall Lakes) (13:21): I congratulate a couple who, as teenagers, met at the St. Michael's Ball in Parramatta. That couple was Fred and Pat Merrick of Possum Brush who, on 14 September, celebrated their sixtieth wedding anniversary. Fred and Pat married in 1957 at All Saints Anglican Church in Parramatta. They raised four children, Vicki, Steven, Michael and Shane, and now have eight adoring grandchildren. I am told that the secret to this blessed union is that they are the best of friends and do everything together. They celebrated this memorable occasion with all the family and a weekend getaway to the Hunter vineyards. May Fred and Pat celebrate many more joyful anniversaries together.

KING PARK PUBLIC SCHOOL FOOTBALL TEAM

Mr GUY ZANGARI (Fairfield) (13:21): I congratulate and commend the tremendous efforts of King Park Public School's football team on once again being crowned the State champions at the recent Primary Schools Sports Association [PSSA] knockout competition. Throughout the course of the knockout competition, the team committed to their training, giving their all, and they put on a terrific display of sportsmanship and talent as they worked through to the top pool of teams from across New South Wales. With hundreds of teams in the competition, this was no small feat. The team won their semi-final 7-1 against Hayes Park Public School before taking on Byron Bay Public School and defeating them 3-0 in the final to clinch their tenth State championship victory. I express how proud our community is in the King Park Public School football team's achievements and once again commend and congratulate the team on an incredibly well played competition and for bringing home the championship for the tenth year.

TRIBUTE TO BOB WATERER

Mr ROB STOKES (Pittwater—Minister for Education) (13:22): I pay tribute to the life of Bob Waterer. Bob, who recently passed away at the age of 92, was a well-known and greatly loved member of the Northern Beaches community. Bob was born in Brookvale in 1924 and was a baker by trade. He joined the army at 18 during World War II and served as an artillery observation signaller. He was in the first wave of landing crafts to hit the beaches of Balikpapan in July 1945. After the war, in 1947, Bob played in the third grade team of the Manly Sea Eagles during its first ever season. As a young lad Bob had been told by his mother that he had Aboriginal blood, but, in his words, "It took a lifetime to confirm the truth." At the age of 80 Bob discovered family documents revealing that his connection to the land he loved went back thousands of years. He was descended from Sarah "Biddy" Wallace, a member of Bungaree's Broken Bay clan. Bob was a proud Guringai man and gave his welcome to country speech over 100 times. He was a loving husband and father who had a warm heart. He will be greatly missed by everyone in our community.

RUGBY LEAGUE WORLD CUP

Mr JIHAD DIB (Lakemba) (13:23): Australia, New Zealand and Papua New Guinea will host the Rugby League World Cup, beginning next week. This year 14 nations, including Lebanon, which has not played since 2000, have qualified for the tournament. Lebanon will field a men's team and a women's team. As parliamentarians with Lebanese heritage, the Hon. John Ajaka, the Hon. Thomas George and I are delighted to be patrons of the team. It is a terrific team made up of players from the NRL as well as those based in Lebanon itself. The team will be coached by Brad Fittler and will be ably led by captain Robbie Farah. Our multicultural nation is a great place to host the world cup. We will, of course, be cheering for the Aussie team, but I must admit that everyone has a second favourite as well. My local community shares my pride in seeing a Lebanese team participate and I encourage as many people as possible to attend the Sydney and Canberra games with their families and friends. I also acknowledge the steering committee based in Sydney, including Sam Ayache, John Gerges, Fatima Kdouh, Anthony Elias, Chris Rehab, Nellie Hage, Joe Hickry and Steve Sarkis for their excellent and often thankless work in uniting the community behind this team. Good luck—we are with you.

HARBORD PUBLIC SCHOOL BOYS' DANCE GROUP

Mr JAMES GRIFFIN (Manly) (13:24): I update the House on Harbord Public School's boys' dance group in the electorate of Manly who in just one year, with little or no experience in dancing, have had such significant success on the stage. They were the winners of the years K to 6 primary school dance group at the Sydney Eisteddfod, held this year at the Sydney Opera House, as well as at the State Dance Festival hosted by the Department of Education. The talent and commitment of these young men and their instructors is clearly evident. I thank dance teacher Meredith Ripley for her commitment in providing the young men with the confidence and guidance to achieve this success. I am grateful for the efforts of students, parents and teachers of Harbord Public School and wish the dancers all success in future years.

WIRRINYA ANNUAL PICNIC DAY

Mr PHILIP DONATO (Orange) (13:25): On 364 days of the year you would miss Werrinya if you blinked hard to clear the dust out of your eye, but that other day of each year is the one that makes up for all others. Once a year this unassuming little hamlet, south-west of Forbes, takes on a life of its own as the district and a few ring-ins assemble at The Shed for a day packed with fun activities for all ages. The friendly chatter and laughter of the hundreds of people drown the usual silence of Werrinya, which is usually only interrupted by a lone crow or the occasional passing ute with a kelpie riding shotgun. The Werrinya Annual Picnic Day, held on 24 September this year, was filled with activities that included running races, gumboot races, a coin toss, a ping-pong cup, a tennis serve, billy boil, kids raffles and lolly drops. I was particularly intrigued by the billy boil, in which more than 40 contestants competed to be the first to boil 600 millilitres of water in a billy over a fire they had to light using supplied matches and kindling. Their Aussie bush heritage was tested and the proud country folk competed fiercely, braving the intensity of the heat and smoke to call the judges to the water's eruption. I congratulate Monica Langfield and the committee.

KEMPS CREEK UNITED SOCCER TEAM

Ms TANYA DAVIES (Mulgoa—Minister for Mental Health, Minister for Women, and Minister for Ageing) (13:26): I congratulate Kemps Creek United Soccer Club's under-12s soccer team on emerging as the 2017 Southern Districts Soccer Football Association under-12s division one competition champions. According to team manager Robert Szoszkiewicz the team have the ability to "switch off from being an 11- or 12-year-old" and play with a "strong and competitive attitude." The undefeated minor premiers were also victorious in the recent Kanga Cup in Canberra and reached the semifinals in the under-12 New South Wales State Cup for division one teams. The team has also been nominated for a Local Sports Star Award in the Young Sporting Spirit Team category, which recognises teams that exhibit the greatest achievement, dedication, fairness and sportsmanship. It is truly fantastic to see firsthand the growth of the Kemps Creek United Soccer Club as they help nurture and build the skills of these extremely committed and hardworking players. I have no doubt these young, up-and-coming players will have great success in football in the future. On behalf of the New South Wales Parliament, I thank the committee, managers, coaches and founding members who support these young men and women as they pursue their passion and love for the great sport of football.

CLUBSNWS COMMUNITY AWARDS

Ms TANIA MIHAILUK (Bankstown) (13:27): On Sunday 15 October, I was delighted to attend the ClubsNSW annual Clubs Community Awards presentation, hosted at the ICC Grand Ballroom in Darling Harbour. It was a fabulous evening enjoyed by all and coincided with the clubs' annual conference. I congratulate all of the clubs across our State on their tremendous support of our communities. In particular, I acknowledge Bankstown RSL, Bass Hill RSL, Chester Hill RSL, Condell Park Club, Panania Diggers, Revesby Workers Club and

Bankstown Sports Club for their collaborative work in supporting Bankstown City Aged Care, which was acknowledged on the evening. I also acknowledge Bankstown Sports Club, which won the Support of Amateur Sport award for their service to sports awards. I also acknowledge Revesby Workers Club, which won the Health and Wellbeing award for the new cancer facility that it has established in Revesby. I congratulate all of our clubs.

EMERGING WOMEN LEADERSHIP FORUM

Mr JONATHAN O'DEA (Davidson) (13:28): Training young women to become future leaders is key to our nation's long-term success. I recently attended the Australian Chinese Emerging Women Leadership Forum as a judge of participants. It was hosted by the Australia China Economics Trade and Culture Association [ACETCA] and TVB Australia. Events such as these are excellent platforms for advancing culturally diverse female leadership, as well as encouraging inspiration, creativity and wisdom in leadership roles. I was pleased to witness the strength of the competition among 11 impressive women. This year's Emerging Women Leadership Forum has an additional meaning as it marked the forty-fifth anniversary of diplomatic relations between Australia and the People's Republic of China, with contestants focusing on how the international relationship can be strengthened in future. I acknowledge the efforts of ACETCA's Gary Lam, Amen Lee, Ven Tan and David Lin, as well as TVB Australia's Jacky Cheung and former MLC Helen Sham-Ho in supporting the event.

JENNY'S PLACE WOMEN AND CHILDREN'S REFUGE

Mr TIM CRAKANTHORP (Newcastle) (13:29): I recognise and give thanks to the hardworking volunteers of Jenny's Place in Newcastle. Forty years ago Jenny's Place was established by a group of strong and passionate women. It was an integral part of the NSW Women's Refuge Movement, and it still is. I give my heartfelt thanks to those women who had the foresight to establish Jenny's Place. They believed that women and children experiencing domestic violence deserved to have a safe place where they could receive the support and assistance they needed to live a life free from violence and abuse. I also am grateful to those who followed in those founding women's footsteps. I thank all who have worked, loved and supported Jenny's Place over the past four decades. The current manager's and team's commitment to providing a trusted service to the most vulnerable women and children in our community is to be commended; we owe you a huge debt. Congratulations, Jenny's Place, on this important fortieth anniversary.

INDOOR WORLD CUP CRICKETER AMY RIDDELL

Mr CHRISTOPHER GULAPTIS (Clarence) (13:30): I offer my congratulations to Amy Riddell, who recently returned from Dubai where she was part of the victorious Australian 21 and under women's cricket team that defeated New Zealand at the World Indoor Cricket Federation's Indoor Cricket World Cup. This is a huge achievement. It was made even more special as the winning match was held on Amy's birthday. It was a fantastic birthday present for someone who has worked very hard in her chosen sport. Amy's team was able to go through the championship undefeated. Amy was runner-up for the Player of the Tournament Award, having taken 14 wickets for 24 runs off 14 overs, while with the bat she scored a run a ball, 86 over the event. Amy has made us very proud. I wish her continued success in future.

CHARLESTOWN GYMNAST TAHLIE PARK

Ms JODIE HARRISON (Charlestown) (13:31): I take this opportunity to congratulate Charlestown gymnast Tahlie Park. Tahlie is a year 10 student at the Hunter School of Performing Arts and trains at Blackert's Gymnastics Academy at Bennetts Green. In May Tahlie was selected to compete in the Australian Gymnastics Championships in Melbourne. There Tahlie produced a bronze medal for her outstanding performance on the floor and overall came tenth nationally—an amazing achievement. Last month I had the pleasure of meeting Tahlie and awarding her with a New South Wales Government State Representative Award. At that meeting I had the chance to watch Tahlie's third place floor performance online. I was so impressed with Tahlie's beautifully choreographed routine which demonstrated timing, strength and flexibility. Tahlie's dedication, focus and discipline are inspiring. I have no doubt they will take her far.

CEDARS OF LEBANON FOLKLORIC GROUP

Mr MARK COURE (Oatley) (13:32): Last Sunday I had the privilege of attending at Darling Harbour the Cedars of Lebanon Folkloric Group's carnival. I acknowledge the great work of Elie Akouri. The event was to celebrate the fortieth anniversary of the Lebanon carnival at Tumbalong Park, Darling Harbour. The Cedars of Lebanon promote multiculturalism by encouraging all those involved to become active in their performances. Members vary in age and backgrounds, which further enforces the cultural diversity present in Australia. Cedars of Lebanon was established in 1977. The aim of the group initially was to give the Lebanese community at that time an opportunity to participate and continue with their heritage. The group works consistently to give performances both interstate and worldwide. They perform in different venues to continually endeavour to enhance the multicultural nation of Australia. The group also raises funds and contributes to underprivileged

communities in Lebanon and Australia. The group is a volunteer organisation and has had a wonderful and successful 40 years. I congratulate Elie Akouri.

PORT STEPHENS KOALA HOSPITAL

Ms KATE WASHINGTON (Port Stephens) (13:33): By leave: An Australian icon, the koala, is under threat of extinction in Port Stephens. A number of strategies are required to save our koalas from extinction, the first of which could be the Government ceasing the selling off of core koala habitat and the next could be support for a local endeavour that is being pushed by Port Stephens Koalas, the establishment of a koala hospital. I was pleased to secure a \$124,000 grant to commence construction of the first stage of the project and I am heartened that the Port Stephens Council and private donors are backing the project. I inform the House that the rehabilitation section of the koala hospital has been completed, but more stages of the hospital are needed. When complete, the hospital not only will be an environmental facility but also will be another tourism drawcard for Port Stephens. The hospital is crying out for funding from the Saving Our Species Partnership Grants Program. I urge the Government to back this project. I again thank the hardworking volunteers of Port Stephens Koalas, especially Ron Land, for their commitment to this important local project.

BALMORAL SAILING CLUB

Ms FELICITY WILSON (North Shore) (13:34): By leave: I thank the Balmoral Sailing Club for welcoming me to tour its facilities in the lead-up to the start of the sailing season, and I acknowledge the club's work. It is a wonderful community club situated along our stunning harbour. I recognise the role the club plays in our local community. Its growing Junior Sailing Group and Tackers Program attracts so many of our local kids to learn about the joy of sailing in a safe and encouraging environment. The club is operated by a group of dedicated volunteers. I acknowledge in particular Commodore Graham Hanna, director Nick Collis-George and race officer Anita Daum, who welcomed me to tour the facilities. The club has applied for funding for a new roof for its clubhouse and boat storage facilities. I ask the Government to support this application.

EAST MAITLAND BOWLING CLUB AND EASTS LEISURE AND GOLF CLUB

Ms JENNY AITCHISON (Maitland) (13:35): By leave: Last Sunday night I attended the ClubsNSW awards which were held at the ICC Sydney. I was very pleased to support the East Maitland Bowling Club and Easts Leisure and Golf Club for their compassionate project of providing crisis accommodation for women and children at the local refuge, Carrie's Place. It was very inspiring to hear the reasons for participation in this great project from the chair of the board, Mr Bill Hopkins, OAM, and the chief executive officer, Steve Duggan. Bill gave a passionate speech about his commitment to reducing violence in our community. It was wonderful to see such proactive support by those two clubs, which are so integral in our community, to help those who live a life of violence.

CASTLE HILL RSL

Mr DAVID ELLIOTT (Baulkham Hills—Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) (13:36): By leave: Like the member for Maitland, last Sunday I attended the ClubsNSW annual awards evening with our racing Minister, Paul Toole, who gave a brilliant speech on the importance of clubs in our society. Castle Hill RSL won highly commended awards in education and disability welfare as well as social inclusion in tandem with the C2K Fitness and Aquatic Centre. Through the Rebound Therapy Gymnastics and the Sea Turtles Abilities Swimming Program, both organisations supported families with special needs children by providing lessons in how to swim and in vital water safety skills. The unwavering efforts of the Castle Hill RSL were further reflected through its Educating Our Community on White Ribbon and Saving Lives function, which raises awareness of domestic violence. I congratulate Castle Hill RSL group president Warren Glennly and chief executive officer David O'Neil on a wonderful achievement.

AUTISM COMMUNITY NETWORK

Ms JO HAYLEN (Summer Hill) (13:37): By leave: Autism affects one in 100 children in Australia, and the rate is increasing. Kids with autism often are misunderstood. They are not naughty, but they can find it difficult to cope in new situations or struggle to communicate. Many parents and carers with children diagnosed with autism still face social isolation and have a desire to connect with others who are experiencing the same challenges. The Autism Community Network supports families—parents, carers and siblings—as well as children and adults who are on the autism spectrum. I am very pleased to welcome the new support group of the network to the inner west, which is now meeting every month in Petersham. This means that parents have a regular welcoming place at which to talk openly about their challenges and get practical support for their kids, such as music therapy, youth clubs and cooking and computer classes. I congratulate Steve Drakoulis and his team of volunteers who are working every day to support those assisting their loved ones to build confidence and develop

friendships. The Autism Community Network is proof that access to appropriate services results in communal benefits for those affected by autism, who often have fought for recognition and support.

INTERNATIONAL PREGNANCY AND INFANT LOSS REMEMBRANCE DAY

Mr MARK SPEAKMAN (Cronulla—Attorney General) (13:38): By leave: On 15 October, International Pregnancy and Infant Loss Remembrance Day, I attended the fourth annual service with more than 400 people at Woronora Memorial Park, organised by the Southern Metropolitan Cemeteries Trust. Speakers included the keynote speaker, Lucas Mara, and his wife, Gillian, Rachel Bain of Bears of Hope, Jenny Wandl of The Compassionate Friends, and Orietta Worthington and Lorraine Harrison of Red Nose Grief and Loss, formerly known as SIDs and Kids. The chief executive officer of the trust, Graham Boyd, who spoke at the ceremony, noted that when parents lose a baby before 20 weeks gestation there has been little if any formal way to acknowledge the grief that accompanies this heart-wrenching experience. That is why the park holds regular monthly services, called Babies with Wings, to give families an opportunity to say goodbye in the trusts' chapels. I thank Southern Metropolitan Cemeteries Trust for organising this poignant but important community event.

TRIBUTE TO MRS ESTHER KITCHING, OAM

Ms JODI McKAY (Strathfield) (13:39): By leave: I bring to the attention of the House the significant contribution made by a resident in my electorate, Mrs Esther Kitching, OAM. Mrs Kitching was recently honoured in this Parliament as a Justice of the Peace, having served for more than 50 years. I was thrilled to pass on my personal congratulations to her on her significant service to the community. I note in the Chamber the presence of the Attorney General. Mrs Kitching has volunteered her guiding hand and experience by supporting thousands of people over the years and can be regularly seen working with people attending the Family Court and the Downing Centre. Mrs Kitching is also a member of the NSW Justices Association. It is my pleasure to recognise Mrs Kitching's contribution to our community in the provision of this much-needed service. I acknowledge the incredible contribution that she has made over 50 years and place on this Parliament's record our gratitude for her service to the community.

BARRENJOEY COMMUNITY PERFORMANCE SPACE

Mr ROB STOKES (Pittwater—Minister for Education) (13:40): By leave: I recognise the collaborative Avalon community that has worked so hard to develop the vision for our Barrenjoey Community Performance Space. This project, which is designed to support the development of performing arts in the Barrenjoey peninsula, is the brainchild of Barrenjoey Parents and Citizens president, Kalinda Hawson, and her wonderful committee of committed parents, along with the principal of Barrenjoey High School, Ian Bowsher, and local architect and parent Richard Cole. Mr Cole is an award-winning architect who has volunteered his services to ensure that this efficiently designed and elegant performance space was provided free of charge. This performance space capitalises on a wealth of local talent and commitment. I note the endorsement of the project by local performer and former Barrenjoey High School student Julia Stone for building the performance space on an iconic beachside location. I am enormously grateful to the New South Wales Government for its commitment of \$1 million towards the successful realisation of this wonderful project.

TEMPORARY SPEAKER (Mr Adam Crouch): It being 1.40 p.m. I will now leave the chair. The House will resume at 2.15 p.m.

Visitors

VISITORS

The SPEAKER: I extend a very warm welcome to a Shoalhaven constituent, Mr David Arakie, who is the organiser of the Shoalhaven Superheroes Volunteers Recognition Reception, which was held in the Speaker's Garden today. Mr Arakie is here as my guest and a guest of the member for Kiama. I also welcome to the Chamber the mayor of MidCoast Council, David West, and the deputy mayor, Katheryn Smith, guests of the Nationals Whip and member for Myall Lakes.

I welcome Mr Wallace Donald and Mr Guntis Berzins, who was a member of the Latvian Parliament, his wife, Laima, and his sister, Baiba, guests of the member for Epping. I also welcome to the gallery Mr Alberto Sutherland, a guest of the member for Ballina. I welcome all participants today in the Introduction to the New South Wales Legislative Assembly Public Sector Seminar. The seminar has been running for five years now. I trust you have had a good day up until now.

*Bills***ABORIGINAL LANGUAGES BILL 2017****First Reading**

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

The SPEAKER: I set down the second reading of the bill as an order of the day for a later hour.

I inform the House that the message from the Legislative Council is accompanied by a message stick. Message sticks have been used by First Peoples for thousands of years to communicate between nations and within clans, to share good news, to welcome and to pass on information. They were carried on long journeys and passed through generations. They are physical manifestations of the languages that this bill seeks to acknowledge, nurture and grow.

The message stick accompanying the bill was part of the message stick ceremony in the Legislative Council prior to the bill's introduction. Accordingly, the message stick will be placed on the Table of the House and remain on the Table during the sittings of the House for the period the bill is in the Legislative Assembly.

*Question Time***PARRAMATTA LIGHT RAIL**

Mr LUKE FOLEY (Auburn) (14:24): My question is directed to the Premier. Given that the Parramatta Light Rail is a \$3.4 billion project and the Government's budgeted—

Mr Andrew Constance: Where did you get that number from, you goose? You've just misled the House. There isn't a \$3.4 billion costing. You've just misled the House. You are a dope.

The SPEAKER: Order! The Minister for Transport will not debate the question but allow the House to hear the question.

Mr LUKE FOLEY: It is from the documents your colleagues keep leaking to us, mate. My question is directed to the Premier. Given that the Parramatta Light Rail is a \$3.4 billion project but she has only budgeted \$1 million, how will she fund this important project?

The SPEAKER: One billion that was, I take it.

Ms GLADYS BEREJKLIAN (Willoughby—Premier) (14:25): Attention to detail is lacking from those opposite. I do not think he meant \$1 million, surely not. How could Opposition members think they have any credibility whatsoever when it comes to infrastructure? I do not know where the Leader of the Opposition plucked that figure—out of the air—about the cost of the Parramatta Light Rail but this is what I do know: Before the last election Labor put out a document on its infrastructure priorities but what was missing from that document was Parramatta light rail. Labor put out a document regarding priorities but did not include Parramatta light rail. However, suddenly during the campaign, when we announced our at least \$1 billion commitment to stage one, Labor then matched it. Labor has no brains, no ideas and no credibility on infrastructure.

I might have more to say about the Parramatta Light Rail project later in question time. I want to pre-empt any future potential questions I get. I was very interested in a press release that the Leader of the Opposition put out today and I will quote the headline, "Luke Foley poses questions for the Premier on Parramatta Light Rail". I read the release but there was no question in the release. I will go through every sentence in the release just to highlight how much he does not know about infrastructure projects. I add for the record that I am happy to answer every single question in this place on infrastructure. We are building more infrastructure than New South Wales has ever seen—roads and rail, and for the benefit of the shadow Treasurer, who is yet to work out the difference between recurrent and capital, we have record amounts in health and education spending as well. I return to the question on Parramatta Light Rail. The press release states:

Today the Liberal Government will announce its 'preferred' route but true to its modus operandi on infrastructure, there is little to no detail about its final route, the total cost and when it will be finished.

We said that by the end of this year we would announce the final preferred route for stage two of Parramatta Light Rail and we have announced that today. When the Government says it is going to announce its preferred route to the public for public consultation, that is exactly what it does. I am not sure what the question is in that. The next sentence states:

It will be almost six years before ... the light rail will be up and running ... It takes time to build projects. If by Labor's definition it takes too many years to build a project, Labor will go back to form and build nothing. What did Labor do in government? It announced projects and axed projects; it has no idea. There is no question and it is embarrassing. The Leader of the Opposition has been in his job longer than I have; he has been in this place and the other place for a long time.

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

Ms GLADYS BEREJIKLIAN: Regrettably, neither he, nor his shadow Treasurer, nor any of the front bench has the capacity to dream up an infrastructure project, let alone deliver one. When it comes to infrastructure the Labor Opposition has failed.

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

Ms GLADYS BEREJIKLIAN: The Opposition is quick to oppose every single project announced, but then backflip and say, "We want more of it". The CBD light rail project is a "vanity project", according to the Leader of the Opposition, but the member for Maroubra wants it extended to his electorate. The member for Newcastle said he opposed the Newcastle light rail but now he states in the press that it should go further. The Opposition did not bother to include the Parramatta light rail in its policy platform but is now telling us to "go harder". The lazy Opposition leader does not know what question to ask. This Coalition Government is the party of workers, infrastructure, health, education and the people of New South Wales.

PARRAMATTA LIGHT RAIL

Dr GEOFF LEE (Parramatta) (14:30): I address a question to the excellent Premier. How is the New South Wales Government continuing to deliver on major public transport infrastructure for Western Sydney?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:31): I thank Dr Lee, the member for Parramatta and the Parliamentary Secretary for Western Sydney. When this Government says it will do something it does it. The public and the business sector can have confidence that it will deliver. In Western Sydney the Government has delivered hospital infrastructure at Nepean, Westmead, Blacktown and Mount Druitt. This Government is building and upgrading schools at Penrith, Mulgoa, The Ponds and many other places. I remind those opposite that in relation to infrastructure there are nearly 500 projects on the boil in New South Wales worth over \$10 million. There are 500 projects delivering for our communities across the State—in the cities, regions, suburbs, and rural and remote communities.

Some time ago the transport Minister, the member for Parramatta and I said that by the end of this year we would identify the preferred route for stage two of the Parramatta light rail and today we have delivered. Delivering on your word is a novel concept for those opposite. I was at Sydney Olympic Park with Dr Lee, the mayor of Parramatta and the transport Minister to communicate with the public about stage two of the light rail. It demonstrates the commitment this Government has to Greater Western Sydney and the development of the central City of Parramatta and its surrounds. It is important to plan for the jobs and infrastructure of the future.

The preferred route for stage two of the Parramatta light rail is a nine kilometre route that will connect with stage one and go north of the Parramatta River, making the journey from Olympic Park to Camellia approximately 25 minutes with a further eight minutes to the Parramatta central business district. That is great news. The member for Ryde and other members in and around Parramatta are pleased with this outcome because it means better service and access for their constituents. Every member in this place is pleased with the Parramatta light rail bar one, and that happens to be the shadow Minister for Transport, the member for Strathfield.

Stage two of the light rail does not go through Strathfield. An hour or two ago the member said, "Which means there will be no transport in this precinct or in Strathfield or anywhere else in that area". I say to the shadow Minister and the member for Strathfield: When was the last time she caught a train in her electorate? The member says there are no transport services in Strathfield, but I beg to differ—there are train stations in Strathfield, North Strathfield, Flemington, Homebush, Burwood, Croydon and Concord West. What is interesting is that the transport Minister has delivered easy access to these stations, unlike those opposite when they were in government. From Strathfield you can get a service every few minutes during peak hour. It has a very good public transport service. The bus services for the inner west are improving and the member for Drummoyne is happy with that. I digress.

Today is all about the Government not just delivering the projects that it has under construction but also delivering the next stage of infrastructure projects. It will not rest, but will continue to build and deliver because that is what good governments do. It is all about delivering into the future for the next generation. [*Extension of time*]

Today's announcement of the preferred route demonstrates the Government's commitment to the present pipeline of infrastructure projects and to ensuring that New South Wales is future-proofed for generations to come. Yes, major projects do take a lot of work and expertise and this Government has delivered on every single project with integrity for the community, which is a far cry from those opposite.

PARRAMATTA TO OLYMPIC PARK CORRIDOR

Ms JODI McKAY (Strathfield) (14:36): I direct a question to the Premier. Will the Premier confirm that under her plans for the Parramatta Olympic Park corridor no new rail transport will be provided until the late 2020s?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:36): I note that the Opposition has taken an interest in integrated transport plans. I used to sit on the opposite side of this Chamber and listen to them talk of the projects they would deliver while they were in government, but then subsequently axe. Those opposite have the hide to ask this Government about future plans when all those opposite managed to do in government was axe plans. Members will recall the proposed west metro that was axed. Not only was it axed but the Labor Premier of the day had to return money to the Federal Government because the Federal Government had given money—

Ms Jodi McKay: Point of order: My point of order is relevance under Standing Order 129. The question is specifically about rail transport to Olympic Park and whether it will be delivered in the late 2020s.

The SPEAKER: The Premier has been relevant. There is no point of order.

Ms GLADYS BEREJIKLIAN: I am highlighting Labor's inadequacy when in government. When I mentioned the west metro the shadow Minister demonstrated her inability to make the connection. There will be a west metro that will integrate with the light rail. I talk about the west metro and the member brings a point of order about relevance. Does the member know what she is talking about? Before the interruption I was talking about the Opposition having to return money to the Federal Government. The Opposition was given money by the Federal Government towards the west metro rail project but it failed to do its homework and had to return the money to the Federal Government. Those opposite hope that we will forget all that. They have the hide to say, "When will you build the west metro? When will it integrate into the light rail?" Guess what? The Government is doing its homework and we will deliver it in a much shorter time than the Opposition could ever dream of. Whether it is light rail, metro rail or heavy rail, you name it, we will deliver it. Those opposite do not know what they are talking about. They should go and do their homework. The Government is about delivering these major projects.

STATE ECONOMY

Mr JOHN SIDOTI (Drummoyne) (14:39): My question is addressed to the Treasurer and Minister for Industrial Relations. Minister, how has the New South Wales Government brought new energy into the financial management of New South Wales, and is the Treasurer aware of any alternate strategies?

Mr DOMINIC PERROTTET (Hawkesbury—Treasurer, and Minister for Industrial Relations) (14:40): It is great to be back and to see that nothing has changed since I have been away. New South Wales is still number one and we are still leading the way. The reason behind that is that the Berejiklian-Barilaro Government has brought new energy to this State, transforming New South Wales to once again be the best State in the country.

The SPEAKER: Order! I call the member for Bankstown to order for the first time. The member for Rockdale is back. I am sure he will be orderly now that he has had a break.

Mr DOMINIC PERROTTET: Everywhere one looks—those in the gallery as they walk around—we are building new roads for families, new schools for our children, and the best health facilities for those in need. Importantly, this has all been done whilst maintaining our strong fiscal and economic position, with the budget strongly in surplus, the lowest unemployment rate in the nation and the economy strongly ticking over. In fact, we have done so well that I am pleased to inform the House that yesterday Moody's became the second credit agency to once again reaffirm our triple-A credit rating. This means that New South Wales is part of an elite group of only 30 sub-sovereign jurisdictions to have this rating.

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

Mr DOMINIC PERROTTET: A key part of our success has been the asset recycling strategy, including the long-term lease of the poles and wires, which, as we know, has led to downward pressure on network prices. I note that the chairman of the Australian Competition and Consumer Commission, Rod Sims, recently pointed out that "those poles and wires that run down your street are the main reason you are paying too much for electricity" and "the biggest cost increases have been with government-owned network businesses". Under those opposite, we saw gold plating that resulted in network costs skyrocketing and bills rising accordingly. But in 2015 we committed that network prices would be lower in 2019 than they were in 2014. We appointed the electricity commissioner, Allan Fels, to oversee the delivery of that commitment. I am pleased to inform the House that his report on TransGrid, which I will table after question time, confirms that TransGrid is on track to meet its obligations to deliver lower network charges.

I am aware of another approach: the Labor Party approach. The Leader of the Opposition is insisting on taking New South Wales down the path of failure by re-regulating the energy market. I note that Rod Sims has also said that moves to re-regulate electricity prices will see consumers pay more. On top of this, earlier in question time today I read a great article from that great *Sydney Morning Herald* journalist James Robertson, which is headed, "Electricity deregulation has seen prices fall over five years: IPART." The Labor Party also wants to impose a crippling renewable energy target, close all remaining coal-powered supply stations, and shut down the entire mining industry, costing thousands of jobs across the State. That is not real energy policy. That is low-energy policy from Low-Energy Luke. He is just a low-energy guy, as we saw in his campaigning style at the successful by-elections on the weekend. He said to his troops, "Off you go to the country. I'll be right behind you." He told the member for Wollongong to be the booth captain in Griffith.

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

Mr DOMINIC PERROTTET: He sent the member for Maitland to be the booth captain in Young. He sent my favourite member, the member for Campbelltown, to be booth captain in Cootamundra. But to give the Leader of the Opposition credit, he was the booth captain at the Directors' Lounge at Royal Randwick. There was their dear leader sipping on his Bollinger, asking the member for Maroubra to pass the caviar. That is campaigning low-energy style.

The SPEAKER: Order! The House will come to order. I call the member for Maroubra to order for the first time.

Mr DOMINIC PERROTTET: Whilst the Leader of the Opposition was having a bet on the horses, I thought that I would have a bet on him. I went onto my favourite app, Sportsbet, and I came across some interesting odds following our next election win in 2019. [*Extension of time*]

We know that after the Leader of the Opposition they do not bat very deep. But do not take my word for it. I have looked up "the next Labor Party leader" on Sportsbet and there are only five options available.

Mr Michael Daley: Point of order—

The SPEAKER: The Treasurer will resume his seat.

Mr Michael Daley: Not surprisingly, this is hardly relevant to anything except undergraduate humour. If you are going to do humour, you have to be able to do it well or you look silly.

The SPEAKER: The question included alternate strategies. The Treasurer is being relevant to the question.

Mr DOMINIC PERROTTET: The member for Maroubra is relevant because he is on the list. The favourite is the member for Kogarah at \$1.90. The second favourite is the member for Maroubra at \$3.50, and after his Fabian speech those odds are going to shorten pretty quickly. But then that is it. The next in line at \$5 is none other than Linda Burney. The fourth favourite is a guy called Steve Whan—never heard of him. He wan away.

The SPEAKER: Order! Members will cease shouting.

Mr DOMINIC PERROTTET: Coming in last is a guy by the name of Any Other. I think that means anyone. To those in the gallery, join the Labor Party and you have as much chance as anyone else on that side to become the next Labor leader.

Ms Jodi McKay: Point of order—

The SPEAKER: Until the noise has subsided, I will stop the clock. I advise the member for Maroubra I have stopped the clock so that the member for Strathfield can be heard in silence. I thought the member for Maroubra would be smart enough to know, but clearly not.

Ms Jodi McKay: When I took my point of order there were 30 seconds on the clock but now there are 16. I am keen to know about energy policies. I ask the Treasurer to spend the last 16 seconds talking about energy policies instead of horse racing.

The SPEAKER: The member for Strathfield should listen to the wording of the question. The member for Strathfield will resume her seat.

Mr DOMINIC PERROTTET: I cannot leave without having a crack at The Greens. I was very disappointed yesterday to hear that they want to ban the race that stops the nation. They are taking raceism to a whole new level. On this side of the House, we will keep delivering for the people of New South Wales.

SYDNEY CBD LIGHT RAIL

Mr MICHAEL DALEY (Maroubra) (14:48): My question without notice is directed to the Minister for Transport. Are the Minister and the Government continuing to resist the release of the Jock Murray report on the Sydney CBD light rail failures because it proves that the Premier deliberately misled the public about the \$500 million cost blowout?

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (14:48): I note that those opposite have been trying to get documents through a Government Information (Public Access) Act, or GIPA, process. The point that I made the other day is that it is done at arm's length from Government. Unlike those opposite, who did not build anything, we are very sensitive to the fact that there are commercial sensitivities involving the project.

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

Mr ANDREW CONSTANCE: The final cost of the project is \$2.1 billion. I was pleased to hear yesterday that the joint venture indicated that zones five and six will be open to the public in early December. The member for Maroubra would have observed that some wires were erected on the catenary at Randwick, hopefully for testing vehicles later this year. The bottom line is that the Opposition wants to rubbish the project; we will build it. I have one observation to make about the Opposition and, in particular, its leader. Those opposite are not spending anywhere near the necessary time on developing policy and showing an interest in the people of New South Wales. The reason is that the Leader of the Opposition seems to be a little bit out of touch.

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

Mr ANDREW CONSTANCE: I know he is a little bit out of touch because I was interested in his ordinary return.

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

Mr ANDREW CONSTANCE: It seems he is a connoisseur of culture and has made at least 10 visits to the Australian Chamber Orchestra and the Australian Brandenburg Orchestra.

Ms Kate Washington: Point of order—

Mr ANDREW CONSTANCE: They are not the actions of someone who wants to be in touch with the people of Western Sydney, those who matter most. He is spending more time watching orchestras—

Ms Kate Washington: My point of order is under Standing Order 129. I fail to see how this is remotely relevant to the question.

The SPEAKER: Order! I uphold the point of order. The Minister will return to the leave of the question.

Mr ANDREW CONSTANCE: There is nothing wrong with going to the odd event, but what is going on with Spanish baroque? Why did the Leader of the Opposition go to four concerts involving Spanish baroque?

Ms Kate Washington: Point of order—

Mr ANDREW CONSTANCE: It is all a bit weird. He is not spending any time on policy but he is spending time watching the Australian Brandenburg Orchestra.

The SPEAKER: Order! I know the point of order that the member for Port Stephens will take. The member will resume her seat.

Mr ANDREW CONSTANCE: And he has the hide to ask us questions about infrastructure. The Leader of the Opposition is very strange. The little bloke next to him is even weirder. They are all a bit strange.

VISITOR ECONOMY

Mr STEPHEN BROMHEAD (Myall Lakes) (14:52): My question is addressed to the Minister for Tourism and Major Events. How is the Government enabling the visitor economy to benefit the people of New South Wales?

Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (14:52): The member for Myall Lakes is passionate about tourism and the visitor economy. He successfully lobbied the Government for funding to upgrade the Taree airport to make it easier for tourists to travel to the beautiful Manning Valley. As members on this side of the House know, tourism is a critical part of the New South Wales economy. Over the past six years an unprecedented investment in the tourism sector has caused the number of domestic and international visitors to this State to rise to new levels. Last year nearly

90 million visitors spent nearly \$32 billion here. Members on this side are not complacent about those figures. We are leading the nation and we are the envy of other States and Territories, but this is the best time to pause, reflect, take stock and work out how we can continue to grow the tourism sector beyond 2020. Last week I was pleased to announce a review of our Visitor Economy Industry Action Plan and the establishment of a new visitor economy task force.

The SPEAKER: Order! The member for Canterbury can leave the Chamber if she is not interested in the Minister's answer. She will cease interjecting. I remind the member that she is on three calls to order.

Mr ADAM MARSHALL: The task force will review the five-year-old Visitor Economy Industry Action Plan to see what we have done well and what we can do better.

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

Mr ADAM MARSHALL: It will also look at brand-new targets for the tourism sector in this State so that every area can benefit from tourism, particularly rural and regional New South Wales, to ensure that people get a taste of our wonderful country hospitality. Speaking of country hospitality, this morning I was reading through the weekly tourist visitor statistics, which I do on a regular basis. I am pleased to report that last weekend there was an influx of first-time visitors to the Murray and Cootamundra electorates—they were Opposition members. I was delighted that they were able to get out of Sydney and look at that beautiful part of the State.

The SPEAKER: Order! The member for Bankstown will come to order. I remind the member that she is on three calls to order. I call the member for Rockdale to order for the second time.

Mr ADAM MARSHALL: They are welcome back any time.

The SPEAKER: Order! I call the member for Rockdale to order for the third time. The member will cease shouting.

Mr ADAM MARSHALL: We had some notable visitors. I am reliably informed that the member for Lakemba was in Young. Surely after slaving away on the polling booth he had time to pick some fruit in the wonderful orchards or maybe grab a famous cherry pie at the Wilders Bakery. The member for Heffron and the member for Rockdale were in Harden. I hear they had a great time. They had time to visit the statue of Australia's legendary warhorse Bill the Bastard. The member for Kogarah was interacting with the good people of Griffith. He is welcome back any time. He no doubt took part in the wonderful spring festival in Griffith. I saw the member for Maitland and the member for Campbelltown in Cootamundra, which was terrific. I hope they had a chance to visit the birthplace of Don Bradman as well as the Captains Walk.

The SPEAKER: Order! The member for Bankstown will be removed from the Chamber if she continues to interject.

Mr ADAM MARSHALL: My favourite is the member for Cessnock, who was in Cowra. Being a green thumb, I am sure he raced down to the Japanese Garden and Cultural Centre to look at the bonsai collection and get some tips for his home garden. The great thing about Murray, Cootamundra and all of regional New South Wales is that we welcome all comers. We welcome the Opposition and everyone.

Mr John Barilaro: We don't welcome Jim Saleam.

Mr ADAM MARSHALL: No, we don't welcome Jim from Junee.

The SPEAKER: Order! The member for Bankstown has been given her last warning.

Mr ADAM MARSHALL: Whether the visitors are a young couple from China, someone from Melbourne or the member for Canterbury, they will love every minute of being in the Murray and Cootamundra electorates and anywhere else in regional New South Wales. The people of Murray and Cootamundra are very astute. They are happy to receive first-time visitors, to take their money and welcome them again. I congratulate them on electing two great members to this House in Steph Cooke and Austin Evans. We will ensure that through this review we will continue to grow the visitor economy to create more jobs and bring more tourist dollars to New South Wales. Tourism is everyone's business. Members on this side of the House are making it bigger and better than ever.

MULTICULTURALISM

Mr MARK TAYLOR (Seven Hills) (14:57): My question is addressed to the Minister for Multiculturalism. How is the New South Wales Government engaging with our diverse multicultural communities across the State?

Mr RAY WILLIAMS (Castle Hill—Minister for Multiculturalism, and Minister for Disability Services) (14:58): On behalf of the people he represents, I thank the member for Seven Hills for supporting cultural diversity in his electorate. It is a pleasure to be the Minister for Multiculturalism. I often meet outstanding people and today was no different. Today I met the High Commissioner of South Africa, Beryl Rose Sisulu. We dined together at lunch and discussed multicultural matters.

Beryl Rose Sisulu is none other than the daughter of Walter Sisulu, who was a member of the African National Congress together with Nelson Mandela. Walter Sisulu went to jail for 26 years, with Nelson Mandela, and was released in 1989, six months before Mandela. She said that she would never forget the support Australians gave to South Africa during apartheid, which speaks volumes about our support for cultural diversity and allows me to segue into the answer to this question. There is no greater example of our support for cultural diversity and the 307 nationalities that practise myriad religions and faiths and speak more than 200 languages and make up the population of New South Wales.

Last night I had the great pleasure of joining the Premier, the member for Seven Hills, the member for Parramatta, Opposition members and members of the upper House to celebrate the time-honoured event known as Diwali. The profound message of Diwali of the triumph of light over darkness and good over evil has resonated especially deeply with the Berejiklian-Barilaro Government. For the past two years this Government has chosen to light our iconic Opera House in the gold and orange colours of India to acknowledge Diwali. It was a wonderful evening. I acknowledge those members of the Indian Australian community who represent no less than 200,000 people who claim Indian ancestry.

The Diwali Festival has become a key date on the multicultural calendar. As I said, it symbolises the triumph of light over darkness and good over evil, which resonates with all communities and is a message for humanity. It is fitting to celebrate Diwali by lighting one of our most iconic structures, the Opera House. The night also gave us an opportunity to acknowledge some outstanding members of our Indian Australian community. In particular, the Premier presented scarfs to Dr Prabha Chandra, Chair of the Blacktown Medical Practitioners Association, for his work with Blacktown Hospital to reduce the incidence of diabetes in the Blacktown area, and Mr Sai Parvatsu for devoting his time and money to feeding the homeless in the Parramatta area through the Hindu Council initiative of a Karma Kitchen.

On Sunday I also had the pleasure of attending Diwali celebrations organised by the Hindu Council of Australia at Parramatta Park with more than 15,000 members of the Indian Australian community. The hardworking member for Parramatta and member for Seven Hills attended with our Premier and some Opposition members but, sadly, not the Leader of the Opposition. I did not realise the Everest was a two-day event, but it obviously is. Vibrant festivals like Diwali are full of colour, food, music, people and dancing. While these festivals celebrate our cultural diversity, their vibrancy attracts people of all backgrounds, which breaks down barriers and promotes social cohesion and relationships.

Some festivals that we celebrate now, such as Parramasala and Eid, attract tens of thousands of people. They give the broader community a chance to see our cultural diversity and allow people to integrate. They break down religious and cultural divides. We also benefit greatly from the skills, dedication and enthusiasm of the many Indian students and young people who have chosen to study in Australia. [*Extension of time*]

But it is not just the Sydney metropolitan area that celebrates our cultural diversity. Last Saturday I joined with the hardworking member for Tamworth and Mayor of Tamworth Col Murray to celebrate Fiesta La Peel, which is undoubtedly one of the great cultural festivals in central New South Wales. No less than 82 nationalities were represented in the Tamworth community. I acknowledge the work of Mr Eddie Whitham and his daughter Juanita, who fought for 10 years to bring the festival to fruition and faced many obstacles along the way. The festival has been held for more than four years and our Government is very proud to back it in. It was remarkable to see more than 4,000 people of many nationalities line the streets. I thought the beating heart of multiculturalism was only in Western Sydney but I was wrong. It is also in Tamworth. It is reflective of the cultural diversity across New South Wales of which we should be ever so proud.

SINGLE-USE PLASTIC BAGS

Ms TRISH DOYLE (Blue Mountains) (15:04): My question is directed to the Premier. Hello?

The SPEAKER: The member will ask her question.

Ms TRISH DOYLE: Given that every other Australian State and Territory has banned plastic bags, why is the Premier so stubbornly refusing to do the right thing and ban them?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:06): I say "hello" to those opposite who missed the jump on this question. Earlier the member for Seven Hills stood up when no-one from the Opposition

stood up. I watched them pass the question down the line and then back to the member for Blue Mountains. It went from the Leader of the Opposition, to the shadow transport Minister, the next member and then back to the poor member for Blue Mountains. When she read the question she said, "Oh, me? Really?"

Ms Kate Washington: Point of order—

The SPEAKER: It is too early for a point of order on relevance.

Ms Kate Washington: My point of order is relevance under Standing Order 129.

The SPEAKER: There is no point of order. The member for Port Stephens will resume her seat. She will not continue to argue at the microphone, as is her habit.

Ms GLADYS BEREJIKLIAN: I am only reporting on what I observed. I regret to say this, because I know it is an important issue to many people, but no-one should underestimate the Leader of the Opposition trying to go green because he has been undermining his entire team by backing the Shooters. He is trying to pretend that his party cares about an issue the community cares about. They want to cover up the fact that they supported 10-year-olds having guns.

The SPEAKER: Order! The Deputy Premier and the Minister for Health will come to order.

Ms GLADYS BEREJIKLIAN: They supported watering down the Howard Government gun laws and supported the Americanisation of guns in New South Wales.

Mr Greg Warren: Point of order: My point of order is under Standing Order 73. The Premier is making a personal reflection. What she is saying is a total misrepresentation of the facts.

The SPEAKER: The Premier did not make a personal reflection. A misrepresentation of facts is not covered in the standing orders. The member should read them.

Ms GLADYS BEREJIKLIAN: I do not make light of the fact that many people in the community feel strongly about the environment and plastic bags, but I know for a fact that the Leader of the Opposition has a lot of time to talk about this issue—and he is doing it when he knows his whole party room is upset because he backed the Shooters. I know that some members opposite, including the member for Blue Mountains, could not possibly look her community in the face and say that the Opposition should have supported the Shooters and should have sold out its party room. The member for Blue Mountains should have gone to her leader and told him how she felt about gun policy. The member for Summer Hill should have done the same.

Mr Guy Zangari: Point of order: My point of order concerns Speaker Murray's ruling about addressing comments through the Chair and Standing Order 129—

Mr Andrew Constance: What type of hair product do you use?

Mr Guy Zangari: I will slam you, mate. Start it, you grub.

The SPEAKER: Order! The member for Fairfield will resume his seat.

Mr Guy Zangari: He is being silly.

The SPEAKER: Order! The member for Fairfield will cease arguing. If the member persists, I will not hear any further points of order from him. Government members will come to order.

Ms GLADYS BEREJIKLIAN: When The Greens raise an issue like plastic bags I take it seriously because I know they mean it. It comes from a good place. When the Leader of the Opposition raises an issue it is a deflection. His party room is upset with his position on gun policy. How can we believe anything he stands for? He will take the deal any time. He does not care.

Mr Jihad Dib: Point of order—

The SPEAKER: The Premier has completed her answer.

WESTCONNEX

Mr JAMIE PARKER (Balmain) (15:10): My question is directed to the Premier. In 2008 the Premier was convinced that exhaust stacks required filtration. She said filtration was "world's best practice". If the WestConnex proposal includes four unfiltered stacks in the suburb of Rozelle alone, what has changed since 2008?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:10): I am pleased to say that since 2008 a lot has changed in New South Wales. Since coming to government the Chief Scientist has been involved in the monitoring of air quality. Those opposite never did that. We care about air quality. In fact, we care about the

impact of anything on our communities—whether it is air quality, water quality or protecting our prime agricultural land.

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

Ms GLADYS BEREJKLIAN: There is always community disturbance when major infrastructure is being built. That is a regret, but it is part and parcel of a major infrastructure project. I expect all members in this place to raise issues concerning their communities with the Government.

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

Ms GLADYS BEREJKLIAN: If those on the other side of the House, including the member for Balmain, bothered to read the environmental impact statements we put out, including the reports by the Chief Scientist and the experts she relies on when advising the Government, they would appreciate that we always put the health and safety of the community first. The Leader of the Opposition does not put the health and safety of the community first. He would rather do a deal with the Shooters, Fishers and Farmers Party than care about the community. I give this assurance to all communities, especially those in which infrastructure projects are taking place—

Ms Liesl Tesch: Construction of a waste disposal.

Ms GLADYS BEREJKLIAN: Excuse me?

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

Ms GLADYS BEREJKLIAN: I am not sure what the member is talking about. In any event, I got the gist of the question from the member for Balmain. I appreciate that every community has its own concerns. Indeed, I was given a lot of food for thought when members opposite were trying to build projects in my community without consultation. I said to myself then that if I were ever in government, in a position to put the community first, on every occasion that is what I would do. Guess what? Not only does this Government put community first but it also sticks to its principles. We do not wax and wane depending on political opportunism.

[Interruption]

The SPEAKER: Order! The member for Summer Hill will cease interjecting.

Ms GLADYS BEREJKLIAN: I am not sure what the member for Summer Hill is talking about. The Minister for Planning and his predecessors well know that when major projects are being built the environmental impact statements often contain more than 1,000 pages—summaries are available. That shows how much we care about the quality of our water and air, and the quality of whatever we are delivering. A lot has changed since 2008. This Government knows how to deliver infrastructure. The Chief Scientist is involved in all air quality monitoring. I implore the community to use every opportunity for community consultation that this Government provides on a number of projects.

Mr David Harris: You don't listen to the community.

The SPEAKER: Order! The member for Wyong will cease interjecting. He will be removed from the Chamber immediately if he continues to interject.

Ms GLADYS BEREJKLIAN: The member for Wyong is again interjecting. He obviously feels very strongly about something.

Mr David Harris: The Wallarah 2 coalmine.

Ms GLADYS BEREJKLIAN: The member for Wyong should ask a question about whatever it is that he feels so strongly about. I assure the member for Balmain that this Government always put the safety and health of the community first. If the member has anything to raise to the contrary, he should do so. I urge everyone present in this Chamber to compare the Government's record with that of the appalling members opposite.

HUNTER AND CENTRAL COAST ROADS

Mr MICHAEL JOHNSEN (Upper Hunter) (15:15): My question is addressed to the Minister for Roads, Maritime and Freight. How is the New South Wales Government delivering better roads to the people of the Hunter and Central Coast?

Mrs MELINDA PAVEY (Oxley—Minister for Roads, Maritime and Freight) (15:15): The member for Upper Hunter is a community champion. Since 2011 he has delivered funding of more than \$373 million for roads in his electorate. I take this opportunity to formally acknowledge Mr David West, mayor of the new MidCoast Council, and Katheryn Smith, who are seated in the gallery. Katheryn is from the electorate of the

member for Upper Hunter but the member for Myall Lakes introduced us. The mayor is happy with the funding we have been delivering to Bucketts Way. It has improved community and freight safety on the North Coast. The member for Myall Lakes and this Government are also going to work on Cedar Party Creek Bridge, which is an important project for the Wingham community.

Earlier today, with the member for Tamworth, I meet Mr Col Murray, the mayor of Tamworth Regional Council. He is delighted with the infrastructure funding that this Government is investing in regional New South Wales to kickstart local economies, improve infrastructure and create jobs. I also had the opportunity of meeting Ryan Palmer, the new mayor of Port Stephens Council. He is a champion for his community. He told me about the things he needs for them. What a great go-getter. I am looking forward to working alongside young Ryan Palmer. He is willing to work with all sides of politics to ensure outcomes for his community. I was very impressed to meet him.

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

Mrs MELINDA PAVEY: For the past six years the average spend of this Government in the Upper Hunter has been \$62 million each year. This is compared with the \$40 million Labor spent in the Upper Hunter in its last year in office. People in that electorate are doing better under this Government. I congratulate the member for Upper Hunter on his hard work and advocacy. The member for Terrigal is also hardworking. He is doing an amazing job. Since 2011 he has delivered funding of more than \$183 million for roads in his electorate.

The SPEAKER: Order! Members who wish to have private conversations will do so outside the Chamber.

Mrs MELINDA PAVEY: We are in the process of delivering the upgrade of Empire Bay Drive and Scenic Road at Kincumber. Empire Bay Drive is a critical link for the people of Woy Woy, Ettalong and Umina in the south to Terrigal, Kincumber and Erina in the north. The member for Terrigal has raised this project with me and my team on countless occasions. It will reduce congestion and improve traffic flow. The member for Terrigal is absolutely committed. He even took me for a drive to look at the area. But it is not just our electorates that we are looking after. We are looking after the whole of New South Wales, with a 105 per cent increase in road funding since we came to office. Madam Speaker knows that from the advancements that are happening on the Princes Highway. Important electorates such as Cessnock are being looked after. I was at Cowra on the weekend. The member for Cessnock was not at Randwick; he was out there working—good for him. It was very good to see. I must acknowledge that I made a mistake the other week.

Ms Jodi McKay: What? By interrupting the Premier?

Mrs MELINDA PAVEY: Yes, maybe that too. There was so much good news—but fair point. I apologise to the member for Cessnock because I implied that he was still the parliamentary leader of Country Labor. I am sorry about that because I realise the member for Maitland is now responsible for the \$1.6 million deficit in the Country Labor administration. I am sorry I got the wrong person. I highlight that in Labor's last year in office it spent \$64 million on Cessnock roads—wow. On average, this Government is spending \$284 million every year in Cessnock. The member for Cessnock should say thank you. [*Extension of time*]

I also highlight that in Canberra Labor uses the slogan "Putting people first." Let us look at what Labor does in New South Wales. It is fair to say that Labor did not put New South Wales first when it wasted \$500 million on the Rozelle metro project. Labor cannot even put Parramatta light rail into its policy planning documents. It is not putting New South Wales first. Did the member for Strathfield put people first when she lobbied against WestConnex—a project that will save commuters 40 minutes when they travel from Penrith to the city—only to forget to declare an interest in that she lives 300 metres from one of the ventilation outlets?

Ms Jodi McKay: Point of order: I ask the Minister to withdraw that comment. It is entirely false. I have reported the matter to the Parliamentary Ethics Adviser. The Minister is better than that and she should withdraw the comment.

The SPEAKER: Order! The member for Strathfield will resume her seat. She will cease arguing with the Minister. I invite the Minister to withdraw the remark to which the member took offence.

Mrs MELINDA PAVEY: I withdraw the comment if the member has taken offence. But it took us to call it out before it was a matter of public record. Is it in the public interest that Labor has continued to lobby against WestConnex, criticising it, running it down and doing everything it can to rubbish it? I acknowledge that the Leader of the Opposition now supports all three stages of WestConnex.

Ms Yasmin Catley: Point of order: As a member whose electorate extends over the Hunter and the Central Coast, I am interested in—

The SPEAKER: Order! There is no point of order. The time for questions has expired.

*Petitions***PETITIONS RECEIVED**

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

Fernhill Estate Cemetery, Mulgoa

Petition opposing the development of a cemetery at Fernhill Estate, Mulgoa, received from **Ms Tanya Davies**.

Sussex Inlet Community Church

Petition requesting an investigation into the sale of the Sussex Inlet Community Church and calling for protection of community land used by churches, received from **Mrs Shelley Hancock**.

RESPONSES TO PETITIONS

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

The Hon. Anthony Roberts—Eastwood Park Commuter Car Park—lodged 13 September 2017 (Mr Victor Dominello)

The Hon. Andrew Constance—Intercity Train Fleet—lodged 13 September 2017 (Ms Trish Doyle)

The Hon. Melinda Pavey—Blue Haven Intersection—lodged 13 September 2017 (Mr David Harris)

*Business of the House***LAKE MACQUARIE PALLIATIVE CARE SERVICES****Reordering**

Mr GREG PIPER (Lake Macquarie) (15:24): I move:

That General Business Notice of Motion (General Notices) No. 2347 [Lake Macquarie Palliative Care Services] have precedence on Thursday 19 October 2017.

This notice of motion relates to the provision of palliative care outreach services within Lake Macquarie and no doubt in other areas of the Lower Hunter and perhaps around the State. There is no moment in time more charged with emotion than when we say a final farewell to a loved one. For many, that time comes following a long period of illness, often with that loved one in significant pain. Family and friends struggle with the burden of being unable to ease or relieve the pain to a point that gives reasonable quality of life and dignity to that person. As we all know, palliative care has improved greatly and for most people in this stage of life this care works well. It works particularly well for those who have access to a 24/7 palliative care service, such as the one provided by the Calvary Mater hospital at Waratah.

However, this wonderful service is not provided equitably through the Lower Hunter. The stark difference between the haves and the have-nots is exemplified in Lake Macquarie, where the 24/7 service ends at Fennell Bay, leaving more than half the population of my electorate to rely on a business-hours service and an out-of-hours phone service. I am told that the service extends for a radius of 20 kilometres from the Calvary Mater hospital at Waratah. However, the delineating line in my electorate is some 16 kilometres from there. That is clearly not the fact of the matter. I know that other members in this place have experienced the loss of a loved one but I have been with more people at the moment of their death than many others have. I recognise the member for Port Macquarie and others who were in the nursing profession.

I have lost members of my family, such as my mother and father. I have seen people who have experienced what I would call a good passing and those whose experience I regret greatly, including in situations when I could perhaps have done more to help ease their pain. I cannot do that for everyone but better extended palliative care services throughout Lake Macquarie and the State will go a great way towards easing the pain.

Mr JIHAD DIB (Lakemba) (15:27): Although I recognise the importance of the motion brought forward by the member for Lake Macquarie, I ask that my motion be given precedence tomorrow. I state at the outset that we have an outstanding public education system. Like Madam Speaker and many other colleagues in this place, I have been honoured to work in a classroom and to make a difference for kids in some way. But, sadly, the colleagues that we once stood shoulder to shoulder with are being let down by this Government. There has been an increase in the State's population, which results in larger school populations. The demographers tell us that there will be 200,000 more people in the next 15 years.

During the past seven years of this Government we have seen an increase in the number of demountable classrooms. In the past year alone, there has been an increase of 700 demountables. We have witnessed a total run-down of schools. We have seen schools falling apart. Labor gets blamed for the school maintenance backlog, but I have produced in this Chamber press releases from a former Labor Minister who talked about a \$147 million maintenance backlog, not the current \$800 million backlog. We are told that this is unprecedented. A huge amount of money has gone into addressing the backlog, which is good. But we are not going to just stand back and clap. People have an expectation that the Government will do the right thing by them. This Government loves to give itself a pat on the back. Earlier this year the Minister spoke about the need to build 15 new schools a year. But how many new schools have opened this year? No comprehensive school has opened—only two schools for special purposes.

A Government member asked how many schools Labor built. When Labor was in government we opened, on average, five new schools a year. Under this Government, on average, only two new schools a year have opened. It might be a good idea for those opposite to do their homework. The modus operandi of this Government is to make big announcements—often repeat announcements—and this year it again announced 17 school upgrades. The Government invites the media and puts out press releases, but often it is not even making a late start. Take Jordan Springs as an example. The Infrastructure NSW website says it is a new announcement, but it was announced four years ago.

That is not to mention the budget blowouts. The redevelopment of Arthur Phillip High School was originally slated to cost \$100 million and it is now at \$225 million—that is a 125 per cent increase. The Government cannot manage money. It loves to talk about what it is doing with money, but the community does not buy spin. If the Government wants to spend \$2 billion, instead of spending it on a stadium it should spend it on schools that are desperately needed in our communities. This Government, like no other, loves to talk itself up. It loves to make promises and it loves to invite the media and make announcements, but it has a problem with delivery. The Government is so hopeless at delivering it cannot even be trusted to deliver a pizza on time.

The DEPUTY SPEAKER: The question is that the motion of the member for Lake Macquarie have precedence on Thursday 19 October 2017.

The House divided.

Ayes53

Noes31

Majority.....22

AYES

Anderson, Mr K
Barilaro, Mr J
Brookes, Mr G
Coure, Mr M
Dominello, Mr V
Fraser, Mr A
Grant, Mr T
Gulaptis, Mr C
Humphries, Mr K
Lee, Dr G
Marshall, Mr A
Parker, Mr J
Petinos, Ms E
Roberts, Mr A
Smith, Ms T F
Taylor, Mr M
Upton, Ms G
Williams, Mrs L

Aplin, Mr G
Berejiklian, Ms G
Conolly, Mr K
Crouch, Mr A
Elliott, Mr D
Gibbons, Ms M
Greenwich, Mr A
Hazzard, Mr B
Johnsen, Mr M
Leong, Ms J
Notley-Smith, Mr B
Patterson, Mr C (teller)
Piper, Mr G
Rowell, Mr J
Speakman, Mr M
Toole, Mr P
Ward, Mr G
Wilson, Ms F

Ayres, Mr S
Bromhead, Mr S (teller)
Constance, Mr A
Davies, Ms T
Evans, Mr L
Goward, Ms P
Griffin, Mr J
Henskens, Mr A
Kean, Mr M
Maguire, Mr D
O'Dea, Mr J
Pavey, Mrs M
Provest, Mr G
Sidoti, Mr J
Stokes, Mr R
Tudehope, Mr D
Williams, Mr R

NOES

Aitchison, Ms J
Catley, Ms Y
Crakanthorp, Mr T
Doyle, Ms T

Barr, Mr C
Chanthivong, Mr A
Daley, Mr M
Finn, Ms J

Car, Ms P
Cotsis, Ms S
Dib, Mr J
Foley, Mr L

NOES

Harris, Mr D
Hoenig, Mr R
Lalich, Mr N (teller)
McKay, Ms J
Minns, Mr C
Tesch, Ms L
Zangari, Mr G

Harrison, Ms J
Hornery, Ms S
Lynch, Mr P
Mehan, Mr D
Park, Mr R
Warren, Mr G

Haylen, Ms J
Kamper, Mr S (teller)
McDermott, Dr H
Mihailuk, Ms T
Scully, Mr P
Washington, Ms K

PAIRS

Hancock, Mrs S
Perrottet, Mr D

Watson, Ms A
Atalla, Mr E

Motion agreed to.*Motions Accorded Priority***F6 EXTENSION****Consideration**

Mr LEE EVANS (Heathcote) (15:36): My motion should be accorded priority because the long-suffering people of southern Sydney finally have some champions. They have waited decades and decades and decades for the F6 extension—in fact, since 1951. The member for Canterbury can wave as much as she likes, but I am afraid she is on the wrong train going out of town because this will change the history of infrastructure in the Illawarra, the Sutherland shire and the St George area. Where is happy Kamper? Happy Kamper cannot wipe the smile off his face; he is so happy that finally we are going to cut out 23 sets of lights and cut down travel times in that corridor.

The F6 corridor has been declared since 1951. Governments of all political persuasions have fought about whether it should be extended. I thank former Labor Treasurer Michael Costa, who did not want to sell the corridor although the then Premier wanted it sold. I thank the former Treasurer for not selling the corridor because now the people of southern Sydney will have an F6. Stage one has been announced and will be built from the M5 through to President Avenue. I have a glossy brochure about it—like the ones Labor used to produce but ripped up. The timing is 2015-17, the preliminary concept design is "We are here", and the State significant infrastructure application has been made. Unlike those opposite, we will have public consultation on what will be done.

The Government will endeavour to ensure that the project has as little impact as possible on the people who live along the corridor. I thank the Minister for Transport and the Premier for turbocharging this project and allowing it to go forward so that the people of southern Sydney and the Illawarra finally get the expressway they deserve. I thank all those involved—the members for Cronulla, for Miranda, for Oatley, for Holsworthy, for Kiama and for South Coast. [*Time expired.*]

GOVERNMENT PRIORITIES**Consideration**

Mr RYAN PARK (Keira) (15:40): I thank that impact player from the Government benches. Maryanne Stuart is bound to be in this place in 18 months. My motion should be accorded priority because the Opposition talks a lot about fairness. We hear people in the community saying that what is going on is not fair. What is also not fair is waking up and hearing that the Government is going to spend \$2 billion on sporting stadia that will never be built while our schools and hospitals are run down. I have spent a lot of time in Western Sydney on some very hot days. Indeed, members who represent Western Sydney electorates have had to use their Community Building Partnership funding to air-condition their local schools. Schools in Western Sydney can have a mean temperature above 45 degrees on any given day, and on the hottest days can reach 50 degrees.

It is also not fair when one considers our hospital waiting times. I am sure that people in the community are saying, "Give me a stadium that is empty over a hospital that is working." The noise from Government members flatters me. Opposition members will always stand up for fairness because Labor is the party of fairness; Labor believes in fairness and we will always put New South Wales first. We will always put our schools first, we will put our hospitals first and we will put our TAFE system first because Labor is about fairness. We are

about looking after New South Wales and we are going to talk about fairness between now and 2019 every single day.

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

The House divided.

Ayes48
Noes35
Majority..... 13

AYES

Anderson, Mr K
Barilaro, Mr J
Brookes, Mr G
Coure, Mr M
Dominello, Mr V
Fraser, Mr A
Grant, Mr T
Hazzard, Mr B
Johnsen, Mr M
Maguire, Mr D
O'Dea, Mr J
Petinos, Ms E
Rowell, Mr J
Stokes, Mr R
Tudehope, Mr D
Williams, Mr R

Aplin, Mr G
Berejiklian, Ms G
Conolly, Mr K
Crouch, Mr A
Elliott, Mr D
Gibbons, Ms M
Griffin, Mr J
Henskens, Mr A
Kean, Mr M
Marshall, Mr A
Patterson, Mr C (teller)
Provest, Mr G
Sidoti, Mr J
Taylor, Mr M
Upton, Ms G
Williams, Mrs L

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

NOES

Aitchison, Ms J
Catley, Ms Y
Crakanthorp, Mr T
Doyle, Ms T
Greenwich, Mr A
Haylen, Ms J
Kamper, Mr S (teller)
Lynch, Mr P
Mihailuk, Ms T
Parker, Mr J
Smith, Ms T F
Washington, Ms K

Barr, Mr C
Chanthivong, Mr A
Daley, Mr M
Finn, Ms J
Harris, Mr D
Hoening, Mr R
Lalich, Mr N (teller)
McKay, Ms J
Minns, Mr C
Piper, Mr G
Tesch, Ms L
Zangari, Mr G

Car, Ms P
Cotsis, Ms S
Dib, Mr J
Foley, Mr L
Harrison, Ms J
Hornery, Ms S
Leong, Ms J
Mehan, Mr D
Park, Mr R
Scully, Mr P
Warren, Mr G

PAIRS

Hancock, Mrs S
Perrottet, Mr D

Atalla, Mr E
McDermott, Dr H

Motion agreed to.

Documents

NSW OMBUDSMAN

Government Responses

Mr MATT KEAN: I table the Government response to the report of the NSW Ombudsman entitled "Asbestos: How NSW government agencies deal with the problem".

*Motions Accorded Priority***F6 EXTENSION****Priority**

Mr LEE EVANS (Heathcote) (15:50): I move:

That this House:

- (1) Condemns the Opposition for its neglect of transport and road services for southern Sydney.
- (2) Notes the Government will deliver the F6 for the people of southern Sydney and the Illawarra.

Ms Sophie Cotsis: Change him over.

Mr LEE EVANS: How about you be quiet and you will learn something.

The DEPUTY SPEAKER: Order! The member for Heathcote will direct all comments through the Chair.

Mr LEE EVANS: How about the member for Canterbury sits down and listens.

The DEPUTY SPEAKER: If the member for Heathcote directs his comments through the Chair the member for Canterbury will have no reason to interject.

Mr LEE EVANS: Yesterday the New South Wales Premier, Gladys Berejiklian, and the roads Minister, Melinda Pavey, announced that the Government is moving ahead with planning for the first section of the F6 motorway. This project has been on the books since 1951. In addition to the \$15 million provided in the 2017-18 budget, the Government has committed \$35 million to support the planning and development of the work. Stage one is a long-awaited four-kilometre tunnel in Sutherland's south connecting the WestConnex to the new M5-junction, Arncliffe, and President Avenue, Kogarah. Anyone who drives through this area understands how congested these roads are and how vital this link will be.

The Premier noted, "We are a government which gets on with the job and in the coming days we will be starting consultations on the initial concept and design with the community". At this point, the final design for the tunnel has not been decided as it will take time to consult with the community. A detailed design will be prepared by mid-2018. The four-kilometre tunnel will reduce traffic congestion on the Princes Highway through Arncliffe, Banksia, Rockdale and the Grand Parade in Brighton-Le-Sands. The improved times are estimated as Kogarah to the city, five minutes; Taren Point to Mascot, 10 minutes; Kogarah to South Sydney, 10 minutes; and Kogarah to Rozelle, eight minutes.

The southern suburbs and Illawarra have waited many years for an infrastructure solution that would improve traffic congestion in the St George area. The member for Kogarah and the member for Rockdale will be part of that consultation process. I look forward to their feedback. The tunnel will be built underground to minimise disruption to communities, enable motorists to better access the Sydney motorway network, reduce traffic congestion along the Princes Highway, and provide a motorway that is safe and reliable for road users. The Premier spoke of futureproofing the tunnel. It will be built wider than presently needed and partitioned off for future use, saving millions of dollars in the future.

The improved amenities for the foreshore at Brighton-Le-Sands—we look after you blokes—will reduce the number of heavy vehicles on surface roads by 2,000 vehicles a day. Motorists coming from the north will be able to avoid Sydney airport traffic. The New South Wales Government is progressing the F6 to stage one from the M5 at Arncliffe to President Avenue, Kogarah. Stage one is a four-kilometre continuous twin tunnel. The F6 Extension is a preliminary concept design to be built underground to minimise disruption, reduce heavy vehicles on surface roads and reduce travelling times. It was on the books in 1951 and both sides of the Chamber realise this has been long needed. I am proud to say the Liberal-Nationals Government will deliver.

Mr CHRIS MINNS (Kogarah) (15:54): I thank the member for Heathcote for moving the motion.

Mr Mark Coure: Just say thank you.

Mr CHRIS MINNS: Everyone is interested in getting a thankyou. The Government's press release says, "We are a government which gets on with the job and in the coming days we will be starting—consultation". We have had two days of self-congratulation in the Parliament from the Government, wasting our time. The member for Rockdale and I have better things to do in our offices than to listen to a press release about consultation. There is no money attached to the project. It is \$35 million for a study. The Premier has specifically said only one-quarter of the F6 project will go ahead.

Yesterday in question time the Premier said thank you to the member for Miranda, the member for Heathcote and the member for Oatley. It is the first time in history that members have received so much credit for

a project that is not going ahead. The stages in their electorates are not going ahead. I remind the member for Heathcote that the national park is still in danger of being bulldozed. The member cannot save the national park in his electorate. This side of the House thinks of the member for Heathcote as the Sergeant Schultz of the Parliament, and like Sergeant Schultz he knows nothing about this proposal. I will share with the House the failures of this Government in the shire and St George. This will shock members. The numbers I am about to quote will make the member for Oatley blush—or maybe not, he has seen it all. The only thing that made Mark Coure blush was the recent revelations about Nick Varvaris. He had a big smile on his face when he saw the front page of the *Daily Telegraph* that day. Big smiles, wasn't it old son? You loved that.

Mr Stephen Kamper: That was better than an F6 announcement.

Mr CHRIS MINNS: For the member for Oatley, the Varvaris revelations were better than any F6 announcement. He has a grin on his face. This Government will increase residency for the shire and the St George region at Bayside, 10,000 new residents; Georges River, 4,800; Sutherland shire, 6,000; and Canterbury-Bankstown, 13,250. This will all occur under the planning regime of this Government.

Mr Lee Evans: Point of order: I ask that the member for Kogarah to be brought back to the leave of the motion.

The DEPUTY SPEAKER: There is no point of order.

Mr CHRIS MINNS: Look at the scale of development that is taking place in the shire and St George area under their watch. I will quote the numbers for electorates on the North Shore: North Sydney, 2,000; Mosman, 300; and Hunters Hill, 150. Yet there will be 14,000 new residents in Canterbury. That is what Labor is dealing with. The Government is building a road because it has not kept pace with critical infrastructure in St George or Sutherland. That is the situation. The F6 is apparently going to cost \$30 billion but they are giving us \$30 million. They will have to go to a maths class. The Speaker has entered the Chamber. She has stepped off her pedestal to have a few words. Here is the pillar of the Chamber, respected on both sides.

Ms Shelley Hancock: You should learn what you are talking about. You are making a fool of yourself.

Mr CHRIS MINNS: Respected on both sides, that's you!

Mr Jai Rowell: Point of order: My point of order is that the member should direct his remarks through the Chair.

The DEPUTY SPEAKER: I uphold the point of order.

Mr CHRIS MINNS: There is no consultation in relation to this project. If there was, the Government would be considering public transport on this corridor. Public transport in this region is necessary because the Illawarra line is full. Every bureaucrat will say that this Government must urgently prepare for a second rail corridor in the Sutherland shire but the Government is simply not doing it. [*Time expired.*]

Ms ELENI PETINOS (Miranda) (16:00): I cannot believe that those opposite would waste five minutes and not actually talk about the road. This is because the member for Kogarah does not want to say anything about the road. On a day when a huge announcement that will impact his constituents was made, he said nothing. In fact, the most recent post on his Facebook feed referred to the member being out of his electorate and over in Griffith. He then posted "MP says 'It's high-rise hell'". The member tells us that he wants to protect the people coming into his area but he does not want to support the road infrastructure to get those people moving around.

One would logically think that the member for Rockdale would want to support the F6, but instead he is quiet. He does not want to put his remarks on the record because he is ashamed of the record of that side of the House and their performance in relation to the F6. In 16 years they did absolutely nothing. This Government is doing what the Labor Party should have done a very long time ago. We made the announcement yesterday that we are moving ahead with the F6. We are moving ahead with the planning and project development.

I do not know what the members opposite looked at in the media release but they missed the announcement. Quite frankly, it is not good enough. The people in their electorates deserve better. I congratulate the member for Rockdale on the statement he made some time ago when he said, "This is a modern road electorate and we need a modern road network". But when the member had the opportunity to advocate for the road network yesterday, what did he say? He said on Facebook, "While it's good news that we've received some degree of certainty"—I do not know if he needs a vocabulary lesson but it was not "some degree of certainty", it was certainty—"that the road will go underground ...". We are building a four-kilometre twin tunnel underground through the electorate of the member for Rockdale. We are protecting his constituents.

That was not enough for the member for Rockdale. He went on to say, "I am highly concerned about the acquisition of residential homes that has been slated by the Government." There are 10 homes that will be

impacted and the Roads and Maritime Services already owns five of them. The member for Rockdale does not care about the thousands of people who live and work in his electorate and who presumably supported him. He is only worried about five homes. Shame on him. His constituents and his park are protected. He should support this project because the people of Rockdale and Kogarah deserve better. This Government is looking after the people in Cronulla, Miranda, Heathcote, Holsworthy, Oatley, Kiama and every other electorate. We are the side that is delivering for the people of southern Sydney.

Mr STEPHEN KAMPER (Rockdale) (16:04): I do not know how to follow those theatrics. From the day that I became the member for Rockdale, all I have heard about is never-ending stories about the F6. That is all I keep hearing. The member for Miranda can put aside her emotion. All we got yesterday was another story. Over the past three years we have had dotted lines, but we are getting nothing. The member for Miranda talked about how the Government is servicing southern Sydney. I will tell the House how the Government is servicing Rockdale station. From a transport perspective, it has cut services at Rockdale and Kogarah railway stations and it is selling the buses. That is how the Government is servicing my constituents. The member for Miranda has a hide to ask me why I care about a family that is having their home compulsorily acquired. Of course I care. Every single person in my electorate is important and I stand up for every one of them.

The DEPUTY SPEAKER: Stop the clock. I am having trouble hearing the member for Rockdale.

Mr STEPHEN KAMPER: This F6 never-ending story goes back to the local government election in Sutherland and the swings against the Government. The member for Heathcote was jumping around like Sergeant Schultz without any chocolate saying, "We have got to do something". He and the member for Miranda know what is coming. They have gone to the Premier screaming and whingeing for another announcement. We have had enough announcements. Come out with the truth and tell us what the Government is doing. I do not want to have to keep talking to my community every day about another problem. I am tired of the anxiety the Government is creating within my community. If the Government is going to build a road, then it should tell us it is going to build it and when it is going to build it and commit the money to it.

The Government is dumping development all around our electorates. I know the Sutherland shire and the St George area, and I can say that six years ago people could drive along the roads around the Sutherland shire and St George. They cannot anymore because development is being dumped left, right and centre. The Government is smashing the Sutherland shire. Government members should be ashamed of themselves. Of course the Government has to do something about it. The Opposition wants the Government to say it and then do it.

Mr LEE EVANS (Heathcote) (16:09): In reply: I will say this slowly so that the members opposite understand. We are building the first stage of the F6; it is happening. I know it is unfortunate for those opposite. We could call it the SouthConnex or the road south but it is being built. I will give the naming rights to the happy Kamper.

The DEPUTY SPEAKER: Please do not make too many promises to the member for Rockdale.

Mr LEE EVANS: In response to comments by the member for Kogarah, I have a plethora of information about what is happening. The Government has announced stage one. Stages two and three, which go up Taren Point Bridge and beyond, are still on the drawing board. South of Loftus, which is the national park, is basically off the agenda.

Mr Chris Minns: Basically?

Mr LEE EVANS: It is off the agenda. Mr Deputy Speaker, the Opposition members should listen in silence.

The DEPUTY SPEAKER: Order! Opposition members will listen to the member in silence.

Mr LEE EVANS: There are no plans for further investigation in the area between Loftus and Waterfall; it is a matter for the commission. I will be clear for Opposition members: The Princes Highway will be the corridor to Waterfall from Loftus. It will commence from Acacia Road at Loftus, where the whales are. I have never been so proud to not announce something—the F6 will go nowhere near the national park. It is off the agenda. We are up to the preliminary concept design stage. The State signification development application is still to come, as well as the detailed project information, the environmental assets and the environmental impact statement exhibition. Then it will be put to the market for planning determination. Over the next 18 to 24 months we will announce the builder for the F6. I am proud to back the F6. For decades the people of the south and the Illawarra have suffered promise after promise. The member for Rockdale and other Opposition members can thank us.

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

The House divided.

Ayes48
 Noes34
 Majority..... 14

AYES

Anderson, Mr K	Aplin, Mr G	Ayres, Mr S
Berejiklian, Ms G	Bromhead, Mr S (teller)	Brookes, Mr G
Conolly, Mr K	Constance, Mr A	Coure, Mr M
Crouch, Mr A	Dominello, Mr V	Donato, Mr P
Elliott, Mr D	Evans, Mr L	Fraser, Mr A
Gibbons, Ms M	Goward, Ms P	Grant, Mr T
Griffin, Mr J	Gulaptis, Mr C	Hazzard, Mr B
Henskens, Mr A	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	Petinos, Ms E
Piper, Mr G	Provest, Mr G	Roberts, Mr A
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	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	Hoening, Mr R	Hornery, Ms S
Kamper, Mr S (teller)	Lalich, Mr N (teller)	Leong, Ms J
Lynch, Mr P	McKay, Ms J	Mehan, Mr D
Mihailuk, Ms T	Minns, Mr C	Park, Mr R
Parker, Mr J	Scully, Mr P	Smith, Ms T F
Tesch, Ms L	Warren, Mr G	Washington, Ms K
Zangari, Mr G		

PAIRS

Barilaro, Mr J	Atalla, Mr E
Davies, Ms T	McDermott, Dr H
Perrottet, Mr D	Watson, Ms A

Motion agreed to.*Visitors***VISITORS**

The DEPUTY SPEAKER: I welcome to the public gallery the Mayor of Wollondilly Shire Council, Judith Hannan, and General Manager Luke Johnson.

*Bills***HEALTH PRACTITIONER REGULATION AMENDMENT BILL 2017****Second Reading**

Mr BRAD HAZZARD (Wakehurst—Minister for Health, and Minister for Medical Research)
(16:30): I move:

That this bill be now read a second time.

The Health Practitioner Regulation Amendment Bill 2017 was introduced in the Legislative Council on 11 October 2017, and is in the same form. The second reading speech appears at pages 23 to 25 in the proof *Hansard* for that day. I rely substantially on that speech but will make a few brief additional comments. The bill makes a number of consequential changes to the Health Practitioner Regulation (Adoption of National Law) Act 2009, otherwise known as the adoption Act, and various other Acts. The changes follow on from recent changes to the schedule to the Health Practitioner Regulation National Law Act 2009 of Queensland relating to the registration of health practitioners.

The registration of health practitioners is achieved via the National Registration and Accreditation Scheme [NRAS]. NRAS is implemented in New South Wales via New South Wales adopting the Queensland schedule as a law of New South Wales, subject to various modifications set out in the adoption Act. I particularly draw the attention of the House to the fact that this is very significant legislation because it now facilitates, amongst other things, the registration of paramedics. It will bring paramedics in line with other registered health professionals in New South Wales, such as nurses and midwives, medical practitioners, dentists and pharmacists. Paramedic registration is due to commence in about September 2018. I am sure all members of this place have the highest regard for our paramedics. It is particularly appropriate that we acknowledge their significance to the community through acknowledging their registration through this process.

In short, the changes to the Queensland schedule that will automatically apply in New South Wales are as follows: the inclusion of paramedics in NRAS; enabling regulations to be made to consolidate one or more national boards, with consultation required before any consolidation can occur. I also note that there is no current plan to consolidate any of the boards; recognising nursing and midwifery as two separate professions, both regulated by the one board; allowing a board to obtain additional information about a practitioner's practice information; requiring the boards to keep a register of prohibition orders; and facilitating the inclusion of a new section 127A which allows a New South Wales review body to take over the review of an interstate practitioner who is subject to conditions imposed by the board, if the practitioner moves to New South Wales. Together with the second reading speech that appears on pages 23 to 25 in the *Hansard* proof for 11 October, and these brief comments, I commend the bill to the House.

Ms KATE WASHINGTON (Port Stephens) (16:33): I lead for the Labor Opposition in this debate as a representative of the shadow Minister for Health, the Hon. Walt Secord, who has spoken on this bill in the Legislative Council. The Health Practitioner Regulation Amendment Bill 2017 seeks to amend a number of pieces of legislation in order to ensure that New South Wales health regulation is consistent with the Health Practitioner Regulation National Law and the National Registration and Accreditation Scheme [NRAS]. Adopting consistent regulation across State boundaries has a number of benefits, particularly for staff working across multiple jurisdictions as well as for organisations, businesses and regulators who are able to take a consistent approach to their work. The National Registration and Accreditation Scheme provides for changes made to the schedule of Queensland's Health Practitioner Regulation National Law Act which relates to registration and accreditation to automatically apply to practitioners operating in New South Wales. Regulations relating to conduct, performance and complaints handling are not automatically adopted from the Queensland schedule.

The Health Practitioner Regulation Amendment Bill seeks to adopt, with modifications, the changes introduced in the Queensland regulation. These include: recognising paramedicine as a registered health profession; allowing national boards for each health profession to be consolidated so that a single national board may cover more than one health profession; separating the health professions of nursing and midwifery into two health professions; enabling a national board to obtain additional information from a health practitioner about the health practitioner's practice; making it an offence to breach a prohibition order made in any jurisdiction; and permitting a New South Wales health professional council to review conditions imposed on a practitioner's registration in another jurisdiction if the practitioner moves to New South Wales. These changes are largely uncontroversial and the Opposition will not oppose them.

As a member of the joint Committee on the Health Care Complaints Commission which reviews the work of the commission, I am hopeful that a number of these regulatory changes—such as permitting a New South Wales based health professional council to review any conditions imposed on a practitioner's registration in another jurisdiction—will deliver a more proactive regulatory approach in New South Wales. In our current healthcare system there is a significant amount of movement of health professionals across State borders. It is appropriate that a practitioner's professional history travels with them. A number of practitioners are required to undertake training or placement in regional and rural areas, which increases the movement of professionals across jurisdictions.

It is appropriate in all of those circumstances for a nationally consistent approach to be applied to their professional regulation. It is also in the interests of patients to ensure that any restrictions or conditions imposed

on professionals are not lost when those professionals move into other jurisdictions, and particularly into New South Wales. Changes within this bill will also authorise a national board to obtain additional information from a health practitioner about their work if they are operating in New South Wales.

The definition of "health practitioner" is important and I note the concerns of the Nurses and Midwives Association about the splitting of nursing and midwifery into two health professions. While this change itself is not opposed, there currently exist a number of classifications of midwives each with different levels of training and qualification. For example, some midwives are able to prescribe scheduled medications as part of their practice, and have undertaken specialist training to gain this qualification. There is understandable concern that the creation of a blanket "midwife practitioner" will remove this distinction in their registration.

The Nurses and Midwives Association has made the sensible suggestion of creating a different title and has suggested that "a midwife with an endorsement for scheduled medicines" be applied instead. I understand that the title of "midwife practitioner" has previously been assigned under existing legislation and confusion is possible between these terms. I suggest that the Government revisit this terminology and hope that the confusion can be removed. It is important not just for professionals but also for the marketplace to understand that there is a distinction between the way that they can perform their tasks.

A significant change in this bill is the recognition of paramedicine as a registered health profession and the establishment of a Paramedicine Council of New South Wales. Paramedics are the fifteenth registered health profession under the National Registration and Accreditation Scheme. This change, which takes effect from September 2018, is a welcome recognition of the skills and professionalism of the paramedics in our State. I note that the Health Services Union has requested clarification about the association fees for the Paramedicine Council of New South Wales, and trust that the Minister will provide some clarification around this aspect. The status of professionals is overdue for paramedics, but given how poorly this Government treats these workers it is understandable that they do not expect to reach into their own pocket to register with an organisation that their employer is creating.

I was disappointed to see Government members in the other place frame this professional recognition as only an industrial relations issue. They expressed their disappointment that to date paramedics have only been treated as public sector employees. I do not share the Government's disdain for public sector employees and the suggestion by Government members that paramedics will be subject to more "effective regulation in the private sector". That will be a warning bell to many who are familiar with this Government's record. This Government has treated paramedics poorly. They are overworked, under-resourced and are left standing around in hospital entrances as emergency room staff scramble to find beds.

Last year ambulance staff in Tumut, Batlow and Tumbarumba were forced to speak publicly about their fight to get the same cold weather gear as their counterparts in Jindabyne. These staff, working in some of the coldest conditions in the State, did not have access to the same heavy jackets, balaclavas and ski gloves as other paramedics. At the other end of the scale, last summer a dispute about paramedics' clothing went as far as the Industrial Relations Commission. The Government ordered ambulance staff to continue wearing their polyester-blend uniforms as temperatures soared well above 40 degrees Celsius. These disputes highlight that being called a "professional" does not count for much if an employer does not treat its employees as professionals.

During the uniform heatwave dispute the Health Services Union put forward a sensible proposal for staff to wear an existing uniform. The Government rejected the proposal and took the union to the commission for backing its members and standing up for them on this health and safety issue. Not a single patient in this State wants paramedics to be treated in this way. Professional paramedics must be treated exactly as the professionals they are. Data from the Bureau of Health Information shows that the number of ambulance call-outs rose by 2.3 per cent over the April to June quarter this year compared with the same quarter last year. During this quarter more than one-third of priority 1 patients did not have an ambulance arrive within 15 minutes, and 5 per cent were forced to wait for longer than half an hour. Priority 1 incidents are life-threatening cases. These incidents should be seriously addressed. A quarter of priority 2 patients waited longer than 30 minutes and 4.7 per cent were left for longer than an hour before an ambulance arrived. I have recently learned of a local case where an ambulance did not turn up at all.

It is not enough to classify paramedics as professionals if the Government will not provide them with the resources and funding they need to do their vital work. In my electorate I hear of the pain and frustration of residents left waiting with their loved ones in need of an ambulance. I was recently contacted by a mother in Medowie whose child became unconscious. One can only imagine her distress in having to wait on hold for several minutes before she could speak to a 000 operator. It took a further 25 minutes for an ambulance to arrive. Medowie is a large and growing town, but it does not have an ambulance station. Residents regularly have to wait for ambulances to come from Maitland and Newcastle because other services are caught in the vortex at Newcastle waiting to drop patients at hospitals. In cases of residents left waiting for an ambulance, my criticism is never of

the ambulance staff who are attending to other jobs or doing their jobs elsewhere. My criticism is always of a government that leaves ambulance stations understaffed, that fails to backfill positions and that leaves paramedics waiting on hospital doorsteps at our under-resourced hospitals.

Residents in the Tea Gardens and Hawks Nest area have also raised concerns about ambulance wait times. Tea Gardens has been crowned the oldest town in Australia—it has a median age of 65, compared with the Australian median age of 38. Health services have not kept pace with the ageing population of Tea Gardens and ambulance wait times are a real issue in this area. The demographics of the area shows there is a need for additional health and transport services. It is not only the lack of funding for ambulances that is causing the delays. In Port Stephens valuable time is spent transferring patients from Tomaree Hospital to one of the Newcastle-based hospitals—even Bulahdelah—because of the lack of onsite imaging services at Tomaree. Patients cannot get an X-ray or ultrasound at Tomaree Hospital and anyone who needs those services is transported elsewhere. In fact, the most recent transfer was to Bulahdelah Hospital because the Newcastle hospitals were too full. Despite a two-hour round trip to transfer patients, there is still a lack of basic X-ray and imaging services in this area where people need it.

The Government's failure to invest in one section of our health system has a flow-on effect to other parts of the system. Ambulances are being sent to transfer patients between hospitals because of the lack of basic services. This has a flow-on effect on the time it takes for ambulances in the area to respond to people in crisis. I repeat, recognising paramedics as professionals is welcome. Those highly trained and skilled practitioners are worthy of professional status. This Government's failure to prioritise the delivery of health care in this State will put at risk the reputation of these talented professionals. When the new paramedic council is established, the nationally consistent registration is in place, and the complaint-handling processes are bedded down, this Government will still be asked to account for the 12,000 ambulance patients who waited more than 30 minutes for a bed after arriving at hospital. The Government will still be asked to account for the 18 per cent increase in presentations to emergency rooms this quarter, for the 74,000 patients who are waiting for elective surgery and for the families left waiting while overstretched ambulance staff and paramedics race to help them.

We all respect paramedics and the critical work they do. The Opposition supports this bill because it gives overdue professional recognition to our paramedics, but we urge the Government to reconsider its priorities. The Government should stop funnelling money into new stadiums in Sydney and start focusing on what is important to communities in New South Wales—access to public health. People do not want to be left waiting for ambulances for long periods while watching their loved ones suffer. They want to be able to access health services when and where they need them. People do not want to wait for hours to be seen in an emergency department or for a bed to become available once they are admitted. Nor do they want to be rushed out of hospitals before they are ready because this increases their risk of readmission.

Under this Berejiklian Government patients are waiting at every stage and they have had enough. People are now waiting for the longest times in this State's history to access elective surgery. Elective surgery changes lives. It also stops the progression of illness if it is attended to early. On average people in this State wait 285 days for a knee replacement and 221 days for a cataract removal—that is 221 days someone may not be able to drive a car to access the services and support they normally enjoy. More than one-quarter of patients wait longer than four hours to be seen in an emergency department. Those numbers are way outside the national benchmarks. The New South Wales health and hospital system is straining under the pressure. Our health professionals are doing all they can in an overstretched and under-resourced environment.

Today the *Newcastle Herald* reported on the nurses and midwives taking industrial action because of the chronic and longstanding understaffing at John Hunter Hospital. Nurses and midwives do not take industrial action lightly; they are doing it because they know this is impacting the people they care about. The Berejiklian Government needs to get its priorities right. If it does not care about people then it should stand aside and let those of us who do care do the right thing by the citizens of New South Wales.

Mr STEPHEN BROMHEAD (Myall Lakes) (16:37): I speak in support of the Health Practitioner Regulation Amendment Bill 2017 introduced by Minister for Health Brad Hazzard. For 16 years members opposite neglected the health system in this State. When we came to office we found a broken system. What have we done? We have employed more doctors and now have a record number of doctors working in the public hospitals in New South Wales. We have almost 5,000 extra nurses working in the New South Wales public health system. We have upgraded hospitals. We are building new hospitals not only in the cities but also across New South Wales. Indeed, we are building hospitals in regional areas that Labor neglected for years. The Labor Party stands condemned for the 16 shameful years it neglected health in this State and the people of regional New South Wales in particular.

Members on this side understand what the people of New South Wales want. We are building new hospitals because we know that people in regional New South Wales and the suburbs want health care. That is what we are

delivering. We understand that paramedics do a fantastic job. This bill brings paramedics into the national accreditation scheme with nurses and others. As a nurse I am registered under the national scheme and am looking forward to the paramedics being registered under it too. I have been at motor vehicle accidents in recent months where I have assisted paramedics. I have seen the work that they do in my community and I commend them for it. When they campaigned for the death and disability scheme I was proud to talk with them, stand up with them and have the wristband on to show my support for the paramedics in my area, unlike most members on the other side.

The Health Practitioner Regulation (Adoption of National Law) Act 2009 adopts with some modifications the Health Practitioner Regulation National Law set out in the schedule to the Health Practitioner Regulation National Law Act 2009 of Queensland. The object of this bill is to make amendments consequent on the passage of the Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017 of Queensland, which makes a number of amendments to the Health Practitioner Regulation National Law, including the following:

- (a) recognising paramedicine as a registered health profession;
- (b) allowing national boards for each health profession to be consolidated so that a single national board may cover more than one health profession;
- (c) separating the single health profession of nursing and midwifery into two health professions;
- (d) enabling a national board to obtain additional information from a health practitioner about the health practitioner's practice;
- (e) making it an offence to breach a prohibition order made in any jurisdiction;
- (f) permitting a New South Wales health professional council to review conditions imposed on a practitioner's registration in another jurisdiction if the practitioner moves to New South Wales.

The bill gives effect to recent changes relating to the registration of health practitioners that were recommended following a review of the National Registration and Accreditation Scheme [NRAS]. Changes to the national scheme are made by adopting the Queensland schedule as a law of New South Wales, subject to certain modifications. However, as New South Wales is a co-regulatory scheme, it has retained a number of its own specific provisions unique to the State. The adoption Act established the National Registration and Accreditation Scheme in New South Wales. The NRAS operates as a nationally consistent registration scheme for 14 health professions including medical practitioners, nurses and dentists.

When speaking about my registration as a nurse, I should have mentioned that my wife is also a registered nurse and has had to go through the national scheme. She works as the practice nurse at a surgery in Taree. To enable the NRAS, the adoption Act applies the schedule to the Queensland Health Practitioner Regulation National Law Act 2009, as updated from time to time, as a law of New South Wales, subject to modifications made by New South Wales. Under the NRAS the national board for each profession registers health practitioners and investigates complaints. However, New South Wales is a co-regulatory jurisdiction. As such, while New South Wales adopted the nationally consistent registration provisions, it did not adopt the complaints process under the Queensland national law. Rather, New South Wales modified the provisions of the Queensland national law to retain its own unique complaint system, which relies on the New South Wales health professional council, the Health Care Complaints Commission and the NSW Civil and Administrative Tribunal to hear complaints.

The combined law of the nationally consistent Queensland provisions and the New South Wales specific complaints provisions is known in New South Wales as the Health Practitioner Regulation National Law New South Wales. As I said, it brings the paramedics into the NRAS as the fifteenth registered profession, with registration requirements expected to commence in late 2018. It makes a range of changes following on from the national review of the Queensland law and these changes will automatically apply in New South Wales except when the Queensland changes relate to complaints handling. The relevant changes that apply in New South Wales are, as I said:

- (a) the inclusion of paramedics,
- (b) enabling regulations to be made to consolidate one or more national boards, with consultation required before any regulations are made;
- (c) recognising nursing and midwifery as two separate professions, both regulated by one board;
- (d) allowing the board to obtain additional information about a practitioner's practice information;
- (e) requiring the boards to keep a register of prohibition orders; and
- (f) the inclusion of the new section 127A, which allows a New South Wales review body to take over the review of an interstate practitioner who is subject to conditions imposed by the board if the practitioner moves to New South Wales.

This legislation allows New South Wales to continue to be part of the national scheme. We adopt the Queensland laws except where we have retained certain parts of ours that have been modified by use in New South Wales. I commend the bill to the House.

Ms JENNY AITCHISON (Maitland) (16:45): Broadly speaking, the Health Practitioner Regulation Amendment Bill 2017 will update the regulation of health practitioners in this State. It will recognise paramedicine as a registered health profession, consolidate national health profession boards into a single national board and separate the nursing and midwifery professions and recognise them as two distinct roles, amongst other changes. Unfortunately, this bill cannot resolve the crisis in the New South Wales health system. Delays in our health system are reaching dangerous levels. In New South Wales patients wait at every stage: They wait for an ambulance, they wait with paramedics outside the hospital to get into the emergency department, they wait in the emergency department and then for a bed. They are then rushed out of hospital before they are fully recovered. At least, that is the situation for those who are not waiting for elective surgery. I am told that patients are now being checked into a bed and then while they are in surgery the bed is taken by someone else and they spend the night in recovery.

This is a disaster of a system all the way through. I do not blame the current Minister for this. These problems have come from this Government's systemic stripping of resources from the system. A shortage of hospital beds has meant that some patients are rushed out of hospital. Under this Coalition Government, New South Wales has some of the highest rates of post-surgical complications in the world. In my electorate of Maitland nearly a third of patients wait more than four hours to be admitted to the emergency department. That is shameful. Of course, ambulances come into this and paramedics have been registered as health professionals. But we need to ensure that our paramedics are properly resourced. Many people have made representations to my office about long ambulance waiting times. The Minister would be aware of that. In fact, on one occasion a woman died.

Mr Brad Hazzard: Point of order: Although I am open to ongoing correspondence from the member and to having discussions with her relating to health, I point out that this is a strictly administrative bill. I ask that the member return to the leave of the bill.

Ms JENNY AITCHISON: To the point of order: Wide latitude is given in second reading debates. When talking about something as complicated as administrative changes in the health system other components within the system need to be discussed to show how they all work together. This bill is important because it makes an enormous difference to professionals in the system. When the former Minister made changes to recognised professions I said that we can call people "Ronald McDonald" but if we do not provide them with the necessary support they cannot do the work they are supposed to do.

The DEPUTY SPEAKER: Order! The member for Maitland will return to the leave of the bill.

Ms JENNY AITCHISON: I thank the Minister for his input; it has been noted. In relation to the registration of health professionals, and particularly paramedics, the point I was going to make is that the Government has promised to build new ambulance stations in my electorate. But it does not matter what it does if the Government does not also provide the resources that staff need to do the work. As I was saying, people have come to my office and spoken of situations where paramedics arrived in trucks that could not transport patients. The paramedics were not at fault; they were resourced inadequately. Ambulances can be used to transport sick people and it is a problem if those people are told to catch a cab or get someone to drive them to hospital.

I spoke to the chief of staff of the former health Minister about paramedics and ambulance stations and the promise of a new hospital at Maitland. I think we asked five separate questions before we got a straight answer that funding for the promised ambulance station was not in the budget—and my understanding is that it is still not there. I am also concerned about issues raised by the member for Port Stephens concerning staff at John Hunter Hospital who have taken industrial action because the hospital is understaffed. That is the nub of the issue. You can have a world-class health system and all the great buildings you like, but if you do not have staff in those buildings—all the professionals that the bill refers to—then you do not have a system. Earlier this year, staff at John Hunter Hospital were forced to strike because the Government failed to respond to incidents of workplace bullying. Obviously, a lot of work needs to be done when people are experiencing stressful situations at work. Of course, Maitland Hospital is one of my major concerns.

Dr Geoff Lee: Point of order: My point of order relates to Standing Order 76. The member for Maitland should return to the leave of the bill. She is flouting your previous ruling.

The DEPUTY SPEAKER: I uphold the point of order. The member for Maitland is straying from the leave of the bill. She will direct her remarks to the bill before the House.

Ms JENNY AITCHISON: The nub of the argument is that the Government can make any change to professional recognition or to the boards and it can comply with other States and move towards a national system, but if the Government does not fund the system it will not do justice to patients or to the people who work within that system. Maitland is the fastest-growing city in New South Wales outside Sydney. It is vital that my community has professional people working in our health system. The city of Maitland grew by 15 per cent between 2011 and 2016, and we have not seen a commensurate 15 per cent growth in health services. We have been promised a hospital, which has not been built yet but we hope we will get something by the end of the year. However, the services must be operated efficiently. It is not just about recognition; it is not just about giving someone a name. It is about funding services properly. I urge the Government to think about more than just fancy names and recognition schemes. It must fund our hospitals and build a new one at Maitland soon—and make it public.

Ms TRISH DOYLE (Blue Mountains) (16:53): I contribute to debate on the Health Practitioner Regulation Amendment Bill 2017. As others have noted already in this place, many of the objects and changes within this administrative bill relate to paramedics. The bill recognises paramedicine as a separate, registered health profession, and harmonises some other aspects with the laws of other States and the Commonwealth as a consequence of national-State-Territory accreditation agreements. I am particularly interested, however, in the workplace conditions of paramedics and the impacts on patients of poorly resourced and poorly supported paramedics and hospitals.

The Labor Opposition notes that the former Minister for Health promised to enhance the role of paramedics in New South Wales. Our paramedics are under remarkable pressure, and are working harder and longer than ever before. The Government must boost the number of paramedics employed and rostered by the Ambulance Service of New South Wales to relieve the pressure and strain on the existing workforce. I am also aware of the Government's plans to establish so-called "superstations" and to close smaller ambulance stations. This will have a terrible impact on local communities, and I have no doubt the Liberal Government will use the exercise to "consolidate" the workforce and cut workers' jobs.

Not only does this Government not adequately support or resource ambulance stations or paramedics, but also it is, of course, guilty of underfunding our emergency rooms in hospitals across the State. What is the point of having a well-resourced and properly funded Ambulance Service if our hospitals are so riddled with bed block that there is no space available for patients to be admitted and seen to when they are taken to hospital? The Premier and her Minister for Health are responsible for a health system that is stretched to its absolute limits. The system continues to operate solely through the goodwill of its workforce—the doctors, nurses, cleaners, ward clerks, physiotherapists, social workers, administrators and managers—and without that goodwill it would all fall apart.

In March 2016 I observed that each year the number of complaints received by the Health Care Complaints Commission about our public health and hospital systems increases. The statistics back then spoke for themselves: Between 2013-14 and 2014-15, the number of complaints received increased by 10.5 per cent—which is more than 5,000 complaints. Meanwhile, the latest Bureau of Health Information data shows that ambulance response times are growing. During the April to June 2017 quarter, more than a third of priority 1 emergency incidents saw ambulance response times greater than 15 minutes. One in 20 priority 1 call-outs had a waiting time greater than 30 minutes—the national benchmark is 10 minutes. We have the slowest response times in Australia, apart from Tasmania, which has nowhere near the population densities of our larger cities and regional centres.

There is simply no excuse for this poor performance, and the only explanation is that our Ambulance Service is underfunded and under-resourced. The best will in the world cannot correct the current state of affairs, with local hospitals struggling every day to meet the needs of those who attend our emergency departments and to cope with the demand for beds and the increasing complexity of the needs of those presenting for care. Meanwhile, lessons from overseas about mismanagement of ambulance services are being ignored by the Government, which instead obsesses about how and where to make budget cuts.

Slow ambulance response times overseas are linked to the "superstation ambulance scheme", which this Government is pressing ahead with. In 2014 superstations in the United Kingdom were scrapped after it became clear that patients' lives were being put at risk by ballooning response times in areas such as East Midlands, where the superstation model had been rolled out. How can fewer ambulances, spread across a larger geographical distance be beneficial for patients in a life-or-death situation who require immediate medical care? But this is the Government that once argued that logging is good for koalas, that TAFE has never been stronger, and that workers and business have never had it so good. We have moved past Orwellian doublespeak and we are now in the territory of outright lying.

Dr Geoff Lee: Point of order: My point of order is under Standing Order 76. I ask that the member for Blue Mountains be directed to return to the leave of the bill.

The DEPUTY SPEAKER: I uphold the point of order. I was wondering what koalas had to do with the bill. The member for Blue Mountains will return to the leave of the bill.

Ms TRISH DOYLE: According to the Government, having fewer ambulances covering a greater distance and attending a higher number of call-outs each is a good thing. But it is not just an ambulance that people in New South Wales must wait for. Patients wait at every stage of the health system, as has been mentioned already. This is the narrative. Patients wait for an ambulance. They wait with paramedics outside the hospital to get into the emergency department. They wait in the emergency department. They wait for a bed. Then they are rushed out of the hospital to make way for the next person before they are fully recovered, which results in readmissions. The cycle repeats itself over and over again. What staggering madness.

On the question of waiting times in our hospitals, we know that statewide more than a quarter—or 26.9 per cent—of the State's patients waited longer than four hours in the emergency department. At Nepean Hospital, which serves as the Blue Mountains' major tertiary hospital—especially for emergencies—39 per cent of patients wait in the emergency department for longer than four hours. Yet again we fail the national benchmark, despite being the largest, most prosperous State. That is a disgrace. I take this opportunity to plead with the Minister for Health and to appeal to the Premier to reverse their predecessors' cuts, inject much-needed funding into our hospitals and ambulance stations, and abandon their neoliberal agenda when it comes to the health of the people of New South Wales.

In my electorate of Blue Mountains I advocate on a weekly basis for those who attend the Blue Mountains District ANZAC Memorial Hospital, Springwood Hospital and Nepean Hospital. They receive the very best of care from the workers there but they need more resources. In supporting this bill—although I have raised some concerns about resourcing health practitioners—I take this opportunity to thank everyone who works as a paramedic and who works in our health and hospital system. They are the salt of the earth.

Mr JAMIE PARKER (Balmain) (17:02): I speak on behalf of The Greens in debate on the Health Practitioner Regulation Amendment Bill 2017. The Greens recognise the important role played by all those involved in the delivery of health services. In talking about the role of paramedics and midwives, it is important to note that their roles have been enhanced and to acknowledge the contribution that these professions make to our communities. It is important not only to acknowledge those professions but also to invest, commit and support those professions. I do not have a major hospital in my electorate but I do have Balmain Hospital, which focuses on paediatric—

Mr Brad Hazzard: It's a very good hospital.

Mr JAMIE PARKER: The Minister says it is a good hospital. I am not denying it is a good hospital but it is not the Royal Prince Alfred Hospital or a major teaching hospital.

Dr Geoff Lee: It's not Westmead.

Mr JAMIE PARKER: That is right; it is not Westmead. But it is a facility that does a lot for our community. However, I am lucky enough to have the Ambulance Service of New South Wales based in my electorate, despite commitments to move it to Westmead or elsewhere. I understand those talks are still underway. Perhaps the Minister could outline in reply or at some other appropriate time the status of the Ambulance Service and confirm whether it will move to Westmead or remain in Rozelle. Obviously we enjoy their company; we think they are a great body of people and we welcome their presence. If the Minister cannot address the matter today I ask him to discuss with me later the role of the Ambulance Service of New South Wales in my electorate.

The bill is relatively technical in nature. It is not the kind of bill that generates a lot of emotion because it is a positive bill. It is an important step forward in expanding the registered health professions to include paramedicine. This follows the introduction of the Health Practitioner Regulation (Adoption of National Law) Act 2009 and subsequent amendments, which The Greens support. Importantly, the changes mean that paramedicine is now included as a registered health profession and nursing and midwifery are split into two professions. These changes are supported by the Australian Paramedics Association and the NSW Nurses and Midwives' Association, which are fantastic organisations.

The bill will amend the Health Practitioner Regulation (Adoption of National Law) Act 2009 to include paramedics as registered health professionals; separate the single profession of nursing and midwifery into two health professions; allow for the consolidation of national boards for health professions so that one board can cover multiple health professions; enable a national board to obtain additional information about a health practitioner's practice from the practitioner; make it an offence to breach a prohibition order made in any jurisdiction; and permit a New South Wales health professional council to review conditions placed on a practitioner's registration in another jurisdiction if they move to New South Wales.

All these measures are very important in making the system robust and they are supported by organisations in the community, including the Health Services Union. New South Wales has a co-regulatory jurisdiction as we do not accept all the national provisions relating to conduct, health, and performance and complaints handling. The Health Practitioner Regulation (Adoption of National Law) Act 2009 underwent a statutory review in 2014. The majority of recommendations flowing from that review were accepted and included in the Health Practitioner Regulation National Law (NSW) Amendment (Review) Bill 2016. The Greens supported those amendments also.

I note that the NSW Nurses and Midwives' Association and the Australian Nursing and Midwifery Federation, New South Wales Branch, have concerns about some of the definitions. I understand that the Minister is aware of those concerns. I have discussed this with some of his staff and I am assured that this is not a significant issue. I raise the matter with respect to new schedules 5.2, 5.5 [3] and 5.19. Despite the ability of the Nursing and Midwifery Board of Australia to endorse midwives as midwife practitioners in accordance with section 96 of the Health Practitioner Regulation National Law (NSW) No 86a, the NMBA does not have a class of endorsement for midwife practitioners. I note that the Government's senior legal officer whom I consulted addressed this matter. But I place the issue on record because the communication was sent to members and should be addressed. The association and federation further stated:

There are, however, a class of midwives who have an endorsement on their registration for scheduled medicines in accordance with section 94 of the HPRNL. Those midwives are **not considered** "midwife practitioners" for the purpose of section 96. The various pieces of legislation that are being amended are those that refer to the prescription of substances, something which only a midwife with an endorsement in accordance with section 94 can do.

We would suggest that any reference to "midwife practitioner" be changed to "a midwife with an endorsement for scheduled medicines".

I have discussed this matter with the Minister and the relevant senior legal officer from the Government. I urge the Minister to respond so that we can have a better understanding of the matter and any concerns can be put to rest. In conclusion, I thank all those who work in the Government, in our bureaucracy—the staff who work for the people of this State—for their work in helping to improve and make our health system even more robust. Some of the measures, which are generally uncontroversial, are very important. I hope they go towards ensuring the good health of the people of this State and my electorate. The Greens will not oppose the bill.

Mr BRAD HAZZARD (Wakehurst—Minister for Health, and Minister for Medical Research) (17:08): In reply: I thank all members who contributed to debate on the Health Practitioner Regulation Amendment Bill 2017. I specifically thank the members for Port Stephens, for Myall Lakes, for Maitland, for Blue Mountains and for Balmain. Labor members exercised a degree of licence in the debate and, whilst the Government took a couple of points of order, we adopted an expansive and generous view in allowing Opposition members to shoot the breeze. I must point out that most of the suppositions from the Labor members were a little beyond the breeze—they were somewhere off in another universe and not accurate. I will briefly address some of those issues. We share a mutual esteem for paramedics and the Ambulance Service. But it is wrong to suggest that the Government does not recognise the value of paramedics. It does. I do as health Minister and I do so on a bipartisan basis on behalf of all members in the House. We all hold paramedics in high esteem.

Paramedics were in Martin Place yesterday educating people about cardiac arrest and how to do cardiopulmonary resuscitation [CPR]. I was happily one of those revising my knowledge on CPR. Paramedics do an incredible job. Governments always strike difficulty in trying to find sufficient money for Health but this Government has provided a record amount of funds to Health and to the Ambulance Service. Close to one-third of the entire State budget goes to NSW Health for our residents. It would be possible to consume the entire State budget. That is common to all States and Territories—it does not matter whether they are Liberal or Labor governments. This Government has provided record funding to the Ambulance Service. This year's budget saw nearly \$1 billion allocated to paramedic services, which I draw to the attention of the House is an increase of \$74 million on last year's budget.

I point out that \$100 million is being invested in capital works over the next 12 months. At all levels, this Government is doing what it can to ensure that the community of New South Wales receives the best service from paramedics through the investment of money and infrastructure. The member for Blue Mountains suggested that there are not enough paramedics. There is always a strong argument that with the growth in population we will need more paramedics. In the past two years the number of paramedics in New South Wales has increased. Last year's budget supplied an additional 85 paramedics and 35 specialist paramedics, and this year's budget supplied an additional 50 relief paramedics. Those 50 relief paramedics will be targeted to reduce fatigue in rural and remote areas. Having said that, there is always more to do.

It is hypocritical of Labor members to play politics with an administrative bill that will legislate the national recognition of paramedics. If they are going to make comments in passing, they should be accurate. Their Government did not do as much in 16 years as this Government has done in seven years. I respect the member for

Maitland as a local member. Unfortunately, a little hyperbole mixed in with a lack of facts may sound good but it is not right. The member claimed that there are longer waiting times under this Government than under Labor. That is complete rot and rubbish from beginning to end. While the member for Maitland might be doing a good job fighting for her community on a range of issues, she should start from a truthful base.

Between April and June 2010, 60.8 per cent of patients entered and left emergency departments in New South Wales within the prescribed four-hour period. From April to June this year that figure rose to 73.1 per cent. That is a huge increase in a difficult area of medicine. I acknowledge the emergency department doctors and nurses across New South Wales. Those figures will vary from time to time—no-one is kidding themselves on that front. We have just endured the worst influenza season on record. Staff fell ill and there was a massive increase in the number of patients attending hospitals and using multipurpose services across the State. I do not doubt that it was difficult to achieve the passage of patients through emergency departments within the prescribed four hours. That is the reality of life in the health area: From time to time issues come up that make it more challenging.

The overall statistics show a 13 per cent increase in the number of patients being attended to within four hours compared to the other two relevant quarters. That is a vast improvement on what occurred regularly under the former Labor Government. I thank Gemma Broderick, a chief legal officer from the Ministry of Health. The member for Balmain acknowledged Ms Broderick for the assistance she provided. The member for Port Stephens raised the issue of fees that paramedics will pay to the Paramedicine Board of Australia. Ms Broderick's advice is that once the Paramedicine Board of Australia is established it will set the registration fee for paramedics. All registered health practitioners are required to pay a registration fee, including nurses, medical practitioners and dentists, and it will be the same for paramedics. Gemma Broderick reminds me that registration fees are generally tax deductible and I anticipate that that will apply to paramedics.

In answer to the question raised by the member for Balmain regarding nurses and midwives and changes to the Queensland law, I am advised by Ms Broderick that this will apply in New South Wales. Nursing and midwifery will be recognised as two separate professions regulated by one board. I said that in my second reading speech. Neither the Queensland changes or the bill before the House alter the control of scheduled medicines or change the current health professional titles protected by the Federal law. They were two issues raised by the member for Balmain. Nurses across the State do an incredible job. They come into the profession because they care about the community and serve in a range of areas. On behalf of all members, I acknowledge the work that nurses do for the New South Wales community. Midwives work in a particular area of medicine that can be challenging but that also brings complete delight with the birth of a child. Midwives have a different set of skills but they still come to their profession with the care that both sides of this Parliament would want of people who are caring for our community. I want to thank nurses and midwives for their work and their continuing commitment to the people of New South Wales.

Finally, I note the bill obviously makes consequential changes to New South Wales' legislation and follows amendments to the schedule to the Queensland Health Practitioner Regulation National Law, which is an applied law in New South Wales. The changes to the Queensland schedule follow on from a review of the National Registration and Accreditation Scheme [NRAS] and a decision by health Ministers to include paramedics as the fifteenth registered health profession. All the Ministers—Coalition Liberal-Nationals and Labor—across the country agreed to that at a Council of Australian Governments meeting earlier this year.

The changes to the Queensland schedule will automatically apply in New South Wales except where the changes relate to complaints handling. This is because New South Wales joined the NRAS as a co-regulatory jurisdiction and, therefore, did not adopt the national provisions relating to complaints handling. The changes applying in New South Wales as a result of the Queensland amendments require consequent amendments to New South Wales' legislation, which the bill before the House, which we have now debated, sensibly implements. The bill will ensure that New South Wales continues to successfully implement NRAS as a co-regulatory jurisdiction. Again, I thank all members in both places for their contributions to debate, and I commend the bill to the House.

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

Motion agreed to.

Third Reading

Mr BRAD HAZZARD: I move:

That this bill be now read a third time.

Motion agreed to.

CRIMES (SENTENCING PROCEDURE) AMENDMENT (CHILD SEXUAL OFFENCES) BILL 2015
JUSTICE LEGISLATION AMENDMENT (COMMITTALS AND GUILTY PLEAS) BILL 2017
CRIMES (HIGH RISK OFFENDERS) AMENDMENT BILL 2017

Returned

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

ABORIGINAL LANGUAGES BILL 2017

Second Reading

Mrs LESLIE WILLIAMS (Port Macquarie) (17:21): On behalf of Mr Rob Stokes: I move:

That this bill be now read a second time.

I acknowledge the traditional owners of the land on which Parliament now stands, the Gadigal people of the Eora nation, and pay my respects to their elders both past and present and extend that respect to the First Peoples of New South Wales present here today. I also acknowledge Aboriginal elders in my own electorate on the mid North Coast, in particular, my dear friend Uncle Bill, OAM. Uncle Bill is highly decorated and respected across our community, not because he has broken a record, represented the nation or achieved pursuits beyond others, but because of his storytelling, his imparting of knowledge, his cultural leadership and his advocacy. There are few events hosted in our community that are not preceded by Uncle Bill's Welcome to Country. His Welcome to Country is so colourful, so expressive and so meaningful. I will never tire of his words and I proudly stand beside him on many of those occasions, appreciating each time the opportunity to reflect on our indebtedness to the custodianship of our Indigenous elders.

Uncle Bill mixes the Biripai language with English to welcome us to his country, Biripai country. In doing so, he asks us to respect the ocean, land, rivers and the many natural splendours, as this respect ensures the health of our country and its people. His wise counsel and guidance have been personally enriching. He has developed my cultural understanding and strengthened my beliefs about the imperative of building strong partnerships that are the fundamental foundation of reconciliation and equity. I strongly support this bill and feel privileged, humbled and proud to have played just a small part in its passage to this Parliament and this place.

I know that the passing of this bill will likely not be surpassed by anything I do in this place in the years I will spend here. That is because I have learnt from my many conversations with Aboriginal people the significance and strength of this bill. Conversations with Uncle Stan Snr, Hayleen from Aboriginal Affairs, local language teacher Rhonda Radley, Dennis from Walgett, and Uncle Michael, one of the Stolen Generation. Their counsel and that of so many others has guided and nurtured me and taught me so much, and for that I am enormously grateful.

I would like to reflect on the historical introduction of the bill into the Legislative Council on Wednesday 11 October, which featured a message stick ceremony. That message stick currently sits on this Table and will remain there while this bill is debated in this place. After a ceremonial procession into the Legislative Council Chamber, a group of distinguished elders and emerging young leaders spoke from the floor of the House in their language. A message stick was passed between them, symbolising the passage of language and culture across generations, across First Nations and across First Peoples' traditions and the traditions of this Parliament.

For tens of thousands of years message sticks have been used by First Peoples to communicate good news and bad, to welcome and to give warning. As the Minister for Aboriginal Affairs said in her second reading speech, message sticks are "physical manifestations of the languages that this bill seeks to acknowledge, nurture and grow." The message stick used in the bill introduction ceremony will stay in the Legislative Council as a permanent reminder to its members of this State's 60,000 years of history and about their duty to honour that history and to share and celebrate this State's unique and valuable first peoples' culture and languages. Like all histories, there has to be an origin story, the spark that became the fire. In the case of Aboriginal languages, they are the embers that lingered and the fire has burnt long and strong.

In 2011, the Hon. Victor Dominello set up the ministerial task force on Aboriginal affairs to examine the state of Aboriginal affairs in New South Wales. When the task force conducted statewide consultations in 2012, there was a very strong call to increase government efforts to work with communities to revive the Aboriginal languages. In response, OCHRE, the New South Wales Government plan for Aboriginal affairs, included a number of Aboriginal language initiatives. The five Aboriginal language and culture nests are an OCHRE initiative and across the five nests are 67 schools delivering Aboriginal language programs to more than

6,300 students, employing 55 language teachers and tutors. OCHRE also committed to renewing the 2004 Aboriginal languages policy.

When I became the Aboriginal affairs Minister in April 2015, there was little to show for this commitment. Reviews found that Aboriginal languages policies lacked accountability mechanisms and authority to achieve their objectives. Simply writing a new policy would not meet the ambitions of communities or the Government's commitment to work in partnership with communities. I recall a discussion with Jason Ardler, head of Aboriginal Affairs, about this quandary. A new policy could be quickly formulated but its long-term impact and whole-of-government reach would be limited. Jason spoke about legislation to recognise Aboriginal languages in similar jurisdictions, particularly in New Zealand and Canada. I set Jason the challenge for Aboriginal Affairs to explore a legislative model for first languages in New South Wales. Together we travelled to New Zealand in January 2016 to learn from our neighbours across the ocean.

In March that year I met with key first language stakeholders from around the State in Parliament. They spoke of their ambitions for their languages and how legislation could help meet those ambitions. It was in November 2016 that I announced the drafting of a New South Wales Aboriginal Languages Bill and community consultations on the bill. From January 2017, Minister Sarah Mitchell continued this journey, taking the draft bill through Cabinet and out across the State. The Aboriginal Affairs' community conversations held between May and August consisted of 32 workshops in 16 locations across New South Wales in two rounds. The 16 locations were Lightning Ridge, Bourke, Moruya, Wilcannia, Broken Hill, Dubbo, Wagga Wagga, Griffith, Dareton, Tamworth, Lismore, Coffs Harbour, Taree, Sydney, Mount Druitt and Moree.

The workshops included a demonstration of local language and culture and also stories of the personal impact of first peoples' reconnecting with their languages. There was strong support for legislation at the workshops and in the media coverage, but I also understand that there were some concerns with the draft bill. The bill before the House significantly improves on that draft bill, reflecting the input of community members, Aboriginal organisations and other institutions. The objects of the bill are: to acknowledge that Aboriginal languages are part of the culture and identity of Aboriginal people; to establish an Aboriginal Languages Trust governed by Aboriginal people that will facilitate and support Aboriginal language activities to reawaken, nurture and grow Aboriginal languages; and to require the development of a strategic plan for the growth and development of Aboriginal languages. The bill includes a preamble which will replace the recognition statements in the draft bill. It states:

WHEREAS

- (a) The language of the First Peoples of the land comprising New South Wales are an integral part of the world's oldest living culture and connect Aboriginal people to each other and to their land;
- (b) As a result of past Government decisions Aboriginal languages were almost lost, but they were spoken in secret and passed on through Aboriginal families and communities;
- (c) Aboriginal people will be reconnected with their culture and heritage by the reawakening, growing and nurturing of Aboriginal languages;
- (d) Aboriginal languages are part of the cultural heritage of all people in New South Wales; and
- (e) It is acknowledged that Aboriginal people are the custodians of Aboriginal languages and have the right to control their growth and nurturing.

I note that the Legislative Council amended paragraph (d) to remove the words "of all people". This and other minor amendments arose from a meeting between the Minister for Aboriginal Affairs, key Aboriginal language stakeholders and representatives of the New South Wales Aboriginal Land Council, and the New South Wales Aboriginal Education Consultative Group. The amendments improve the bill, giving greater clarity and the intention that First Peoples must control the growth and nurturing of their languages. I note the draft bill proposed a centre for Aboriginal languages in New South Wales within Aboriginal Affairs. This was not supported during the community conversations. Instead, there was strong support for an independent statutory body led by an Aboriginal board. This bill establishes an Aboriginal Languages Trust. The trust will provide a focused, coordinated and sustained effort on Aboriginal language activities at local, regional and State levels.

The functions of the trust are: to bring together persons with relevant professional qualifications in languages and persons with knowledge of Aboriginal languages; to provide advice and direction for Aboriginal language activities; to promote effective Aboriginal language activities; to identify priorities for Aboriginal language activities; to manage the funding for, coordination of and investment in Aboriginal language activities at local, regional and State levels; to promote education and employment opportunities in Aboriginal language activities; to develop resources to support Aboriginal language activities; to provide guidance to the Government and its agencies on Aboriginal languages; to liaise with the Geographical Names Board on the use of Aboriginal

languages and the naming of geographical places; and, finally, to encourage the wider use and appreciation of Aboriginal languages.

The trust will be managed by a board of between five and 11 members appointed by the Minister. The Minister can only appoint Aboriginal persons with relevant skills, expertise or experience and appropriate standing in the Aboriginal community. The Minister has limited powers to intervene in the affairs of the trust and in appointing trust members, approving its strategic plan and issuing directions to the trust. Ministerial directions must be published. These powers are appropriate and do not undermine the trust's independence. Within two years, the trust must prepare a draft strategic plan and submit it for approval by the Minister. The trust also prepares an annual report of its achievements against the strategic plan. Again, there were minor amendments to the bill in the Legislative Council, mostly concerning the strategic plan. I cannot overstate the significance of the bill. Members should not listen to me but rather the voices of Aboriginal people. I refer to Aunty Rhonda Ashby who spoke to the General Purpose Standing Committee No. 3 as one of the Stolen Generation. Aunty Rhonda said:

... it's a part of our identity; it's a part of our soul. Language is a part of our culture, culture is a part of our language—the two are married. If we did not know where we come from, we do not know where we are going. It is like a tree without roots; it won't grow.

Stan Grant junior reflected on the importance of language and the impact of its loss in an article published during NAIDOC Week this year. Its theme this year was Our Language Matters. I read his words into *Hansard*:

To speak my father's language ruptures the Australian imagination that has seen us variously as doomed, archaic, displaced...

I am far from fluent in my father's language and that is the legacy of our history; a history of culture destroyed or denied. My father, Stan Grant senior, as a young boy saw his grandfather Wilfred Johnson jailed for speaking it to him in the main street of town.

He went on to note:

But there is a resurgence of language as an expression of belonging and an act of defiance in the face of assimilation. My father has devoted much of the later years of his life to reviving Wiradjuri. With linguist John Rudder, he wrote the first Wiradjuri dictionary. He has taught the language and inspired a new generation of teachers. Charles Sturt University now offers a graduate certificate in Wiradjuri language, culture and heritage.

My father says language does not so much tell you who you are but where you are. It is a crucial distinction.

He further wrote:

Today our politics is dominated by talk of "Australian values", "patriotism"; the price of citizenship is the ability to speak English. The resurgence of Indigenous languages is a counter to the triumphalism of the Australian settlement. It is a profound statement of sovereignty—this is, was and always will be Aboriginal land and these are the languages of the land.

Indigenous languages also present a tantalising opportunity for all the people of Australia to find a deeper sense of belonging. The empty space of terra nullius could be filled with the voices of people of all backgrounds speaking the first languages of this land.

In closing, I thank the Minister in the other place for facilitating the ongoing journey of language revitalisation. I thank the team in Aboriginal Affairs for their determination, commitment and dedication. I have no doubt they will ensure the continued advancement of Aboriginal language revitalisation in this State. It is with great pride and privilege that I commend the bill to the House.

Mr DAVID HARRIS (Wyang) (17:35): I acknowledge that we meet on Gadigal land, part of the Eora nation. I pay my respect to elders past and present. I too acknowledge the significance of the Aboriginal Languages Bill 2017 and hope that all members of this place also understand the significance of the legislation that we will pass this afternoon.

Ngaya David Harris, MP for Wyong, yagunda acknowledge nyurabiyn Darkinyung ngura-ga and pay respect to nguraki past and present. I, David Harris, MP for Wyong, today acknowledge all people on Darkinyung country and pay respect to elders past and present. I thank Aunty Bronwyn Chambers, Darkinyung descendant and chairperson of the Darkinyung Language Group, for giving me permission to use the Darkinyung language to acknowledge country in my electorate. The Darkinyung language was virtually lost. Together with a group from the Murrumbidgee Aboriginal Language and Cultural Cooperative, the Darkinyung Language Group has sought to revive that language through the publication of the Darkinyung language dictionary. Through talking to Aunty Bronwyn Chambers I now have a deep understanding of the complexity of reviving an Aboriginal language. Last night many members in the other place spoke about how Aboriginal languages across New South Wales and Australia have vanished. Approximately 10 Aboriginal languages are spoken in New South Wales. It sets the scene for the complex challenge, which hopefully will be assisted by this legislation. In 1996, Dr Graham McKay of Edith Cowan University stated:

Recognition of Indigenous languages and support for Indigenous language programs stand alongside land rights, health, justice, education, housing, employment and other services as part of the overall process of pursuing social justice and reconciliation in Australia. He further stated: One might go so far as to say that without recognition of the Indigenous people and their languages, many other programs will be less effective, because this lack of recognition will show that the underlying attitudes of the dominant society have not changed significantly. That wisdom frames why this is an historic initiative for any Australian jurisdiction. For

most of our history, our governments, the government of the colony and later the State of New South Wales, have legislated in many cruel ways the destruction of Aboriginal languages.

Like the Parliamentary Secretary, I have spoken with Uncle Michael about his experiences, and they were discussed last night in the Legislative Council. He told me that young members of the Stolen Generation were stolen from their families, sent to a centre known as Kinchela, and banned from using their given name. They were given a number instead. When the Stolen Generation legislation went through the House, Uncle Michael said that dogs and cows had names but the Aboriginal boys had a number and were not allowed to use their name.

Until our Australian society understands how profound that is, we cannot understand the journey that Aboriginal people have been on since colonisation in this State. A lot of people say that it was a long time ago, but it is in living memory and the waves of policies have continued to conflict families today. It is one of the reasons why there is such a lot of mental illness and drug and alcohol abuse in Aboriginal communities, not only in New South Wales but across Australia. It is through that lens that we understand that this legislation is a continuation of more recent attempts to correct the injustices done to Aboriginal people by our governments in the past.

It is important to acknowledge that within the framework of this foundation Indigenous cultural rights have been formally ratified through the international covenant, the United Nations Declaration on the Rights of Indigenous Peoples, which was adopted by the United Nations General Assembly on 13 September 2007 and formally endorsed by Australia on 3 April 2009. Of the 46 articles stipulated in the United Nations declaration, articles 11, 13 and 14 expressly assert rights directly relevant to us as we work to recover, re-voice and re-practise our mother tongues and mother cultures. Article 11.1 states:

Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

Article 13.1 states:

Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

Article 14.3 states:

States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

The profoundness of this legislation is that this Parliament now recognises what is contained in those articles. This is only the start of the journey. Australia's Commonwealth Government has affirmed a national commitment to our Indigenous Australian cultural rights through the "Our Land Our Languages" report, which was produced by the House of Representatives Standing Committee on Aboriginal Affairs. In this report, the standing committee formally recommended that we give due constitutional acknowledgement of the status of our Indigenous mother tongues and by assumption our Indigenous mother cultures. This legislation will enable that in New South Wales. Recommendation 8 of the committee stated:

The Committee recommends that the Commonwealth Government support Constitutional changes to include the recognition of Aboriginal and Torres Strait Islander languages, as recommended by the Expert Panel on Constitutional Recognition for Indigenous Australians.

The governmental journey to protect Aboriginal language in New South Wales began with the funding of a local community language revival in the early part of the first decade of this century by the former Labor Government, leading to the Aboriginal languages policy of 2004 and the establishment of the Aboriginal Languages Research and Resource Centre. I agree with the comments of the Parliamentary Secretary that whilst that was well meaning, there was no measurement and no way to ensure that those programs and resources were meeting the needs. Responding to a strong desire on the part of communities for greater opportunities to grow the knowledge of their languages, this policy worked with the community in developing the Aboriginal Language and Culture Nests—networks of communities connected to a base school, united by a connection to an Aboriginal language, in five locations across the State.

I acknowledge the role of the former Minister, the member for Port Macquarie, in bringing forward the concept of this legislation, and the current Minister, the Hon. Sarah Mitchell, in the Legislative Council for bringing it to this next stage. On behalf of the Opposition, I acknowledge that their work has been important. As the Parliamentary Secretary said in her second reading speech, concerns were raised by the New South Wales Aboriginal Land Council and the Aboriginal Education Consultative Group. I refer to the community consultations final report by Professor Jack Beeton. On page 8 of that report under "Ownership and authority" he stated:

This was one of the biggest concerns raised at the consultations. It was raised at each consultation, and repeatedly throughout every session within consultations. Participants said Aboriginal ownership and authority in regard to Aboriginal languages must be at the heart of the languages legislation. Participants wanted it stated clearly up-front and then to underlie every clause of the Bill, being the driving principle behind its intent and actions. Discussion on this theme also included concerns about rights, oversight, control, the role of the Minister, the role of the Government, and mechanisms for authority and decision-making. It was stated that ownership and authority of Aboriginal languages rests with each language group. Ideas for representative bodies were discussed, with much of the discussion also linking to topics raised when addressing the idea of a Centre for Aboriginal Languages NSW. Concerns were raised about the possibility of having any true Aboriginal ownership and control considering legislation puts authority in the hands of parliament and the Minister. A treaty was seen as one way of addressing this issue.

I raise that issue because the Minister, in her meeting with both the New South Wales Aboriginal Land Council and the Aboriginal Education Consultative Group, agreed to five amendments. Those amendments, which were supported unanimously last night in the Legislative Council, went to the heart of community concerns around ownership. Paragraph (e) of the preamble states, "It is acknowledged that Aboriginal people are the custodians of Aboriginal languages and have the right to control their growth and nurturing". Those two representative groups strongly recommended that the words "and use" be inserted at the end of paragraph (e). For technical reasons, that was not agreed to.

I congratulate the Minister on undertaking to look at this issue in the strategic plan and through regulation. When we talk about consultation, it has to be understood that Aboriginal groups have a low level of trust in government. I have learnt that from discussions with a whole range of Aboriginal groups. Aboriginal people have never ceded sovereignty. White people's law and policy have taken their land and languages from them. When dealing with the Stolen Generation in this place, we saw that it was far more perverse than that. As the Parliamentary Secretary rightly said, Aboriginal people were jailed for using their language.

Aboriginal people were rightly concerned about the concept of putting Aboriginal language into legislation. They saw the possibility of white people's law taking ownership of their language. And whilst they support the legislation in principle, they have grave concerns about the "use" factor. If we use Aboriginal language we should get permission from the elders to do so—I also told this to my colleagues in caucus when we were discussing this bill. We should all follow that custom. In teaching Aboriginal language intellectual property is very important. Who actually owns the language? Aboriginal people were concerned that if this legislation passed without clear direction about that an opportunity would exist for non-Aboriginal groups that were probably well meaning in trying to teach language to create products and take the language away from them.

As legislators we are often frustrated in using the right words but to Aboriginal people it was vital that this legislation was framed correctly. The New South Wales Aboriginal Land Council and the Aboriginal education consultant group were passionate about this because they are answerable to their members as the peak bodies. So they fought as hard as they could to make sure the legislation properly identified the ownership of Aboriginal language. I acknowledge that the Minister is seated in the Speaker's Gallery. I genuinely thank her for understanding and offering to recognise this through regulation because ownership was a key sticking point. The other amendments were passed and Labor supported them. I hope we can address any lingering doubts Aboriginal people may have through regulation. The Parliamentary Secretary spoke about the significance of the ceremony that was held in the Legislative Council. Like many others, I was moved by that ceremony. No doubt the Minister and the Parliamentary Secretary will agree that Aboriginal people are very accepting. They invite you in and make you part of their ceremonies and their culture—that is part of who they are. As the shadow Minister for Aboriginal Affairs I feel privileged to be able to take part in Aboriginal ceremonies.

I thank everyone who took part in the smoking ceremony on 11 October. In particular, I thank the traditional language speakers: Dr Ray Kelly, Uncle Ray Davison, Ray Ingrey, Rhonda Ashby, Jaycent Davis, Aunty Di McNaboe, Uncle Gary Williams, Aunty Irene Harrington, Murray Butcher, Ronan Singleton and Aunty Salter. I acknowledge the President of the Legislative Council for allowing the standing orders to be changed—against opposition in some places—to allow that significant ceremony to take place. That showed a genuine willingness to make sure that this legislation will work.

People who know nothing of Aboriginal culture do not understand how the Aboriginal language is interconnected and how their songlines work. I was privileged to do the Spirit Walk across the Somersby Plateau and be shown the carvings and some of the cultural sites. That does not happen very often. To the untrained eye they appeared to be lines on a rock but those who understand the stories, songlines and language understand the complexity of the Aboriginal people. Sadly, in Australia we do not acknowledge that complexity as much as we should. I again congratulate the Hon. John Ajaka on being open to new and modern procedures and on allowing members of the Aboriginal community onto the floor of the Chamber. It was a very worthy precedent.

It is not simply government action but a persistent desire of the First Peoples of this land to know their language, to preserve and pass on their language, and to overcome the imposed barriers and stop their languages from dying. Language is central to culture and how people see themselves fitting within it. When languages are

not passed on, a loss of cultural identity is felt. Language is how we describe our experiences and the world around us. It is a gateway into culture and the primary means of communicating the shared experience of all the world's peoples. In the case of Aboriginal people, language is how we come to understand the experiences of the world's oldest continuous cultures that began 65,000 years ago. This legislation is the next big step in allowing those experiences to stay alive and to be passed on. As I said earlier, it will build on previous efforts to correct historical wrongs committed since European settlement.

The Parliamentary Secretary very ably outlined the objects of the bill—namely, to acknowledge that Aboriginal languages are part of the culture and identity of Aboriginal people; to establish an Aboriginal Languages Trust governed by Aboriginal people that will facilitate and support Aboriginal language activities to reawaken, nurture and grow Aboriginal language; and to require the development of a strategic plan for the growth and development of Aboriginal languages. This bill alone will not ensure that Aboriginal languages are protected and maintained. It is up to the Aboriginal community to take advantage of the funds this bill will hopefully appropriate and use them to do what is needed. We all say there are never enough funds, but this needs to be properly resourced. It is our responsibility to make sure this bill allows Aboriginal people to lead this effort with as little obstruction and as much resourcing as possible from the Government.

However historic this legislation is, it is not an easy task ahead to achieve its aims. We should not rejoice upon its passing only for it to slip from our consciousness later. We must never forget that speaking in language was forbidden. Laws were passed in this place that led to people being arrested and subject to criminal sanctions for speaking their language in public. Children were removed from family, and from country, because of it. By supporting Aboriginal people to know and to grow their language we will be able to help address some of the wrongs done by reconnecting them with their culture and identity. The choice of language, the use of words to describe what to do, is so important. It frames how those actions are perceived and influences how they are carried out. The Leader of the Opposition in the other place the Hon. Adam Searle said:

I note that legislation does not seek to protect or to preserve Aboriginal languages, rejecting the language of past colonial injustice, but rather seeks to reawaken them, as if they were a strong flame that has been caused to die down to embers, but not extinguished, continuing to glow and to smoulder until given oxygen and nourishment, to be given support, they grow back into their full glory once more.

I thought it appropriate to read those words onto the Legislative Assembly *Hansard*. This is the hope and the aspiration in this legislation for the estimated 35 first languages, and the more than 100 dialects of those languages, spoken across the rich, wide lands of this State that we all share.

Over the past few months I have had a lot to do with the Bawurra Foundation, in particular with co-founder, managing director and proud Gamilaraay man Jesse Slock. The foundation is a not-for-profit organisation that uses technology to preserve and share Indigenous culture and help close the literacy gap. It is growing a digital library of Aboriginal languages, as well as Dreaming stories, art, songs, and history shared by Indigenous elders and community leaders. The digital library is accessed on tablet devices that are donated to school libraries in remote at-risk communities. On its most recent trip to rural communities in September the Bawurra Foundation team reconnected with the Aboriginal community at Tingha and developed new relationships with community leaders in Moree.

The trip was coordinated to donate tablets to Tingha Public School and Moree East Public School, both schools with a large number of Indigenous enrolments. The team spent time in the schools workshopping with teachers, hosting classroom demonstrations and participating in culture and language classes. The introduction of the Aboriginal languages legislation will allow Bawurra Foundation to have a lasting impact on the educational landscape of all Indigenous students. The Bawurra library is rapidly growing with rich community-made content that enables the reawakening and continuation of Aboriginal languages. To the Bawurra Foundation, this bill means giving Aboriginal people control over the future of Aboriginal languages and providing them with the tools necessary to preserve and reawaken their languages across the State.

There is no shortage of examples of organisations and academics whose work shows support for these initiatives. Language has significance. Wade Davis is a professor of anthropology and BC Leadership Chair in Cultures and Ecosystems at Risk at the University of British Columbia. In his 2001 plenary address he eloquently showcased the beauty and importance of cultural diversity. He has coined the term "ethnosphere", which we might define as "the sum total of all the thoughts and dreams and ideas and beliefs and intuitions, myths brought into being since the beginning of time." He highlights its decline and says:

The ethnosphere is being eroded at a far greater rate than indeed is the biosphere. No biologist would dare suggest that per cent of all species or more are on the brink of extinction, and yet the most apocalyptic scenario in the realm of biological diversity represents what we know to be the most optimistic scenario in the realm of cultural diversity. And the great indicator of that is language loss.

In a *New Yorker* article Davis agrees that language is more than just words and can encapsulate a way of thinking and being. He said:

A language is not just a body of vocabulary or a set of grammatical rules, it's a flash of the human spirit. It's a vehicle for which the soul of a culture comes through to the material world. Every language in some sense is an ecosystem of ideas, a watershed of thought, an old growth forest of the mind.

I conclude my remarks with a quote from Gillian Bovoro, language coordinator and member of the Adnyamathanha language group from the Northern Flinders Ranges. She said:

Australians and the rest of the world need to know that Aboriginal languages are still here and need to be encouraged and preserved to keep our people strong. We have a voice that make us uniquely Australian. We have a language that goes on for thousands of years, and some are still as fluent as it was all those years ago. I think it's important and should be brought forward for all Australians to see and hear and respect.

I thank my colleagues from the other place the Hon. Adam Searle, the Hon. Mick Veitch and the Hon. Shaoquett Moselmane, along with Stephen Fenn, for advising and assisting me with this bill. I thank Professor Jack Beetson, the New South Wales Aboriginal Land Council and its staff, and the Aboriginal Education Consultative Group. I also pay thanks and respect to the Minister, her staff and the staff of Aboriginal Affairs for their work on this bill. Like the Parliamentary Secretary said, this is one of the most significant things that we will do. Some people will not recognise that but it is some of the most important work parliamentarians can do.

Ms FELICITY WILSON (North Shore) (18:02): I acknowledge the traditional owners of the land on which Parliament now stands, the Gadigal people of the Eora nation. I pay my respects to the traditional owners of the lands I now represent in the electorate of North Shore, believed to include the Cammeraygal, Wallumedegal and Borogegal peoples. I am proud to represent a community with rich Indigenous history and heritage, notably with impressive and well-preserved engravings, paintings and other artefacts. I also to pay my respects to Aboriginal elders, both past and present. I also commend the Minister for Aboriginal Affairs, the Hon. Sarah Mitchell, who is in the Speaker's Gallery, for leading the development and introduction of the historic and important Aboriginal Languages Bill 2017.

I acknowledge the support of the Parliamentary Secretary, the member for Port Macquarie, for her long standing support of the development of this legislation. I also acknowledge the shadow Minister, the member for Wyong. Both of their contributions reflected their deep commitment to and engagement with our Aboriginal community, and I appreciated listening to them as they spoke about the history behind this legislation. I am new to it but I have just as much respect for, and awareness of, the significance of this bill. I am proud that New South Wales will be the first State in Australia with legislation to recognise the importance of Aboriginal languages, though I believe this should not be limited to Aboriginal people in New South Wales.

This continues our State's leadership on reviving and protecting Aboriginal languages. This legislation has been brought about after many decades of work by many people, and I am proud to play a small role in the last step of this historic legislation. I was particularly moved today when the message stick that is sitting on the table was brought into the Chamber. It is right that this symbol join us as we commit to supporting Aboriginal people's custodianship and preservation of their language. We know that approximately 1,800 people speak an estimated 35 original Aboriginal languages across New South Wales, with dozens of dialects and varying levels of fluency. But we also know that for a long time the speaking of Aboriginal languages was discouraged by institutions across our society—a history ably articulated by the shadow Minister—which left its impact on generations of Aboriginal Australians.

While this legislation will not right the wrongs of the past, it allows us to make a clear statement that we respect and value the voices of our First Peoples. We know that language is linked to culture and belonging and the ability to tell stories, convey histories and enunciate identity. For many, language has a power of restorative justice. While this year marks 50 years since the landmark 1967 constitutional referendum recognising Indigenous Australians, we still have further to go to close the gap. That is why the Government has worked hand in hand with Aboriginal communities in New South Wales on this legislation. Aboriginal languages play a unique and essential role across our community. It emphasises the value language has, how it connects Aboriginal people to country, transfers spiritual and cultural knowledge, and sustains cultural identity and wellbeing.

Aboriginal languages are critical to Aboriginal people and too important to lose. They are part of our country's collective heritage and we must look after them not only for today's communities but also for future generations. It is Aboriginal people who own and control their languages. It is the New South Wales Government's role to support the revival and maintenance of Aboriginal language through legislation such as this and programs such as the Aboriginal language and culture nests. We know that to develop meaningful and effective legislation we must listen to Aboriginal people. That is why, between May and August of this year, Aboriginal Affairs held community conversations on the draft bill at 32 workshops in 16 locations in New South Wales in two rounds. The 16 locations were Lightning Ridge, Bourke, Moruya, Wilcannia, Broken Hill, Dubbo, Wagga Wagga, Griffith, Dareton, Tamworth, Lismore, Coffs Harbour, Taree, Sydney, Mount Druitt and Moree.

Independent facilitator Professor Jack Beetson facilitated the round one conversations and Mr Joe Boughton-Dent was the independent scribe. The round one workshops commenced with a demonstration of local language and culture, including songs and storytelling, demonstration language classes and students telling their personal stories. Participants also spoke of the transformative effect of language on them, their family and community. The round one conversations attracted 269 participants and generated more than 60 media items. There was strong support for legislation at the workshops and in the media coverage. Participants said that the bill had to be easily understood and meaningful to Aboriginal people. All workshops also said that Aboriginal ownership and control must be fundamental to the bill.

Professor Beetson documented these and other concerns and made a number of recommendations in his independent report on the round one conversations. Aboriginal Affairs then held a second round of community conversations on the proposed changes to the draft bill. Round two conversations attracted 108 participants. Aboriginal Affairs also sought written submissions throughout the community consultation period. As acknowledged by the previous speakers, this bill reflects the deep community conversations that took place in the lead-up to its introduction to the other place. Those conversations will continue after it becomes law this evening. I am proud to be a part of a Government that is enacting another first for and with Aboriginal people. New South Wales is also the first State to apologise to the Stolen Generations for past government practices that have had a profound and enduring effect, some of which we heard about in the contributions of the Parliamentary Secretary and the shadow Minister this evening. Today's legislation is another step towards closing the gap between Indigenous people and the rest of the community. It is an historic piece of legislation and I am very proud to participate in the debate this evening. I commend the bill to the House.

Mr GREG PIPER (Lake Macquarie) (18:09): I commence my contribution to debate on the debate on the Aboriginal Languages Bill 2017 by acknowledging the Gadigal people of the Eora nation on whose land we meet. I also pay my respects to the people of the lands I represent, the Awabakal people of the Awabakal nation. I pay my respect to elders past and present and, most importantly, to the members of the Aboriginal community who live with us today. I always like to point out that Lake Macquarie has one of the largest Aboriginal populations in New South Wales outside of the Sydney metropolitan area; it is a very important part of our community.

I acknowledge the member for Port Macquarie, and Parliamentary Secretary, who introduced this bill to the House. I acknowledge her friendship that I have enjoyed since she came to this House and the good working relationship that I had with her in her former role as Minister for Aboriginal Affairs. I also acknowledge the presence in the Speaker's Gallery of the current Minister for Aboriginal Affairs, the Hon. Sarah Mitchell, and acknowledge her work on this important piece of legislation. The bill provides a practical methodology for Aboriginal people to take control of the re-establishment of the languages that have been either lost or at risk of being lost, and does not reflect the traditional paternalism that has been the bane of the First Peoples of Australia and New South Wales and in many cases brought about the loss of their language.

It has been mentioned that not allowing Aboriginal language to be used was institutionalised. There is no quicker way to destroy a people than to take away their language. The spoken language is at the core of people's understanding and it is incredibly important for the transfer of knowledge through a community that does not have a formal written language. For whatever reason, the early settlers used a very effective tool to attack the core of Aboriginal culture. Yet the strength of the Aboriginal people is such that those early settlers did not succeed. It is wonderful that so many people have retained some of their language and that through this mechanism their understanding will be strengthened.

In the Lake Macquarie area we have been dealing with this issue for some time. Many years ago I met a gentleman by the name of Darren McKenny, who was inspired to address the loss of the Awabakal language in our area. Darren McKenny is a Kamilaroi man but he was raised on Awabakal land. He felt that he wanted to do this for those peoples, and he had a very good starting point. I am not sure if many people know much of the history of the early Aboriginal settlements around our area, but Reverend Lancelot Threlkeld was a Methodist missionary who came to Australia and established a number of settlements in Lake Macquarie in the 1820s and 1830s. He became very important and basically established the first village at Belmont and was subsequently central to the establishment of Toronto—both of which are major residential and commercial centres in Lake Macquarie.

A local leader and warrior of the Awabakal people by the name of Biraban ably assisted Lancelot Threlkeld in trying to establish a mission to convert the Aborigines of the area to Christianity. I imagine Biraban was probably to Threlkeld and our area much as Bennelong was to Arthur Phillip and the establishment of the Sydney settlement. Biraban was obviously an influential man. He helped Lancelot Threlkeld to produce a translation of parts of the *King James Bible* into the Awabakal language. They collaborated on many other writings as well, including Threlkeld's interpretation of the grammar and pronunciation of Awabakal. As a result, the echoes of the Awabakal language still exist even though others tried to wipe it out. Because of a good working relationship

between them, Lancelot Threlkeld and Biraban helped to retain a burning flame of the Awabakal language. I would think that members of the Aboriginal community and the surviving Awabakal people in the area would appreciate that.

The name of Biraban has been respected in my electorate. The local public school at Toronto West is named after Biraban. In addition, after the Koompahtoo Local Aboriginal Land Council was placed into administration, it was ultimately resurrected under the name of Biraban. It is fitting that these names are remembered and are part of the commemoration of the Awabakal language. Once again I pay my respects to all those people who have been involved in the development of this legislation. Other people have articulated in detail what the bill does and have referred to the wonderful ceremony held in the other place.

I acknowledge the Government, the Minister and the President of the Legislative Council for doing that and for bringing in wonderful Aboriginal leaders and elders such as Dr Ray Kelly to join with members not in a subservient or patronising way, as was done in the past. Hopefully we have matured beyond that. In a very practical way this bill shows that to be the case. It is wonderful to be able to support this bill. I also acknowledge the shadow Minister for Aboriginal Affairs, the member for Wyong, who has developed a genuine working relationship with the Aboriginal community in his area and more broadly. I see things working much better in the relationships we have established with the First Peoples here in New South Wales.

Mr KEVIN ANDERSON (Tamworth) (18:18): I acknowledge the traditional owners of the land on which the Parliament now stands, the Gadigal people of the Eora nation, and I pay my respects to their elders past and present. I also pay my respects to the many First Peoples of New South Wales present today and to those in the New South Wales Parliament who identify as Aboriginal. I support the Aboriginal Languages Bill 2017. I come from Tamworth, which is Kamilaroi country. I am enthralled at every event I attend when people perform the welcome to country ceremony. It is a privilege to be part of such a ceremony at the commencement of key events in the area. One elder for whom I have enormous respect is Mr Len Walters, a Kamilaroi man who has a passion for sharing his culture. Len takes people on a spiritual journey from the ancient to the contemporary every time a welcome to country ceremony is performed. He relays stories about everyday things to give a comparison between nowadays and the time when he was a boy, as well as that of his ancestors. It is fascinating and I always look forward to catching up with Len. He is a good mate who is doing so much for Aboriginal language across the electorate of Tamworth.

Len has a website, Len Walters Aboriginal Cultural Tours, which I urge members to visit. He does a fantastic job taking language into schools. Indeed, he teaches not only the kids but also the teachers—the Minister knows this as she has visited Hillvue Public School—basic words, how to count, how to form sentences and common, everyday phrases to help them appreciate animals, plants and trees. He teaches them how to say "good morning" and "good evening". He teaches them how to say "hello" and "welcome"—which is yaama yamanday in Kamilaroi—to integrate the whole learning experience and the cultural sensation of being one nation. I encourage Len and thank him. I learn something every time I catch up with him. He is a proud Kamilaroi man.

The Kamilaroi are the traditional Aboriginal custodians of the area that extends from northern New South Wales to southern Queensland. The area now includes the present-day centres of Singleton in the Hunter Valley through to the Warrumbungle Mountains in the west up through Quirindi, Gunnedah, Tamworth, Narrabri, Walgett, Moree, Lightning Ridge and Mungindi in New South Wales to Nindigully in south-west Queensland. I congratulate and thank Len, as well as many others in the Tamworth electorate, who are helping us to understand and learn more about Aboriginal culture and keeping the traditions. When we pay our respects to elders past and present I always include the youth because they will carry on those traditions and cultures when we are long gone, which is really important.

We have some outstanding young Aboriginal leaders who are going into schools and teaching our children Aboriginal culture, language and dance. I refer to young fellows like Marc Sutherland and the Gomeri Dance Company. First, they explain the dance in English and then they start to dance. It is wonderful to be part of that experience. They have my full support for what they do not only in Tamworth and the Kamilaroi country but also on the traditional land of the Gadigal people of the Eora nation, where we stand today. I have listened intently to a number of speakers, and I also support the bill. I urge everyone to get behind it. I was thinking about songs that have been written by great Australian bands. I shall quote a verse from one song, thinking about where we are today, where we were yesterday and where we will be tomorrow. I spent some time in Warrnambool with resident Shane Howard from the band Goanna. The first verse of the song *Solid Rock* states:

Out here nothin' changes, not in a hurry anyway
You feel the endlessness with the comin' of the light o' day
We're talkin' about a chosen place
You wouldn't sell it in a marketplace ...

Those words remain relevant today. It is a cracker of a song.

TEMPORARY SPEAKER (Mr Lee Evans): Sing a few bars.

Mr KEVIN ANDERSON: I need some sticks and a didgeridoo. I congratulate the Minister on bringing the bill to the House. It has my full support.

Mr JIHAD DIB (Lakemba) (18:25): I begin by acknowledging the Gadigal people of the Eora nation and pay my respects to elders past and present. I acknowledge any Indigenous people in the Chamber and those tuning in via the Parliament's webcast. I acknowledge my local community who spoke the Dharug language, and continue to do so. I acknowledge Uncle Harry, who is a part of the community. He is not considered the local Indigenous person; he is part of our community and gives us the welcome to country. He is incredibly popular with young people and, as the member for Tamworth said, young people are the future of this country.

People are captivated by Uncle Harry. He tells them stories about the areas in which they live—what is now a drain was once part of a creek. He tells stories about the fish he caught as a kid and the different games he played. He talks about the schools, the hills and the mountains. We cannot see all that now because of the concrete and tar, but Uncle Harry has the ability to transcend time in his storytelling. It is phenomenal. I come from one of the most multicultural communities in New South Wales, so there is nothing more exciting for me than seeing kids from different cultural backgrounds listening to a local elder.

I add my weight to the comments made by previous speakers and acknowledge the efforts of the Minister for Aboriginal Affairs, the Hon. Sarah Mitchell; the Parliamentary Secretary and former Minister, the Hon. Leslie Williams; and the shadow Minister, my dear friend the member for Wyong, David Harris. The Legislative Assembly is a pretty tough place sometimes. We talk about a lot of things but more often than not we draw a line down the middle and, whether or not we like it, we spend a lot of time throwing barbs at people; we look for reasons to argue with one another. We do a lot of good things and the significance of what is happening in the Chamber today will resonate in the community. It speaks volumes about democracy, our Australian values and the benefits that can flow when people work together, so I acknowledge those three members.

At a time when people have little trust in the political system, bills such as this can reassure them that we are doing the right thing. Such work is always difficult but it is important. The message stick is symbolic. Parliament commences each day with an acknowledgement of country and the Aboriginal flag is proudly displayed in the Chamber. We celebrate what it means to be Australian. I will not repeat what other members have said, but there is a lot of background about the historical impact of European settlement in Australia. My colleague and Federal member of Parliament Tony Burke and I often talk about the two Australian stories: the Indigenous story that started with the First Peoples in Australia and the other story of migration to this great country.

It is important to recognise that this nation is made better by every cultural contribution. It is not so much a multicultural Australia as a modern Australia that weaves together the fibres of different parts of the world. We all bring something to the table and if we work together we can enrich this nation. It is now common practice, and expected, that we start any gathering with an acknowledgment of country. In the first few years it was about the acknowledgment, but now there is a story and a history lesson built into the acknowledgment. It is not tokenistic. Members have spoken about the value of language. It is not just being able to speak in a different tongue; it is part of who you are, your heritage, history and culture. The Indigenous spirit has persevered through persecution that almost wiped out Aboriginal culture. It shows the strength of 65,000 years in country. It is not about speaking a word or two of an Aboriginal language but about understanding the history and heritage that makes you who you are as a person.

My experiences as a teacher and as a member in this place have shown me the importance of languages. This Parliament has committed to reintroduce languages into primary schools. I used to teach history and during that time I noticed a discernible shift in the way that Indigenous history was taught. We invited local community members to talk to the kids and give them an experience. You can provide a textbook but it is much more powerful to provide an experience that will help kids understand why things are the way they are. Now when I visit schools I see kids immersed in Aboriginal culture and language. In the middle of last year I visited Newcastle High School with Nathan Towney and experienced the yarning circle. Several schools have integrated the yarning circle into their program. We must take in Indigenous culture and language and do something with it. To make this nation better we must view it as part of our nation and not as a practice by one group or another.

Indigenous culture has taught us which native plants we can eat and which we can make into medicine. Late last year I visited Lake Mungo with students from across New South Wales, Victoria and South Australia. It was dusty and warm, but it was a beautiful experience. I saw kids from Wiley Park who had never been out of Sydney sit down and listen intently to Aboriginal elders tell them their family stories, their history, the reason for a smoking ceremony and the difference between an acknowledgment of country and a welcome to country. That is what makes this country great. This Parliament has the ability to shape the way we move forward as a society. This bill takes us one step forward—only one step—but it is an important step. In years to come people will look

back and realise that the recognition of our history and heritage was a step towards healing. There has been a need for healing and this is the place it must begin.

It is impressive that the Minister, the shadow Minister, the Parliamentary Secretary and the former Minister are saying in unison that by working together as a nation we have the ability to recognise and celebrate who we are. That will give us a path to follow into the future. Our Australia is a better Australia when every single person and element of society is respected and valued. I commend the bill to the House.

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (18:34):

I acknowledge the traditional owners of our beautiful land, the Gadigal people of the Eora nation, and pay my respects to elders both past and present. I acknowledge the Wallumedegal people, who are the traditional owners of the land in my electorate of Ryde. The tribe is part of the Eora nation and the Wallumedegal tribal totem is the snapper fish. When you walk along the Meadowbank River you will notice the council has, in a moment of inspiration, placed snapper totems along the foreshore. It looks fantastic. It is a visual reminder of the history and culture of this great land.

I support the Aboriginal Languages Bill 2017 and I commend the great work of the Minister for Aboriginal Affairs in bringing it forward. I note that the Minister is in advisers' area. Her predecessor and Parliamentary Secretary, the member for Port Macquarie, contributed to its content. I congratulate the member for Tamworth and the Minister for Aboriginal Affairs. When I was Minister for Aboriginal Affairs we travelled the State for four years, initially with the task force and then implementing the recommendations of that task force. I visited the member for Tamworth a number of times. One deliverable from the task force was establishing an opportunity hub at Tamworth. According to the member for Tamworth, "It is smoking". That is fantastic. I will speak of my journey in relation to Aboriginal languages later.

Aboriginal language and culture nests are an initiative under Opportunity, Choice, Healing, Responsibility, Empowerment [OCHRE], the New South Wales Government plan for Aboriginal Affairs. Nests help to create learning pathways for Aboriginal students, teachers and community members. They also ensure that Aboriginal languages, as part of the cultural heritage of New South Wales, are revitalised, taught and spoken. Each nest has a base school, language teachers and tutors, schools within the nest area teaching language and a keeping place to manage language resources. Aboriginal communities are closely involved in nest planning and decision-making.

In 2013, as Minister for Aboriginal Affairs, I was proud to launch the State's first Aboriginal language and culture nest in Dubbo to revitalise and preserve the North West Wiradjuri language. Today, we reflect on what we have achieved since that time and look forward as we make even further advancements to acknowledge, reawaken and nurture Aboriginal languages. There are now five Aboriginal language and culture nests. They are located in: Dubbo, for the Wiradjuri language; Coffs Harbour, Gumbaynggirr; Lismore, Bundjalung; Wilcannia, Paakantji; and Lightning Ridge, Gamilaraay. Across the five nests there are 67 schools employing 55 language teachers and tutors to deliver Aboriginal language programs to more than 6,300 students. The number of students has increased from 5,300 in 2016.

The nest in Dubbo includes the north-west Wiradjuri people in and around the communities of Gilgandra, Wellington, Peak Hill, Trangie, Narromine and Mudgee. The nest's base school is Dubbo Public School and more than 2,300 students are learning the Wiradjuri language across 18 schools or college campuses within the nest. Sixteen Aboriginal language tutors have been employed in the nest. In Coffs Harbour, the Gumbaynggirr Language and Culture Nest engages the communities in and around Bellingen, Boambee, Coffs Harbour, Corindi Beach, Dorrigo, Ebor, Korora, Mullaway, Nambucca Heads, Sawtell, South Grafton, Toormina, Upper Orara, Urunga, Woolgoolga and Wooli. The nest's base school is William Bayldon Public School. There are 24 Aboriginal language tutors across 32 schools campuses instructing more than 2,600 students.

In Lismore, the Bundjalung Language and Culture Nest engages the Bundjalung communities in and around Lismore, Kyogle, Tweed Heads, Ballina, Evan Heads, Woodenbong, Grafton, Tabulam, Coraki and Casino. The base school for the language and culture nest is Goonellabah Public School, and Bundjalung is taught in six schools to more than 860 students by six Aboriginal language tutors. In Wilcannia, the Paakantji Language and Culture Nest engages the communities in and around Bourke, Broken Hill, Commealla, Dareton-Wentworth, Menindee and Wilcannia. Wilcannia Central School is the base school for the nest. Four Aboriginal language tutors teach more than 160 students in five schools. Finally, the Gamilaraay Language and Culture Nest engages communities in and around Lightning Ridge, Walgett, Goodooga and Collarenebri. The base school for the nest is Lightning Ridge Central School. Six schools are involved in the nest, employing five Aboriginal language tutors and engaging more than 330 students.

Some positive stories are emerging from the teaching of Aboriginal languages. In all the nests there is strong community interest in delivering the language programs and developing resources. In the North West Wiradjuri Nest, at Narromine High School older students who have learnt Wiradjuri are now helping to teach

younger students at Narromine preschool. That is a great example of language being passed on, growing within the community, and building pride in Aboriginal culture. Also, in Dubbo the Wiradjuri language is now being used on park and street signage. Looking forward, \$2 million in new funding will be provided through a revised funding agreement between the New South Wales Department of Education and the New South Wales Aboriginal Education Consultative Group for the NSW AECG to provide support and capacity-building services through to 2019. Significantly, this includes the establishment of two more satellite nests, located in the Moree and Kempsey areas. The additional funding will also support nest governance structures to enhance community decision-making, explore using digital technologies to create Aboriginal language teaching resources, and increase the numbers of Aboriginal language teachers.

I am proud of where we are today and feel blessed to be a member of this House as we recognise the significance of New South Wales' first languages and reaffirm our commitment to protect and revive them for future generations. I congratulate and thank Minister Mitchell for her advocacy, and pay my respects to the many individuals responsible for securing and promoting Aboriginal languages in New South Wales. Indeed, I fondly remember my time as Minister for Aboriginal Affairs. I hasten to say that it was probably the best four years of my life. It was definitely the best four years of my public life because I learnt so much, particularly from the Aboriginal people. They are so deep in their spirituality and their love for this country and for the land. My eyes were always opening, and my heart keeps opening when I sit and listen to them.

A great source of pride was introducing in the previous session of Parliament the Opportunity, Choice, Healing, Responsibility, Empowerment—OCHRE—strategy and particularly the task force that we established in 2011-2012. At the time I remember there were myriad reports—there always are in this complex policy area—including a report from the Auditor-General about the failures of Two Ways Together. I remember visiting communities and talking about improving economic capacity and employment opportunities. We also talked about improving education opportunities, service delivery and accountability. On these visits time and time again elders would come up to me and say, "Minister, one of the most important things you can do for us is help us to revitalise and restore our language." When I heard that for the first time it made me pause and think, "Of all the issues facing our indigenous brothers and sisters, why is language so pivotal? "

There was an aunty from the Menindee area—she was not part of the firm but she was there—who said to me, "I can't believe that in my lifetime a government is trying to help us restore our language when I remember governments tried to take it away from us." She had a tear in her eye when she said that. It was such a moving moment—I am getting goosebumps reliving it now—because I saw in this beautiful old lady a sense of hope. She had fought the good fight for so many years and her dreams were starting to be realised. The language that had been taken away was starting to return and her grandchildren and great-grandchildren would have the opportunity to learn, understand and love the language that she knew. That was very moving for me. At that point I realised we must do more. [*Extension of time*]

When the language nest concept was being developed, I wanted to call it the language lighthouse because, symbolically, that is what it is: a beacon of light that draws people in. But the Aboriginal community were absolutely firm. They said, "No, they are not going to be called lighthouses; they are going to be called nests." I quickly learnt then that for this to work we have to listen and implement what the community wants, not what government wants. I conclude on this note. This bill is far more than a simple symbolic gesture; it is absolutely critical to social cohesion and to our narrative as a nation. I am proud that this House stands united in making sure that we deliver on our part in that journey.

Ms TAMARA SMITH (Ballina) (18:45): I acknowledge the traditional custodians of the land on which we are meeting, the Gadigal people of the Eora country, and the traditional custodians of the land on which I live, the Bundjalung people. I pay my respects to elders past and present, and to all Aboriginal people who are here today and in Parliament. This always was and always will be Aboriginal land, and I join my colleagues in The Greens in calling for full constitutional recognition of Aboriginal people and a full treaty. I commend more than 200 years of Aboriginal people's activism and struggle against the colonisation project. Sadly, that means today we are talking about restoring languages and recognising the communities in New South Wales and across the country who have worked towards that recognition and restoration. I was proud to hear the way in which members have spoken in this Chamber and in the other place. Today I am proud to be a member of Parliament. I do not always feel that way, in light of what goes on in this place, but today I am proud that we have united in a bipartisan manner.

I commend Minister Mitchell, who has now left the advisers' area, on introducing the Aboriginal Languages Bill 2017. I also recognise particularly the member for Port Macquarie, the former Minister for Aboriginal Affairs, because I know that this bill is the culmination of her work. As Minister Dominello said, it has been a long journey. I also commend the shadow Minister, the member for Wyong. I was very moved by his contribution to the debate. A friend of my family was Burnum Burnum, so I was fortunate to grow up with a very

strong sense of the activism and self-determination in Aboriginal communities. This bill is the culmination of that spirit. This bill seeks to preserve and to restore Aboriginal languages in three ways: to provide the statutory acknowledgement that Aboriginal language is part of Aboriginal culture and identity; through the establishment of an Aboriginal languages trust; and through the development of a five-year strategic plan. It is important to remember that we are talking about a living country and a living language. This a sensitive subject for non-Aboriginal people because our language is not separate from our culture. As long as we are confident that this project is being led by Aboriginal people, it will be okay. They are the best placed to do that.

The Aboriginal language nests have been extremely successful. I taught Aboriginal studies as part of the Ballina-Cabbage Tree Island Local Aboriginal Education Consultative Group [AECG] for many years. I am very proud of the work being done in the language nests in the Bundjalung country. Others might claim ownership, but I believe the North Coast led the way with language nests in the late 1990s at Lismore Heights Public School. Uncle Roy Gordon and Cheryl Landers, nee Done, were teaching the Bundjalung language at the school in the 1990s. Uncle Roy Gordon is very much part of the Lismore language nest. The community has worked hard for many decades to reclaim, to rejuvenate and to restore community languages. The Opportunity, Choice, Healing, Responsibility, Empowerment [OCHRE] project has sought to do that and, rightly so, focuses on Aboriginal people being able to reclaim and to learn their languages in the community and at school.

This legislation will be truly welcomed by Aboriginal members of my community—the Bundjalung people—if it bears fruit. Like everyone who witnessed it, I was incredibly moved by the smoking ceremony involving Aboriginal people in the other place speaking language. I commend the President for facilitating the ceremony. While the development of a bill specifically designed to address languages has been welcomed by stakeholders and communities, I will remind the Government of a few issues that must be kept at the forefront. Concerns have been raised about the appointment of board members to the trust by the Minister and the lack of clarity regarding the criteria. We have been told that there has been minimal consultation with the NSW AECG about the composition of the board.

When that issue was raised in the other place, members were assured that the Government is fully committed to the process. The protocols dealing with who can teach language in country are incredibly complex and nuanced. Sadly, governments have a history of flatlining cultures and cultural identity. On behalf The Greens, I urge the Minister to consult with the AECG on every aspect of this legislation. The Greens are also concerned that the strategic plan can be amended by the Minister with no requirement to refer the amendments to the trust for consultation. That may be an oversight, and The Greens look forward to seeing more detail. However, that appears to fly in the face of the spirit of the bill. Environmentalists often come up against the reality of self-determination. If Aboriginal people are in the driver's seat on this project, it seems out of step for there to be a veto power. There is no requirement in the legislation for the Government to undertake wide consultation on the design of the strategy plan, and stakeholders would like that requirement to be included in the legislation.

Apparently employees of the trust must be public servants, and I am told that that is because of the nature of the trust. I also understand that the trust will not be able to employ staff directly. That is a lost opportunity and a barrier to community employment. I urge the Government to reconsider that provision. The Greens welcome this bill. I stood beside an elder who was being interviewed by a journalist from National Indigenous Television, NITV, and who said he could not believe he was standing in the Legislative Council. Like most Aboriginal people, he would have been impacted by the Stolen Generations at some level. I felt proud to stand next to him and to witness the smoking ceremony. The community concerns that I have raised may have been resolved; I ask members to forgive me if that is the case. This is historic legislation that should not be downplayed, and The Greens support it.

Ms JODIE HARRISON (Charlestown) (18:54): I speak in debate on the Aboriginal Languages Bill 2017. First, I acknowledge that we meet on the land of the Gadigal people of the Eora nation, and that my electorate is on the land of the Awabakal people. I pay respect to knowledge-holders and community members of the land and acknowledge elders both past and present. I also acknowledge the strength, resilience and cultural identity of Aboriginal people, and the positive contribution they make to the local community. I acknowledge the work of everyone who has contributed to the development of this bill—in the consultations, the negotiations and the drafting—in this place and more broadly, including Aboriginal people, for whom it is extremely important.

The objects of the Aboriginal Languages Bill 2017 are: to acknowledge that Aboriginal languages are part of the culture and identity of Aboriginal people; to establish an Aboriginal languages trust governed by Aboriginal people that will facilitate and support Aboriginal language activities to reawaken, to nurture and to grow Aboriginal languages; and to require the development of a strategic plan for the growth and nurturing of Aboriginal languages. I said that many people contributed to the development of the bill. One of those people was Dr Ray Kelly Snr, who is an author and research academic with the Wollatuka Institute at the University of Newcastle, which is on the edge of Pambulong clan lands. Dr Kelly also has a beautiful singing voice, which

I heard at a NAIDOC event at Hunter Sports High School. Dr Kelly provided a submission to Aboriginal Affairs NSW that informed the development of the preamble to the bill. The preamble states:

WHEREAS

- (a) The languages of the first peoples of the land comprising New South Wales are an integral part of the world's oldest living culture and connect Aboriginal people to each other and to their land:
- (b) As a result of past Government decisions Aboriginal languages were almost lost, but they were spoken in secret and passed on through Aboriginal families and communities:
- (c) Aboriginal people will be reconnected with their culture and heritage by the reawakening, growing and enduring of Aboriginal languages:
- (d) Aboriginal languages are part of the cultural heritage of all people in New South Wales: and
- (e) It is acknowledged that Aboriginal people are the custodians of Aboriginal languages and have the right to control their growth and nurturing.

The preamble combines Dr Kelly's submission, feedback from community conversations, and the original acknowledgement statements. Preambles are rare in modern legislation. However, in legislation that does include a preamble, such as the Aboriginal Land Rights Act 1983, it has both symbolic and practical meaning to all who read it. I hope that the preamble to this bill has a practical meaning in the way this legislation plays out over time. More than 250 Indigenous Australian language groups lived on the continent at the time of European settlement in 1788. Today, only about 120 of those languages are still spoken. Systematic attempts to deprive Aboriginal people of their languages have meant that the link between generations of speakers has often been broken.

Up until the 1970s—not long ago at all in the history of this nation—government policies banned and discouraged Aboriginal people from speaking their languages. As a result, many children had little or no knowledge of their traditional language. Their parents were partial speakers and their grandparents were the few remaining speakers of a language that, as elders, they alone could pass down to the next generation. In many cases children were barred from speaking their mother tongue at school or in Christian missions. The act of removing children from their families and splitting families up created what we now know as the Stolen Generation and exacerbated the loss of language.

Early attempts to document Aboriginal languages usually focused on simple word lists for novel items such as weapons and animals. However, First Fleet officer William Dawes documented small parts of conversations that tell of the social and cultural contexts, personalities, actions and feelings of the Dharug people around Sydney. Dawes was taught by a 15-year-old Aboriginal girl named Patyegarang. In my local region, Lancelot Threlkeld keenly documented the local Awabakal language. His instructor was local Aboriginal man Johnny McGill, properly known as Biraban or Eagle Hawk. Biraban was educated at the Sydney military barracks while employed by a military officer called McGill. He spoke fluent English and several Aboriginal languages. He was extremely intelligent and helpful to Threlkeld. Over the years Threlkeld and Biraban published several books and booklets in and about Awabakal language. Some documented the spelling and grammar of Awabakal while others translated the books of the Christian *Bible* into Awabakal.

Aboriginal and Torres Strait Islander people across Australia are speaking out about the need to strengthen their languages, as they have for some time. People in many communities are working hard to learn more about language and to ensure it is passed on to the next generation. According to the 2011 Census, nearly 1,800 people in my electorate of Charlestown identify as Aboriginal or Torres Strait Islander. That is an increase of 25 per cent on the 2006 Census. School students in my electorate are learning and singing the national anthem, *Advance Australia Fair*, in Awabakal. Windale Public School, which has a high Aboriginal population, is one of many schools where students sing the national anthem in Awabakal and in Australian English at assemblies, presentations and NAIDOC celebrations.

The preservation of Aboriginal languages is a vital part of the cultural identity of Aboriginal Australians. We do not realise the fundamental significance of language to everything we do until we take the time to truly think about it. Language is how we describe and try to understand our experiences of the world around us, of other people and of ourselves and it is how we share that understanding with each other and with future generations. Language is the gateway to culture. It is vital to developing and maintaining identity as a people and as individuals within that context. Without it, individuals can become isolated and deprived of their sense of who they are.

White European settlement deprived or attempted to deprive the First Peoples of this land of their identity by first silencing their language. Nowadays it is beyond all rational understanding that those actions could ever have seemed kind or fair. This legislation is but one measure—although it is an important one—along the long road back from this tragic, historic wrong. The tragedy still remains that only 120 Indigenous Australian languages are spoken. I acknowledge that this is an historic bill. I hope it contributes to a future where Indigenous culture and language in this State are fully and properly acknowledged, nurtured, celebrated and most importantly lived.

Ms YASMIN CATLEY (Swansea) (19:04): I welcome the opportunity to make a contribution to debate on the Aboriginal Languages Bill 2017. I acknowledge the traditional owners of the land on which we meet, the Gadigal people of the Eora nation, and I pay my respects to their elders past and present. I acknowledge the traditional owners of the land in the communities I represent—the Darkinjung people on the Central Coast and the Awabakal people in Lake Macquarie. I also acknowledge and thank the former Minister for Aboriginal Affairs, the member for Port Macquarie, for the wonderful work she has done in that portfolio and for her continued support of Indigenous cultures in our country today. I acknowledge the shadow Minister for Aboriginal Affairs, the member for Wyong, and the great work he does. Both members have cooperated to produce great outcomes for Indigenous Australians.

When we think about culture we often think of the external aspects of culture, the things we can point to and say, "This is who I am." Music, art, dancing and language weave together with tradition, ritual, and spirituality to create a rich tapestry of identity. In the 200 years since colonisation, successive governments have worked methodically to tear apart the cultural tapestry of the Aboriginal people and to rob them of their identity. Tragically, this attack on Aboriginal people's identity has meant that some Aboriginal people have struggled to remain connected to country and culture.

This year's NAIDOC theme, "Our Languages Matter", has highlighted the vibrancy, diversity and resilience of Aboriginal culture and language. It has enabled non-Aboriginal people to reflect on how interconnected language and culture are. At each NAIDOC event I attended this year, I was moved by the power of language to transport and transform an audience, to open up a window into another culture and allow two cultures to connect. Seeing young Aboriginal children speak in language on their country—as their ancestors have done for thousands of years—was a powerful reminder of the importance of language in connecting with one another and connecting with one's culture. This bill is a chance for us to acknowledge the two centuries worth of injustices committed by governments against Aboriginal people. It is a chance for us to take a small step towards righting those past wrongs. It is crucial that we do this correctly and that the Government's actions do not inflict further harm.

I hope everyone here understands how important self-determination is to Aboriginal people. Self-determination for Aboriginal people is fundamental for our community to work together towards healing and reconciliation. The right of Aboriginal people to self-determination is a fundamental human right enshrined in United Nations covenants and upheld by various levels of government in Australia. At its most basic, self-determination is the right to have meaningful control over one's own affairs. Meaningful control is key in this debate. Meaningful control means being empowered to drive the agenda on reconciliation. Meaningful control means empowering Aboriginal people to regain ownership over their language and their culture. Meaningful control means enabling Aboriginal communities and Aboriginal people to lead the way on issues that are fundamental to their identity. In this context, meaningful control means engaging in a robust consultation process with Aboriginal people in New South Wales to ensure that their voice is front and centre on this issue, which fundamentally affects them.

Many Aboriginal organisations around New South Wales have demonstrated leadership and have been working for decades to revitalise language and empower their communities. Awabakal Newcastle Aboriginal Cooperative Limited celebrated its fortieth anniversary this year. That is 40 years of fighting for recognition, of empowerment and building on the legacy of the Awabakal people, with language and culture front and centre throughout that journey. Awabakal is now one of the largest Aboriginal community-owned and run organisations in New South Wales, with leaders who have dedicated themselves to fostering an environment which allows their language to thrive. It was great to see Dr Ray Kelly from Awabakal translating for Minister Mitchell in the Legislative Council last week when this bill was introduced.

At the end of the day, the passage of this bill is an historical occasion for New South Wales, and it makes me very proud to be here and to give this speech today. We have heard an ancient language being spoken in this Parliament on a bill which acknowledges just how important language is to Aboriginal culture. On that note, like the member for Wyong, I too thank and applaud the President in the upper House for allowing the language of our first peoples to be heard in that place. As always, we must remain vigilant in ensuring that we uphold the fundamental right to self-determination. It is the first peoples of this country who must be empowered to lead. I commend this bill to the House.

Ms JENNY AITCHISON (Maitland) (19:10): I speak on the Aboriginal Languages Bill 2017. In doing so, I acknowledge the Gadigal people of the Eora nation and their elders past, present and future; the elders of the Wonnarua people from my area of Maitland; and my local Aboriginal land council, Mindaribba. This is such an important bill. As people who work every day with words and language, who tell stories, who use words to make rules and decisions about how people will live their lives, we know the power of words. The member for Ryde spoke in his contribution about the desire of Aboriginal people to name the way that they have reawoken their

languages using nests rather than lighthouses. That is an indicative story because of its themes of self-determination that the member for Swansea so articulately spoke of. That is at the heart of what we are all trying to achieve today—to allow the first nations people of our country to articulate and express themselves as they wish to.

I pay tribute to the former Minister, the Hon. Leslie Williams, who is in the Chamber; the current Minister; the member for Ryde as another former Minister; and our shadow Minister, David Harris, who is also in the Chamber. This is something that cannot be achieved by white people; it is something that has to be achieved by Aboriginal people telling us what they want from us. Language is the way in which each of us defines our world. With my background of working with the way people think and in culture and identity, I want to drill down into that idea. We know that this is important action to take. It is equally important to take this moment not just to look at the unjust practices of the past and the unjust laws that have been levelled against Aboriginal people but also to express our understanding of the importance of the action we take today.

I have travelled across the world. I have spoken a few languages at a basic level. I have read authors in other languages. I have had very close friends whose first language has not been English. From an early age I have been very interested in communication between people. I have always had a strong respect for the way language defines our relationships with each other, with our world and even with ourselves and our experiences; and the way it defines how we reach out to each other and how we turn away from each other. To take away the very thing someone uses to speak to their family takes away their experiences, thoughts and memories. It takes away their culture and their history in a broader sense, but in an individual sense it constrains thoughts and feelings.

When I worked at Immigration there was a big issue around people who came to Australia and had to learn English as adults and the way in which they would impart their culture and knowledge to their children. It related to whether they should learn English and teach their children English or retain their language and teach that to their children. There was a lot of discussion about that at a theoretical level. There was always a school of thought that migrant parents should retain their first language and speak that to their children because it imparted a sense of the order, rules and important understandings that they as parents or elders of those families had of the world they brought with them to Australia, imparting authority and knowledge of the culture in ways that it is difficult to do in becoming a speaker of a second language.

We as a society took away the right of Aboriginal people to speak their language. It is impossible to fully understand the impact that that loss has on those families. When we take away culture from elders, it disempowers the elders, the parents, the community, the youth and, eventually, the whole society. That is why it is so important that we act to do everything we can to value the retention and the reawakening of Aboriginal languages. From the contributions made by members tonight—and I have sat in the House for quite a while tonight listening to members talk about this issue—it is clear that we all have our own perspectives as well as our shared experiences and our abilities to express those views in our own languages.

When I try to imagine what it was like for people to lose the right to speak in their own language and then suddenly be required to progress their political and cultural dialogue in a foreign language, it is unthinkable. When we give back things like language and when we understand the depth of the crime that we have committed against that culture in stealing language from them, we must return the languages freely. That has been spoken of importantly and appropriately today and it is evident in some of the amendments that will ensure Aboriginal people gain the ability under the law to retain control of their own languages and to work out how they are used.

Many years ago I had a strong relationship with a woman from Cootamundra, Margaret Cossey, who was a special needs teacher. She worked with a lot of children with special literacy needs, including Aboriginal children, on what she called the Aboriginal book project, which eventually became Indij Readers. I want to share with the House something I think she was trying to achieve, although not to speak on her behalf. It was very useful for me to look at it in this process, because she was teaching kids who came from a culture which had been so abused and who had experienced multigenerational trauma. They needed to have their own stories and to value the stories of their culture. Learning about Jack and Jill going up the hill or Sparky the space chimp from my childhood reading was so far outside the realm of their experiences that it alienated them in their experience of written language and put up more barriers to their learning. Margaret worked with authors and illustrators who were Indigenous Australians to tell their stories and to publish readers that children from those communities could better engage with. That turned into the establishment of a great not-for-profit company to develop those aids.

Language is a tool of communication that requires trust, respect and understanding in order to get a message across. The significance of language in every human interaction is so important. I hope that all those involved in the implementation and ongoing management of this legislation and the development of the strategic plan work together to ensure that trust is engendered, respect is retained and understanding is developed. It does not matter what language we speak, if we do not listen we have no communication. I commend the bill to the House. I pay my respect to and note my appreciation of those who have been involved in the drafting of the bill

and the Aboriginal people who came to Parliament House to share their culture with us. I thank them for their understanding of our inability at times to deliver what they want and for their patience in working with us until we get it right.

Mr TIM CRAKANTHORP (Newcastle) (19:18): I pay respect to the Awabakal and Worimi people, the traditional owners of my electorate in Newcastle. They are a tenacious and resilient group of Aboriginal people who continue to contribute a huge amount to the community of Newcastle. I also pay my respects to the Gadigal people of the Eora nation, whose land we stand upon here today, and I pay my respects to any Aboriginal people past and present and those listening today or those who are in front of us. I pay my respects to Dr Ray Kelly Snr, who was a key participant in the wonderful ceremony that occurred in the other House.

Dr Ray Kelly Snr is an academic and contributes an enormous amount not just to the University of Newcastle but also to the community of Newcastle. His son Ray Kelly Jnr also contributes a large amount and does an enormous amount of welcome to country around Newcastle. They are a wonderful family who continue to give. In the other House, Dr Ray Kelly Snr gave a beautiful rendition of a song which was most touching and contributed to the debate in terms of Aboriginal tradition. It is wonderful to see the special ceremonial message stick in front of us below the mace.

More than 250 Indigenous Australian language groups covered the continent at the time of European settlement in 1788. Today only around 120 of those languages are still spoken and many of those are at risk of being lost as elders pass away. For that reason, I applaud the Government and the Minister for Aboriginal Affairs for bringing this legislation, which goes towards preserving these most precious languages. Unfortunately, there have been generations of systemic attempts to deprive Aboriginal people of their languages, which has meant that the link between the generations of speakers has been broken. Many children have very little knowledge of their traditional languages. Their parents often are partial speakers of an Aboriginal language. Their grandparents, the elders, are the remaining few speakers of the language and they alone can pass the languages down through the generations.

Before 1788, more than 70 Aboriginal languages were spoken across our wonderful State of New South Wales. Today, most languages in New South Wales do not have enough speakers to function properly and only 10 languages are being significantly revitalised. Aboriginal and Torres Strait Islander people across Australia are speaking out about the need to protect, preserve and strengthen traditional languages. There is currently a wave of activity, with many people in many communities working to learn more about their language and ensure those languages are passed on to the next generation before it is too late. The preservation of Aboriginal languages is a vital part of the cultural identity of Aboriginal Australians. In areas where the language has been lost, the people experience a sense of grief and inadequacy due to a loss of their culture.

In November 2016, the Government announced that it would be pursuing legislation that aimed to protect Aboriginal languages. The bill was drafted in April and consultation began in May 2017. There were 14 public consultations, which ran between 9.40 a.m. and 2.00 p.m., and 244 people took part. An additional 25 people attended the two workshops held in Moree and Wilcannia. Total participation in the consultations was 269. The method of gathering input from the participants was to show a slideshow, followed by an open discussion. Feedback consistently had a theme of ownership and authority for Aboriginal people. Some people complained about the process of consultation and simply wanted action and others had an alternate view that the process was rushed. That is a key theme. Some participants expressed a view that it was a box-ticking exercise and were frustrated at having to fit in with the Government's time line.

General apathy for the political process was also expressed in a commonly held view that the parliamentary process may not serve the Aboriginal people well. Unfortunately, elders and Aboriginal-speaking teachers were unable to participate in many of the consultation sessions. They were not allowed that time, which is deeply disappointing to me and my colleagues. The core problem with the legislation has been the process. The legislation is historic and well intended but it has been unnecessarily rushed. There are 216,176 Aboriginal people in New South Wales. It could be argued that speaking once to 269 of them is not adequate consultation. There is no need to rush the process. I question why the Government saw fit to pursue the process in this way. Regardless, I support the legislation and commend it to the House, together with the amendments that have been fought for by my shadow Minister, Mr David Harris.

Mrs LESLIE WILLIAMS (Port Macquarie) (19:27): On behalf of Mr Rob Stokes: In reply: I thank all members who have contributed to this debate and note their acknowledgements of the traditional owners of the land that each of them represents. The member for Wyong, the shadow Minister for Aboriginal Affairs, has continued to work in partnership with me when I was the Minister for Aboriginal Affairs and now with the current Minister, the Hon. Sarah Mitchell. This monumental bill is significant to all of us. I am pleased that we have been able to do this together.

I also acknowledge the contributions of the member for North Shore, the member for Lake Macquarie, the member for Ryde and former Minister for Aboriginal Affairs, the member for Lakemba, the member for Tamworth, the member for Ballina, the member for Charlestown, the member for Swansea, the member for Maitland and the member for Newcastle. The Aboriginal languages of New South Wales are rich and diverse. They are an important part of this State's cultural heritage and identity. That has been highlighted on many occasions in the speeches that we have heard this evening.

The 2016 census showed that nationally one in 10 Indigenous people speak an Indigenous language at home. The census reported more than 170 Indigenous languages, 69 of which had at least 100 speakers. The 2016 census also found that 93 per cent of Indigenous language speakers lived outside capital cities. It also showed that 14 per cent of persons living outside of capital cities spoke an Indigenous language compared to 2 per cent of those living within a capital city. The census also showed that 1,792 Aboriginal people in New South Wales spoke an Indigenous language at home, which is an increase from 1,194 persons in 2011. It is interesting to note that Wiradjuri was the most common language with 355 speakers, which is an increase from 109 in 2011. Those figures reflect the success of a range of initiatives by the former Government and this Government since 2011.

This historic and momentous bill was shaped following a significant amount of community consultation and involvement. Once enacted, it will be the first Aboriginal languages Act in Australia. The objects of the bill are to acknowledge Aboriginal languages; to establish an Aboriginal Languages Trust; and to require the development of a strategic plan. The bill includes a preamble which acknowledges that Aboriginal languages are an integral part of culture and connect Aboriginal people to each other and to their land; the impact of past government actions on languages; the importance of reawakening languages to reconnect to culture; that languages are part of this State's cultural heritage; and that Aboriginal people are the custodians and owners of their languages.

For this legislation, the New South Wales Government engaged in significant consultation with Aboriginal communities in the 16 locations that I referred to in my second reading speech. By listening to the people who hold the knowledge, we can learn about what language means to communities and understand their hopes for the future. I have certainly learnt a lot from my conversations with Aboriginal language teachers, including those from the Stolen Generations who were punished for speaking their language and the elders who have witnessed the loss of their language and with it their identity. Professor Jack Beetsen facilitated round one of the workshops, which included demonstrations of a language class and storytelling. I thank him for the role he has played in the development of the bill through those consultations. Aboriginal languages are complex and, as we have heard from many members who have spoken to the bill this evening, they are geographically distinctive.

I commend the Minister, the Hon. Sarah Mitchell, and her staff for continuing the conversation as recently as yesterday. They have spoken to key language stakeholders, including Uncle Stan Grant, Rhonda Ashby, Aunty Di McNaboe, Aunty Maureen Sulter, Ray Kelly, Clarke Webb, Chris Ingrey and Ray Williams. I assure the member for Ballina that the Minister acknowledges her concerns about consultation, including during the development of the strategic plan, and she has made a commitment to ongoing consultation. I have heard Aboriginal languages spoken on many occasions, including by a young student at the opening of a preschool at Old Bar and by elders who have officially opened NAIDOC Week celebrations. It is not only powerful to hear, but it is also a stark and sobering reminder of what has been lost.

All members have reflected in their speeches that not only has language been lost but culture and identity as well. As the member for Wyong reminds us, it highlights the destructive impact of past government practices. He acknowledged that Aboriginal people are rightly suspicious of government because their past experiences of legislation introduced and passed in this Parliament have been far from positive. We cannot change our history but together as legislators in this place we can reflect the aspirations and hopes of the Aboriginal people in each of our electorates. We must reflect their voices, and I believe we have done that in this bill.

In closing, I mention the moving and historical smoking ceremony and thank the Legislative Council for allowing the suspension of standing orders so that speakers of Aboriginal languages could be part of the introduction of the Aboriginal Languages Bill 2017. The fact that many Aboriginal leaders and language teachers who are known to us were present reflects how important it is to our First Peoples. The contribution made by each member also reflects its importance to all members of Parliament and the people of New South Wales. The support given to the bill from Aboriginal leaders and the broader community is an indication of its significance. I thank sincerely all my colleagues for their contributions this evening and for sharing this historical day in the New South Wales Legislative Assembly. Their overwhelming support for the bill shows how significant it is to this Parliament. Proudly, I commend the bill to the House.

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

Motion agreed to.

Third Reading

Mrs LESLIE WILLIAMS: On behalf of Mr Rob Stokes: I move:

That this bill be now read a third time.

Motion agreed to.

PAROLE LEGISLATION AMENDMENT BILL 2017

Returned

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

Private Members' Statements

TRIBUTE TO MR BRIAN JOSEPH BANNON, OAM, A FORMER MEMBER FOR ROCKDALE

Mr STEPHEN KAMPER (Rockdale) (19:36): I bring to the attention of the House the recent passing of a former member for Rockdale, Brian Bannon, OAM, who was laid to rest on Friday 13 October at Woronora Cemetery in the Sutherland shire. Brian was a stalwart of the Australian Labor Party. His work in the public service dates back to the Cahill Government when he was working as a secretary to his predecessor the member for Rockdale, John McGrath. During this time, Bannon rose to become the Assistant Secretary of the Young Labor Youth Council before he was elected as McGrath's replacement in 1959 at the age of 29. He became a part of the Cahill Government and served under Bob Heffron and Jack Renshaw.

It is hard to imagine what it was like for Brian—a young man by the standards of those days more than today—as he entered the government caucus room after the 1959 election. He sat around the table with many men who had been in Parliament since 1941 and who had served in World War II. He was a young unmarried man representing his community. As was the practice at the time, following an election, the caucus chairman declared all leadership and Cabinet positions open and requested nominations by roll call. Brian's name came fairly early in the alphabet and in a state of nervousness he called out "yes" when he heard his name. By doing so, the 29-year-old had nominated against Joe Cahill for Premier.

When he found out what he had done, he quickly tried to withdraw his name but the caucus members thought the circumstances were amusing and refused to allow it, demanding that "Joe needs a ballot". Eventually a motion was moved to allow Brian to withdraw. Although observers say it lost on the voices, the returning officer declared it passed and Brian was able to back down from his leadership challenge unscathed. Bannon continued his service in opposition for the entirety of the Askin-Lewis-Willis Government and was part of Neville Wran's election victories in 1976, 1978, 1981 and 1984. During his period in opposition, Brian was part of a group known as "the Canterbury Road mob". The group of five members was fairly conservative Catholic men whose electorates were located around Canterbury Road. In those days, factionalism was not yet embedded in the parliamentary caucus and a group of five was a powerful bloc. In his inaugural speech, Brian said:

Labor has always claimed that the family is the basis of society and must be protected.

They were the values he and his colleagues brought with them as they sought to shape the Labor Party through opposition. Bannon, ever the party stalwart, resigned in 1986 to trigger a by-election so that Premier Barrie Unsworth could enter the Legislative Assembly prior to the 1988 election. Bannon served the Rockdale area well for 27 years and much of the development and growth in our corner of Sydney can be attributed to Bannon's time as the local member.

Bannon was a keen sportsman, and it was very fitting that following his political career he continued his public service as chair of the State Sports Centre and was on the Bicentennial Trust, among many other appointments. Bannon played two years of representative football, representing the mighty St George Dragons in the President's Cup in 1950 and 1951, back in the days when St George was winning consecutive premierships. I understand that in later life Brian continued with his sporting obsession as a keen bowler, first at the old Arncliffe Bowling Club and then at Cronulla RSL when he moved to the Sutherland shire in the late 1990s.

Brian was active in the trade union movement. He served as a member of the branch committee of the Clerical Officers Association and passionately defended workers' rights throughout his career. Brian was awarded the Order of Australia Medal and the Centenary Medal for his contributions to Australian society. Brian was well liked among his parliamentary colleagues and served as the secretary and chairman of the Association of Former Members of Parliament from 1987 to 2005. In total, he spent more than 50 years in one capacity or another around this building.

Brian passed away at the age of 87 on Friday 6 October having lived a full and distinguished life in service of the community that he loved. We were very lucky to have had him in Rockdale. Brian's funeral mass was held at Our Lady of Fatima Church, Caringbah. A number of former members for Rockdale were in attendance, including George Thompson and former Premier Barrie Unsworth, as well as many other members of Parliament from both sides. Brian is survived by his wife, Janette, whom he was married to for 50 years, his three daughters, Stacey, Samantha and Gabrielle, and his grandchildren. Rest in peace Brian.

ANOWAH COMMUNITY LIVING FIFTIETH ANNIVERSARY

Ms TANYA DAVIES (Mulgoa—Minister for Mental Health, Minister for Women, and Minister for Ageing) (19:41): Fifty years ago, Marie Ulliana set out to fill the need for an alternative schooling option for school-aged children with intellectual and physical disabilities in the Fairfield and Liverpool areas. Together with the support of her local community and, unfortunate as it sounds, at the time the Sub-Normal Children's Welfare Association, Marie formed a committee with aims to actualise her vision of creating a school catering specifically to children with disabilities.

After the Anowah School ceased operation in 1989, the main focus of the organisation shifted to providing residential and group home accommodation for those with disabilities. With the adoption of the name Anowah Community Living, the organisation has set out to provide housing services with a family feel to the Fairfield and Liverpool areas. Anowah prides itself on assisting clients with disabilities increase their independence in all facets of their lives through the offering of specialised accommodation and day services. Many of the original students from the school are current clients of Anowah who have grown up with the organisation over the past 50 years. Last month, Anowah Community Living celebrated 50 years of operation by hosting an anniversary celebration. The evening reflected upon the humble beginnings of Anowah and highlighted its growth and development over half a century of serving the Fairfield and Liverpool local areas.

The evening not only celebrated Anowah's 50 years of operation but also highlighted and recognised those who have supported Anowah through their assistance and contributions over the years. I extend a special thanks to individuals who have dedicated 10 years of service to Anowah: Chris Clark, Susan Dallas, Sandra Dillon, Donna Elasi, Eric Galbraith, Muir Hanna, Nancy McElwaine, Bev Ward, June Clark, Carol Davis who served as former general manager from 1985 and is an influential figure in guiding a transition plan from school to housing organisation, Nickole Elasi, Georgette Gergi, Sanjai Krishna, Angela Nolan and Lynette Twee. I highlight and thank volunteers Valmay Borowsky, Josie Fenech, Zjirean Gibson, Lily Magri, Jill Quine, Mary St John, Josie Bunn, Vince Gauci, Catherine Grima, Ivy McCartney, Joanne Yabsley and Terry and Lily Ryan.

I recognise the numerous local businesses and organisations that have assisted Anowah Community Living over many years, providing much-needed funds and support through their donations and sponsorships. They include Mounties, St Johns Park Bowling Club, Cabra Vale Ex-Active Serviceman's Club, Club Marconi, David's Auto Repairs, Fairfield RSL Club, Felton Constructions, Fowler Homes, G. and S. Johnson, Kemps Creek Sporting and Bowling Club, Rotary Club of Wetherill Park, Turnbull Group and Western Earthmoving.

I also acknowledge the efforts of the following Anowah committee board members who all have served as members for more than 10 years: Maria Asvestas, 15 years; Mary Banks, 16 years; Peter Grippaudo, 12 years; Kevin Lawler, 23 years; Helen Yabsley, 22 years; Vera Banschikoff, 23 years; Diane Borg who served 27 years with active participation in fundraising for Anowah and coordinating annual fundraising dinners since their inception in 1994 until 2013; Frank Hawkes, 22 years; Dorothy Spain, 29 years; and Carole Turnbull, 20 years. Without these extraordinary people and businesses, community-based organisations like Anowah Community Living would not have the ability to reach and impact as many people as it has over the past 50 years.

I take this time to commend Marilyn Elasi and her dedication to Anowah Community Living and its clients over 38 years of service. Starting with Anowah in 1976 during their school operations, Marilyn worked through the organisation's transition and later was appointed residential manager, service coordinator and general manager respectively throughout her time at Anowah. Her connection with the Kemps Creek Slimmers Club assisted with fundraising efforts to help build the residential accommodation buildings, which clients still utilise. Marilyn strived to provide her clients with a higher quality of life, assisting them to improve their life skills in order to live as independently as possible. Marilyn's commitment to improving the lives of her clients and their families should be recognised and celebrated.

Throughout its five decades of service, Anowah Community Living has been dynamic in adapting to the needs of the community and their clients. From its original premise of operating as a school to now providing residential and group home accommodation services, Anowah founder Marie Ulliana's vision to enrich the lives of those living with a disability has always been at the heart of the organisation. Anowah well and truly lives up to its name, which means "to give", through its generous support and dedication to those living with disabilities in the Fairfield and Liverpool areas. I congratulate Anowah Community Living on a successful 50 years of

operation and wish Anowah all the best for the years of services to come. I thank every single person involved in creating this wonderful living environment.

NARELLAN SPORTS HUB

Mr CHRIS PATTERSON (Camden) (19:46): I refer to the new Narellan Sports Hub, a major sporting complex built by Camden Council which will be officially opened next Sunday. As part of the 2014 Camden Sportsground Strategy, the first stage of the \$11 million complex has recently been completed. When fully completed, the hub will cater for netball, athletics, touch football and rugby league and will have some multipurpose fields. Stage one has provided 30 high-quality netball courts, a centrally located amenities block which includes a state-of-the-art canteen, walk-in coolrooms, meeting rooms, physiotherapy rooms and much, much more. A further 14 courts are planned, which will enable the Netball Association to hold major New South Wales State netball competitions, which would be a major coup for the region. I am sure the facility is the envy of any sporting club.

Last week the first round of the night competition for netball commenced with 100 teams competing. This is the first time the complex has been utilised. Last Wednesday I had the opportunity to watch some games and tour the amenities block on the way home from Parliament, and it was fantastic. Netball was the first discipline chosen to be catered for at the sports hub as the sport has outgrown its former grounds at Kirkham. Since the 1960s netball has been one of the major sporting disciplines in Camden. Over the years, the Camden and Districts Netball Association has grown from a country-classified association to being one of the top 10 in New South Wales. Each year, membership grows by 12 per cent. Clearly, relocating to the new complex was vital to cater for the more than 2,000 registered players.

I acknowledge Camden Council's Major Projects and Sport, Community and Recreation teams for their ongoing commitment to the project, especially Vince Capaldi, Director of Community Infrastructure, and all his team. The very hardworking netball committee and life members must also be acknowledged for their patience and cooperation during the delays in moving to the complex due to record rain in the early part of 2017. Record rain is now a distant memory. I also acknowledge life member and president Karen Williams, vice president Gavin Brimble, life member and secretary and great friend Jenny Bazley, treasurer Angela Davey, umpire coordinator Michelle Gillette, life member and coaching coordinator Lyn Hahn, representative coordinator Brooke Berry, competition coordinator Hayleigh Williams and life member and media coordinator Michele Leahy.

Other life members of the association who do an outstanding job are John Hahn, Kerrin Thomas, Sue King, Mark Davies, Gill Davies, Judy Watson, Denise Toogood, Gail Whittaker, Robert Bracken and Vicki White. Patron and former Camden councillor Bev Batros is also still very much involved in the association as a coach. She is a stalwart of the club and does a great job. I congratulate all involved in the Camden and Districts Netball Association—the players, umpires and the many clubs. Over the past decade I have been invited to the Kirkham facilities to co-judge all club juniors and seniors in the season opening march-past. It is an extremely well attended and supported event. I look forward to attending the inaugural march-past at the new facility at the commencement of the next season. I wish the Camden and Districts Netball Association—the volunteers, the lifeblood of the clubs, umpires, players and committees—a hugely successful 2018 season. Finally, I thank Jenny Bainsley for giving me a tour of the facility last week and spending a good half an hour showing me around. The netballers are very proud of their facility. This valuable asset in our community will be utilised day in, day out 365 days a year.

ENERGY PRICES

Ms JULIA FINN (Granville) (19:51): Crippling energy prices are an important issue facing households in my electorate and across New South Wales. I want to correct many of the furrphies put forward by the Government to justify our having some of the highest electricity prices in the Western World, affecting businesses and households alike. On 1 July the energy companies that have a 90 per cent share of the New South Wales retail market increased electricity prices by up to 17 per cent. This means an annual average increase of \$320 for households and \$920 for small businesses, with many paying much more. Minister Roberts can come in here with his naughty boy Christmas present—his lump of coal—and pretend he understands how energy markets work, but the reality is that this Government privatised the electricity networks and generators, deregulated retail prices and prices went up.

Energy is an essential service and customers are a captive market. We cannot just rely on the market to deliver for two important reasons that those opposite do not get—oligopoly and scarcity. If they knew anything about economics, and not just how to help their speculator friends make money, they would know scarcity forces up prices, so constraining the supply of an essential service is in the interest of generators. Maybe they do understand and that is exactly why they are doing everything in their power to drive up energy prices. Limiting supply to promote scarcity would not be a problem in a competitive market, but we have a highly concentrated

oligopoly in the national electricity market and in gas supply. Anyone who knows anything about economics knows that oligopolies do not compete on price, they compete on branding.

What is the Government's solution? They do not seem to have one. The Federal Government is perhaps even worse. It is constantly demonising renewable energy, which is actually cheaper than coal-fired electricity, and humouring the idiotic climate change deniers of the far right. They are putting their faith in super expensive new generation coal-fired power plants. What is the price difference? According to Bloomberg New Energy Finance, as at February this year, new wind generation cost \$61 to \$118 per megawatt hour, combined-cycle gas generation cost \$74 to \$90 per megawatt hour, solar generation cost \$78 to \$140 per megawatt hour, and ultra-supercritical coal-fired generation, the Federal Government's preferred solution, cost \$134 to \$203 per megawatt hour. It seems the Federal Government's only concern about electricity is that it does not cost enough.

To make matters worse, the Deputy Premier, and Leader of The Nationals, wants to make electricity even more expensive by going nuclear. Nuclear energy is the most expensive form of electricity generation. It costs far more than coal, gas, hydro, wind or solar generation. Gas prices have gone through the roof as gas exports have grown and our prices are reaching parity with consumers overseas. Australia is one of the few major gas producing nations that does not set aside sufficient gas for domestic use before exporting. This is causing a crisis. The Australian Energy Market Operator and the Australian Competition and Consumer Commission have jointly forecast that the east coast gas market is facing an expected shortfall of 54 petajoules in 2018 and 48 petajoules in 2019. Furthermore, they have forecast the possibility of an additional shortfall of 53 petajoules in 2018 and 54 petajoules in 2019. Again, consumers will suffer.

At the retail end, in my electorate some families are doing it really tough. In recent years, many households, including mine, installed solar panels to cut their bills. Not everyone was lucky enough to receive a subsidy. Many of us get paid a pittance for the electricity we export to the grid, but we are lucky compared with those who cannot afford an alternative to rip-off electricity bills, or people who are renting or living in units who cannot install solar panels even if they could afford to. In 2016-17 in my electorate there was a huge increase in the use of Electricity Account Payment Assistance [EAPA] vouchers. EAPA vouchers help people get through tough times and to pay unexpectedly large bills. In 2015-16 some 11,130 EAPA vouchers were given to families in my electorate. In 2016-17 the number of EAPA vouchers given to families in my electorate increased by one-third to 14,890. That is a staggering increase in the number of families doing it tough. And that was before the M4 toll put another \$2,000 dint in the annual household budget.

What will Labor do? We will restore fairness in energy prices. We will eliminate energy company super profits and re-establish regulatory oversight of retail energy prices, with a new profit normalisation mechanism that will ensure energy company super profits are returned to the households and businesses of New South Wales. We will use proceeds from the nationalisation of the Snowy Hydro to invest in renewable generation across regional New South Wales. On this side of the Chamber we understand that electricity and gas are essential services, not just another way for our mates to gouge the people of New South Wales. We are not crazy climate change deniers and we do not hug lumps of coal. Businesses and consumers in New South Wales need a fair system and affordable energy, now and into the future.

Mr JOHN SIDOTI (Drummoyne) (19:56): I want to add some reality to the private member's statement of the member for Granville. Without coal, unfortunately, base load power is not achievable or cost effective. I correct the member—there is no shortage of energy in this country. We are exporting energy for nothing to other countries.

FIESTA LA PEEL-MULTICULTURAL STREET FESTIVAL

Mr KEVIN ANDERSON (Tamworth) (19:56): I congratulate Multicultural Tamworth Incorporated, Chairman Eddy Whitham and the sensational band of volunteers on hosting the wonderful Fiesta La Peel–Multicultural Street Festival 2017 on Saturday 14 October. Some 86 countries were represented at the festival. With a variety of food, craft, live music and entertainment on offer, it is a premier highlight on the Destination NSW calendar. The festival is presented by Tamworth Regional Council in collaboration with Multicultural Tamworth and Northern Settlement Services and is a free event. Peel Street, the main street in Tamworth, was closed and solely used for the festival. There were free tasting plates from around the world as well as food to purchase; street and stage entertainers, including bands, dancers and interactive drumming; children's activities, mask and card making; lei and wreath-making workshops; and everyone was encouraged to wear multicultural dress.

It was a pleasure to have Minister for Multiculturalism Ray Williams attend the Fiesta La Peel. The organising committee is to be congratulated on organising this magnificent event. The countries represented in 2017 included Afghanistan, Australia, Argentina, Austria, Bangladesh, Belarus, Botswana, Bosnia, Brazil, Canada, China, Colombia, Corsica, Cuba, Democratic Republic of Congo, Croatia, Denmark, Egypt, England,

Estonia, Ethiopia, Fiji, Finland, France, Germany, Georgia, Ghana, Greece, Hungary, India, Indonesia, Iraq, Iran, Iranian Kurdistan, Ireland, Israel, Italy, Japan, Kenya, Kiribati, Korea, Laos, Latvia, Lebanon, Macedonia, Malaysia, Mauritius, Malta, Mexico, Myanmar, Nepal, Netherlands, New Zealand, Nigeria, Pakistan, Papua New Guinea, Philippines, Poland, Portugal, Russia, Scotland, Serbia, Sri Lanka, Somalia, Samoa, Singapore, Slovenia, South Africa, South Sudan, Sudan, Spain, Sri Lanka, Syria, Switzerland, Sweden, Taiwan, Thailand, Turkey, Ukraine, Venezuela, Vietnam, Wales, Ukraine, the United Arab Emirates, the United States of America and Zimbabwe. We were honoured that they all gathered in Peel Street for a magnificent Fiesta La Peel. We look forward to celebrating again in 2018.

PORT KEMBLA COMMUNITY INVESTMENT FUND

Mr PAUL SCULLY (Wollongong) (19:59): I will tell the House a story about two Port Kemblas and the Government's treatment of this unique suburb in my electorate. Port Kembla is an industrial area accommodating BlueScope Steel, the port of Port Kembla, a coal loader, grain terminal and a car import facility. It is also a neighbourhood with more than 5,000 houses, many priced at more than a million dollars, as well as modest dwellings and a suburban central business district that has struggled to transition from when it rivalled Wollongong's Crown Street. It is a community that has great potential and active and passionate local business people and community members who are working hard to realise that potential.

In August the Parliamentary Secretary for the Illawarra and South Coast and I announced the 11 successful Port Kembla Community Investment Fund projects. Despite the fact that the program guidelines provide for no role for the local member to express a view on funding allocations, we worked together. I hope that spirit of bipartisanship can continue for future rounds. This has been good news for the Port Kembla community. The fund is, of course, belated recognition by the Government of this local community following the sell-off of the port of Port Kembla as part of its privatisation binge, which even the Australian Competition and Consumer Commission has criticised.

I remind members that when the port of Port Kembla was privatised only \$100 million of the proceeds remained near to the Illawarra, less than the 50 per cent of that which remained in other communities. I say near to the Illawarra as the definition of the Illawarra was expanded well beyond what most would consider the traditional boundaries for project eligibility. However, there is now concern within the Port Kembla community over the Government's plan to dig up 9,000 tonnes of rocks and dirt from the WestConnex project and transport it to a site owned by BlueScope Steel at Port Kembla. Transport for NSW published a report entitled "Spoil Management Project Review of Environmental Factors" in August. Not many people appear to have been aware of this proposal until very near the closing date for submissions. Those who did become aware of the request for comment received a letter a matter of days before the closing date.

To the best of my knowledge, despite more than a third of households speaking a language other than English at home, notification to residents was not provided in any other languages. As the local member, I was certainly not made aware of the project nor asked to provide any comment. I have, however, made representations to the Minister for Transport and Infrastructure and placed a detailed list of questions in budget estimates. We are now awaiting a response to the submissions from Transport for NSW. While it appears that Transport for NSW did not consult with the Port Kembla community as widely as people would expect, it does appear that the Government consulted Wollongong City Council between April and August. I was surprised and disappointed that council has been involved in discussions about this proposal but not a word of it was shared with the Port Kembla community.

I say to the Minister's department: Do not treat the Port Kembla community with contempt. Port Kembla may be an industrial area, but that does not make it a dumping ground. As the local representative of this unique area, I demand better treatment for the Port Kembla community. I will not tolerate the arrogance of bureaucracies taking any part of the communities I represent for granted. The people of Port Kembla are fiercely proud of where they live and the contribution their suburb has made and continues to make to the Illawarra region. I ask that Transport for NSW address the deficiencies in its approach quickly. Prior to the approval, it must convene a public meeting to outline its proposal and take questions from Port Kembla residents and businesses—it is only fair.

As mentioned, part of this proposal involves transporting 9,000 tonnes of spoil via rail on the South Coast line. Despite recently claiming that no additional services were available on the South Coast line, Transport for NSW now claims that the additional freight trains needed will not impact existing passenger services. I restate the importance of completing the Maldon-Dombarton rail link because on the South Coast line freight and passenger trains must still compete for slots. In the past couple of days, Transport for NSW denied me access to the final business case that the Government put forward to Infrastructure Australia. Despite it conceding that the business case relied on now three-year-old data, access to it was denied. I have previously described the Maldon-Dombarton rail link as possibly the most cursed infrastructure project in Australia. More than 30 years after construction began, we are still waiting for its completion.

It has the support of both Federal and State Labor representatives, as well as the member for Kiama and the member for Wollondilly. Labor has funding on the table to partner with the private sector to finish the job that the Greiner Liberal Government cancelled in 1988. It is time for sunlight to shine on the Maldon-Dombarton rail link assessment. The murky, inconsistent and contradictory shenanigans that have plagued this project since the Government's register of interest process dramatically failed two years ago must be cleared up. It is time to finish the Maldon-Dombarton rail project, which will provide new economic, business and job opportunities by better linking Wollongong and the port of Port Kembla to Australia's third-largest economy.

OUR HEALTHY CLARENCE INITIATIVE

Mr CHRISTOPHER GULAPTIS (Clarence) (20:04): The wonderful mental health program developed in the Clarence Valley, Our Healthy Clarence, was developed by the community for the community. It has been endorsed by mental health services across the Clarence Valley and resourced by the New South Wales Government, I am pleased to say, and the Federal Government. In the 2016 North Coast Primary Health Network Needs Assessment survey, more Clarence Valley residents rated mental health issues as the most serious local health concern than any other. Suicide was rated as a serious health concern by twice the proportion of Clarence Valley residents compared with the average proportion across the North Coast Primary Health Network region.

The community rose to the challenge in trying to come up with a solution. These were our kids, our community and our problem. A four-phase process was implemented: community meetings to discuss the issue; community interviews to identify risk and protective factors and existing mental health and wellbeing strategies; two workshops to commence development of local strategies; and formation of a steering group to lead the development and implementation of a plan for improving mental health and wellbeing in the Clarence Valley. There were four fundamental areas of focus. The first was to improve access to evidence-based treatment, crisis care and coordinated care after a suicide attempt. The second was to improve the capacity of the workforce and the community to respond to people at risk of suicide.

The third was to increase the availability of evidence-based mental health and wellbeing programs within schools. The fourth was to improve community awareness of mental health and how to access information and services, and improve community engagement, early intervention and prevention. The plan identified five objectives. Objective one was to improve access to evidence-based treatment, crisis care and coordinated care after a suicide attempt. Objective two was to improve the capacity of the workforce and the community to respond to people at risk of suicide. Objective three was to increase the availability of evidence-based mental health and wellbeing programs within schools. Objective four was to improve community awareness of mental health and how to access information and services. Objective five was to improve community engagement, early intervention and prevention.

The membership of Our Healthy Clarence steering committee was a cross representation of our community. It included: Bulgarr Ngaru Aboriginal Medical Corporation; Chess Employment; Clarence Valley Council; Clarence Valley private schools representatives; the Department of Education and other Clarence Valley public schools representatives; school representatives; carer representatives; community members, of which there were six, including two young people; CRANES Community Support Programs; Lifeline North Coast; Clarence Youth Action Group; Headspace School Support; New School of Arts; the North Coast Primary Health Network; Northern NSW Local Health District; the NSW Police Force; New Horizons; Partners in Recovery; the StandBy Response Service; and the Department of Prime Minister and Cabinet.

Last Friday I had the pleasure of attending one of the great initiatives of the plan: the official opening of the pop-up hub safe space in Grafton. I thank Deputy Premier John Barilaro and the mental health Minister, Tanya Davies, for funding this wonderful facility and the other that is due to open in Yamba soon. This drop-in centre is aimed at the early detection and prevention of mental health illness through access to good quality health, wellbeing and service information; supported referral to local services and programs; safe community spaces to hold meetings and support groups; and community activities and events to enhance community connections. Throughout the consultation process community members have repeatedly highlighted the importance of being able to access good quality health, wellbeing and service information; the urgent need to develop and implement non-clinical support services for young people and other groups, with a focus on prevention and early intervention; and the need to develop and promote community spaces to hold meetings and support groups, and provide opportunities for community members to come together.

The targeted beneficiaries of the pop-up hubs are all members of our community including Aboriginal community members, children and families, young people, people with a disability, people experiencing mental health issues, people experiencing homelessness, older people, and people experiencing social isolation, with an emphasis on young people, parents and carers and those experiencing social isolation. The drop-in centres will be operated by highly skilled community service professionals, supported by teams of specially trained

community volunteers. Our Healthy Clarence is a great example of a community coming together to solve a community problem with government playing a supportive role rather than trying to lead.

GENDER EQUALITY

Ms JO HAYLEN (Summer Hill) (20:09): Over the past 48 hours, newsfeeds across the globe have been filled with two simple words, "Me too"—women sharing personal stories of sexual harassment, abuse, violence and rape. It makes for harrowing reading, but it is a deeply personal reminder of the extent of the sexualised violence women face. Unsurprisingly, many tell of harassment in the workplace. I stand in solidarity with each of the brave women who are speaking up, and I acknowledge that many more women feel they cannot speak up because a perpetrator is a family member, a boss or a colleague.

The movement building in our Facebook feeds brings a broader conversation about gendered oppression to the fore, particularly in our workplaces. I will relay some facts. Women make up more than 80 per cent of workplace harassment complaints; women working full-time earn \$269 on average less than men a week; we segregate industries by gender, devaluing traditionally female-dominated work like child care; we put up barriers to women re-entering work after raising kids; and women on average represent only 25 per cent of all ASX board positions. There can be no doubt that this oppression in our workplaces contributes to the sexual harassment exposed in the #MeToo movement. So how do we fix this? No single policy is the silver bullet, but I highlight three ways in which I think we can strengthen pathways for women within work.

First, we must drive equality in female representation by adopting quotas. Quotas guarantee genuine equality in representation, and that is to everyone's benefit. Quotas provide opportunities for both men and women to change their mindsets, assumptions and behaviours. Research shows diversity in the workplace means higher productivity and better decision-making. For example, KPMG has announced a target of 30 per cent women in partnership by 2020. The chairwoman of the Australian Institute of Company Directors recently conceded that quotas may be the only way to increase representation of women, given the institute's goal of 30 per cent female representation on ASX boards by 2018 has failed. Let us be frank: The only people who need to worry about quotas are mediocre men who are coasting along on privilege.

The second way to strengthen pathways for women is to create greater flexibility in our workplaces. Women continue to carry the load when it comes to child rearing and caregiving. Research shows how organisations can mainstream flexibility by redesigning their workflow, such as allowing people to work from home, introducing flexible days and giving time in lieu—all of which allow parents to balance work and family commitments. Half of all the Male Champions of Change committed organisations have adopted an "All Roles Flex" approach. For example, ANZ has a target to extend flexible work policies by 2018 to 90 per cent of the geographies in which it operates; the Commonwealth Bank makes financial contributions to assist with care costs; McKinsey facilitates carers through agencies, including for emergency child care; and others provide on-premises childcare facilities.

Paid parental leave for mothers and fathers means families can make the choices that best meet their needs. Investment in quality, affordable child care provides the flexibility for women to re-enter the workforce after having children, and it allows us, on a broader level, to redraw traditional notions of child raising that prioritise male employment. The third pathway is to acknowledge that men have a vital role to play in delivering gender equality. We must encourage men to challenge and change gender-biased organisational policies, practices and programs. Male Champions of Change are taking the "panel pledge," boycotting panels and conferences with all-male speaking lists, aiming to make women in leadership more visible. Men are backing women when they are ignored in meetings.

Companies like Deloitte are shifting gear, teaching men how to promote inclusion in the workplace, and then holding them accountable if they do not. Deloitte managers are being taught about unconscious bias in recruitment, and are calling out the ways sexism shapes our workplaces. This approach accepts that men must be part of solving the problem of gender discrimination, sexism, harassment and violence in our workplaces. That kind of thinking is important because for too long women have borne the brunt of driving change. For too long we have demanded that women call out sexism and educate men, or point out the structural deficiencies that stop women from reaching their potential.

In the same way the onus of speaking out against sexual harassment and gendered violence has fallen to women, who are too often its victims. As women across the globe stand up and say "Me too" men have an opportunity to reflect on the broader problem of gendered violence in our communities and in our workplaces. This is an opportunity to reflect on how they might play a part and be a part of the solution.

TEMPORARY SPEAKER (Mr Adam Crouch): I thank the member for Summer Hill for her private member's statement but note that at no point did she refer to her electorate. I remind members that private members' statements are to be used to address matters in members' electorates that affect their constituents.

CHRONIC FATIGUE SYNDROME/MYALGIC ENCEPHALITIS

Mr GREG APLIN (Albury) (20:15): I have witnessed the damage wrought on healthy, happy individuals by chronic fatigue syndrome. I have also witnessed the additional harm caused by health professionals and ordinary people who regard it as "all in the mind". This is a one-two hit that delivers an almighty blow to sufferers, their families and friends, who know the hard truth, and who live with this dark shadow day by day. According to the Commonwealth Government Health Direct:

Chronic fatigue syndrome [CFS], also known as Myalgic Encephalitis [ME], is an illness that affects the nervous system. It causes extreme fatigue that cannot be explained by any other medical condition. If you have CFS/ME you are likely to feel very tired, very often, even if you have not been active. You may also have a host of other symptoms. Doctors do not yet understand the cause or causes of CFS/ME, and there is no simple cure.

The symptoms sound not that bad really—from ongoing, unexplained tiredness to headaches, muscle and joint pain, sore throat, loss of memory, poor concentration, and more. But in reality they can be very severe. Recently I received a letter written on behalf of Ainslie Campbell, who lives on her parents' farm in Henty. I thank Ainslie, her partner, Tim Carkeek, and her parents, Peter and Alison Campbell, for giving me permission to speak openly and honestly about Ainslie's health condition and to raise awareness of ME-CFS. In so doing, I will draw upon the letter written by their friend Cindy Scott, promoting a telling film on the condition, which will be shown in Henty. Before her illness, Ms Scott said that Ainslie was "a dynamo". Ms Scott said:

She loved sport and academic work in equal measure and at school she broke swimming records, sang in regional choirs, and aced her exams. After school she followed her dream of becoming a veterinarian. While at university she studied like a swot, played netball like a pro, and partied with a passion.

Ainslie travelled, met a partner and settled down on a farm. In her third year of veterinary science at Charles Sturt University, Ainslie contracted glandular fever, or Epstein-Barr virus. Some improvement followed but it was not a recovery. If she pushed herself the symptoms re-emerged. Seven months ago a more severe form of the disease appeared. She had to leave the job she loved and move back with her parents, who were called upon as carers. This is her life now. Ms Scott continued: Ainslie is housebound and bedridden, and requires assistance with daily functions. She has trouble speaking. She sleeps in a darkened room and with her eyes covered because she is hypersensitive to light. She is also hypersensitive to noise. She manages to sit up only to snack occasionally on small meals prepared by a roster of family and friends. She experiences muscle pain and is not comfortable standing up. She has problems regulating her body temperature: she may feel as if she's boiling hot when there's no ambient or physically elevated temperature. She has cold sores that won't go away and symptoms of irritable bowel syndrome that aren't relieved by special diets. Where there was once a sharp intelligence, she now simply cannot think. Sleep is a symptom and not restorative; it is often disturbed and she wakes feeling no better than she did beforehand. Research and appropriate funding remain critical concerns. I have raised the issue with Sussan Ley, Federal member for Farrer, who will now write to the National Health and Medical Research Council to suggest that the council commences a research investigation into ME-CFS. I acknowledge all the work and time that members of the community give as carers. Carers Week this year runs from 15 to 21 October. Events in my electorate of Albury include luncheons, a movie night and a weekend away, organised by groups such as Carers Care Link, Oasis Support Group and Aspire Support Services. The Minister for Disability Services said recently that the New South Wales Government is reinvesting \$5.6 million in funding over three years for projects under the Carers Investment Program. This is important for the more than 857,000 carers who provide unpaid support to vulnerable people in New South Wales. The award-winning movie *Unrest* is showing on Sunday 29 October at 4.00 p.m. at the Henty Community Club in support of Ainslie Campbell. The movie was made by Jennifer Brea, an American PhD student who fell sick and, "disbelieved by doctors yet determined to live, turns her camera on herself and discovers a hidden world of millions confined to their homes and bedrooms" by this illness.

Ainslie wants to make visible "the plight of the many people who live with ME/CFS so that there is greater awareness and understanding of the condition to help end the stigma and ultimately so that one day there may be a cure." She has had many offers of help but says that going to see this movie would be the best way to help her. Ainslie's parents are bringing the movie from the United States to this regional town at their own expense. Entrance to the movie screening is free—I will be there—but I understand that popcorn will be available for purchase, with the proceeds going to ME-CFS research. I ask members please to support this cause.

*Visitors***VISITORS**

TEMPORARY SPEAKER (Mr Adam Crouch): I welcome Abdullah Sankari to the public gallery. I hope he enjoys the remaining time in Parliament this evening.

*Private Members' Statements***WESTCONNEX**

Mr RON HOENIG (Heffron) (20:20): I place on record yet again my objection to WestConnex, this time to the M4-M5 Link project, the environmental impact statement [EIS] for which was recently placed on exhibition. I must admit that I have some words of praise for the EIS. That is because it is a complete vindication of everything I have been saying about WestConnex since the project was announced. WestConnex fails every conceivable test of purpose, and the M4-M5 Link EIS is concrete proof of that. Environmental impact statements are mammoth documents, designed to be inscrutable to all but those who have the ability and inclination to read 7,000 pages of bureaucratic jargon. But reading this EIS is like perusing the longest political suicide note in history. It is an admission of guilt by the Government that it has created a monster it cannot tame and that it will spend perhaps more than \$20 billion for no conceivable benefit whatsoever.

The Government has finally done some traffic modelling—although in a laughably small study area, which stretches from Unwins Bridge Road, Sydenham, in the west, Maddox Road in Alexandria in the north, Botany Road, Mascot, in the east and Airport Drive in the south. Apparently what happens to cars when they leave the boundary of this study area is unknowable to the Government. The figures in the Government's EIS advise that, without WestConnex, average vehicle speeds in the study area will fall from about 26 kilometres an hour in peak periods as at 2015 to about 13 kilometres an hour in 2033. But the Government says, "We have a solution. We will build WestConnex".

According to the Government's own figures, this will deliver average road speeds in the area of 13 kilometres an hour by 2033—all this, at a cost of much more than \$16.8 billion, to arrive at the same outcome as if nothing had been built at all. I can think of much more efficient ways to set fire to nearly \$20 billion and save the Government the effort of building this atrocity. The EIS makes reference to "unreleased demand", which is defined as "vehicles unable to enter the model due to congestion extending back to model entry points". In reality, these are cars that simply cannot leave their driveways or cars that cannot enter the roads because access roads like the Princes Highway are too congested.

The practical difference between 0 per cent and 1 per cent unreleased demand is not a simple increase of one; it is a magnitudinal difference between traffic delays and complete dysfunction. It is an enormous difference in the performance of the road network because one does not now have mere congestion but gridlock—and not just in the euphemistic sense that traffic is bad but the stark reality of cars simply being unable to move one way or the other. And that will be the reality for Sydney each and every day. The EIS predicts that in 2033 with WestConnex fully operational 13 per cent of traffic demand will be unreleased. Terrifyingly, all these figures are completely and utterly fudged. The reality will be much worse. The EIS admits:

For the purpose of analysing intersection performance ... all exit blocking constraints, applied in the models were removed. This allows for an assessment of the intersections within the modelled network, irrespective of any downstream queuing that would mask the actual operation of the intersection.

In plain English, "These roads would perform like this if only the rest of Sydney did not exist." It goes on:

In the St Peters interchange model area, the demand ... caused the operational models to become inoperable, peak hour demand was therefore reduced.

The WestConnex road traffic model is like Carol Beer in *Little Britain*: "Computer says no". So Roads and Maritime Services intentionally fudged the numbers just so the computer would not catch fire. Instead, it merely had smoke pouring out of it while it tried to compute what it was being told. The scenario is simply that bad. The EIS does have some helpful suggestions as to what we could do instead of building motorways but it also says there is always capacity constraint. What that means is people know they cannot drive anywhere so they do not. But people do not just disappear; they move to Brisbane, Melbourne, Perth or to another country. This decision will be made for us whether we like it or not, and it will hollow out our city and trash our economy. It is a cliché in this day and age to say when a government does something stupid that it is like an episode of *Utopia* but sadly that could not be closer to the truth. This is what happens when governments build a political road, not a planned one. It is what happens when the public service is cut to the bone and we then wonder why the Government no longer has any brains. I condemn in the strongest terms this Government's WestConnex project.

DRUMMOYNE ELECTORATE PUBLIC TRANSPORT

Mr JOHN SIDOTI (Drummoyne) (20:25): It gives me great pleasure to speak about public transport, as I often do, in my electorate. Tonight I inform the House that commuters in my electorate will benefit from improved services and connections across the train, bus and ferry networks from 26 November, when a new timetable is introduced. The New South Wales Government is improving services to better align with the new train timetable, making it even easier for customers to change between different modes of public transport. Some of the key improvements for train commuters in the Drummoyne area include a doubling in the frequency between Epping and Central on the T1 Northern Line via Strathfield on weekends, with an extra two services every hour or a train every 15 minutes, and a doubling of trains on the T1 Northern Line late at night between Epping and the Sydney central business district via Strathfield, providing customers with a train every 15 minutes on average instead of every 30 minutes.

The improvements for ferry services include more than 140 additional weekly services across the Sydney Ferries network, including 58 new weekly ferry services along the Parramatta River, with 57 additional services on the new standalone F8 Cockatoo Island route between Cockatoo Island and Circular Quay and one additional Sunday service on the F3 Parramatta River route between Sydney Olympic Park and Circular Quay. An information campaign has already started to help customers gear up for the improvements to be implemented on Sunday 26 November 2017. I encourage all Drummoyne commuters to visit www.transportsw.info so they can start planning their journeys using this new interactive mapping tool, which will help them see how their trips might have changed.

The New South Wales Government has introduced more than 27,000 extra weekly public transport services since I was elected in 2011. The new train timetable is an important part of the New South Wales Government's \$1.5 billion More Trains, More Services program, which will boost network capacity with more services, better infrastructure and 24 brand-new, eight-carriage trains. I have spoken about ferry services many times in this place. Tonight I refer to the franchising of ferry services, and Sydney Ferries is a great example that has resulted in reliability now being at 99.9 per cent, on-time running at 99.2 per cent and customer satisfaction at 98 per cent. The Auditor-General's report entitled "Franchising of Sydney Ferries Network services" found that franchising has resulted in cost savings and good service performance. Further, it noted that customer complaints were down and on-time running and customer satisfaction had improved.

Another excellent example is that 22 of 26 bus contract regions in Greater Sydney are already being operated by the private sector. This has delivered improved on-time running. In addition, there has been a 7 per cent improvement in customer satisfaction and better outcomes are being delivered to customers at a reduced cost to taxpayers. The fares, timetables, routes and safety for the proposed bus changes to the private sector are all regulated by the Government. The Government is determined to provide a better public transport experience for customers to encourage people out of their cars and onto public transport. It is working.

There has been a steady increase in public transport patronage that outstrips population growth. The franchising of region six—which we will hear more about from those opposite—is another example of the Government's determination to improve customer experience with public transport. If Parramatta and regions beyond have private bus services, why should not the inner west? Despite the efforts of those opposite to spread disinformation in my electorate through the distribution of gutless, unsigned brochures, this Government will succeed. Two can play at that game. If they want to go down the path of misleading the electorate with non-factual newsletters, I say: What goes around comes around.

Matter of Public Importance

DIWALI FESTIVAL

Mr MARK TAYLOR (Seven Hills) (20:30): More than 11,000 people of Indian Australian heritage live in the electorate of Seven Hills and it is a pleasure to represent them in discussing this matter of public importance. Last night the New South Wales Government celebrated Diwali. It is one of the most sacred, beautiful and colourful events celebrated by the Hindu community. For the second year in a row, the sails of our iconic venue, the Sydney Opera House, were illuminated in the colours of Diwali. It was a truly spectacular sight. Known as the Festival of Lights, Diwali symbolises an inner light guiding people away from spiritual darkness. The Government has honoured the Diwali festival for many years, providing testament to the Government's respect for the Hindu community and its values.

Last night we also enjoyed the Anakut food display. The term effectively translates to "mountain of food". It takes place just after monsoon and people celebrate the harvest by offering food to the gods before sharing it amongst the community. Diwali is a much-loved celebration enjoyed by Indians of many faiths throughout the world. It is a celebrated national holiday not only in India but also in other countries such as Trinidad and

Tobago, Fiji, Guyana, Mauritius, Nepal, Malaysia and Sri Lanka. Diwali is celebrated by a variety of religions, including Sikhs, Jains and some Buddhists. For many people of the Hindu faith the highlight of the year is Diwali, which symbolises a time of new beginnings. It is a celebration of the victory of good over evil in the story of Lord Rama defeating the demon Ravana.

Each year family and community banquets and concerts are held to celebrate Diwali. The lighting of lamps symbolises the lifting of spiritual darkness and the renewal of life. Diwali is a time to pray for health, knowledge and peace, and it encourages hope that mankind will pursue a better future. Diwali promotes peace, social harmony and unity in diversity. These themes are also reflected in the goals of the New South Wales Government and enshrined in the laws and principles of multiculturalism, which provides the rich and diverse cultural identity we celebrate here today. Events such as the many Diwali festivals held throughout Sydney and across Australia demonstrate the Indian Australian community's pride in their heritage and culture whilst committing to live, work and raise their families in Australia.

Across Australia, the Government actively promotes this diversity in religion, languages and culture as a key strength and an asset. Over the past 65 years, Australian society has undergone a large-scale and rapid transformation, with successive waves of migration from all around the globe. During this time we have transformed into a contemporary nation with a diverse and ever-changing mix of people who, together with the rich heritage of Australia's Indigenous people, have made Australia one of the world's twenty-first century success stories. Around the globe stories of migration share common themes of hope for the future and aspirations for new opportunities and lifestyles. The Government recognises that it is often this first generation of migrants within the community who make substantial personal sacrifices to provide increased opportunities for future generations.

According to the 2016 Census, there are now about 144,000 Indian-born people living in New South Wales and 194,000 who claim Indian ancestry. The Indian Australian community is a highly valued aspect of this transformation of Australian society. The Indian Australian community is one of the most well established and fastest growing communities in New South Wales. The Indian community has made significant contributions to the development of our community. It is a community that also makes significant contributions to the development of our State's economy by bringing a vast array of specialist skills and knowledge to New South Wales. We also benefit greatly from the skills, dedication and enthusiasm of the many Indian students who have chosen to study in Australia. I especially welcome those students who decide later to further their careers in Australia and to establish their future lives here in New South Wales. I wish everyone a very happy and joyous Diwali.

Ms JULIA FINN (Granville) (20:35): Namaste. Diwali, or Deepavali, is an important occasion for the Hindu, Jain, Buddhist and Sikh communities that constitute the Indian subcontinent population in my electorate, across New South Wales and worldwide. The Festival of Lights is the largest festival in India, a country famous for its many large and colourful festivals. It is an ancient festival to celebrate the triumph of light over dark, knowledge over ignorance and good over evil. Diwali is derived from the Sanskrit word "Deepavali" and marks the return of Lord Rama from exile after vanquishing the demon king Ravana. It is deeply significant for all Hindus. I look forward to celebrating Diwali with the Hindu congregations of Sri Mandir in Auburn, Australia's first Hindu temple, and the BAPS Mandir in Rosehill, which is across the road from my home.

According to the 2016 Australian Bureau of Statistics Census data, around 11 per cent of residents in the Granville electorate are Hindu, which means that many homes in the area are covered in beautiful Diwali lights and other decorations to celebrate the victory of light over darkness. And it is not just Hindu households; many other families and businesses join in the celebration. It is a beautiful sight. The main festival night of Diwali takes place on the darkest new moon night of the Hindu Lunisolar month Kartika, making it all the better to see the fireworks and enjoy the symbolic burning of lamps and candles. That is tomorrow night. As well as the large public celebrations and gatherings, homes are decorated with small clay oil lamps called diyas that are lit in honour of Lakshmi, the goddess of wealth. Rangoli patterns are also created to encourage and welcome Lakshmi using rice, paint, coloured sand or flower petals. They are colourful geometric designs for entrance ways, living rooms or courtyards.

Diwali is the Hindu New Year and therefore a major holiday in India. It is also the start of the new financial year. It is celebrated by millions across the world. The Sydney Opera House is looking beautiful, bathed in saffron. What is a more fantastic symbol of modern, multicultural New South Wales than our most famous iconic architectural landmark illuminated in saffron-coloured lights so we can all celebrate Diwali? India has been the largest single source of migrants to Australia in recent years, and there are now more than 500,000 Indian Australians. "Patel" is now the most common surname in Parramatta and one of the most common in my electorate. Migrants from India, Sri Lanka and Nepal make a significant contribution to our local community. These highly educated and hardworking people are employed in medical professions, run small businesses, are councillors,

contribute to sporting and services clubs, are school leaders and serve on the local parents and citizens associations.

But they have not left Diwali behind. In fact, Diwali is celebrated for only five days in India but here it seems to last for two or three weeks. Last Sunday I had the great pleasure of celebrating Diwali in Parramatta Park with the Hindu Council of Australia, alongside many other members of Parliament from both sides of politics. It was a great celebration for the whole community and, with the growing population of subcontinent migrants, it has become a major local event that attracts around 20,000 people. The member for Strathfield and I both wore saris given to us by friends from the community and took every opportunity to remind people to enter our Diwali lights competition this week. We have asked our constituents to send in photos of their Diwali celebrations, and the response has been amazing. I congratulate the Council of Indian Australians on its successful Diwali celebrations the previous weekend, which saw Harris Park, Little India, transformed into a vibrant Indian festival. As a new festival it was a great success and bodes well for future years.

The newly elected Cumberland Council is celebrating Diwali for the first time this year. In recent years I have been lobbying council to better reflect and engage with the local community by celebrating these significant events. Ours is a deeply religious community and I am so glad there is finally acknowledgement of the great religious diversity of our area and that people of all faiths come together to celebrate Diwali, Eid and Christmas. That is what builds a strong community—sharing, engaging and learning. It is also a lot of fun. Whether you are a Hindu and Diwali is of great spiritual significance to you, or you are a Christian, Muslim or not religious, you can still enjoy the spirit of Diwali and be inspired by the optimistic message of the triumph of light over darkness.

In the same way as our whole community enjoys Christmas—which will be even better this year with the new Christmas trees replacing the lame, worn-out decorations on display last year, which everyone, regardless of faith, hated—I welcome the beautiful Diwali banners that have been erected across the city and look forward to more local Diwali celebrations in the coming days. I acknowledge Arunesh Seth from Merrylands, who is advising the council on how to make Diwali a great local celebration, and Councillor Suman Saha, who has urged the council to put up lights next year as well.

Diwali is a wonderful celebration that we can all relate to. The triumph of light over darkness and good over evil is a universal aspiration. I hope that this Diwali everyone is inspired to find their inner light and inner strength. I say to everyone: May the Festival of Lights bring joy, peace and prosperity to you and your families. I wish everyone a happy Deepavali and a successful and prosperous year ahead.

Mr KEVIN CONOLLY (Riverstone) (20:40): It is a pleasure to wish everybody in our community happy Diwali. As we have heard, last night the Opera House was once again bathed in a soft orange glow, recognising its central focus in New South Wales as a place of celebration and of inclusion and recognising one of the great feasts now celebrated as an integral part of the Australian landscape. It is an inspiring sight to see our most iconic national landmark lit up in that way. It gives us inspiration that our community can draw on in remembering the significance of Diwali.

As we have heard, the celebration comes from the Hindu tradition from the recalling of the story of Lord Rama conquering and returning from having defeated the demon king Ravana. The story asserts itself in a wonderful tradition. It is a truth that we all rest on: Goodness is greater than evil, light will conquer darkness and in all human beings and in all our civilisation there is hope. There is hope for a better future because of that goodness in all of us. In 2017 we need that hope and confidence in our world. Despite all that is wrong with the world at the moment, we know there is goodness, we know there is light, we know there is hope, and we know that that goodness will triumph over evil in our world in the end. That is a very reassuring thing to be reminded of through the feast of Diwali.

The previous speakers are right: Diwali in Australia does seem to go for a long time. I too celebrated at Harris Park the weekend before last with the Council of Indian Australians, which in previous years has held its celebrations at The Ponds in the electorate of Riverstone. This year the council decided to move to the epicentre of Indian Australian culture—as it is generally recognised—in Harris Park. Wigram Street, Harris Park, was closed for a wonderful festival, and I congratulate the Council of Indian Australians on that event. I hope that the council will find lots of other occasions, such as Holi, to celebrate at The Ponds. I am sure that it will. The Festival of Diwali is a worldwide event. It is an event that transcends faiths in India. I and many members in this Parliament have constituents from various parts of the Indian subcontinent and from many different national traditions within and outside India. Diwali is celebrated by all of them. It is one of those festivals that is not just Hindu, but universal. It is an occasion for us all to come together and celebrate. Happy Diwali.

Ms JODI McKAY (Strathfield) (20:43): By leave: I am delighted to speak to this matter of public importance, which recognises a festival that is significant to the subcontinent Australian community across New South Wales. So important is this festival in Australia that the sails of the Sydney Opera House were last

night aglow with Diwali colours. In this House today we therefore acknowledge the festival and those across the world who celebrate Diwali. Diwali is about the victory of light over darkness, good over evil and knowledge over ignorance. The festival is symbolised by light, which is a powerful symbol of hope. It is a festival that I believe we can learn a lot from. On 20 October people from across the globe gather with their friends and family to celebrate Diwali with the lighting of lamps and the consumption of delicious food. There is music and dancing and it is a wonderful celebration.

Given the significance of the festival in Sydney, I have attended many events, the first of which was the Diwali Fair in Harris Park organised by the Council of Indian Australians. I acknowledge the work of Council of Indian Australians' President Mr Mohit Kumar and his hardworking committee. My Diwali would not be complete without attending festivities organised by the Hindu Council of Australia. In the heart of the Sydney central business district, just a short walk from this Parliament, the council showcased the Festival of Lights to workers and tourists. In Parramatta—Sydney's second central business district—tens of thousands of people attended the largest Diwali celebration in Australia. I recognise the leadership of Professor Nihal Agar and the Hindu Council of Australia committee.

The South Sydney Indian Association celebrated the festival in style with its annual Diwali Dhoom. This amazing group of women brought together family and friends to recognise Diwali, and I congratulate Jagrati Lalchandani, Shweta Doke, Dimpy Kholi and Swati Tanna. In my electorate, the Shirdi Sai temple in Strathfield South celebrates the festival with prayers both morning and night. There will be an aarti tomorrow night and the temple will be illuminated by candles. As I have done previously in this House, I acknowledge Jack Tolani. Tomorrow night the Sikh community will celebrate Diwali at the Parklea Sikh temple, which is also known as a Gurudwara. This is the largest Gurudwara in the Southern Hemisphere, and Sikhs across New South Wales will pay homage and attend festivities organised by the Australian Sikh Association. I thank that committee for its tireless work.

I also acknowledge BAPS Shri Swaminarayan Mandir, which will host Diwali and Annakut celebrations this Friday in Rosehill. In Strathfield, my community will celebrate with a picnic in the park and I thank my friend and community leader Aruna Chandrala for her work in bringing people together. That is the heart of Diwali: It is a festival that brings people together. Australia's oldest Parliament thanks our subcontinent Australian community for keeping the lights of Diwali shining bright in Australia.

Dr GEOFF LEE (Parramatta) (20:46): By leave: I congratulate the member for Seven Hills on bringing this important celebration to the attention of the House. The member for Seven Hills, the member for Riverstone, the member for Strathfield and the member for Granville have spoken wisely about Diwali and explained it fully. It is about the Hindu celebration of the triumph of good over evil, the triumph of light over darkness, the triumph of justice over injustice. It is a wonderful celebration emanating from the Hindu culture in India that has spread throughout the world. In Australia we have some fantastic celebrations. It is great to see not only the Australian Hindu community but also the Australian Sikh community celebrating Diwali. The community more generally celebrates Diwali as the Festival of Lights, which sends important messages to family and friends to enjoy time together to celebrate all the things that are good and to appreciate what we have done together and what we look forward to in the future.

The Hindu Council of Australia Festival of Diwali began with the Martin Place festival last week—and what a fantastic fair it was. But the main celebration was the one held in Parramatta Park last weekend that some 20,000 or 30,000 people attended. It was an exceptional celebration that showcased the culture, talents and deep significance of Diwali to the whole community. Of course, we had our own festival in Harris Park—the Little India of Australia—held by the Council of Indian Australians in partnership with many other groups, including Parramatta council, which I congratulate. The Council of Indian Australians is a wonderful community-based organisation that does charity work.

Harris Park is little India. The latest census shows that 45 per cent of people who live in Harris Park practise the Hindu religion. One of the greatest temples in Australia is the Bochasanwasi Shri Akshar Purushottam Swaminarayan Sanstha [BAPS] temple in Rosehill in my electorate. Tomorrow I will celebrate annakut with the BAPS community. More than 1,000 different sweets made by community members will be on display to showcase the religious significance of Diwali to the whole community. I wish the BAPS community all the best in its future endeavour of building an akshardham in Western Sydney. It is one of the strongest and hardest working communities and is always contributing to the Australian way of life. The BAPS community makes Australia a great place. I wish everyone peace, harmony and prosperity. Jai swaminarayan.

Mr MARK TAYLOR (Seven Hills) (20:50): In reply: The fact that some members sought leave to speak to this motion shows the high regard in which this event is held by all members. I thank the member for Parramatta, the member for Riverstone, the member for Granville and the member for Strathfield for their contributions. They dressed up to make their valuable contributions in recognition of Diwali. I acknowledge the local Diwali events,

particularly those held in Western Sydney. Earlier this month a number of members who have spoken on this matter of public importance and I attended the Little India fair at Harris Park, which is hosted by the Council of Indian Australians. Thousands of people attended this event and enjoyed a range of entertainment, cultural arts and craft and food as well as an elaborate fire lamp procession. I commend the efforts of president Mohit Kumar and the Council of Indian Australians for organising the event.

Last weekend I also attended the Diwali event held at Parramatta Park. The Premier of New South Wales, the Minister for Multiculturalism and a number of Federal and State members were present. The event was hosted by the Hindu Council of Australia. It did a fantastic job of organising the event, which was attended by more than 15,000 people. The Hindu Council of Australia has been organising the event for the past 19 years, with the last four events being held in Parramatta Park. The event has proven to be a hit with the community. I look forward to it continuing to expand over the years. I thank the council and the numerous volunteers who helped make the event a success. It has been a pleasure to speak on this matter of public importance. On behalf of all members of Parliament, I conclude my remarks by wishing everyone a happy Diwali.

**The House adjourned, pursuant to standing and sessional orders, at 20:52 until
Thursday 19 October 2017 at 10:00.**